

SCHEDULES

SCHEDULE 6

Article 24

PROVISIONS RELATING TO STATUTORY UNDERTAKERS, ETC.

Apparatus of statutory undertakers etc. on land acquired

1. Sections 271 to 274 of the 1990 Act (power to extinguish rights of statutory undertakers etc. and power of statutory undertakers etc. to remove or re-site apparatus) shall apply in relation to any land acquired or appropriated by the Company under this Order subject to the following provisions of this paragraph; and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential on the extinguishment of any rights under sections 271 and 272, and sections 279(2) to (4), 280 and 282, which provide for the payment of compensation) shall have effect accordingly.

2. In the provisions of the 1990 Act, as applied by paragraph 1 above, references to the appropriate Minister are references to the Secretary of State.

3. Where any apparatus of public utility undertakers or of a public telecommunications operator is removed in pursuance of a notice or order given or made under section 271, 272 or 273 of the 1990 Act, as applied by paragraph 1 above, any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the Company compensation in respect of expenditure reasonably incurred by him, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

4. Paragraph 3 above shall not apply in the case of the removal of a public sewer but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that paragraph, any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer, or
- (b) the owner of a private sewer which communicated with that sewer,

shall be entitled to recover from the Company compensation in respect of expenditure reasonably incurred by him, in consequence of the removal, for the purpose of making his drain or sewer communicate with any other public sewer or with a private sewage disposal plant.

5. The provisions of the 1990 Act mentioned in paragraph 1 above, as applied by that subparagraph, shall not have effect in relation to apparatus as respects which Part III of the New Roads and Street Works Act 1991(1) or the provisions of Schedule 4 or Schedule 5 to this Order apply.

6. In this Schedule—

“the 1990 Act” means the Town and Country Planning Act 1990;

“public telecommunications operator” means—

- (a) a person authorised by a licence to which section 9 of the Telecommunications Act 1984(2) applies, to run a public telecommunications system, or

(1) 1991 c. 22.

(2) 1984 c. 12.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) a person to whom the telecommunications code has been applied pursuant to section 10 of that Act; and
“public utility undertakers” has the same meaning as in the Highways Act 1980⁽³⁾.

For the protection of the Environment Agency

7.—(1) The provision of this paragraph shall have effect unless otherwise agreed in writing between the Company and the Environment Agency.

(2) Nothing in this Order or in any enactment incorporated with or applied by this Order shall prejudice or affect the operation of section 109 of the Water Resources Act 1991⁽⁴⁾.

(3) Nothing in this Order or in any enactment incorporated with or applied by this Order shall be taken as permitting the Company to carry out works to alter the course of, or otherwise interfere with, the Duke of Northumberland’s river and the Longford River.

⁽³⁾ 1980 c. 66.
⁽⁴⁾ 1991 c. 57.