



# Cattewater Reclamation Act 1992

## 1992 CHAPTER xiv

### PART III

#### WORKS

#### 13 Power to construct work

- (1) Subject to the provisions of this Act, the Company may make and maintain in the lines and situations and upon the lands delineated on the deposited plan and according to the levels shown on the deposited sections the following work in the city that is to say:—

Work No. 1 A land reclamation along the Cattewater shore from the wharf adjacent to the disused power station to Cattedown Wharves and into the Cattewater commencing at grid reference SX4986 5382 then curving in a southerly direction for a distance of 30 metres or thereabouts to grid reference SX4987 5380 then proceeding in a generally south-south-westerly direction for a distance of 280 metres or thereabouts to grid reference SX4975 5355 then curving in a generally westerly direction for a distance of 60 metres or thereabouts to grid reference SX4970 5352 then proceeding in a generally westerly direction for a distance of 60 metres or thereabouts and terminating at grid reference SX4964 5352 on the shoreline.

- (2) The Company may, within the limits of deviation for the said work, alter, replace or re-lay the same.
- (3) The Company may by means of the work fill in, and reclaim from the foreshore and bed of the sea and may hold and use, so much of the foreshore and bed of the sea as is situated within the limits of deviation.

#### 14 Subsidiary works

- (1) Subject to the provisions of this Act, the Company may from time to time within the limits of deviation erect, construct and maintain whether temporarily or permanently all such works and conveniences as may be requisite or expedient for the purposes of or in connection with the construction, maintenance or use of the works authorised by this Act.

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- (2) The right conferred by subsection (1) above may only be exercised with the consent of the Commissioners such consent not to be unreasonably withheld.
- (3) Any dispute as to whether or not consent sought pursuant to subsection (2) above is being unreasonably withheld shall be determined by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institute of Arbitrators.

## **15 Power to deviate**

In the construction of the works authorised by section 13 (Power to construct work) of this Act the Company may deviate laterally from the lines or situations thereof shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and may deviate vertically from the levels of those works shown on the deposited sections to any extent not exceeding 5 metres upwards or to any extent downwards.

## **16 Power to dredge**

- (1) Subject to the provisions of section 24 (Crown rights) of this Act, the Company may, for the purposes of constructing and maintaining the works from time to time deepen, dredge, scour, cleanse, alter and improve the foreshore and bed of the sea and blast any rock and may use, appropriate or dispose of the materials (other than wreck within the meaning of Part IX of the Merchant Shipping Act 1894) from time to time dredged by them:

Provided that no materials so dredged, other than those dredged for the purpose of constructing the works or filling in and reclaiming from the foreshore and bed of the sea so much of the foreshore and bed of the sea as is situated within the limits of deviation, shall be deposited below the level of high water except in such places and in accordance with such conditions and restrictions as may be approved or prescribed by the Secretary of State.

- (2) The right conferred by subsection (1) above may only be exercised with the consent of the Commissioners such consent not to be unreasonably withheld.
- (3) Any dispute as to whether or not consent sought pursuant to subsection (2) above is being unreasonably withheld shall be determined by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institute of Arbitrators.

## **17 Tidal works not to be executed without approval of Secretary of State**

- (1) A tidal work shall not be constructed, altered, replaced or re-laid except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by him before the work is begun.
- (2) If a tidal work is constructed, altered, replaced or re-laid in contravention of this section or of any condition or restriction imposed under this section—
  - (a) the Secretary of State may by notice in writing require the Company at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of 30 days from the date when the notice is served upon the Company they have failed to comply

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with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or

- (b) if it appears to the Secretary of State urgently necessary so to do, he may remove the tidal work, or part of it, and restore the site to its former condition; and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Company.

## **18 Lights on tidal works during construction**

- (1) The Company shall at or near a tidal work during the whole time of the construction, alteration, replacement or re-laying thereof, exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time direct.
- (2) If the Company fail to comply with any requirement of a direction given under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

## **19 Provision against danger to navigation**

- (1) In case of injury to or destruction or decay of a tidal work or any part thereof the Company shall as soon as reasonably practicable notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House may from time to time direct.
- (2) If the Company fail to notify Trinity House as required by this section or to comply with any requirement of a direction given under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

## **20 Abatement of works abandoned or decayed**

- (1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Company at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.
- (2) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such a condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.
- (3) If, on the expiration of 30 days from the date when a notice under this section is served upon the Company, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Company.

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## **21 Survey of tidal works**

The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work or of the site upon which it is proposed to construct the work and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Company.

## **22 Permanent lights on tidal works**

- (1) After the completion of a tidal work the Company shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.
- (2) If the Company fail to comply in any respect with a direction given under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

## **23 Saving for Trinity House**

Nothing in this Act shall prejudice or derogate from the powers, rights and privileges of Trinity House.