

SCHEDULES

SCHEDULE 7

Section 41.

PROTECTIVE PROVISIONS

PART I

PROTECTION OF PORT AUTHORITY AND RIVER USERS

- 1 (1) The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the Secretary of State and the Port Authority, have effect for the protection of the Port Authority and users of the river.
- (2) In this Part of this Schedule—
 - “construction” includes renewal;
 - “scouring” includes disturbance or collapse of the foreshore or bed of the river; and
 - “tidal work” means so much as is on land below the level of mean high-water springs of any of the works authorised by this Act and of any work for the maintenance or improvement of the tunnels, other than a work carried out wholly within the structure of the tunnels;and for the purposes of this Part of this Schedule operations for construction, maintenance or improvement are to be regarded as affecting the river if they involve interference with navigation in the river or the flow or regime of the river.
- 2 The Secretary of State shall not, under section 2 of this Act, acquire compulsorily any part of the river within the limits of land to be acquired which is vested in the Port Authority but he may—
 - (a) under that section create and acquire the easements and rights in or over any such part of the river which he requires for the purposes of this Act; and
 - (b) under paragraph 1 of Schedule 3 to this Act, take temporary possession of any such part of the river which he so requires.
- 3 (1) Not less than 56 days before commencing any operations for the construction of any tidal work, or operations for the maintenance or improvement of any such work affecting the river, the Secretary of State shall submit to the Port Authority for their approval plans of the work or (as the case may be) proposed operations and the proposed timetable for the operations.
- (2) In sub-paragraph (1) above—
 - “plans” means outline design and construction drawings, and includes such specifications and other appropriate documents as may be reasonably necessary to give the Port Authority an understanding of the intentions of the Secretary of State in connection with any of the operations proposed which will or may have a significant effect on navigation in, or the flow or regime of, the river; and

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“the proposed timetable for the operations” means a statement of the times at which it is intended that significant operations will be carried out, so far as it is reasonably practicable to estimate those times.

- (3) The Secretary of State shall supply to the Port Authority with the plans and proposed timetable such relevant hydraulic information as may be available to the Secretary of State and is not in the possession of the Port Authority.
 - (4) The Secretary of State shall submit to the Port Authority such further particulars available to him with respect to the work and the proposed operations as the Port Authority may, within 28 days of the submission of the plans and proposed timetable, reasonably require.
 - (5) The Port Authority’s approval of the plans and proposed timetable submitted under sub-paragraph (1) above shall not be unreasonably withheld; and if within 56 days after the submission of the plans and proposed timetable the Port Authority have not approved or disapproved them, they shall be deemed to have approved them.
- 4
- (1) Operations for the construction of a tidal work, and operations for the maintenance or improvement of such a work affecting the river, shall be completed as soon as reasonably practicable after they have been commenced.
 - (2) As soon as reasonably practicable after the completion of operations for the construction, maintenance or improvement of any part of a tidal work, the Secretary of State shall remove all temporary works and all materials on site placed for the purposes only of those operations and shall make good the site to the reasonable satisfaction of the Port Authority.
- 5
- The Secretary of State shall carry out all operations—
- (a) for the construction of permanent tidal works;
 - (b) for the maintenance or improvement of such works affecting the river; or
 - (c) for the removal of temporary tidal works; to the reasonable satisfaction of the Port Authority so that traffic in the river shall not be interfered with more than is reasonably necessary.
- 6
- On the completion of the construction of the bridge, or of any work for its improvement, the Secretary of State shall supply to the Port Authority a plan on a scale of not less than 1:2500 and sections and cross-sections on a scale of not less than 1:100 showing the situation and levels of the bridge or, as the case may be, that work.
- 7
- (1) Except so far as may be necessary or unavoidable in the construction of the bridge, the Secretary of State shall not, without the consent of the Port Authority (which shall not be unreasonably withheld), deposit in, or allow to fall or be washed into, the river any gravel, soil or other material.
 - (2) Nothing in this Act shall authorise the Secretary of State to discharge or allow to escape either directly or indirectly into the river any offensive or injurious matter in suspension.
- 8
- The Secretary of State shall at all reasonable times allow and provide reasonable facilities for any authorised representative of the Port Authority—
- (a) to inspect and survey the bridge and any works carried out on land adjoining the river in the course of operations for the construction, maintenance or improvement of the bridge affecting the river; and

