

SCHEDULES

SCHEDULE 12

FOR PROTECTION OF SPECIFIED UNDERTAKERS

Interpretation

1. In this Schedule—

“apparatus” means—

- (a) in the case of a specified undertaker which is an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(1)) belonging to, or maintained by, that undertaker;
- (b) in the case of a specified undertaker which is a gas undertaker, mains, pipes, pressure governors, ventilators or other apparatus belonging to, or maintained by, a gas transporter for the purposes of the transportation and storage of gas;
- (c) in the case of a specified undertaker which is a water undertaker—
 - (i) mains, pipes or other apparatus belonging to, or maintained by, the undertaker for the purposes of water supply; and
 - (ii) any water main or service pipe (or part of it) that is subject to an agreement to adopt made under section 51A of the Water Industry Act 1991(2); and
- (d) in the case of a specified undertaker which is a sewerage undertaker—
 - (i) any drain or works vested in the undertaker under the Water Industry Act 1991; and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,

and includes a sludge main, disposal main (within the meaning of section 219 of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works,

and includes any structure for the lodging therein of apparatus or for giving access to such apparatus;

“construction” includes execution, placing, altering, replacing, relaying and removal and, in its application to works which include or comprise any operation, means the carrying out of that operation;

“emergency works” has the same meaning as in section 52 of the 1991 Act;

“in”, in a context referring to apparatus in land, includes under, over, across, along or upon land;

“necessary alternative apparatus” means alternative apparatus adequate to enable a specified undertaker to fulfil its statutory or licensed functions in a manner no less efficient than previously;

“plans” includes sections, specifications and method statements;

(1) 1989 c. 29.

(2) 1991 c. 56.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“specified undertaker” means—

- (a) EDF Energy plc whose registered office is situated at 40 Grosvenor Place, Victoria, London SW1X 7EN;
- (b) National Grid Gas Plc, whose registered office is 1–3 Strand, London WC2N 5EH; and
- (c) Thames Water Utilities Limited whose registered office is situated at Clearwater House, Vastern Road, Reading RG1 8DB,

or any person succeeding any such company as a licence holder within the meaning of Part 1 of the Electricity Act 1989, as a gas transporter within the meaning of Part 1 of the Gas Act 1986⁽³⁾, as a water undertaker within the meaning of the Water Industry Act 1991 or as a sewerage undertaker within the meaning of Part 1 of that Act, and “the specified undertaker” in relation to any apparatus means the specified undertaker to whom the apparatus belongs or by whom it is maintained; and

“specified work” means any of the authorised works which—

- (a) will or may be situated over, or within 15 metres measured in any direction of, or may in any way adversely affect, any apparatus; or
 - (b) wherever situated, imposes any load upon any sewer,
- the removal of which has not been required under paragraph 8.

(3) 1986 c. 44 as amended by the Utilities Act 2000 (c. 27), section 76.