

SCHEDULES

SCHEDULE 22

PROTECTION FOR PARTICULAR UNDERTAKINGS

General provisions protecting undertakings

- 1 (1) Nothing in any of the provisions of this Act conferring power on the Authority to carry out any works shall confer power to do anything, except with the consent of the persons carrying on an undertaking protected by this paragraph, which, whether directly or indirectly, so interferes or will so interfere—
- (a) with works or property vested in or under the control of the persons carrying on that undertaking, in their capacity as such; or
 - (b) with the use of any such works or property,
- as to affect injuriously those works or that property or the carrying on of that undertaking.
- (2) A consent for the purposes of sub-paragraph (1) above may be given subject to reasonable conditions but shall not be unreasonably withheld.
- (3) Subject to the following provisions of this Schedule, any dispute—
- (a) as to whether anything done or proposed to be done interferes or will interfere as mentioned in sub-paragraph (1) above;
 - (b) as to whether any consent for the purposes of this paragraph is being unreasonably withheld; or
 - (c) as to whether any condition subject to which any such consent has been given was reasonable,
- shall be referred to the arbitration of a single arbitrator to be appointed by agreement between the parties to the dispute or, in default of agreement, by the President of the Institution of Civil Engineers.
- (4) The following are the undertakings protected by this paragraph, that is to say—
- (a) the undertakings of the Civil Aviation Authority, the British Coal Corporation and the Post Office;
 - (b) the undertaking of any water undertaker or sewerage undertaker;
 - (c) any undertaking consisting in the running of a telecommunications code system, within the meaning of Schedule 4 to the Telecommunications Act 1984;
 - (d) any airport to which Part V of the Airports Act 1986 applies;
 - (e) the undertaking of any public gas supplier within the meaning of Part I of the Gas Act 1986;
 - (f) the undertaking of any person authorised by a licence under Part I of the Electricity Act 1989 to generate, transmit or supply electricity;
 - (g) the undertaking of any navigation authority, harbour authority or conservancy authority or of any internal drainage board;

Status: This is the original version (as it was originally enacted).

- (h) the undertaking of any railway company;
 - (i) any public utility undertaking carried on by a local authority under any Act or under any order having the force of an Act.
- (5) For the purposes of this paragraph any reference in this paragraph, in relation to any such airport as is mentioned in sub-paragraph (4)(d) above, to the persons carrying on the undertaking is a reference to the airport operator.
- (6) The reference in sub-paragraph (1) above to the provisions of this Act conferring power to carry out works includes (without prejudice to the extent of that reference apart from this sub-paragraph) a reference to any provisions of any order under section 108 of this Act by virtue of which any such power is conferred.