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- (b) to inspect any works carried out in the river in the course of operations for the maintenance or improvement of the tunnels.
- 9 If any pile, stump or other obstruction becomes exposed in consequence of a tidal work (other than a pile, stump or other obstruction situated on the site of any permanent work) the Secretary of State shall, as soon as reasonably practicable after the receipt of notice in writing from the Port Authority requiring such action, remove it from the river or, if it is not reasonably practicable to remove it, cut it off at such level below the bed of the river as the Port Authority may reasonably direct.
- 10 (1) The Secretary of State shall carry out to the reasonable satisfaction of the Port Authority such surveys as may be required to ascertain the condition, before the commencement of the construction of the bridge, of the parts of the river of which the regime may be adversely affected by any tidal work and shall supply the Port Authority with the results of such surveys.
- (2) If, while any operations for the construction or improvement of the bridge are being carried out or after they are completed, the Port Authority carry out any other survey which may be reasonably required to ascertain whether the regime of the parts of the river referred to in sub-paragraph (1) above has been adversely affected by any tidal work, the Secretary of State shall pay to the Port Authority any costs reasonably incurred by them in carrying out the survey, not being costs which the Port Authority would have incurred for other reasons.
- 11 (1) Before carrying out any of the works authorised by this Act which will impair telecommunication between Crayfordness and Gravesend by means of equipment provided by the Port Authority, the Secretary of State shall make arrangements for the continuance of that telecommunication.
- (2) The Secretary of State shall at all reasonable times allow and provide reasonable facilities for any authorised representative of the Port Authority to maintain or repair any equipment placed on the bridge, or on land belonging to the Secretary of State, for the purpose of the continuance of telecommunication in pursuance of arrangements made under sub-paragraph (1) above.
- 12 (1) If—
- (a) within the period beginning with the commencement of the construction of the bridge and ending ten years from the completion of that construction, any part of the river becomes subjected to silting or scouring which is wholly or partly caused by a tidal work; or
- (b) within the period of ten years beginning with the commencement of the carrying out of any tidal work in connection with the maintenance or improvement of the bridge any part of the river becomes subjected to silting or scouring which is wholly or partly caused by that tidal work;
- and within that period the Port Authority give notice to the Secretary of State that in their opinion that silting or scouring should be removed or, as the case may be, made good in the interests of persons using the river or for the protection of other works in the river, the Secretary of State shall pay to the Port Authority any additional expense reasonably incurred by them in dredging the river to remove the silting or, as the case may be, in making good the scouring in so far as, in either case, it is attributable to a tidal work.
- (2) If any part of the river becomes subjected to silting or scouring within a period specified in sub-paragraph (1) above, and that siltation is removed, or, as the case may be, that scouring is made good, in circumstances in which the Secretary of

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State is liable to make any payment to the Port Authority under that sub-paragraph, the provisions of that sub-paragraph shall apply to any recurrence of such silting or scouring within the remainder of the period ending twenty years from the completion of the construction of the bridge, or, as the case may be, the commencement of the tidal work in connection with the maintenance or improvement of the bridge, as they apply to silting or scouring to which that part of the river is subjected within the period specified in sub-paragraph (1).

- (3) On application made by the Port Authority to the Secretary of State, he shall make payments to them on account of any sum payable under sub-paragraph (1) or (2) above, by one or more interim payments of such amounts, at such times, as may be reasonably required by the Port Authority for defraying expenditure incurred by the Port Authority from time to time in removing the silting or making good the scouring.
- (4) The Secretary of State shall pay to the Port Authority any costs reasonably incurred by them in order to ascertain whether silting or scouring has occurred in respect of which liability may arise under sub-paragraph (1) or (2) above, not being costs which the Port Authority would have incurred for other reasons.
- 13 (1) Except as provided in sub-paragraph (2) below, the Port Authority shall not be liable, in the absence of negligence, for any damage caused to the tunnel highway, or to any temporary or permanent works carried out in connection with the construction, maintenance or improvement of the tunnel highway, by—
- (a) dredging operations of the Port Authority; or
 - (b) the carrying out by them in the execution of their statutory powers and duties of any operations in the river or works for the improvement or maintenance of the river.
- (2) The Port Authority shall not be excused from liability under sub-paragraph (1) above in respect of the carrying out of any dredging or other operations or works within 61 metres on each side of either of the centre lines of the tunnels and below the depth of 15.7 metres below ordnance datum (Newlyn) within the part of the river width between a line 130 metres from the line of the existing level of mean high-water springs on the southern bank of the river and a line 355 metres northward of that first-mentioned line or, outside that part, below the dredging line shown on a line mid-way between the two tunnels on the sheet signed by Geoffrey Ennals, Secretary to the Port Authority, and Philip Wood, an Under-Secretary in the Department of Transport, and marked “Diagram referred to in Part I of Schedule 7”, copies of which have been deposited in the Office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons.
- 14 (1) Without prejudice to the provisions of paragraph 15 below, the Secretary of State shall provide, or afford reasonable facilities for the Port Authority to provide, at the bridge such navigational lights, signals, radar or other apparatus for the benefit, control and direction of navigation as the Port Authority may reasonably consider necessary by reason of the construction of the bridge or the carrying out of operations for the construction or maintenance of any tidal work affecting the river.
- (2) The Secretary of State shall pay to the Port Authority the costs reasonably incurred by them in connection with the provision of that apparatus or in connection with any surveillance and regulation of river traffic which becomes reasonably necessary by reason of the construction of the bridge or the carrying out of any such operations.

