

SCHEDULES

SCHEDULE 9

PROTECTIVE PROVISIONS

PART 10

FOR THE PROTECTION OF CADENT GAS LIMITED AS GAS UNDERTAKER

On Street Apparatus

122.—(1) Except for paragraphs 123 (apparatus in stopped up streets), 126 (removal of apparatus) in so far as sub-paragraph (2) applies, 127 (facilities and rights for alternative apparatus) in so far as sub-paragraph (2) applies, 128 (retained apparatus: protection), 129 (expenses) and 130 (indemnity) of this Schedule which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of Cadent, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and Cadent are regulated by the provisions of Part 3 of the 1991 Act.

(2) Paragraphs 126 and 127 of this Part of this Schedule will apply to diversions even where carried out under the 1991 Act, in circumstances where any Apparatus is diverted from an alignment within the existing adopted public highway but not wholly replaced within existing adopted public highway.

(3) Notwithstanding article 29 (rights under or over streets) or any other powers in the Order generally, section 85 of the 1991 Act in relation to cost sharing and the regulations made thereunder will not apply in relation to any diversion of apparatus of Cadent under the 1991 Act.