



London Docklands Railway (Lewisham) Act 1993

1993 CHAPTER vii

PART IV

PROTECTIVE PROVISIONS

32 For protection of Port of London Authority and users of river Thames

For the protection of the port authority and users of the river Thames the following provisions shall, unless otherwise agreed in writing between the Company and the port authority, have effect:—

(1) In this section, except where the context otherwise requires—

“construction” includes renewal, and works of maintenance, repair or alteration involving any interference with the river Thames or the navigation thereof; and “construct” shall be construed accordingly;

“jetty” means any temporary jetty constructed in connection with any tidal work;

“plans” means outline design and construction drawings and such other specifications and other appropriate documents (including, so far as is reasonably practicable, a programme of the times at which it is intended that significant operations will be carried out) as may be reasonably necessary to give the port authority an understanding of the intentions of the Company in connection with constructional operations which will, or may, have a significant effect on navigation in, or the flow or regime of, the river Thames and such relevant hydraulic information as may be available to the Company and is not in the possession of the port authority; and

“scouring” includes disturbance or collapse of the foreshore or bed of the river Thames;

(2) The Company shall not under the powers of this Act acquire compulsorily any part of the bed, banks or foreshore of the river Thames, but they may, subject to paragraph (13) below, in accordance with the provisions of section 19 (Power to acquire subsoil or

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

new rights only in certain cases) of this Act, acquire compulsorily such rights as they require for the purpose of the exercise of their functions under this Act in, on, over or under so much of the river Thames as is within the limits of deviation:

- (3) (a) Not less than 28 days before the start of any part of the construction of a tidal work, the Company shall submit to the port authority plans thereof and such further particulars as may be available to them and as the port authority may reasonably require;
 - (b) (i) In carrying out such construction the Company shall comply with all such reasonable modifications and conditions for the protection of traffic in, or the flow or regime of, the river Thames as the port authority may specify;
 - (ii) Any such modification or condition shall be notified by the port authority to the Company within 28 days of the receipt by the port authority of the plans or particulars to which the modification or condition relates;
- (4) (a) Every tidal work shall be constructed and maintained by the Company and, in the case of removal of a jetty or of a temporary work, removed by them to the reasonable satisfaction of the port authority;
 - (b) In the construction, maintenance and removal of a tidal work, traffic in the river Thames shall not be interfered with more than may be reasonably necessary;
- (5) (a) Every tidal work, once commenced, shall be proceeded with and completed as soon as reasonably practicable;
 - (b) Upon the completion of any part of a tidal work, the Company shall remove as soon as reasonably practicable every temporary work and all materials for a temporary work carried out or placed in, on, over or under the river Thames in connection with that part of the tidal work and shall cause the site thereof to be made good to the reasonable satisfaction of the port authority;
- (6) The Company shall at all reasonable times allow an authorised representative of the port authority to inspect and survey a tidal work and other works which, in the course of construction or maintenance of a tidal work, they construct on lands immediately adjacent to the river Thames, and they shall provide all reasonable facilities therefor;
- (7) Except so far as may be necessary or unavoidable in the construction of a tidal work, the Company shall not, without the consent of the port authority (which shall not be unreasonably withheld), deposit in or allow to fall or be washed into the river Thames any gravel, soil or other material; and they shall not discharge or allow to escape either directly or indirectly into the river Thames any offensive or injurious matter in suspension or otherwise;
- (8) (a) Any pile, stump or other obstruction which becomes exposed in consequence of a tidal work shall be removed from the river Thames by the Company or, if it is not reasonably practicable to remove it, shall be cut off at such level below the bed of the river Thames as the port authority may direct;
 - (b) If the Company fail to remove from the river Thames or to cut off any such pile, stump or other obstruction within 28 days after receipt of written notice from the port authority requiring the removal or cutting off, the port authority may carry out the removal or cutting off and recover their costs from the Company;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (9) (a) This paragraph applies in relation to any siltation or scouring of the river Thames which is wholly or partly caused by a tidal work during the period beginning with the start of the carrying out or construction of that work and ending with the expiration of 10 years after the date on which it is completed;
- (b) If—
- (i) any part of the river Thames becomes subject to siltation or scouring; and
 - (ii) such siltation or scouring is siltation or scouring to which this paragraph applies; and
 - (iii) for the safety of navigation or in the interests of persons using the river Thames or for the protection of works in the river Thames, such siltation or scouring should in the reasonable opinion of the port authority be removed or made good;
- the Company shall pay to the port authority (in the manner set out in sub-paragraph (d) below) any additional expense to which the port authority may reasonably be put in dredging the river Thames to remove the siltation or in making good the scouring, in so far as (in either case) it is attributable to a tidal work;
- (c) The Company shall pay to the port authority the costs reasonably incurred by them which they would not otherwise have incurred in establishing whether siltation or scouring to which this paragraph applies has occurred;
- (d) The Company shall, on application by the port authority, make to them one or more interim payments on account of any sums required to be paid under sub-paragraph (b) above, being payments of such amounts and made at such times as shall be reasonable for meeting the current expenditure of the port authority in removing the siltation or making good the scouring:
- (10) (a) Without prejudice to the provisions of section 13 (Marking of tidal works) of this Act, the Company shall cause to be provided at all relevant tidal works (including any jetty) or afford reasonable facilities thereat for the port authority to provide navigational lights, signals, radar or other apparatus for the benefit, control and direction of navigation as the port authority may reasonably consider necessary by reason of the construction and presence of the tidal work;
- (b) The Company shall repay to the port authority the costs reasonably incurred by them in connection therewith or in connection with any surveillance, co-ordination and regulation of traffic in the river Thames which becomes reasonably necessary by reason of the construction of a tidal work:
- (11) On the completion of Work No. 1 the Company shall supply to the port authority a plan on a scale of not less than 1:2500 and sections and cross-sections on scales of not less than 1:100 showing the situation and levels thereof where it passes under the river Thames or over Deptford Creek:
- (12) If in the opinion of the port authority it becomes necessary by reason of any tidal work to alter, remove, resite or reinstate any existing moorings or lay down or remove any new moorings, the Company shall pay the costs so incurred:
- (13) Compensation shall be payable to the port authority in respect of any tidal work and any rights acquired in connection therewith as if the Company had been required to obtain a licence for that work under section 66 (Licensing of works) of the Port of London Act 1968 and to pay consideration therefor determined in accordance with the

