

SCHEDULES

SCHEDULE 10

FOR PROTECTION OF NETWORK RAIL INFRASTRUCTURE LIMITED

3.—(1) Subject to paragraph (5), DLRL shall not pursuant to the powers of this Order, without the consent of Network Rail Infrastructure Limited acquire or enter upon, take or use, whether temporarily or permanently or acquire any new rights over any railway property.

(2) DLRL shall not exercise the powers conferred by sections 271 or 272 of the 1990 Act, as applied by Schedule 9 to this Order, in relation 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 Infrastructure Limited.

(3) DLRL 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 Infrastructure Limited.

(4) Where Network Rail Infrastructure Limited is asked to give its consent pursuant to subparagraph (1), (2) or (3), such consent shall—

- (a) not be unreasonably withheld or delayed but may be given subject to reasonable conditions; and
- (b) be subject to compliance by Network Rail Infrastructure Limited with any relevant railway operational procedures.

(5) Nothing in this paragraph shall prevent DLRL pursuant to article 24 of this Order from acquiring the interest of any person other than Network Rail Infrastructure Limited or C2C, EWS or SET in railway property.