



# Cardiff Bay Barrage Act 1993

## 1993 CHAPTER 42

### PART III

#### OPERATION AND MANAGEMENT

##### *Operation of barrage*

#### **9 Operation: supplementary**

- (1) Except where the barrage is being operated for any of the purposes mentioned in section 7(3) above and subject to any direction given under section 8 above, the Development Corporation shall operate the sluices and gates in the barrage so that the water immediately behind it is maintained at a level between four and four and a half metres (or thereabouts) above ordnance datum (Newlyn) unless a higher level is caused by high river flows or the tide-locking of the sluices or gates.
- (2) When operating the barrage (including when doing so to comply with a direction given under section 8 above) the Development Corporation shall have regard to—
  - (a) the safety of vessels in, or passing to or from, the inland bay or on the seaward side of the barrage,
  - (b) the requirements of vessels in, or passing to or from, the inland bay (including the need to have freedom of access to moorings and berths in the inland bay), and
  - (c) the desirability of developing and conserving flora and fauna in the inland bay.
- (3) The Development Corporation shall consult the Countryside Council for Wales to seek their view as to ways in which the barrage may be operated so as to develop and conserve flora and fauna in the inland bay.
- (4) Where any vessels seem likely to be affected by being endangered, or having their navigation interfered with, in consequence of any proposed operation of the barrage, the Development Corporation shall give notice of what is proposed to—
  - (a) the coastguard,
  - (b) any radio station operated in connection with the barrage, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) sailing and motor boat clubs operating in the inland bay and outer harbour.
- (5) Except in case of emergency, not less than four hours' notice shall be given under subsection (4) above; and in case of emergency as much notice as is reasonably practicable shall be so given.
- (6) Where notice is given under subsection (4) above notice of what is proposed shall also be given to any vessels which subsequently leave the outer harbour or pass through any lock in the barrage and which seem likely to be affected as mentioned in that subsection.
- (7) No liability shall arise in respect of any costs, damages or expenses incurred by any person as a direct or indirect result of—
  - (a) any obstruction to, delay of or other interference with the passage of vessels,  
or
  - (b) any change in the level of water in the inland bay or the draining of, or of any part of, the inland bay,occasioned by the operation of the barrage, unless the costs, damages or expenses are incurred by reason of negligence in its operation.