

*Status: Point in time view as at 16/10/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008, Cross Heading: Discharge of water. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### WORKS: FURTHER AND SUPPLEMENTARY PROVISIONS

##### *Discharge of water*

- 8 (1) The nominated undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction or maintenance of the works authorised by this Act and for that purpose may lay down, take up and alter pipes and may, on any land within the limits of deviation for the scheduled works or within the limits of land to be acquired or used, make connections with the watercourse, sewer or drain.
- (2) The nominated undertaker shall not discharge any water into any public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose but shall not be unreasonably withheld.
- (3) The nominated undertaker shall not make any opening into any public sewer or drain except in accordance with plans approved by, and under the superintendence (if provided) of, the person to whom the sewer or drain belongs, but such approval shall not be unreasonably withheld.
- (4) The nominated undertaker shall not, in the exercise of the powers conferred by this paragraph, damage or interfere with the beds or banks of any watercourse forming part of a main river.
- (5) The nominated undertaker shall take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers conferred by this paragraph is as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension.
- (6) This paragraph does not authorise the doing of anything prohibited by section 85(1), (2) or (3) of the Water Resources Act 1991 (c. 57) (offences of polluting controlled waters).
- (7) Any dispute as to the giving of consent under this paragraph shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.
- (8) In this paragraph—
- (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board, a local authority, an urban development corporation<sup>F1</sup>, a Mayoral development corporation] or a harbour authority within the meaning of the Harbours Act 1964 (c. 40),
- (b) “watercourse” includes rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows, except a public sewer or drain, and

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- (c) other expressions used both in this paragraph and in the Water Resources Act 1991 have the same meanings as in that Act.

**Textual Amendments**

- F1** Words in [Sch. 2 para. 8\(8\)\(a\)](#) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), [Sch. 22 para. 58](#)

**Modifications etc. (not altering text)**

- C1** [Sch. 2 para. 8](#) applied (with modifications) (E.W.S.) (11.3.2014) by [The Crossrail \(Paddington Station Bakerloo Line Connection\) Order 2014 \(S.I. 2014/310\)](#), arts. 1, 18, [Sch. 6 paras. 1-3](#)
- C2** [Sch. 2 para. 8](#) applied (21.4.2015) by [The Crossrail \(Plumstead Sidings\) Order 2015 \(S.I. 2015/781\)](#), art. 1, [Sch. 4 para. 1\(b\)](#)

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