

SCHEDULES

SCHEDULE 3

Article 42

PROTECTIVE PROVISIONS FOR THE COMPANY

Limitation on the conservancy authority's powers

1. The conservancy authority—
 - (a) must not—
 - (i) erect,
 - (ii) place,
 - (iii) alter,
 - (iv) discontinue, or
 - (v) remove,aids to navigation within the port under article 6 (aids to navigation),
 - (b) must not—
 - (i) provide,
 - (ii) place,
 - (iii) lay down,
 - (iv) maintain,
 - (v) renew,
 - (vi) use,
 - (vii) have, or
 - (viii) remove,moorings, buoys or similar apparatus within the port under article 8 (moorings),
 - (c) must not—
 - (i) deepen,
 - (ii) dredge,
 - (iii) scour,
 - (iv) cleanse,
 - (v) alter, or
 - (vi) improve,the bed, shores or channels within the port under article 10 (power to dredge), and
 - (d) must not—
 - (i) blast rock, or
 - (ii) use, appropriate or dispose of material,within the port under article 10 (power to dredge),

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without the consent of the company, which consent is not to be unreasonably withheld.

2. Article 26 (restriction of works and dredging) does not apply to the company—
 - (a) with respect to the—
 - (i) construction,
 - (ii) alteration,
 - (iii) renewal, or
 - (iv) extension,of works in the port, or
 - (b) with respect to the dredging of waters within the port.
3. The conservancy authority must not, without the consent of the company—
 - (a) grant a licence, under article 8 (moorings), for the—
 - (i) placing,
 - (ii) laying down,
 - (iii) maintenance,
 - (iv) renewal, use, or
 - (v) having,of any mooring within the port,
 - (b) grant a works licence for the—
 - (i) construction,
 - (ii) alteration,
 - (iii) renewal, or
 - (iv) extension,of works within the port,
 - (c) grant a dredging licence for the—
 - (i) deepening of,
 - (ii) widening of,
 - (iii) dredging of,
 - (iv) taking up or collection of material from,
 - (v) the bed or foreshore within the port, or
 - (d) dispose of any materials within the port under article 29 (licence to dredge).
4. The company is not required to pay any fee under article 8 (moorings) for the—
 - (a) placing,
 - (b) laying down,
 - (c) maintenance, renewal,
 - (d) use, or
 - (e) having,of any mooring within the port.

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5.—(1) Subject to sub-paragraphs (2) and (3), any difference arising between the conservancy authority and the company in respect of the matters set out in this Schedule must be determined by an arbitrator to be agreed upon between the parties.

(2) If the parties cannot agree on an arbitrator, the arbitrator is to be appointed by the President of the Institution of Civil Engineers on the application of either party.

(3) The party making an application under sub-paragraph (2) must give notice in writing to the other party prior to making the application.