



# North Yorkshire County Council Act 1991

## 1991 CHAPTER xiv

### PART II

#### CAWOOD BRIDGE

##### **5 Opening of Cawood Bridge for vessels**

- (1) Notwithstanding anything in the Cawood Bridge Act 1870 or any other enactment or rule of law the council shall be under no duty to provide for the opening of the bridge for the passage of vessels except—
  - (a) where no order under this section is in force, during so much of any relevant period as is between—
    - (i) the hours of 6.30 a.m. and 10.30 p.m., from 1st April to 31st October; and
    - (ii) sunrise and sunset, from 1st November to 31st March; or
  - (b) where such an order is in force, during the period specified in that order; or
  - (c) if the bridge is required to be opened on an occasion when there is no obligation to do so under paragraph (a) or (b) above, where at least 24 hours' notice has been given to the prescribed officer of the council of that occasion and upon payment of such fee as may be payable under subsection (2) below.
- (2) Subject to subsection (3) below, the council may make a direction that, in the case of subsection (1)(c) above, a fee shall be payable in respect of any vessel other than a commercial vessel.
- (3) A direction under subsection (2) above shall not be made without the consent of the British Waterways Board, such consent not to be unreasonably withheld.
- (4) The fee payable under subsection (2) above shall be such sum not exceeding £10 as may be specified in the direction made under that subsection, or such sum exceeding £10 as may be specified in an order in force under this section.
- (5) The council shall prescribe the officer to whom notice under subsection (1) (c) above is to be given and may prescribe the manner of payment of any fee payable under subsection (2) above.

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*Status: This is the original version (as it was originally enacted).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

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- (6) As soon as practicable after prescribing the officer to whom notice under subsection (1) (c) above is to be given the council shall publish in a newspaper circulating in the county a notice identifying that officer and stating the place at which such notice may be given to him.
- (7) As soon as practicable after a direction under subsection (2) above has been made, the council shall publish in a newspaper circulating in the county a notice—
  - (a) setting out the effect of the direction; and
  - (b) explaining the manner in which the fee payable under subsection (2) above is to be made.
- (8) The council may apply to the Secretary of State for an order specifying the period during which the council is to provide for the opening of the bridge under subsection (1) (b) above for the passage of vessels or the amount of the fee which is payable under subsection (2) above.
- (9) Before making an application under subsection (8) above the council shall—
  - (a) consult with such persons as appear to it to be likely to be affected by the order (or bodies representative of such persons); and
  - (b) not less than 28 days before making such an application, publish in a newspaper circulating in the county a notice setting out the effect of the proposed order and stating that any person who wishes to make representation to the Secretary of State concerning it should do so in writing not later than the end of the period of 28 days beginning with the date on which the notice is published.
- (10) After considering any representations which have been duly made, the Secretary of State may—
  - (a) make the order, specifying the period or fee applied for;
  - (b) refuse to make the order; or
  - (c) if he considers that a different period or fee should be specified, make the order specifying that period or fee, after consulting the council and such other persons as appear to him to be affected (or bodies representative of such persons).
- (11) As soon as practicable after the order has been made the council shall publish in a newspaper circulating in the county a notice setting out the effect of the order and stating the date on which it came or, as the case may be, will come into operation.
- (12) An order under this section shall be made by statutory instrument.
- (13) In this section “relevant period” means the period of four hours commencing 75 minutes after high water at Immingham.