
STATUTORY INSTRUMENTS

2012 No. 1867

The Ipswich Barrier Order 2012

PART 5

OPERATION OF SCHEDULED WORKS ETC.

Power to operate scheduled works

- 34.**—(1) The Agency may operate the barrier and among other things may—
- (a) open or close the barrier; and
 - (b) regulate water levels in the river by means of the scheduled works.
- (2) The power conferred in paragraph (1) is to be exercised so as to safeguard and improve the environment and amenities of the river.
- (3) Paragraph (2) does not prevent the exercise of the power contained in paragraph (1) in order—
- (a) to prevent or alleviate any emergency;
 - (b) to release flood water;
 - (c) to ascertain the safest and most effective ways of using the scheduled works, to test its working or to train staff in its operation;
 - (d) to facilitate the construction, maintenance or re-laying of any works in or beside the river; or
 - (e) to secure and maintain satisfactory navigation in the vicinity of the scheduled works and the river.
- (4) When operating the barrier the Agency must have regard to—
- (a) the safety of vessels in the river;
 - (b) the requirements of vessels in the river (including the need to have freedom of access to moorings and berths in the river upstream of the barrier);
 - (c) the desirability of developing and conserving flora and fauna in the river; and
 - (d) any reasonable request of—
 - (i) A.B. Ports or other navigation authority for the time being for or in connection with their functions; and
 - (ii) the police or other emergency services.
- (5) Subject as otherwise expressly provided in this Order, no liability arises in respect of any costs, damages, losses 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 river,
- occasioned by the operation of the scheduled works unless the costs, damages, losses or expenses are incurred by reason of negligence in their operation.