
Changes to legislation: Norfolk and Suffolk Broads Act 1988, Cross Heading: Protection of statutory undertakers is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

THE NAVIGATION AREA

PART III

MISCELLANEOUS

Protection of statutory undertakers

- 21 (1) The provisions of this paragraph shall apply unless provision to the contrary is made by agreement in writing between the Authority and the statutory undertaker in question.
- (2) The power conferred on the Authority by paragraph 1 above—
- (a) shall not apply in relation to any works of a statutory undertaker; and
 - (b) shall not be exercised so as to damage, adversely affect or obstruct access to any such works.
- (3) The power conferred on the Authority by paragraph 2 above to dredge and dispose of dredged material shall not be exercised—
- (a) within fifteen metres of any works of the British Railways Board without the Board's approval of the work which the Authority proposes to carry out;
 - (b) within fifty metres of any works of any other statutory undertaker without reasonable prior notice; or
 - (c) so as to damage or adversely affect any works of a statutory undertaker.
- (4) Before granting a works licence authorising a person to carry out any work within fifty metres of any works of a statutory undertaker, the Authority shall—
- (a) notify the undertaker of the proposed work; and
 - (b) furnish it with such further information in relation to the proposed work as it may reasonably require.
- (5) Where notice has been given to a statutory undertaker under sub-paragraph (4) above, the Authority shall, on granting the licence in question, give a copy of it to the undertaker.
- (6) The power conferred by any such licence shall not be exercised so as to damage, adversely affect or obstruct access to any works of a statutory undertaker.
- (7) Before exercising its power under paragraph 12 above to raise, remove or destroy any vessel which is within 150 metres of any works of a statutory undertaker, the Authority shall give the undertaker reasonable notice of its intention to do so.
- (8) Sub-paragraph (7) above shall not apply in any case which is (in the opinion of the Authority) an emergency.

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- (9) Any dispute between the Authority and a statutory undertaker as to the application of any provision made by this paragraph shall be determined by a person appointed for the purpose—
- (a) by agreement between the Authority and the statutory undertaker; or
 - (b) failing such agreement, by the Secretary of State.

Modifications etc. (not altering text)

- C1 Sch. 5 para. 21(9) applied (2.7.2009) by Broads Authority Act 2009 (c. i), s. 41(5) (with ss. 2(3), 3(1), 16(3), 42, Sch. 6 Pts. 2, 3)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(8A) inserted by [2008 c. 29 s. 224\(2\)\(b\)](#)