

SCHEDULES

SCHEDULE 7

PROTECTIVE PROVISIONS

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 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.

Status: This is the original version (as it was originally enacted).

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
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.