

SCHEDULES

SCHEDULE 7

PROVISIONS FOR THE PROTECTION OF NETWORK RAIL

2.—(1) The undertaker shall not under the powers conferred by this Order acquire or use or acquire new rights over any railway property unless such acquisition or use is with the consent of Network Rail.

(2) Where so required by the engineer, the undertaker shall, to the reasonable satisfaction of the engineer, fence off (whether on a temporary or permanent basis or both) any part of any identified work from railway property.

(3) The undertaker shall not exercise the powers conferred by article 11 or the powers conferred by section 11(3) of the 1965 Act in respect of any railway property unless the exercise of such powers is with the consent of Network Rail.

(4) The undertaker shall not in the exercise of the powers conferred by this Order prevent pedestrian or vehicular access to any railway property, unless preventing such access is with the consent of Network Rail.

(5) The provisions of article 20 shall not apply to any right of access of Network Rail to railway property but such right of access may be diverted with the consent of Network Rail.

(6) Where Network Rail is asked to give its consent pursuant to sub-paragraphs (1), (3), (4), or (5), such consent shall not be unreasonably withheld but may be given subject to reasonable conditions.