
STATUTORY INSTRUMENTS

2014 No. 2384

The Thames Water Utilities Limited
(Thames Tideway Tunnel) Order 2014

PART 3

ACQUISITION AND POSSESSION OF LAND

Supplementary

Public rights of navigation

47.—(1) Subject to paragraphs (3) and (4), and notwithstanding any rule of law, the public rights of navigation shall be—

- (a) temporarily suspended in relation to each area specified in column (4) of Schedule 12 (*the public rights of navigation to be affected by the authorised project*) and as shown on the access plans, for the purposes of constructing or carrying out the work listed at column (3) of Schedule 12; and
- (b) permanently extinguished in relation to each area specified in column (5) of Schedule 12 and as shown on the access plans.

(2) Subject to paragraphs (3) and (4), and notwithstanding any rule of law, the public rights of navigation over any part of the river may be temporarily suspended with the written consent of the Authority given as provided in paragraph 5 of Part 2 of Schedule 16 (*provisions for the protection of specified undertakers*).

(3) Prior to the proposed commencement date of any suspension or extinguishment of the public rights of navigation under paragraph (1) or (2), the undertaker shall give notice to the Authority in accordance with paragraph 6 (1) of Part 2 of Schedule 16.

(4) Following:

- (a) receipt of a notice relating to a suspension or extinguishment under article 47(1); or
- (b) a consent given by the Authority under article 47 (2);

the Authority shall issue a notice to mariners in accordance with the provisions of paragraph 6 (6) of Part 2 of Schedule 16 giving the commencement date and other particulars of the suspension or extinguishment to which the notice or consent relates, and that suspension or extinguishment shall take effect on the date specified and as otherwise described in the notice.

(5) If any of the conditions set out in article 47 (6) is satisfied in relation to any land which forms part of the river and is land over which public rights of navigation have been permanently extinguished pursuant to Article 47(1)(b) the Authority may issue a notice to mariners that the land (or any part of it) is available for navigation, and on the issue of such notice the public rights of navigation shall be re-established in relation to that land.

(6) The conditions referred to in paragraph (5) are the following:

- (a) the authorised development is not commenced on the land within 5 years of the permanent extinguishment of rights over the land pursuant to Article 47(1)(b);
 - (b) having been commenced, construction of the authorised development on the land ceases, and for this purpose construction shall be deemed to have ceased if –
 - (i) work to construct or carry out the authorised development has ceased for 20 years; or
 - (ii) the undertaker has confirmed to the Authority in writing that the land is no longer required for the authorised development or that the undertaker does not object to the public rights of navigation over the land being re-established;
 - (c) if any tidal work constructed on the land is removed pursuant to paragraph 18 of Part 2 of Schedule 16.
- (7) During the period that public rights of navigation are temporarily suspended under this article, the undertaker shall:
- (a) upon application allow reasonable access to the area where such rights of navigation would otherwise apply subject to such conditions as the undertaker may reasonably impose; and
 - (b) ensure that houseboats and business boats moored within or affected by the public rights of navigation that are temporarily suspended under this article can be safely serviced by river and can safely leave and return to their moorings as is reasonably required for maintenance or other purposes.
- (8) Where necessary tugs may be used to move houseboats and business boats.
- (9) Unrestricted access shall also be provided for the emergency services to attend those houseboats and business boats by river.
- (10) The undertaker may not exercise the powers of paragraph (1)(a) or (2) of this article after completion of construction.