

Changes to legislation: Land Drainage Act 1991, SCHEDULE 6 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 6

Section 67.

PROTECTION FOR PARTICULAR UNDERTAKINGS

Undertakings protected by Schedule

- 1 (1) The following are the undertakings protected by this Schedule, that is to say—
- (a) the undertakings of the [^{F1}Agency],[^{F2}the Natural Resources Body for Wales,] the Civil Aviation Authority, [^{F3}the Coal Authority] and [^{F4}a universal service provider (so far as it is his undertaking in relation to the provision of a universal postal service)];
 - (b) the undertaking of any water undertaker or sewerage undertaker;
 - [^{F5}(c) any undertaking consisting in the provision of an electronic communications code network;]
 - (d) any airport to which Part V of the ^{M1}Airports Act 1986 applies;
 - (e) the undertaking of any public gas supplier within the meaning of Part I of the ^{M2}Gas Act 1986;
 - (f) the undertaking of any person authorised by a licence under Part I of the ^{M3}Electricity Act 1989 to generate, [^{F6}supply or participate in the transmission of] electricity;
 - (g) the undertaking of any navigation authority, harbour authority or conservancy authority;
 - (h) any public utility undertaking carried on by a local authority under any Act or under any order having the force of an Act.
 - [^{F7}(j) the undertaking of any licensed operator, within the meaning of the Coal Industry Act 1994.]
 - [^{F8}(k) the undertaking of a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) to the extent that it is the person’s undertaking as licence holder.]
- [^{F9}(1A) In sub-paragraph (1)(a) above “universal service provider” has the same meaning as in [^{F10} Part 3 of the Postal Services Act 2011]; and the reference to the provision of a universal postal service shall be construed in accordance with [^{F11} that Part].]
- (2) For the purposes of this Schedule any reference in this Schedule, in relation to any such airport as is mentioned in sub-paragraph (1)(d) above, to the persons carrying on the undertaking is a reference to the airport operator.

Textual Amendments

- F1** Words in Sch. 6 para. 1 substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22, para. 191** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** Words in Sch. 6 para. 1(1)(a) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), **Sch. 2 para. 339** (with Sch. 7)

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- F3** Words in Sch. 6 para. 1(1)(a), substituted (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 44(a)**; S.I. 1994/2552, art. 2, **Sch. 1**
- F4** Words in Sch. 6 para. 1(1)(a) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 90(2)** (subject to art. 1(3))
- F5** Sch. 6 para. 1(1)(c) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by **Communications Act 2003 (c. 21)**, s. 411(2), **Sch. 17 para. 116** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F6** Words in Sch. 6 para. 1(1)(f) substituted (1.9.2004) by **Energy Act 2004 (c. 20)**, s. 198(2), **Sch. 19 para. 19**; S.I. 2004/2184, art. 2(2), Sch. 2
- F7** Sch. 6 para. 1(1)(j) inserted (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9**, para. 44(b); S.I. 1994/2552, art. 2, **Sch. 1**
- F8** Sch. 6 para. 1(1)(k) inserted (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 16** (with s. 106); S.I. 2001/869, art. 2
- F9** Sch. 6 para. 1(1A) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 90(3)** (subject to art. 1(3))
- F10** Words in Sch. 6 para. 1(1A) substituted (1.10.2011) by **Postal Services Act 2011 (c. 5)**, s. 93(2)(3), **Sch. 12 para. 136(a)**; S.I. 2011/2329, art. 3
- F11** Words in Sch. 6 para. 1(1A) substituted (1.10.2011) by **Postal Services Act 2011 (c. 5)**, s. 93(2)(3), **Sch. 12 para. 136(b)**; S.I. 2011/2329, art. 3

Modifications etc. (not altering text)

- C1** Sch. 6 para. 1(1)(e) amended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4**, para. 2(2)(o); S.I. 1996/218, art. 2

Marginal Citations

- M1** 1986 c. 31.
M2 1986 c. 44.
M3 1989 c. 29.

Protection for statutory powers and jurisdiction

- 2 Without prejudice to any power under this Act to transfer the functions of any authority or to vary navigation rights, nothing in this Act shall confer power to do anything which prejudices the exercise of any statutory power, authority or jurisdiction from time to time vested in or exercisable by any persons carrying on an undertaking protected by this Schedule.

General provisions protecting undertakings

- 3 Nothing in this Act or in any order under this Act shall authorise any person, except with the consent of the persons carrying on an undertaking protected by this Schedule, to do any work which, whether directly or indirectly, interferes or will interfere—
- (a) with the works or any property which is vested in, or under the control of, the persons carrying on that undertaking, in their capacity as such; or
 - (b) with the use of any such works or property,
- in such a manner as to affect injuriously those works or that property or the carrying on of that undertaking.

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Special protection for railways etc.

- 4 Without prejudice to the preceding provisions of this Schedule, nothing in the provisions of this Act shall authorise any person, except with the consent of the British Railways Board, [^{F12}Transport for London or any subsidiary (within the meaning of the Greater London Authority Act 1999) of Transport for London,] or, as the case may be, the railway company in question, to interfere with—
- (a) any railway bridge or any other work connected with a railway; or
 - (b) the structure, use or maintenance of a railway or the traffic on it.

Textual Amendments

- F12** Words in Sch. 6 para. 4 substituted (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), art. 1(1), [Sch. 1 para. 17](#)

Conditions of consent and grounds for refusal

- 5 A consent for the purposes of paragraph 3 or 4 above may be given subject to reasonable conditions but shall not be unreasonably withheld.

Determination of disputes

- 6 If any question arises under this Schedule—
- (a) as to whether anything done or proposed to be done interferes or will interfere as mentioned in paragraph 3 or 4 above;
 - (b) as to whether any consent for the purposes of this Schedule is being unreasonably withheld; or
 - (c) as to whether any condition subject to which any such consent has been given was reasonable,
- that question shall be referred to a single arbitrator to be agreed between the parties or, failing such an agreement, to be appointed by the President of the Institution of Civil Engineers.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 37(5A)-(5D) inserted by [2016 anaw 3 s. 83\(2\)\(b\)](#)
- s. 37(5A) substituted in earlier affecting provision [2016 anaw 3, s. 83\(2\)\(b\)](#) by [2021 c. 30 s. 95\(2\)\(b\)\(i\)](#)
- s. 37(5B)(5C) words substituted in earlier affecting provision [2016 anaw 3, s. 83\(2\)\(b\)](#) by [2021 c. 30 s. 95\(2\)\(b\)\(ii\)](#)
- s. 37(5D)(5E) substituted in earlier affecting provision [2016 anaw 3, s. 83\(2\)\(b\)](#) by [2021 c. 30 s. 95\(2\)\(b\)\(ii\)](#)