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- 15 (1) The Secretary of State shall, at or near every tidal work, exhibit such lights, lay down such buoys and take such other steps for preventing danger to navigation as the Port Authority may from time to time reasonably require.
- (2) In case of injury to, or destruction or decay of, any part of a tidal work, the Secretary of State shall, as soon as practicable after he becomes aware of it, notify the Port Authority and take such steps for preventing danger to navigation as the Port Authority may reasonably require.
- 16 (1) If a tidal work is abandoned or falls into decay, the Port Authority may by notice in writing to the Secretary of State require him either to repair and restore the work or any part of it, or to remove the work and restore its site to its former condition, to such extent as the Port Authority think proper.
- (2) If a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of mean high-water springs is abandoned or falls into decay and that part of the work on or over land above the level of mean high-water springs is in such a condition as to interfere with the right of navigation or other public rights over the foreshore, the Port Authority may include that part of the work, or any portion of it, in any notice under this paragraph.
- (3) If after such reasonable period as may be specified in a notice under this paragraph the work specified in the notice has not been done, the Port Authority may do that work and the Secretary of State shall pay the amount of any expenditure reasonably incurred by them in so doing.
- 17 If—
- (a) by reason of the construction of the bridge or of the carrying out of operations for the construction, maintenance or improvement of any tidal work affecting the river, it is reasonably necessary for the Port Authority to incur costs in altering, removing, resiting or reinstating existing moorings owned by the Port Authority, or laying down or removing new moorings, or carrying out dredging operations for any such purpose, not being costs which they would have incurred for any other reason; and
- (b) the Port Authority give to the Secretary of State not less than 56 days' notice of their intention to incur such costs, and take into account any representations which the Secretary of State may make in response to the notice within 28 days of the receipt of the notice;
- the Secretary of State shall pay the costs reasonably so incurred by the Port Authority.
- 18 Any difference arising between the Secretary of State and the Port Authority under this Part of this Schedule shall be determined by arbitration.

PART II

PROTECTION AGAINST SILTATION OR SCOURING

- 1 (1) The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing in respect of any matter between the Secretary of State and any of the following bodies concerned in that matter, have effect for the protection of the interests of the Central Electricity Generating Board, RTZ Estates Limited, Civil and Marine Limited, B.V. Schieveem trading as Thames Matex and Dartford

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International Ferry Terminal Limited in the installations specified in paragraph 2 below.

(2) In this Part of this Schedule—

“dolphin” means a pylon or post extending above high water level provided for mooring or berthing;

“protected body” means any of the bodies mentioned in sub-paragraph (1) above;

“scouring” includes disturbance or collapse of the foreshore or bed of the river; and

“tidal work” means so much as is on land below the level of mean high-water springs of any of the works authorised by this Act.

2 If—

(a) within the period beginning with the commencement of the construction of the bridge and ending ten years from the completion of that construction, any part of the river becomes subjected to silting or scouring which is wholly or partly caused by a tidal work; or

(b) within the period of ten years beginning with the commencement of the carrying out of any tidal work in connection with the maintenance or improvement of the bridge, any part of the river becomes subjected to silting or scouring which is wholly or partly caused by that tidal work;

and that silting or scouring prejudices the stability or operation of, or, as the case may be, the access of vessels to or from, and the berthing of vessels at, any existing installation of a protected body specified in the following table, the Secretary of State, if so requested by notice given by that body within that period, shall carry out such works or operations in the river as may be necessary to make good the silting or scouring in so far as, in either case, that silting or scouring is attributable to a tidal work.

