



# Cardiff Bay Barrage Act 1993

## 1993 CHAPTER 42

### PART III U.K.

#### OPERATION AND MANAGEMENT

##### *Operation of barrage*

#### 7 Power to operate barrage. U.K.

- (1) The Development Corporation shall have power to operate the barrage; and in this Act references to operating the barrage are references to—
- opening or closing any lock gates, sluices or gates in the barrage,
  - controlling the flow of water in the fish passes in the barrage, or
  - managing any roadway, bridge or other structure or equipment forming part of the barrage.
- (2) The power conferred by subsection (1) above shall be exercised so as to safeguard and improve the environment and amenities of the inland bay.
- (3) Subsection (2) above shall not prevent the exercise of the power conferred by subsection (1) above in order—
- to prevent or alleviate flooding or to meet any other emergency,
  - to ascertain the safest and most effective ways of using the barrage, to test its working or to train staff in its operation, or
  - to facilitate the construction, maintenance, alteration, replacement or re-laying of any works in or beside the inland bay.

#### 8 Directions as to operation of barrage. U.K.

- (1) The Development Corporation shall operate the barrage in accordance with any reasonable direction given [<sup>F</sup>by the Natural Resources Body for Wales in] order—
- to protect the quality of water in the inland bay by ensuring that it meets or continues to meet the relevant standard,

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- (b) to prevent or alleviate flooding, or
  - (c) to protect fish in the inland bay, allow the passage of migratory fish to or from the inland bay or enable trials to be carried out in the inland bay in connection with fishery management.
- (2) For the purposes of this section the quality of water meets the relevant standard—
- (a) if it meets such standard, whether fixed by reference to dissolved oxygen content or any other determinant of water quality, as may reasonably be [<sup>F2</sup>specified by the Natural Resources Body for Wales as] the standard to be achieved in order to comply with the current water quality objectives for the water, or
  - (b) where no standard is specified under paragraph (a) above, if it contains not less than five milligrams dissolved oxygen per litre at all times.
- (3) For the purposes of subsection (2)(a) above the water quality objectives for any water are—
- (a) if water quality objectives have been established for the water under section 83 of the <sup>M1</sup>Water Resources Act 1991, those objectives, and
  - (b) if they have not, such reasonable objectives as may be set [<sup>F3</sup>by the Natural Resources Body for Wales for] the water having regard to—
    - (i) the recreational or other purposes for which use of the water is permitted, or proposed to be permitted, by the Development Corporation, and
    - (ii) the needs of the fish in the water and of migratory fish passing to or from it.
- (4) Subject to subsection (5) below, notice of a direction under subsection (1) above—
- (a) shall be given in writing by a duly authorised officer of [<sup>F4</sup>the Natural Resources Body for Wales, and]
  - (b) shall be given as long as possible, but in any case not less than twenty-four hours, before the direction is to be complied with.
- (5) In case of emergency notice of such a direction—
- (a) may be given orally to be complied with as soon as it is practicable to do so, but
  - (b) shall be confirmed as soon as may be by notice given as required by subsection (4)(a) above.
- (6) Where there arises any dispute as to the reasonableness of—
- (a) any direction given under subsection (1) above, or
  - (b) any standard specified under subsection (2)(a) above or objectives set under subsection (3)(b) above,
- the matter shall be referred to the Secretary of State for determination by him.

#### Textual Amendments

- F1** Words in s. 8(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 349\(2\)](#) (with Sch. 7)
- F2** Words in s. 8(2)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 349\(3\)](#) (with Sch. 7)
- F3** Words in s. 8(3)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 349\(4\)](#) (with Sch. 7)

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**F4** Words in s. 8(4)(a) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), Sch. 2 para. 349(5) (with Sch. 7)

**Marginal Citations**

**M1** 1991 c. 57.

**9 Operation: supplementary. U.K.**

- (1) Except where the barrage is being operated for any of the purposes mentioned in section 7(3) above and subject to any direction given under section 8 above, the Development Corporation shall operate the sluices and gates in the barrage so that the water immediately behind it is maintained at a level between four and four and a half metres (or thereabouts) above ordnance datum (Newlyn) unless a higher level is caused by high river flows or the tide-locking of the sluices or gates.
- (2) When operating the barrage (including when doing so to comply with a direction given under section 8 above) the Development Corporation shall have regard to—
  - (a) the safety of vessels in, or passing to or from, the inland bay or on the seaward side of the barrage,
  - (b) the requirements of vessels in, or passing to or from, the inland bay (including the need to have freedom of access to moorings and berths in the inland bay), and
  - (c) the desirability of developing and conserving flora and fauna in the inland bay.
- (3) The Development Corporation shall consult the [<sup>F5</sup>Natural Resources Body for Wales] to seek their view as to ways in which the barrage may be operated so as to develop and conserve flora and fauna in the inland bay.
- (4) Where any vessels seem likely to be affected by being endangered, or having their navigation interfered with, in consequence of any proposed operation of the barrage, the Development Corporation shall give notice of what is proposed to—
  - (a) the coastguard,
  - (b) any radio station operated in connection with the barrage, and
  - (c) sailing and motor boat clubs operating in the inland bay and outer harbour.
- (5) Except in case of emergency, not less than four hours' notice shall be given under subsection (4) above; and in case of emergency as much notice as is reasonably practicable shall be so given.
- (6) Where notice is given under subsection (4) above notice of what is proposed shall also be given to any vessels which subsequently leave the outer harbour or pass through any lock in the barrage and which seem likely to be affected as mentioned in that subsection.
- (7) No liability shall arise in respect of any costs, damages or expenses incurred by any person as a direct or indirect result of—
  - (a) any obstruction to, delay of or other interference with the passage of vessels, or
  - (b) any change in the level of water in the inland bay or the draining of, or of any part of, the inland bay,occasioned by the operation of the barrage, unless the costs, damages or expenses are incurred by reason of negligence in its operation.

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#### Textual Amendments

- F5** Words in s. 9(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 350](#) (with Sch. 7)

### 10 Interference with barrage. **U.K.**

- (1) A person who, without lawful authority or reasonable excuse—
- (a) operates any equipment or machinery forming part of the barrage or used in its construction, maintenance or alteration, or
  - (b) otherwise interferes with the barrage or its operation,
- shall be guilty of an offence.
- (2) A person guilty of an offence under subsection (1) above shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
  - (b) on conviction on indictment, to a fine.

**Changes to legislation:**

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