

SCHEDULES

SCHEDULE 2

WORKS

PART 1

FURTHER AND SUPPLEMENTARY PROVISIONS

Temporary interference with waterways

- 9 (1) The powers under this paragraph are exercisable in relation to the following waterways for the purposes of or in connection with the works authorised by this Act—

Grand Union Canal (Regents Canal),
Grand Union Canal (Paddington Branch),
River Brent,
Grand Union Canal,
River Colne,
River Misbourne,
River Thames,
Padbury Brook,
River Great Ouse,
River Cherwell,
Oxford Canal,
River Itchen,
River Leam,
River Avon,
River Cole,
River Tame,
Trent and Mersey Canal,
Wyrley and Essington Canal,
Coventry Canal,
River Blythe,
Plants Brook,
Dunlop Channel,
River Rea,
Digbeth Branch Canal, and
Birmingham to Fazeley Canal.

- (2) The nominated undertaker may—

Status: This is the original version (as it was originally enacted).

- (a) temporarily interfere with a waterway mentioned in sub-paragraph (1) at any point within the Act limits, by constructing or maintaining such temporary works, or by carrying out such dredging works, as it considers necessary or expedient;
 - (b) temporarily moor or anchor barges or other vessels or craft in a waterway mentioned in sub-paragraph (1);
 - (c) temporarily close a waterway mentioned in sub-paragraph (1), or a part of such a waterway, to navigation.
- (3) The power under sub-paragraph (2)(c) must be exercised in a way which secures—
- (a) that no more of the waterway is closed to navigation at any time than is necessary in the circumstances, and
 - (b) that, if complete closure of the waterway to navigation becomes necessary, all reasonable steps are taken to secure that the minimum obstruction, delay or interference is caused to vessels or craft which may be using or intending to use it.
- (4) The nominated undertaker is not liable for any loss suffered, or costs or expenses incurred, by any person as a direct or indirect result of any interference in accordance with this paragraph with a public right of navigation.
- (5) The nominated undertaker must compensate any person who suffers loss as a result of any interference in accordance with this paragraph with a private right of navigation.
- (6) Any dispute as to a person's entitlement to compensation under sub-paragraph (5), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.