THE TABLE

PROTECTED BODIES AND THEIR INSTALLATIONS

<i>(1)</i> <i>Body</i>	<i>(2)</i> <i>Installation</i>
Central Electricity Generating Board	The main and auxiliary jetties and jetty heads at Littlebrook on the south bank of the river and any mooring dolphins provided in connection with them, and the cooling water intake and outfalls of the Littlebrook Power Station
Dartford International Ferry Terminal Limited	The jetty and pontoon on the south bank of the river forming part of the Dartford International Ferry Terminal and any mooring or berthing dolphins provided in connection with them
Civil and Marine Limited	Its jetty on the north bank of the river and any mooring dolphins provided in connection with it

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<i>(1)</i> <i>Body</i>	<i>(2)</i> <i>Installation</i>
RTZ Estates Limited	Its jetty and jetty head on the north bank of the river
B. V. Schieveem trading as Thames Matex	Its jetty and jetty head on the north bank of the river and any mooring dolphins provided in connection with them

- 3 If, within a period specified in paragraph 2 above, any part of the river becomes subjected to silting or scouring in circumstances in which the making good of that silting or scouring is, at the instance of a protected body, the responsibility of the Secretary of State under that paragraph, the provisions of that paragraph shall apply for the benefit of that protected body to any recurrence of that silting or scouring within the remainder of the period ending twenty years from the completion of the construction of the bridge, or, as the case may be, from the commencement of the tidal work in connection with the maintenance or improvement of the bridge, as they apply to silting or scouring to which that part of the river is subjected within the period specified in paragraph 2.
- 4 If, when requested by a protected body to carry out any necessary works or operations in accordance with paragraph 2 or 3 above, the Secretary of State—
- (a) fails to do so; or
 - (b) approves the carrying out of those or any other works or operations by that body;
- the protected body may itself carry out the works and operations and recover from the Secretary of State the costs reasonably incurred by it in doing so.
- 5 The Secretary of State shall pay to the protected body any costs reasonably incurred by it in order to ascertain whether silting or scouring has occurred in respect of which liability may arise under paragraph 2 or 3 above, not being costs which the protected body would have incurred for other reasons.
- 6 Any difference arising between the Secretary of State and a protected body under this Part of this Schedule shall be determined by arbitration.

PART III

PROTECTION OF RAILWAYS BOARD

- 1 (1) The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the Secretary of State and the Railways Board, have effect for the protection of the Railways Board.
- (2) In this Part of this Schedule—
- “the Railways Board” means the British Railways Board;
 - “railway property” means any railway of the Railways Board, and any works connected with any such railway for the maintenance or operation of which the Railways Board are responsible, and includes any land held or used by the Railways Board for the purposes of any such railway or works;

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“the existing works” means so much of any of the works authorised by the 1984 Act as is situated upon, across, under or over any railway property or may in any way affect railway property, including—

- (a) the bridge constructed under the powers of the Dartford Tunnel Act 1937 for carrying the road authorised as Work No. 1A by that Act over the North Kent Railway (Southern Region) of the Railways Board; and
- (b) the bridge constructed under the powers of the Dartford Tunnel Act 1957 for carrying the road authorised as Work No. 1 by that Act over the Tilbury Branch Railway (Eastern Region) of the Railways Board;

“the specified works” means so much of any of the works authorised by this Act as may be situated upon, across, under or over, or within 15 metres of, railway property or may in any way affect railway property;

“the authorised works” means the existing works and the specified works;

“construction” includes renewal;

“maintenance operations” means operations for the maintenance of the authorised works; and

“plans” includes sections, drawings, particulars and schedules of construction.

