

Status: Point in time view as at 01/12/1991.

Changes to legislation: Land Drainage Act 1991, SCHEDULE 6 is up to date with all changes known to be in force on or before 26 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)

SCHEDULES

SCHEDULE 6

Section 67.

PROTECTION FOR PARTICULAR UNDERTAKINGS

Undertakings protected by Schedule

- 1 (1) The following are the undertakings protected by this Schedule, that is to say—
- (a) the undertakings of the NRA, the Civil Aviation Authority, the British Coal Corporation and the Post Office;
 - (b) the undertaking of any water undertaker or sewerage undertaker;
 - (c) any undertaking consisting in the running of a telecommunications code system, within the meaning of Schedule 4 to the ^{M1}Telecommunications Act 1984;
 - (d) any airport to which Part V of the ^{M2}Airports Act 1986 applies;
 - (e) the undertaking of any public gas supplier within the meaning of Part I of the ^{M3}Gas Act 1986;
 - (f) the undertaking of any person authorised by a licence under Part I of the ^{M4}Electricity Act 1989 to generate, transmit or supply electricity;
 - (g) the undertaking of any navigation authority, harbour authority or conservancy authority;
 - (h) any public utility undertaking carried on by a local authority under any Act or under any order having the force of an Act.
- (2) For the purposes of this Schedule any reference in this Schedule, in relation to any such airport as is mentioned in sub-paragraph (1)(d) above, to the persons carrying on the undertaking is a reference to the airport operator.

Marginal Citations

M1	1984 c. 12.
M2	1986 c. 31.
M3	1986 c. 44.
M4	1989 c. 29.

Protection for statutory powers and jurisdiction

- 2 Without prejudice to any power under this Act to transfer the functions of any authority or to vary navigation rights, nothing in this Act shall confer power to do anything which prejudices the exercise of any statutory power, authority or jurisdiction from time to time vested in or exercisable by any persons carrying on an undertaking protected by this Schedule.

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General provisions protecting undertakings

- 3 Nothing in this Act or in any order under this Act shall authorise any person, except with the consent of the persons carrying on an undertaking protected by this Schedule, to do any work which, whether directly or indirectly, interferes or will interfere—
- (a) with the works or any property which is vested in, or under the control of, the persons carrying on that undertaking, in their capacity as such; or
 - (b) with the use of any such works or property,
- in such a manner as to affect injuriously those works or that property or the carrying on of that undertaking.

Special protection for railways etc.

- 4 Without prejudice to the preceding provisions of this Schedule, nothing in the provisions of this Act shall authorise any person, except with the consent of the British Railways Board, London Regional Transport or, as the case may be, the railway company in question, to interfere with—
- (a) any railway bridge or any other work connected with a railway; or
 - (b) the structure, use or maintenance of a railway or the traffic on it.

Conditions of consent and grounds for refusal

- 5 A consent for the purposes of paragraph 3 or 4 above may be given subject to reasonable conditions but shall not be unreasonably withheld.

Determination of disputes

- 6 If any question arises under this Schedule—
- (a) as to whether anything done or proposed to be done interferes or will interfere as mentioned in paragraph 3 or 4 above;
 - (b) as to whether any consent for the purposes of this Schedule is being unreasonably withheld; or
 - (c) as to whether any condition subject to which any such consent has been given was reasonable,
- that question shall be referred to a single arbitrator to be agreed between the parties or, failing such an agreement, to be appointed by the President of the Institution of Civil Engineers.

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