

SCHEDULES

SCHEDULE 7

PROVISIONS FOR THE PROTECTION OF NETWORK RAIL

1.—(1) The following provisions of this Schedule shall have effect subject to the provisions of article 31 or to any agreement under or in pursuance of that article or any access contract, or unless otherwise agreed in writing between the undertaker and Network Rail.

(2) In this Schedule—

“access contract” means an access contract within the meaning of section 17 of the Railways Act 1993 between the undertaker and Network Rail;

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” have corresponding meanings;

“the engineer” means an engineer to be appointed by Network Rail for the purpose in question;

“plans” includes sections, designs, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals and programmes;

“railway property” means any railway belonging to Network Rail and any works, apparatus and equipment belonging to Network Rail connected with any such railway and includes any land held or used by Network Rail for the purposes of such railway or works, apparatus or equipment; and

“identified work” means so much of any of the authorised works as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property.