- 2 The Secretary of State shall not under section 2 of this Act acquire compulsorily any railway property but he may under that section create and acquire such easements and rights as may reasonably be required for the purposes specified in that section in or over any such property within the limits of land to be acquired.
- 3 (1) Not less than 56 days before commencing the construction of the specified works, the Secretary of State shall submit to the Railways Board for their approval plans of the works and such further particulars available to him as the Railways Board may, within 28 days of the submission of the plans, reasonably require.
- (2) The Railways Board’s approval of plans submitted under sub-paragraph (1) above shall not be unreasonably withheld; and if within 56 days after the submission of the plans the Railways Board have not approved or disapproved them, they shall be deemed to have approved them.
- 4 (1) On signifying their approval of the plans the Railways Board may specify any protective works, whether temporary or permanent, which in their opinion should be carried out before the construction of the specified works to ensure the safety and stability of railway property.
- (2) Such protective works as may reasonably be necessary for those purposes shall be constructed by the Railways Board with all reasonable dispatch, and the Secretary of State shall not commence the construction of the specified works until the Railways Board shall have notified him that the protective works have been completed.
- 5 The Secretary of State shall give to the engineer of the Railways Board not less than 28 days’ notice of his intention to commence the construction of any of the authorised works and, except in emergency (when he shall give such notice as may be reasonably practicable), of his intention to carry out any maintenance operations in so far as those operations affect or interfere with railway property.
- 6 (1) The construction of the authorised works shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved or deemed to be approved or settled as mentioned in paragraph 3 above and under the supervision (if given), and to the reasonable satisfaction, of the engineer of the Railways Board, and in such manner as to cause as little damage to railway property as may be and as little

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interference as may be with the conduct of traffic on the railways of the Railways Board.

- (2) If any damage to railway property or any such interference shall be caused by the carrying out of the authorised works, the Secretary of State shall make good such damage and pay to the Railways Board reasonable expenses which they may incur and compensation for any loss which they may sustain by reason of any such damage or interference.
 - (3) Nothing in this paragraph shall impose any liability of the Secretary of State with respect to any damage, costs, expenses or loss attributable to the act, neglect or default of the Railways Board or their servants, contractors or agents.
- 7 The Secretary of State shall at all times afford reasonable facilities to the engineer of the Railways Board for access to the authorised works during their construction or when maintenance operations are being carried out and shall supply to him all such information as he may reasonably require with regard to the authorised works and their method of construction or with regard to the maintenance operations.
- 8 (1) If any alteration or addition, whether permanent or temporary, to railway property shall be reasonably necessary during the construction of the specified works, or during a period of twelve months after their completion in consequence of their construction, such alterations and additions may be carried out by the Railways Board.
- (2) If the Railways Board give to the Secretary of State reasonable notice of their intention to carry out such alterations or additions, he shall pay to the Railways Board the reasonable cost of the alterations or additions including, in respect of permanent alterations and additions, a capitalised sum representing any increase in the costs which may be expected to be reasonably incurred by the Railways Board in maintaining, working and, when necessary, renewing any such alterations or additions.
 - (3) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving shall be set off against any sum payable by the Secretary of State to the Railways Board under this Part of this Schedule.
- 9 The Secretary of State shall pay to the Railways Board costs reasonably incurred by the Railways Board—
- (a) in constructing any protective works under paragraph 4 above including, in respect of any permanent protective works, a capitalised sum representing the costs which may be expected to be reasonably incurred by the Railways Board in maintaining and renewing such works;
 - (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching and lighting railway property and signalling railway traffic and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction of the specified works or any maintenance operations;
 - (c) in respect of any special traffic working upon any existing railways of the Railways Board resulting from any speed restrictions, or any substitution or diversion of services, which may, in the opinion of the Railways Board, be required by reason or in consequence of the construction of the specified works or any maintenance operations;

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- (d) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction of the specified works or any maintenance operations;
 - (e) in respect of the supervision by the engineer of the Railways Board of the construction of the specified works or any maintenance operations.
- 10 (1) Subject to sub-paragraph (2) below, the Secretary of State shall be responsible for, and make good to the Railways Board, costs, charges, damages and expenses not otherwise provided for in this Part of this Schedule which may be occasioned to, or reasonably incurred by, the Railways Board—
- (a) by reason of the construction of the authorised works or any maintenance operations; or
 - (b) by reason of any act or omission of the Secretary of State, or of any person in his employ, or of his contractors or others whilst engaged in the construction of the authorised works or in carrying out any maintenance operations;
- and the Secretary of State shall indemnify the Railways Board from and against claims and demands arising out of, or in connection with, the construction of the authorised works, the carrying out of any such operations or any such act or omission.
- (2) The fact that any act or thing may have been done in accordance with plans approved by the engineer of the Railways Board, or in accordance with any requirement made by him, or under his supervision, shall not (if it was not attributable to the act, neglect or default of the Railways Board, or of any person in their employ, or of their contractors or agents) excuse the Secretary of State from any liability under this Part of this Schedule.
- (3) The Railways Board shall give to the Secretary of State reasonable notice of any claim or demand referred to in sub-paragraph (1) above and no settlement or compromise of any such claim or demand shall be made without his prior consent.
- 11 If the Railways Board give notice to the Secretary of State that the state of repair of the authorised works prejudicially affects railway property, the Secretary of State shall take such steps as may be reasonably necessary to avoid that effect on railway property.
- 12 Any difference arising between the Secretary of State and the Railways Board under this Part of this Schedule shall be determined by arbitration.

