

## SCHEDULE 7

(introduced by section 40)

### STATUTORY UNDERTAKERS, ETC.

#### *Apparatus of statutory undertakers, etc. on land acquired*

- 1 (1) Subject to the provisions of this schedule, sections 224 to 227 of the 1997 Act (power to extinguish rights of statutory undertakers, etc. and power of statutory undertakers, etc. to remove or re-site apparatus) shall apply in relation to any land which has been acquired under this Act, or which is held by the authorised undertaker and is appropriated or used (or about to be used) by it for the purposes of this Act or for purposes connected with this Act.
- (2) All such other provisions of the 1997 Act as apply for the purposes of the provisions applied by paragraph 1 above (including sections 228 to 231, which contain provisions consequential on the extinguishment of any rights under sections 224 and 225, and sections 232(2) to (4), 233 and 235, which provide for the payment of compensation) shall have effect accordingly.
- (3) In the provisions of the 1997 Act, as applied by sub-paragraphs (1) and (2) above—
- (a) references to the purpose of carrying out any development with a view to which land was acquired or appropriated are references to the purpose of carrying out the authorised works; and
  - (b) references to land acquired or appropriated as mentioned in section 224(1) of the 1997 Act are references to land acquired, appropriated or used as mentioned in sub-paragraph (1) above.
- (4) Where any apparatus of a utility undertaker or of a public communications provider is removed in pursuance of a notice or order given or made under section 224, 225 or 226 of the 1997 Act, as applied by sub-paragraph (1) above, any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the authorised undertaker 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.
- (5) Sub-paragraph (4) above shall 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,
- shall be entitled to recover from the authorised undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the person's drain or sewer communicate with any other public sewer or with a private sewage disposal plant.
- (6) The provisions of the 1997 Act mentioned in sub-paragraphs (1) and (2) above, as applied by those sub-paragraphs, shall not have effect in relation to apparatus as respects which Part IV of the 1991 Act applies.
- (7) In this paragraph—

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*Status: This is the original version (as it was originally enacted).*

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“gas transporter” has the meaning given by section 7(1) of the Gas Act 1986 (c. 44);

“public communications provider” has the meaning given by section 151(1) of the Communications Act 2003 (c. 21); and

“utility undertaker” means a person who is—

- (a) authorised by any enactment to carry on an undertaking for the supply of water;
- (b) a gas transporter; or
- (c) the holder of a licence under section 6 of the Electricity Act 1989 (c. 29),

and who is, or is deemed to be, a statutory undertaker within the meaning of section 214 of the 1997 Act.

*Apparatus of statutory undertakers, etc in stopped up roads*

- 2 (1) Where a road is stopped up under section 10 of this Act any statutory undertaker whose apparatus is under, in, upon, over, along or across the road shall have the same powers and rights in respect of that apparatus, subject to the provisions of this paragraph, as if this Act had not been passed.
- (2) Where a road is stopped up under section 10 of this Act any statutory undertaker whose apparatus is under, in, upon, over, along or across the road may, and if reasonably requested to do so by the authorised undertaker, shall—
- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the statutory undertaker may reasonably determine and have power to place it; or
  - (b) provide other apparatus in substitution for the existing apparatus and place it in such a position.
- (3) The allowable costs of the relocation works shall be—
- (a) determined in accordance with section 144 (Sharing costs of necessary measures) of the 1991 Act and any regulations for the time being having effect under that section (as having effect by virtue of section 12 of this Act); and
  - (b) borne by the authorised undertaker and the statutory undertaker in such proportions as may be prescribed by any such regulations.
- (4) In this paragraph—
- “apparatus” has the same meaning as in Part IV of the 1991 Act;
  - “relocation works” means works executed, or apparatus provided, under subparagraph (2); and
  - “statutory undertaker” has the same meaning as in the Roads (Scotland) Act 1984 (c. 54).