

SCHEDULES

SCHEDULE 2

SUPPLEMENTARY PROVISIONS AS TO THE SCHEDULED WORKS AND OTHER AUTHORISED WORKS

PART II

REGULATION OF SCHEDULED WORKS AND SUBSIDIARY PROVISIONS

SECTION A

PROVISIONS APPLICABLE TO CONCESSIONAIRES

Use of electrical energy

- 3 (1) The following provisions of this paragraph shall apply in respect of the use of electrical energy for the purposes of Works Nos. 3,4 and 5 (in this section referred to as "the authorised railway").
- (2) All reasonable precautions shall be taken in constructing, placing and maintaining electric lines and circuits, and in working the authorised railway, to prevent—
- (a) injurious affection (by the discharge of electrical currents into the ground, fusion or electrolytic action) of any gas or water pipes, electric lines or other metallic pipes, structures or substances; or
 - (b) interference with, or with the working of, any wire, line or apparatus used for the purpose of transmitting electrical energy or of telecommunications.
- (3) The Secretary of State may make regulations under this paragraph for regulating the use of electrical energy for the operation of the authorised railway, including regulations—
- (a) for preventing injurious affection (by the discharge of electrical currents into the ground, fusion or electrolytic action) of gas or water pipes, electric lines or other metallic pipes, structures or substances; and
 - (b) for minimising, so far as is reasonably practicable, interference with, and with the working of, electric wires, lines and other apparatus whether such apparatus does, or does not, use the earth as a return.
- (4) All reasonable precautions against interference with, or with the working of, any wire, line or apparatus shall be deemed to have been taken if and so long as use is made of either such insulated returns, or of such uninsulated metallic returns of low resistance and of such other means of preventing injurious interference with, and with the working of, electric wires, lines and apparatus, as may be prescribed by the said regulations; and in prescribing such means the Secretary of State shall have regard to the expense involved in relation to the protection afforded.

Status: This is the original version (as it was originally enacted).

- (5) The provisions of this paragraph shall not give any right of action in respect of injurious interference with, or with the working of, any electric wire, line or apparatus, or the currents therein, unless in the construction, erection, maintaining and working of such wire, line or apparatus all reasonable and proper precautions, including the use of an insulated return, have been taken to minimise injurious interference therewith, and with the currents therein, by or from other electric currents.
- (6) If any difference arises between the Concessionaires and any other person with respect to anything in the foregoing provisions of this paragraph, the difference shall, unless the parties otherwise agree, be determined by the Secretary of State or, at his option, by an arbitrator to be appointed by him, and the costs of such determination shall be in the discretion of the Secretary of State or of the arbitrator, as the case may be.
- (7) The power to make regulations conferred on the Secretary of State by this paragraph shall be exercisable by statutory instrument.
- (8) In this paragraph reference to an insulated return includes a reference to a return by means of a combined neutral and earth cable which is covered by a sheath suitable for protection against corrosion and is approved for use below ground by the Secretary of State for the purpose of any regulations relating to the supply of electricity.