

# SCHEDULES

## SCHEDULE 12

### PROTECTIVE PROVISIONS

#### PART 5

#### FOR THE PROTECTION OF CADENT GAS LIMITED

##### *Apparatus of Cadent in stopped up streets*

**46.**—(1) Where any street is stopped up under article 17 (permanent stopping up, restriction of use of streets, public rights of way and private means of access), if Cadent has any apparatus in the street or accessed via that street Cadent is entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to Cadent, or procure the granting to Cadent of, legal easements reasonably satisfactory to Cadent in respect of such apparatus and access to it prior to the stopping up of any such street or highway, but nothing in this paragraph shall affect any right of the undertaker or of Cadent to require the removal of that apparatus under paragraph 49.

(2) Notwithstanding the temporary stopping up or diversion of any highway under the powers of article 16 (temporary stopping up and restriction of use of streets), Cadent will be at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as it would have been entitled to do immediately before such temporary stopping up or diversion in respect of any apparatus which at the time of the stopping up or diversion was in that highway.

#### **Commencement Information**

**II** Sch. 12 para. 46 in force at 11.6.2020, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The M42 Junction 6 Development Consent Order 2020, Cross Heading: Apparatus of Cadent in stopped up streets.