



Cattewater Reclamation Act 1992

1992 CHAPTER xiv

PART IV

GENERAL

29 For protection of Commissioners

For the protection of the Commissioners the following provisions shall, unless otherwise agreed in writing between the Company and the Commissioners, apply:—

(1) In this section—

“construction” includes reconstruction and the maintenance and repair of the specified works;

“the harbour master” means the harbour master of the Commissioners;

“plans” includes sections, drawings and particulars;

“specified operations” and “specified works” mean respectively—

(a) any operations authorised by this Act (other than the construction of any specified works); and

(b) any of the works:

(2) (a) The Company shall, before commencing the carrying out of any specified operations or the construction of any specified works, furnish to the Commissioners proper and sufficient plans thereof for the reasonable approval of the harbour master and shall not commence the specified operations or the specified works until plans thereof have been approved in writing by the harbour master:

(b) Approval of any plans under this section may be given subject to reasonable conditions but if within 28 days after such plans have been furnished to the Commissioners the harbour master shall not have intimated his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the same:

(3) (a) If there shall be any inconsistency between any plans approved by the Commissioners under this section and the plans and sections approved by the

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- Secretary of State under section 17 (Tidal works not to be executed without approval of Secretary of State) of this Act, the specified operations shall be carried out or the specified works shall be constructed in accordance with the plans and sections approved by the Secretary of State;
- (b) Upon submitting any plans and sections to the Secretary of State under the said section 17, the Company shall send a copy thereof to the Commissioners:
- (4) (a) The Company shall wherever reasonably practicable give to the harbour master 14 days' notice of their intention to commence the carrying out of any specified operations or the construction of any specified works;
- (b) In the case of maintenance or repair of any specified works carried out in an emergency they shall give such notice as may be practicable in the circumstances:
- (5) The specified operations and the specified works shall, when commenced, be carried out—
- (a) with all reasonable dispatch in accordance with the approved plans and to the reasonable satisfaction of the harbour master;
- (b) in such manner as to ensure that the navigation of the Cattewater is not interfered with more than is reasonably necessary; and
- (c) without precluding the maintenance at all times of an unobstructed main navigable channel for the safe passage of vessels:
- (6) The Company shall at all times afford reasonable facilities to the harbour master for access to the site of the specified operations and the specified works during their carrying out or construction and shall with all reasonable dispatch supply him with all such information as he may reasonably require with regard to the specified operations or the specified works or the method of carrying out or construction thereof:
- (7) If during or after the construction of tidal works under this Act there is caused or created any accumulation of silt or other material or any scouring or alteration of the tidal flow in the Cattewater, in consequence of the exercise by the Company or their agents of their powers under this Act, which so adversely affects the navigational channels of the Cattewater as materially to increase the cost to the Commissioners of maintaining those channels in a navigable condition, the Company, if so requested by the Commissioners, shall at their discretion either carry out at their own expense such work as may be reasonably required by the Commissioners or reimburse the Commissioners the amount of the increase in the costs reasonably incurred by the Commissioners from time to time in so maintaining those channels:
- (8) Any difference arising between the Company and the Commissioners under this section shall be determined by arbitration.