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

provisions of section 67 (Consideration for licence) of that Act, and the port authority may recover from the Company the costs incurred by them in connection with the determination of such compensation:

- (14) (a) If a tidal work is abandoned or falls into decay, the port authority may by notice in writing require the Company 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 port authority think proper;
- (b) If a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of mean high-water springs is abandoned or suffered to fall into decay and that part of the work on or over land above the level of mean high-water springs is in such condition as to interfere or cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the port authority may include that part of the work or any portion thereof in any notice under this paragraph;
- (c) If on the expiration of such reasonable period as may be specified in a notice under sub-paragraph (a) above the work specified therein has not been done, the port authority may do that work and any expenditure reasonably incurred by them in so doing shall be recoverable from the Company:
- (15) (a) Nothing in this Act shall prevent the port authority from dredging the river Thames in the vicinity of the lands shown on the deposited plans numbered 43a and 43b in the London borough of Tower Hamlets and 1 and 1a in the London borough of Greenwich to a depth of 10.25 metres below Ordnance Datum Newlyn insofar as dredging in respect of these lands is limited to that part of the river Thames which lies 75 metres on either side of the London borough boundary line as shown on the deposited plans for these lands and, notwithstanding anything in the Port of London Acts and Orders 1968 to 1982, the port authority shall not be liable in the absence of negligence for any damage to a tidal work resulting from such dredging operations or the carrying out by them in the execution of their statutory powers and duties of any operations in the river Thames or any works for its improvement or maintenance;
- (b) The port authority shall not, without the consent in writing of the Company, carry out any dredging below existing bed levels in that part of the river Thames known as Deptford Creek which lies within the lands shown on the deposited plans numbered 141 and 141a in the London borough of Greenwich and numbered 1 and 1a in the London borough of Lewisham:
- (16) (a) Except as provided by this Act, nothing in this Act shall prejudice or derogate from the estates, rights, interests, privileges, liberties or franchises of the port authority or alter or diminish any power, authority or jurisdiction vested in the port authority at the passing of this Act;
- (b) Without prejudice to the generality of sub-paragraph (a) above, the Company shall not carry out any cleansing, scouring, cutting, deepening, widening, dredging or taking up or removal of material from the bed or banks of the river Thames in connection with the works except under and in accordance with a licence granted under section 73 (Licensing of dredging, etc.) of the Port of London Act 1968:

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (17) Any difference arising between the Company and the port authority under this section (other than a difference as to its meaning or construction or a difference arising under paragraphs (13) and (15) above) shall be referred to and settled by arbitration.