

SCHEDULES

SCHEDULE 9

PROTECTIVE PROVISIONS

PART 8

FOR THE PROTECTION OF CADENT GAS LIMITED

On Street apparatus

97.—(1) This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and Cadent are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act, except for—

- (a) paragraphs 98 (apparatus of Cadent in stopped up streets), 103 (retained apparatus: protection of Cadent, 104 (expenses) and 105 (indemnity); and
- (b) where sub-paragraph (2) applies, paragraphs 101 (removal of apparatus) and 102 (facilities and rights for alternative apparatus).

(2) This sub-paragraph applies where any apparatus is diverted from an alignment within the existing adopted public highway but not wholly replaced within the existing adopted public highway, notwithstanding that any diversion may be carried out under the provisions of Part 3 of the 1991 Act.

(3) Paragraph 104 does not apply where the authorised development constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and
- (b) the allowable costs are to be borne by the undertaker and Cadent in such proportions as may be prescribed by any such regulations.