

## SCHEDULE 7

### PROTECTIVE PROVISIONS

#### PART 5

##### FOR THE PROTECTION OF AFFECTED PERSONS

**40.** For the protection of affected persons as referred to in this Part of this Schedule the following provisions, unless otherwise agreed in writing between the undertaker and the affected person concerned, have effect.

**41.** In this Part of this Schedule—

“affected person” means a person who—

(a) is identified in column 3 of the tables at sections 1.3, 2.3 and 3.3 of the book of reference as having the benefit of any right listed in column 4 of the tables at sections 1.3, 2.3 and 3.3 of the book of reference; and

(b) is not subject to any protective provisions set out in Parts 1-4 and Part 6 of this Schedule;

“affected rights” means the rights listed in column 4 of the tables at sections 1.3, 2.3 and 3.3 of the book of reference in relation to the Order land for an affected person to:

(a) pass along, or exercise rights of access over, Order land; or

(b) connect to, use, maintain, repair or renew services in, on or over the Order land;

“services” means water, gas, electricity, sewerage and/or telecommunications services;

for the avoidance of doubt, all other terms are as defined in Part 1 of this Order.

**42.** The undertaker must comply with paragraphs 43 and 44.

**43.** In respect of part (a) of the definition of “affected rights”—

(1) where the undertaker interferes with such affected rights, such interference, in so far as reasonably practicable, must be to the minimum area and for the minimum period; and

(2) where the undertaker requires suspension as a result of the exercise of the powers under the Order, the undertaker must provide alternative access which is no less convenient than the access enjoyed prior to the suspension for the period in which the affected rights are suspended.

**44.** In respect of part (b) of the definition of “affected rights”—

(1) where the undertaker requires the extinguishment of any such affected rights, the undertaker must not extinguish such affected rights unless and until replacement rights have been granted to the affected person on equivalent terms and conditions to those affected rights that are being extinguished save that this sub-paragraph will not apply where such replacement rights can only be obtained on land outside the Order land; and

(2) where the undertaker requires the relocation of any such affected rights, the undertaker must not interfere with or suspend such affected rights unless and until the relocated affected rights have been brought into operation provided that this sub-paragraph will not apply where the relocated affected rights can only be obtained on land outside the Order land.

**45.** The undertaker is not required to comply with paragraphs 43 and 44 in a case of emergency but in that case it must give to the affected person notice of the interference or suspension with the affected right as soon as is reasonably practicable and thereafter comply with paragraphs 43 and 44 in so far as is reasonably necessary and practicable in the circumstances.