

SCHEDULES

SCHEDULE 6

Section 19.

OPERATION AND MANAGEMENT: SUPPLEMENTARY

Damage etc. to structures

- 1 (1) In case of damage to or destruction or decay of a tidal structure, or any part of a tidal structure, the Development Corporation—
- (a) shall forthwith give notice to Trinity House, and
 - (b) shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House may direct.
- (2) If the Development Corporation fail to notify Trinity House as required by this paragraph or to comply in any respect with a direction given under this paragraph they shall be guilty of an offence.

Abandonment etc. of structures

- 2 (1) Where a tidal structure is abandoned, or allowed to fall into decay, the Secretary of State may by notice in writing require the Development Corporation at their own expense—
- (a) to repair and restore the structure, or any part of it, or
 - (b) to remove the structure and restore the site to its former condition or so near its former condition as is acceptable to him.
- (2) Where—
- (a) a structure erected under this Act part of which is a tidal structure is abandoned or allowed to fall into decay, and
 - (b) the part of the structure on or over land above the level of mean high-water springs is in such a condition as—
 - (i) to interfere, or cause reasonable apprehension that it may interfere, with the right of navigation or any public rights over the foreshore, or
 - (ii) to be detrimental, or cause reasonable apprehension that it may be detrimental, to the quality of water in the inland bay,
- the Secretary of State may include that part of the structure, or any portion of it, in any notice under sub-paragraph (1) above.
- (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 (1) above they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice.

Status: This is the original version (as it was originally enacted).

Surveys etc.

- 3 The Secretary of State may, if he considers it expedient, order a survey and examination of any tidal structure.

Protection of navigation

- 4 (1) The Development Corporation shall—
- (a) exhibit at the outer extremity of a tidal structure every night from sunset to sunrise any such lights, and
 - (b) take such other steps for the prevention of danger to navigation from a tidal structure,
- as Trinity House 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.

Powers relating to water

- 5 Paragraph 10(1) and (3) to (8) of Schedule 2 to this Act (powers relating to water) shall have effect for the purposes of, in connection with or in consequence of the operation or management of the barrage, outer harbour and inland bay as for the purposes of, in connection with or in consequence of the works authorised by section 1 of this Act.

Offences

- 6 (1) Where the Development Corporation are guilty of an offence under paragraph 1 or 4 above they shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
 - (b) on conviction on indictment, to a fine.
- (2) In proceedings for any such offence 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.
- (3) If in any case the defence provided by sub-paragraph (2) 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.

Expenses

- 7 The Secretary of State shall be entitled to recover from the Development Corporation any expenditure incurred by him under paragraph 2(3) above or on a survey and examination under paragraph 3 above.

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

Saving

- 8 Nothing in this Schedule shall prejudice or derogate from the powers, rights and privileges of Trinity House.