

## SCHEDULES

### SCHEDULE 5

#### FOR THE PROTECTION OF DŵR CYMRU CYFYNGEDIG

**12.**—(1) Where, in accordance with the provisions of this Schedule, the undertaker affords for the purposes of the authorised works to the Company facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights subject to paragraph 12 (2) shall be granted upon the same terms and conditions as those pertaining to the substituted apparatus and if there is any dispute as to those terms and conditions, the dispute shall be referred to arbitration in accordance with article 26.

(2) In settling terms and conditions for the purposes of paragraph 12(1) in respect of the alternative apparatus to be constructed in or along any railway of the undertaker, the arbitrator shall—

- (a) give effect to all reasonable requirements of the undertaker for ensuring the safety and efficient operation of the railways and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of the undertaker or the traffic on the railways; and
- (b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions if any applicable to the apparatus constructed in or along the railways for which the alternative apparatus is to be substituted.