



Avon Weir Act 1992

1992 CHAPTER v

PART VI

PROTECTIVE PROVISIONS

50 For protection of sewers of Wessex Water Services Limited

For the protection of the sewers of the water company the following provisions shall, unless otherwise agreed in writing between the Corporation and the water company, apply:—

(1) In this section—

“construction” includes execution, placing and altering and, in relation to temporary works, includes removal, and “constructed” shall be construed accordingly;

“new, altered or substituted works” includes any works required for the protection of any sewer;

“sewer” includes any sewer, drain or works vested in the water company under the Water Industry Act 1991, any main used for the conveyance of sewage sludge or sewage effluent and any pipe or subway vested in or maintained by the water company; and

“specified work” means so much of the works and of any work (whether temporary or permanent) forming part of, or constructed in connection with, the works, or any of them, as—

- (a) will or may be situated over or within 10 metres measured in any direction of any sewer; or
- (b) wherever situated, imposes any physical load directly on any sewer, pipe or drain; or
- (c) wherever situated, adversely affects the operation of any sewer, pipe or drain:

(2) The Corporation shall not commence the construction of any specified work unless it has given to the water company not less than 56 days' notice in writing of its intention to commence the same by leaving such notice at the principal office of the water

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company with plans as described in paragraph (7) below (in this section referred to as “the said plans”) and until the water company have signified their approval of the said plans:

Provided that such approval shall not be unreasonably withheld and, if within 56 days after the submission of the said plans the water company have not approved or disapproved them, they shall be deemed to have approved the said plans:

- (3) The Corporation shall comply with and conform to all reasonable orders, directions and regulations of the water company in the construction of any specified work and shall provide new, altered or substituted works which shall be constructed to the water company’s standard specification for the relevant apparatus, and in the location and at depths and gradients applying in these circumstances, in such manner as the water company reasonably require for the proper protection of, and for preventing injury or impediment to, a sewer of the water company by reason of any specified work and shall save harmless the water company against all expenses to be occasioned thereby:
- (4) All such new, altered or substituted works shall, where so required by the water company, be constructed by or under the direction, superintendence and control of an officer of the water company duly appointed for the purpose at the cost, charge and expense in all respects of the Corporation and all reasonable costs, charges and expenses to which the water company may be put by reason of such works, whether in the execution thereof, or in the preparation or examination of plans or designs or in such direction, superintendence or control as aforesaid, or otherwise, shall be paid to the water company by the Corporation on demand:
- (5) When any such new, altered or substituted works or any work of defence connected therewith shall be completed by or at the cost, charge and expense of the Corporation under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the water company as any sewers or works now or hereafter may be:
- (6) Nothing in this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested or to be vested in the water company in relation to sewers but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed:
- (7) The plans to be submitted to the water company for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, any specified work is proposed to be constructed and shall accurately describe the position of all sewers of the water company within the limits of deviation (for which purpose the water company shall allow the Corporation access to plans in their possession and to any of their sewers in order to enable the Corporation to obtain reliable information) and shall comprise detailed drawings of every alteration which the Corporation may propose to make in any such sewers:
- (8) The water company may require such modifications to be made in the said plans as may be reasonably necessary to secure the sewerage system of the water company against interference or risk of damage and to provide and secure a proper and convenient means of access to the sewers of the water company:
- (9) The Corporation shall be liable to make good, or, if the water company so decide, to bear any expense reasonably incurred by the water company in making good, all injury or damage caused by or resulting from the construction of any specified work

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to any sewers, drains or works vested in the water company, and the water company shall have power to recover any expense so incurred by them from the Corporation:

- (10) If, in the construction of any specified work, or any new, altered or substituted works, or any work of defence connected therewith provided in accordance with this section, the Corporation damages, or, without the consent of the water company, alters or in any way interferes with any existing sewer of the water company the Corporation shall—
 - (a) pay to the water company any additional expense to which they may be put in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the said construction; and
 - (b) give to the water company full, free and uninterrupted access at all times to any such new, altered or substituted sewer (but under the supervision and control of the Corporation which shall be provided as soon as possible) and every reasonable facility for the inspection, maintenance, alteration and repair thereof:
- (11) It shall be lawful for an officer of the water company duly appointed for the purpose at any reasonable time and, if required by the Corporation, under its supervision to enter upon and inspect any specified work or any other works constructed under the powers of this section:
- (12) The approval by the water company of any plans or the superintendence by them of any work under the provisions of this section shall not exonerate the Corporation from any liability or affect any claim for damages under this section or otherwise:
- (13) As soon as reasonably practicable after the completion of the construction of a specified work the Corporation shall deliver to the water company a plan and section showing the position and level of that work as constructed and all new, altered or substituted works provided under this section:
- (14) Any difference arising between the Corporation and the water company under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.