PART IV

PROTECTION OF SEWERS AND LAND DRAINAGE

- 1 (1) The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the Secretary of State and the protected authority, have effect for the protection of land drainage works and sewers.
- (2) In this Part of this Schedule—
- “drainage work” means any work vested in or under the control of the protected authority for the purposes of their land drainage functions as defined in the Land Drainage Act 1976 and includes a watercourse as so defined;
 - “plans”, in relation to any specified work, means detailed plans, drawings, sections and specifications describing the position and manner in which, and

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the level at which, the work is proposed to be carried out and the position of all drainage works and sewers of the protected authority within the limits of deviation for that work, and shall comprise detailed drawings of every alteration which is to be made in any such drainage works and sewers by carrying out of the specified work;

“the protected authority” means the Anglian Water Authority and the Southern Water Authority, or either of them, in their capacities as—

- (a) authorities responsible for sewerage and sewage disposal; and
- (b) authorities responsible for land drainage, including defence against sea water;

“sewer” includes any main used for the conveyance of sewage sludge or sewage effluent, any drain or sewer forming or intended to form part of the general sewerage system of the protected authority, and any storm outflow or outfall or any other apparatus or structure vested in, or maintained by, the protected authority for the purposes of sewerage or sewage disposal; and

“specified work” means Work No. 3, and any works carried out within the limits of deviation for that work for the purpose of or in connection with the construction, maintenance or improvement of any part of the crossing which comprises that work or the tunnels;

but in paragraphs 2 and 5 to 7 below references to a specified work are references to so much only of any such work as is over, or within 15 metres of, any drainage work or sewer.

- 2 For the purpose of the preparation of the plans for any specified work the protected authority shall, on application by the Secretary of State, permit him or his agents to have access to plans in the possession of the protected authority and to any of their drainage works and sewers.
- 3 The carrying out of the works authorised by this Act shall not prevent the continued operation of the sewage pumping station of the Anglian Water Authority on the lands shown on the deposited plans numbered 14 in the Borough of Thurrock but nothing in this paragraph shall prevent the acquisition by the Secretary of State of such part of the said land, or of such rights in that land, as can be taken without preventing the continued operation of that pumping station.
- 4 In the design and carrying out of the works authorised by this Act the Secretary of State shall secure that no additional quantities of surface water are drained to the Mar Dyke in the Borough of Thurrock.
- 5 (1) Not less than 56 days before commencing the construction of any specified work, the Secretary of State shall submit to the protected authority for their approval plans for the work and such further particulars available to him as the protected authority may, within 28 days of the submission of the plans, reasonably require.
(2) The protected authority’s approval of plans submitted under sub-paragraph (1) above shall not be unreasonably withheld; and if within 56 days after the submission of the plans the protected authority have not approved or disapproved them, they shall be deemed to have approved them.
- 6 The Secretary of State shall give to the protected authority not less than 28 days’ notice of his intention to commence the construction or renewal of a specified work and, except in case of emergency (when he shall give such notice as may be reasonably practicable), of his intention to carry out works of maintenance of a specified work.

