

## SCHEDULE 8

### Protective provisions

## PART 2

### Protection for Network Rail Infrastructure Limited, etc.

- 4.—(1) The undertaker must not exercise the powers conferred by—
- (a) article 12 (discharge of water);
  - (b) article 13 (authority to survey and investigate land);
  - (c) article 15 (compulsory acquisition of land);
  - (d) article 18 (compulsory acquisition of rights);
  - (e) article 19 (private rights);
  - (f) article 21 (acquisition of subsoil only);
  - (g) article 24 (temporary use of land for carrying out authorised project);
  - (h) article 25 (temporary use of land for maintaining the authorised project);
  - (i) article 27 (statutory undertakers);
  - (j) article 34 (felling or lopping of trees and removal of hedgerows); or
  - (k) 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.

(2) The undertaker must 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.

(3) The undertaker must not exercise the powers conferred by sections 271 (extinguishment of rights of statutory undertakers: preliminary notices) or 272 (extinguishment of rights of electronic code communications operators: preliminary notices) of the 1990 Act<sup>(1)</sup> or by article 27 (statutory undertakers) in relation to any right of access of Network Rail to railway property, but the right of access may be diverted with the consent of Network Rail.

(4) The undertaker must not under the powers conferred by this Order acquire or use or acquire new rights over any railway property except with the consent of Network Rail.

(5) Where Network Rail is asked to give its consent under this paragraph, its consent must not be unreasonably withheld but may be given subject to reasonable conditions.

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(1) Section 272 was amended by paragraph 103 of Schedule 17 to the Communications Act 2003.