
Changes to legislation: There are currently no known outstanding effects for the Cardiff Bay Barrage Act 1993, Cross Heading: Tidal works. (See end of Document for details)

SCHEDULES

SCHEDULE 2

WORKS: SUPPLEMENTARY

Tidal works

- 7 (1) A tidal work shall not be constructed, altered, replaced or re-laid except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by him before the work is begun.
- (2) If a tidal work is constructed, altered, replaced or re-laid in contravention of this paragraph or of any condition or restriction imposed under this paragraph—
- (a) the Secretary of State may by notice in writing require the Development Corporation at their own expense to remove the tidal work or any part of it and to restore the site to its former condition or so near its former condition as is acceptable to him, or
 - (b) where it appears to the Secretary of State urgently necessary so to do, he may himself remove the tidal work, or part of it, and so restore the site.
- (3) If at the end of the period of twenty-eight days from the date when notice is served on the Development Corporation under sub-paragraph (2)(a) above they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice.
- (4) The Secretary of State may, if he considers it expedient, order a survey and examination of any site on which it is proposed to execute a tidal work.
- (5) The Secretary of State shall be entitled to recover from the Development Corporation any expenditure incurred by him under sub-paragraph (2)(b) or (3) above or on a survey and examination under sub-paragraph (4) above.
- 8 (1) The Development Corporation shall—
- (a) during the whole time of the construction, alteration, replacement or re-laying of a tidal work, exhibit every night from sunset to sunrise at or near the work any such lights, and
 - (b) take such other steps for the prevention of danger to navigation from the construction, alteration, replacement or re-laying of a tidal work,
- as the Secretary of State may direct.
- (2) If the Development Corporation fail to comply in any respect with a direction given under this paragraph they shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
 - (b) on conviction on indictment, to a fine.
- (3) In proceedings for an offence under sub-paragraph (2) above it shall be a defence for the Development Corporation to show that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

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- (4) If in any case the defence provided by sub-paragraph (3) above involves the allegation that the commission of the offence was due to the act or default of another person, the Development Corporation shall not, without the leave of the court, be entitled to rely on the defence unless, not later than seven clear days before the hearing of the proceedings, they have served on the prosecution a notice in writing giving such information as was then in their possession identifying or assisting in the identification of the other person.
- (5) Nothing in this paragraph shall prejudice or derogate from the powers, rights and privileges of Trinity House.
- 9 Notwithstanding anything in any other provision of this Act, any pipes to be laid or placed in the exercise of any of the powers conferred by section 1 of this Act or this Schedule under or over any tidal waters or land below the level of mean high-water springs shall be laid or placed at such depth under, or such height over, the tidal waters or land as the Secretary of State may require.

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