



# British Waterways Act 1995

## 1995 CHAPTER i

### PART II

#### ENTRY ON LAND

### 3 Interpretation of Part II

(1) In this Part—

“emergency operations” means relevant operations carried out pursuant to section 4 (Entry on to land in cases of emergency) of this Act;

“land”, in relation to Scotland, includes an interest in land and references to entry on to land shall be construed accordingly; and any reference to land shall include a reference to salmon fishings;

“on”, in relation to the carrying out of relevant operations on land, includes in, under or over;

“owner” means—

(a) in relation to any land in England or Wales, a person (other than a mortgagee not in possession) who, whether in his own right or as trustee for any other person, is entitled to receive the rack-rent of the land or, where the land is not let at a rack-rent, would be entitled if it were so let; and

(b) in relation to any land in Scotland, the person (other than a heritable creditor not in possession) for the time being entitled to receive, or who would, if the same were let, be entitled to receive, the rents of the land, and includes a trustee, factor, tutor or curator;

“relevant operations” means—

(a) the repair, maintenance, alteration, renewal, protection or demolition of any inland waterway;

(b) the repair, maintenance, alteration, renewal or protection of any works (not forming part of any inland waterway) for the drainage of, or supply of water to, any inland waterway;

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*Status: This is the original version (as it was originally enacted).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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(c) any inspection, survey or investigation of any inland waterway or adjoining land, or any works such as are referred to in paragraph (b) above, for the purpose of ascertaining whether any such repair, maintenance, alteration, renewal, protection or demolition is required; “relevant undertaker” means any of the following—

(a) the National Rivers Authority or, in Scotland, the river purification authority in whose area the land on which relevant operations are carried out or proposed to be carried out is situated;

(b) the British Coal Corporation;

(c) any of the following undertakers, that is, any—

(i) water undertaker or water authority within the meaning of the Water (Scotland) Act 1980;

(ii) sewerage undertaker or local authority within the meaning of the Sewerage (Scotland) Act 1968;

(iii) internal drainage board; or

(iv) supplier of electricity within the meaning of Part I of the Electricity Act 1989;

which has apparatus in the area where the land upon which relevant operations are carried out or proposed to be carried out is situated;

(d) any of the following undertakers, that is, any—

(i) public gas supplier within the meaning of Part I of the Gas Act 1986; or

(ii) generator or transmitter of electricity within the meaning of Part I of the Electricity Act 1989;

which has apparatus on, under or over land upon or immediately adjacent to which relevant operations are carried out or proposed to be carried out;

(e) any undertakers authorised by any enactment to carry on any water transport, canal, inland navigation, dock, harbour or pier undertaking if in any case the land on which relevant operations are carried out or proposed to be carried out is in the ownership or occupation of any such undertakers, or is immediately adjacent to any land in the ownership or occupation of any such undertakers;

(f) any telecommunications operator within the meaning of the Telecommunications Act 1984 having any telecommunication apparatus (as defined in that Act) in the area where relevant operations are carried out or proposed to be carried out; and

“road”, in relation to Scotland, means any public or private road within the meaning of the Roads (Scotland) Act 1984.

(2) For the purposes of subsection (1) above, “maintenance” includes the removal, felling, cutting back or treating of any tree or other vegetation.