

SCHEDULES

SCHEDULE 5

FOR THE PROTECTION OF DŵR CYMRU CYFYNGEDIG

13.—(1) Subject to the following provisions of this paragraph, the undertaker shall repay to the Company the reasonable expenses incurred by the Company in, or in connection with, the inspection, removal, alteration or protection of any relevant pipe or the construction of any new relevant pipe which may be required in consequence of the execution of any of the authorised works.

(2) If in accordance with the provisions of this Schedule apparatus of greater capacity or of greater dimensions is placed in substitution for existing apparatus of smaller capacity or of smaller dimensions and the placing of apparatus of that capacity or those dimensions, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 26 to be necessary, then, if such placing involves cost in the construction of works under this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing capacity or dimensions as the case may be, the amount which apart from this paragraph would be payable to the Company by virtue of sub-paragraph (1), shall be reduced by the amount of that excess.

(3) For the purposes of sub-paragraph (2) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as placing of apparatus of greater dimensions than those of the existing apparatus.

(4) An amount which apart from this sub-paragraph would be payable to the Company in respect of works by virtue of sub-paragraph (1) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 8 years earlier so as to confer on the Company any financial benefit by deferment of the time for renewal of the apparatus in the normal course, be reduced by the amount which represents that benefit.