SCHEDULES

SCHEDULE 15

PROTECTIVE PROVISIONS

PART III

PROTECTION OF LAND DRAINAGE, FLOOD DEFENCE, WATER RESOURCES AND FISHERIES

8 (1) The nominated undertaker shall indemnify the Agency from all claims, demands, proceedings or damages, which may be made or taken against, or recovered from the Agency by reason of—

(a) any damage to any drainage work so as to impair its efficiency for flood defence purposes,

(b) any damage to a fishery,

(c) any raising or lowering of the water table in land adjoining the works authorised by this Act or any sewers, drains and watercourses, or

(d) any flooding or increased flooding of any such lands,

which is caused by, or results from, the construction of any specified work or any act or omission of the nominated undertaker, its contractors, agents or employees whilst engaged upon the work.

(2) The Agency shall give to the nominated undertaker reasonable notice of any such claim or demand and no settlement or compromise thereof shall be made without the consent of the nominated undertaker which, if it withholds such consent, shall have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.