

## SCHEDULES

### SCHEDULE 12

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

*Retained apparatus: protection and plan approval*

**20.** Not less than 56 days before commencing to construct or renew any specified work, the promoter shall submit to the specified undertaker plans of the works.

**Commencement Information**

**I1** Sch. 12 para. 20 in force at 9.6.2009, see [art. 1](#)

**21.** In relation to a work which is a specified work because of its proximity to or effect on a sewer, the plans to be submitted to the specified undertaker under paragraph 20 shall be detailed plans describing—

- (a) the exact position of the specified work;
- (b) the level at which it is proposed to be constructed or renewed;
- (c) the manner of its construction or renewal;
- (d) the position of all sewers within 15 metres of the specified work or upon which the specified work will impose a load; and
- (e) by way of detailed drawings, every alteration proposed to be made to any such sewer.

**Commencement Information**

**I2** Sch. 12 para. 21 in force at 9.6.2009, see [art. 1](#)

**22.** The promoter shall not commence the construction or renewal of any specified work to which paragraph 20 applies until the specified undertaker has given written approval of the plans so submitted.

**Commencement Information**

**I3** Sch. 12 para. 22 in force at 9.6.2009, see [art. 1](#)

**23.** Any approval of the specified undertaker required under paragraph 22—

- (a) may be given subject to reasonable conditions for any purpose mentioned in paragraph 24;
- (b) shall not be unreasonably withheld; and
- (c) shall be deemed to have been given if it is neither given nor refused within 56 days of the submission of plans for approval.

*Changes to legislation: There are currently no known outstanding effects for the The Nottingham Express Transit System Order 2009, Cross Heading: Retained apparatus: protection and plan approval. (See end of Document for details)*

**Commencement Information**

**I4** Sch. 12 para. 23 in force at 9.6.2009, see [art. 1](#)

**24.** In relation to a work to which paragraph 21 applies, the specified undertaker may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its sewerage system against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any sewer.

**Commencement Information**

**I5** Sch. 12 para. 24 in force at 9.6.2009, see [art. 1](#)

**25.** A specified work shall be constructed (and in the case of any temporary work removed) only in accordance with—

- (a) the approved plans (and, in the case of plans relating to sewers approved, deemed to have been approved or settled by arbitration, as amended from time to time by agreement between the promoter and the specified undertaker); and
- (b) all reasonable requirements made by the specified undertaker for the alteration, or otherwise for the protection, of the apparatus, or for securing access to it,

and the specified undertaker shall be entitled by its officer to watch and inspect the carrying out of the work.

**Commencement Information**

**I6** Sch. 12 para. 25 in force at 9.6.2009, see [art. 1](#)

**26.** If within 42 days after the submission to it of any plans under paragraph 20, in consequence of the works proposed by the promoter the specified undertaker reasonably requires the removal of any apparatus and gives written notice to the promoter of that requirement, the foregoing provisions of this Schedule shall have effect as if the removal of such apparatus had been required by the specified undertaker under paragraph 8.

**Commencement Information**

**I7** Sch. 12 para. 26 in force at 9.6.2009, see [art. 1](#)

**27.** Nothing in paragraph 20 or 26 shall preclude the promoter from submitting at any time, or from time to time, but in no case less than 28 days before commencing the construction of any specified work, a new plan in place of the plan previously submitted, in which case the provisions of those paragraphs shall apply to, and in respect of, such new plan except that the reference in paragraph 26 to 42 days shall be treated as a reference to 21 days.

**Commencement Information**

**I8** Sch. 12 para. 27 in force at 9.6.2009, see [art. 1](#)

**28.** The promoter shall not be required to comply with paragraph 20 in a case where it is necessary to carry out emergency works but, in such a case, it shall give to the specified undertaker notice as

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soon as reasonably practicable, and a plan of the works as soon as reasonably practicable thereafter, and shall comply with paragraph 25 so far as reasonably practicable in the circumstances.

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**Commencement Information**

**I9** Sch. 12 para. 28 in force at 9.6.2009, see [art. 1](#)

**29.** Nothing in paragraph 28 shall entitle the promoter to carry out works to any apparatus but, upon receipt of notice from the promoter, the specified undertaker shall proceed to carry out such works as may be required with all reasonable dispatch.

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**Commencement Information**

**I10** Sch. 12 para. 29 in force at 9.6.2009, see [art. 1](#)

**Changes to legislation:**

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