

SCHEDULES

SCHEDULE 10

PROTECTIVE PROVISIONS

PART 2

PROTECTION OF THE MERSEY DOCKS AND HARBOUR COMPANY

24.—(1) For the protection of the Mersey Docks and Harbour Company the following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the undertaker and MDHC, have effect.

(2) In this Part of this Schedule—

“construction” includes execution, placing, altering, replacing, relaying and removal, and “construct” and “constructed” shall have corresponding meanings;

“IALA” means International Association of Lighthouse Authorities;

“MDHC” means the Mersey Docks and Harbour Company (in its capacity as the navigation authority for the River Mersey);

“specified work” means so much of the authorised works as is constructed in, on, over or under so much of the River Mersey as is within the limits of the Mersey Docks and Harbour Company (as defined in section 2 of the Mersey Docks and Harbour Act 1971(1)), or involves cutting its banks and walls; and

“the River” means the River Mersey.

25. Before commencing construction or maintenance of any specified work associated with the construction of the new bridge or ongoing maintenance of the new bridge post construction of the specified work associated with the construction of the new bridge, the undertaker shall give to MDHC 56 days’ written notice before construction equipment or temporary structures are placed in the River.

26.—(1) The undertaker shall ensure, during the whole period of the construction of the specified work associated with the construction of the new bridge, that any temporary structures required for the construction of the three towers to support the new bridge will be lit at all times in accordance with IALA requirements.

(2) The undertaker shall ensure that, after construction, the three towers supporting the new bridge will be lit at all times in accordance with IALA requirements.

27.—(1) If any specified work is abandoned or falls into decay, MDHC may by notice in writing require the undertaker either to repair or to restore the specified work, or any part of it, or to remove the specified work and restore the site of that work to its condition prior to the construction of the specified work, to such an extent and to such limits as MDHC thinks proper acting reasonably.

(1) 1971 c. lvii.

Status: This is the original version (as it was originally made).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

(2) If a work consisting partly of a specified work and partly of works on or over land above the level of high-water spring tides is abandoned or falls into decay and that part of the works on or over land above the level of high-water spring tides is in such a condition as to interfere or cause reasonable apprehension that it may interfere with navigation on the River or other public rights over the foreshore, MDHC may include that part of the works or any portion in any notice under sub-paragraph (1).

(3) If on the expiration of such reasonable period as may be specified in a notice under sub-paragraph (1) the work specified has not been completed to the satisfaction of MDHC, MDHC may undertake that work and any expenditure reasonably incurred by it in doing so shall be recoverable from the undertaker.

28. Any differences arising between the undertaker and MDHC under this Part of this Schedule (other than a difference as to the meaning or construction of this Part of this Schedule) shall be referred to and settled by arbitration in accordance with article 62 (arbitration).