- 7 In carrying out any specified work the Secretary of State shall comply with all reasonable requirements of the protected authority of which due notice is given to him, and shall provide new, altered or substituted drainage works or sewers, or works for the protection of any drainage works or sewers of the protected authority, in such manner as the protected authority shall reasonably require to safeguard any drainage work against damage or to secure that its efficiency for land drainage purposes is not impaired or, as the case may be, to protect and prevent damage or impediment to any sewer, by reason of the specified work.
- 8 All works for the provision of new, altered or substituted drainage works or sewers or protective works in pursuance of paragraph 7 above shall be carried out to the reasonable satisfaction of the protected authority and, where so required by the protected authority, by or under the supervision (if given) of an officer of the protected authority duly appointed for the purpose; and all reasonable costs and expenses to which the protected authority may be put by reason of such works, whether in the course of the carrying out of the works, or in the preparation or examination of plans or designs or in such supervision, or otherwise, shall be payable to the protected authority by the Secretary of State.
- 9 When works for the provision of any such new, altered or substituted drainage works or sewers or protective works in pursuance of paragraph 7 above have been completed they shall be maintainable by the protected authority.
- 10 If by reason of the carrying out of a specified work, or the failure of a specified work, any sewer is damaged, the efficiency of a drainage work for land drainage purposes is impaired or a drainage work is otherwise damaged, the damage shall be made good by the Secretary of State to the reasonable satisfaction of the protected authority or, failing that, the protected authority may make good the damage and recover from the Secretary of State costs reasonably incurred in so doing.
- 11 (1) The Secretary of State shall indemnify the protected authority against all claims, demands, costs, expenses, damages or loss which may be made on or against the protected authority or which the protected authority may incur or which they may sustain in consequence of any damage of, or interference with, a drainage work or sewer which may be caused by the construction of a specified work, or of the failure or want of maintenance of such a work, or any subsidence caused by the construction of any specified work or any act or omission of the Secretary of State, his contractors, agents, workmen or servants, while engaged upon the specified work.
- (2) The protected authority shall give to the Secretary of State reasonable notice of any such claim or demand and no settlement or compromise shall be made without the agreement in writing of the Secretary of State.
- (3) Nothing in this paragraph shall impose any liability on the Secretary of State with respect to any claim, demand, costs, expenses, damage or loss which is attributable to the act, neglect or default of the protected authority or their servants or agents.
- 12 Nothing in section 23 of this Act shall preclude the protected authority or their officers, servants or agents from having, for the purposes of inspecting, repairing, maintaining, removing or replacing any drainage work or sewer, reasonable access to any part in which the work or sewer is situated of any road which forms part of any of the approach roads.
- 13 (1) An officer of the protected authority duly appointed for the purpose may, subject to sub-paragraph (2) below, enter upon and inspect any specified work or any other works constructed under this Part of this Schedule.

Status: This is the original version (as it was originally enacted).

- (2) Entry upon any specified work under sub-paragraph (1) above shall be subject to supervision and control by the Secretary of State but shall be afforded by him at any reasonable time at which it is required.
- 14 Any difference arising between the Secretary of State and the protected authority under this Part of this Schedule shall be determined by arbitration.

PART V

PROTECTION OF RTZ ESTATES LIMITED

- 1 (1) The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the Secretary of State and the protected body, have effect for the protection of the interests of that body in the protected premises.
- (2) In this Part of this Schedule—
- “the protected body” means RTZ Estates Limited and includes the successors in title to, and assigns of the interest of, that company as owner and occupier of the protected premises;
- “the protected premises” means the lands numbered on the deposited plans 20 in the Borough of Thurrock and the jetty;
- “the jetty” means the existing jetty of the company within the lands numbered on the deposited plans 21 in the Borough of Thurrock.
- 2 (1) Subject to sub-paragraph (3) below, the Secretary of State shall be responsible for, and make good to the protected body, costs, charges, losses and expenses which may be occasioned to, or reasonably incurred by, the protected body—
- (a) by reason of any damage to the property of the protected body caused by the execution of the works mentioned in paragraph 11 of Part VIII of Schedule 1 to the 1984 Act or the failure of any such works; or
- (b) by reason of any act or omission of the Secretary of State, or of any person in his employ or of his contractors or others in the course of the improvement or maintenance of those works.
- (2) Without prejudice to the generality of sub-paragraph (1) above, the costs, losses and expenses there referred to include any costs and expenses reasonably incurred or losses suffered by the protected body by reason of—
- (a) any damage to the railway embankment between the jetty and the southern side of the Tilbury Branch Railway or to the railway, and the oil and other pipelines and services, on or in that embankment; and
- (b) any interruption to or interference with the use of the jetty or the operation of the said railway, pipelines and services;
- caused by the execution of the works referred to in sub-paragraph (1)(a) above or by any settlement or subsidence of those works or movement of soil attributable to the construction of those works.
- (3) The protected body shall give to the Secretary of State reasonable notice of any claim or demand in respect of which the Secretary of State may be liable under sub-paragraph (1) above and no settlement or compromise of any such claim or demand shall be made without his prior consent.
- 3 Any difference arising between the Secretary of State and the protected body under this Part of this Schedule shall be determined by arbitration.