

SCHEDULE 7 STATUTORY UNDERTAKERS, ETC.

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 13 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 sub-paragraph (2); and
 - “statutory undertaker” has the same meaning as in the Roads (Scotland) Act 1984 (c. 54).