

*Changes to legislation: There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, Paragraph 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 15

#### PROTECTIVE PROVISIONS

#### PART II

#### PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

##### Modifications etc. (not altering text)

- C1** Sch. 15 Pt. II (paras. 1-18) applied (with modifications) (19.2.1999) by [S.I. 1999/537](#), [art. 13\(1\)](#), [Sch. 3 paras. 1-8](#)  
Sch. 15 Pt. II (paras. 1-18) applied (with modifications) (22.3.2001) by [S.I. 2001/1451](#), [art. 15\(1\)](#), [Sch. 3 para. 1\(j\)](#)  
Sch. 15 Pt. II applied (with modifications) (12.8.2002) by [S.I. 2002/1943](#), [art. 15\(1\)\(d\)](#)

- 2 (1) The following provisions of this paragraph have effect in any case where the Secretary of State or the nominated undertaker, in exercise of the powers of Part I of this Act, acquires any interest in or temporarily occupies any land in which apparatus is placed.
- (2) Unless a certificate is issued by [<sup>F1</sup>the appropriate Minister] under sub-paragraph (3) below the apparatus shall not be removed under this Part of this Schedule, and any right of the undertakers to maintain, repair, renew, adjust, alter or inspect the apparatus in that land shall not be extinguished—
- (a) in the case of a right to adjust or alter apparatus, until 28 days after the nominated undertaker has given the undertakers in whom the right is vested a preliminary notice under paragraph 4 below in respect of land to which the right relates, or, if earlier, the date on which the nominated undertaker commences any work on that land, and
- (b) in any other case, until any necessary alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers.
- (3) Where [<sup>F2</sup>the appropriate Minister certifies] in relation to any apparatus that—
- (a) failure to remove the apparatus would cause undue delay to the construction of the scheduled works, and
- (b) the removal of the apparatus before the provision of alternative apparatus in accordance with this paragraph would not substantially prejudice the ability of the undertakers to meet any relevant service obligations,
- that apparatus may be removed (or required by the nominated undertaker to be removed) under this Part of this Schedule before any necessary alternative apparatus has been constructed or is in operation to the reasonable satisfaction of the undertakers.

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- [<sup>F3</sup>(4) In this paragraph, “appropriate Minister” means—
- (a) in cases relating to apparatus belonging to, or maintained by, electricity or gas undertakers, [<sup>F4</sup>the Secretary of State for Transport] and [<sup>F5</sup>the Secretary of State for Energy Security and Net Zero] acting jointly, and
  - (b) in any other case, the Secretary of State.]

#### Textual Amendments

- F1** Words in Sch. 15 Pt. 2 para. 2(2) substituted (26.1.1998) by S.I. 1997/2971, art. 6(1), Sch. paras. 25, **35(a)**
- F2** Words in Sch. 15 Pt. 2 para. 2(3) substituted (26.1.1998) by S.I. 1997/2971, art. 6(1), Sch. paras. 25, **35(b)**
- F3** Sch. 15 Pt. 2 para. 2(4) substituted (26.1.1998) by S.I. 1997/2971, art. 6(1), Sch. paras. 25, **35(c)**
- F4** Words in Sch. 15 Pt. 2 para. 2(4)(a) substituted (25.11.2002) by S.I. 2002/2626, art. 20, **Sch. 2 para. 21(7)**
- F5** Words in Sch. 15 Pt. 2 para. 2(4)(a) substituted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 8(5)** (with art. 17)

#### Modifications etc. (not altering text)

- C1** Sch. 15 Pt. 2 para. 2: functions transferred (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), arts. 1(2), **7(1)** (with art. 17)
- C2** Sch. 15 Pt. 2 para. 2(4) transfer of functions (5.3.2009) by Secretary of State for Energy and Climate Change Order 2009 (S.I. 2009/229), art. 4, **Sch. 1(h)**

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