

## SW2 Conditions

1. The Street Authority for the Highway mentioned in Section 2 of Form SWL2 (hereinafter called 'the Highway') hereby grant to the party named in Section 1 of Form SWL2 (hereinafter called 'the Licensee' with the intent that the same shall benefit and run with the property described in Form SWL2 hereto licence under Section 50 of the New Roads and Street works Act 1991 to place and leave in the Highway in the position shown by a red broken line on the plan attached hereto the apparatus (hereinafter referred to as 'the Apparatus') short particulars of which are set out in Form SWL2 hereto and to maintain repair and reinstate the Apparatus and break open and have access to the Highway for those purposes upon the terms and subject to the Conditions hereinafter specified and subject also to the relevant conditions and provisions contained in Schedule 3 of the said Act and the Licensee hereby accepts the Licence upon and subject to the said terms conditions and provisions.

2. This Licence is granted to the owner of the apparatus and his Successors in Title and where he proposes to part with his interest in the apparatus, he shall before doing so give 6 weeks notice to the Street Authority stating to whom the benefit of the licence is to be transferred.

3. The Licensee shall:

a) conduct all the relevant works in accordance with the requirements of the New Roads and Street Works Act 1991, and its associated Secondary Legislation and Codes of Practice;

b) indemnify the Street Authority against any claim in respect of injury, damage or loss arising out of: i) the placing or presence in the street of apparatus to which the licence relates, or ii) the execution by any person of any works authorised by the licence; and the former licensee shall indemnify the Street Authority against any claim in respect of injury, damage or loss arising out of the execution by the Authority or the licensee of any works under Paragraph 7.

4. The Licensee shall pay the Street Authority in by card in advance of a grant of this licence the relevant sum incorporating:

a) administration expenses (non returnable);

b) a capitalised payment in lieu of the annual fee for administering the licence recoverable under Schedule 3 Section 2b of the New Roads and Street Works Act 1991;

c) Inspection fees, per unit of inspection;

Please note: works in excess of 200 metres length will be subject to additional Inspection Fees.

5. The licence hereby granted shall remain in force until withdrawn by the Street Authority under Schedule 3 of the New Roads and Street Works Act 1991 or surrendered to the Street authority by the Licensee. 6. The Street Authority may determine this licence at any time;

a) on the expiration of such period as may be specified in the Notice being a period of not less than seven working days beginning with the date of service of the Notice on the Licensee if any condition of this licence is contravened by the Licensee or if the Street

Authority becomes aware of the fact that the Licensee intends to cease using or has abandoned the apparatus or intends to do so, or

b) the Licensee has parted with or intends to part with his interest in the apparatus in a case where assignment of the licence is prohibited, or c) the Street Authority considers the withdrawal of the licence is necessary for the purpose of the exercise of their function as Street Authority. NB: Under sub-paragraph (c) not less than 3 months notice will be given by the Street Authority.

7. Where a licence expires or is withdrawn or surrendered the Street Authority:

a) May remove the apparatus to which the licence relates or alter it in such a manner as they think fit and reinstate the street and may recover from the former Licensee the expenses incurred by them in doing so;

b) If satisfied that the former Licensee can within such reasonable time as they may specify, remove the apparatus or alter it in such a manner as they may require and reinstate the street, they may authorise him to do so at his own expense. A further licence will be required for such works.

8. Any Licence issued under this procedure by the Street Authority must not be construed as conferring any right for the applicant to make any connection to a sewer, drain, pipe, cable or other apparatus.

9. The Licence does not confer any right on the Licensee, as against the owners of land on which the highway is situated, to use the land. The Licensee must make his own arrangements with such owners in cases where their consent is needed.

10. In this licence the terms: 'Licensee' shall include the Successor in Title – Personal Representative – Receiver – Liquidator or Trustee of the Licensee; 'Highway' shall include and apply to each and every Highway, when more than one highway is specified in Section 2 of Form SWL2 hereto.