
STATUTORY INSTRUMENTS

1997 No. 1688

The Golden Valley Railway Order 1997

For protection of Environment Agency

13.—(1) For the protection of the Environment Agency (in this article referred to as “the Agency”) the provisions of this article shall, unless otherwise agreed in writing between the undertaker and the Agency, apply and have effect.

(2) Nothing in this Order or in any enactment incorporated with or applied by this Order shall prejudice or affect the operation of section 109 of the Water Resources Act 1991⁽¹⁾ or any byelaws made under that Act or the Land Drainage Act 1991⁽²⁾ in relation to anything done under or in pursuance of this Order.

- (a) (3) (a) Before constructing Work No. 3 or carrying out any other works involving the erection of any obstruction to the flow of any watercourse which is not part of a main river within the meaning of section 113 of the Water Resources Act 1991 or the construction, alteration or replacement of any culvert or any structure designed to contain or divert the flow of any such watercourse in, under or through any land held for the purposes of or in connection with the railways the undertaker shall furnish to the Agency proper and sufficient plans thereof for the approval of the Agency and shall not carry out the said works until the said plans have been approved in writing by the Agency.
- (b) Approval of plans furnished under this paragraph shall not be unreasonably withheld and, if within 2 months after such plans have been supplied to the Agency, it shall not have intimated its disapproval thereof and the grounds of its disapproval, it shall be deemed to have approved the plans as supplied.
- (c) For the purposes of this paragraph, “plans” includes sections, drawings, specifications, calculations and descriptions.
- (d) Any consent granted by the Agency under section 23 of the Land Drainage Act 1991 before the coming into force of this Order in relation to any works for which approval would otherwise be required under this paragraph shall be deemed to be an approval under this paragraph.
- (a) (4) (a) Any culvert or any structure designed to contain or divert the flow of any watercourse situated within any land held for the purposes of or in connection with the railways, whether constructed under the powers of this Order or in existence prior to the making hereof, shall be maintained by the undertaker in good repair and condition and free from obstruction.
- (b) Nothing in this paragraph shall have the effect of requiring the undertaker to carry out works of maintenance in respect of any culvert or structure which the Agency or any other person is liable to maintain.

(5) If any obstruction is erected or any culvert is constructed, altered or replaced in contravention of this article the undertaker shall upon receiving notice from the Agency take such action as may be necessary to remedy the effect of the contravention to the Agency’s satisfaction and in default

(1) 1991 c. 57.
(2) 1991 c. 59.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

the Agency may itself take such action as may be necessary and recover the expenses reasonably incurred by it in doing so from the undertaker as a debt due from it to the Agency.

(6) Any dispute or difference which may arise between the Agency and the undertaker under this article shall be determined by arbitration of a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President for the time being of the Institution of Civil Engineers.

(7) The provisions of the Act of 1845 applied by this Order shall be subject to the provisions of this article.