

## SCHEDULES

### SCHEDULE 6

#### PROTECTIVE PROVISIONS

#### PART III

#### PROTECTION FOR ELECTRICITY AND GAS UNDERTAKERS

##### *Interpretation*

1.—(1) In this Part of this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the undertaker in question to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(1)) belonging to or maintained by that undertaker; and
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a public gas transporter for the purposes of the conveyance of gas;

and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus; but the provisions of paragraphs 3 to 11 do not apply to apparatus in respect of which the relations between the Council and the undertakers are regulated by the provisions of Part III of the 1991 Act;

“construction” includes execution, placing, alteration and reconstruction; and “construct” and “constructed” have corresponding meanings;

“functions” includes powers and duties;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land;

“plans” includes sections and method statements; and

“undertaker” means any of the following, namely, a public electricity supplier within the meaning of Part I of the Electricity Act 1989 and a public gas transporter within the meaning of Part I of the Gas Act 1986(2); and, in relation to any apparatus, means the undertaker to whom it belongs or by whom it is maintained.

(2) The provisions of Schedule 5 to this Order shall not apply in relation to apparatus to which this Part of this Schedule applies.

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(1) 1989 c. 29.

(2) 1986 c. 44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c. 45).