



Medway Ports Authority Act 1973

1973 CHAPTER xxi

PART VII

MISCELLANEOUS AND GENERAL

90 For protection of British Railways Board and Kent County Council

For the protection of the board and the council the following provisions shall, unless otherwise agreed in writing between the Authority and the board and the council, apply and have effect:—

(1) In this section—

" the board " means the British Railways Board;

" the bridge " means the bridge known as Kingsferry Bridge being the bridge comprised in Work No. 7 authorised by the British Transport Commission Act, 1957;

" the council" means the county council of the administrative county of Kent and on and after the 1st April, 1974, the Kent County Council:

(2) (a) Before exercising their powers under section 36 (Power to dredge) of this Act of deepening, dredging, scouring or improving the bed and foreshore of the port within a distance of 75 yards of the centre line of the bridge, the Authority shall, except in a case which is, in the opinion of the Authority, a case of emergency (in which case the Authority shall give the board and the council notice thereof as soon as is practicable), submit to the board and the council for their reasonable approval plans and sections defining the nature, extent and manner of the operations to be carried out in the exercise of those powers; exceptions aforesaid the powers, shall not be exercised otherwise than in accordance with such plans and sections as may be reasonably approved by the board and the council or as may be settled by arbitration under paragraph (4) of this section and in such manner as may be reasonably approved by the board and the council;

Status: This is the original version (as it was originally enacted).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

- (b) If the board and the council do not signify their approval or disapproval of such plans and sections within twenty-eight days after their submission they shall be deemed to have approved the same;
 - (c) The approval of the board and the council under this paragraph shall not be unreasonably withheld:
- (3) Notwithstanding the provisions of section 40 (Restriction on construction of works and dredging) of this Act the board and the council may execute and maintain such works in the bed or on the shores of the Swale as may be necessary for the safety and protection of the bridge:
- Provided that such works shall not unreasonably interfere with the channel or the maintenance or improvement thereof or with the free navigation and user of the Swale:
- (4) Any difference arising between the Authority and the board or the council under this section shall be determined by a single arbitrator to be agreed between the Authority and the board or the council, or in default of agreement, to be appointed on the application of either party after notice in writing to the other party by the President of the Institution of Civil Engineers.