

SCHEDULES

SCHEDULE 19

PROTECTIVE PROVISIONS

PART 5

FOR THE PROTECTION OF THE TRUST

54.—(1) If during the construction of a specified work or during a period of 24 months after the completion of a specified work any alterations or additions, either permanent or temporary, to the waterways are reasonably necessary in consequence of the construction of the specified work in order to avoid detriment, and the Trust gives to Network Rail reasonable notice of its intention to carry out such alterations or additions (which must be specified in the notice), Network Rail must pay to the Trust the reasonable cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably incurred by the Trust in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If the cost of maintaining, working or renewing the waterways is reduced in consequence of any such alterations or additions a capitalised sum representing such saving must be set off against any sum payable by Network Rail to the Trust under this paragraph.