

SCHEDULES

SCHEDULE 5

PROVISIONS RELATING TO STATUTORY UNDERTAKERS, ETC.

PART 1

APPARATUS OF STATUTORY UNDERTAKERS, ETC. ON LAND ACQUIRED

1. Sections 271 to 274⁽¹⁾ (power to extinguish of rights of statutory undertakers, etc, and power of statutory undertakers etc. to remove or to re-site apparatus) of the 1990 Act apply in relation to any land acquired or appropriated by Network Rail under this Order subject to the following provisions of this paragraph; and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential on the extinguishment of any rights under sections 271 and 272, and sections 279(2) to (4), 280 and 282⁽²⁾, which provide for the payment of compensation) have effect accordingly.

2. In the provisions of the 1990 Act, as applied by paragraph 1—

- (a) references to the appropriate Minister are references to the Secretary of State; and
- (b) references to land acquired or appropriated as mentioned in section 271(1) of the 1990 Act are references to land acquired or appropriated as mentioned in paragraph (1).

3. Where any apparatus of public utility undertakers or of a public communications provider is removed in pursuance of a notice or order given or made under section 271, 272 or 273 of the 1990 Act, as applied by paragraph 1, any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from Network Rail compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

4. Paragraph 3 does not apply in the case of the removal of a public sewer but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that paragraph, any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

is entitled to recover from Network Rail compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

5. The provisions of the 1990 Act mentioned in paragraph 1, as applied by that paragraph, do not have effect in relation to apparatus as respects which Part 2 of this Schedule or Part 3 of the 1991 Act applies.

(1) Sections 272 to 274 were amended by paragraph 103(1) and (2) of Schedule 17 to the Communications Act 2003 (c. 21).

(2) Section 279(3) was amended by paragraph 103(1) and (2), and section 280 was amended by paragraph 104, of Schedule 17 to the Communications Act 2003. Sections 280 and 282 were amended by S.I. 2009/1307.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

6. In this Schedule—

“public communications provider” has the same meaning as in section 151(1) of the 2003 Act⁽³⁾; and

“public utility undertakers” has the same meaning as in the 1980 Act⁽⁴⁾.

⁽³⁾ 2003 c. 21.

⁽⁴⁾ The definition of “public utility undertakers” was amended by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act 1989 (c. 15) and section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c. 29).