

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Flood Prevention (Scotland) Act 1961 (repealed), FIRST SCHEDULE. (See end of Document for details)

SCHEDULES

FIRST SCHEDULE

Section 4.

PROVISIONS WHICH MAY BE INCORPORATED IN FLOOD PREVENTION SCHEMES

Permissible limits of deviation

- 1 In carrying out the operations the local authority may deviate laterally from the lines, and may deviate vertically from the levels, to any extent not exceeding the limits of lateral and vertical deviation respectively shown on the plans referred to in the scheme.

Temporary works

- 2 In addition to carrying out the operations the local authority may, in, on or over any land situated within the limits of lateral deviation shown on the plans and specifications referred to in the scheme, or in, on or over other land so shown as required for the purpose, construct, lay or erect and maintain any temporary works, that is to say, any coffer dams, channels, culverts, engines, pumps, plant, machinery, roads, fences, stores, offices and other buildings, or any other works or things required for the purposes of or connected with the operations:

Provided that any electrical works or apparatus constructed, laid or erected under this paragraph shall be so constructed, laid or erected, and so maintained and used, as to prevent interference with any [^{F1}telecommunication apparatus kept installed for the purposes of a telecommunications code system or with the service provided by any such system.]

Textual Amendments

F1 Words substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 2, 109, 110(2), [Sch. 4 para. 39\(3\)](#)

Powers of entry

- 3 (1) The local authority, or any person duly authorised by them in that behalf, shall, for the purpose of carrying out the operations and of executing any temporary works, have power at all reasonable times to enter on any land situated within the limits of lateral deviation shown on the plans referred to in the scheme, or on other land so shown as required for the purpose, and for the purpose of obtaining access to any such land may enter any land.
- (2) Any power of entry under the last foregoing sub-paragraph shall include power to authorise the entry or passage of such persons, vehicles, plant, machinery, supplies or materials as may be necessary, and to authorise the carrying out of work for the purpose of facilitating their passage.

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- (3) Any person entitled to enter on any land by virtue of any right of entry under this paragraph shall, if so required, produce evidence of his authority before entering on the land, and shall not demand admission as of right unless fourteen days notice of the intended entry has been given to the occupier of the land.

Power to cut bushes and scrub and to take down fences

- 4 The local authority may, for the purpose of carrying out the operations or of executing any temporary works, cut and lay aside or remove, or cut and use for the aforesaid purposes, any bush or scrub timber growing on land situated within the limits of lateral deviation shown on the plans referred to in the scheme, or on other land so shown as required for the purpose, and may take down and lay aside any fence on such land, take down any dykes thereon, cut and grub out any hedges thereon and generally clear and level such land and remove any obstructions therefrom.

Fencing of land, etc.

- 5 The local authority shall, so far as is necessary for the protection of any persons or animals, fence any land on which the operations are being carried out or any temporary works are being executed, and shall take such measures as may be practicable to prevent stock from straying in consequence of the exercise by them of any of their powers under the scheme.

Disposal of spoil

- 6 Except as otherwise provided under the scheme the local authority may dispose of excavated spoil, so far as not required for the purpose of carrying out the operations or executing any temporary works, by constructing spoil banks along the natural banks of any watercourse situated within the limits of lateral deviation shown on the plans referred to in the scheme, or within other land so shown as required for the purpose, or by spreading the spoil on the land adjacent to the natural banks of any such watercourse, or by carrying the spoil away for disposal at a tip, or for sale; and the proceeds of any such sale shall be applied by the local authority in defraying their expenditure in carrying out the operations:

Provided that the local authority shall not dispose of spoil under this paragraph unless they have first given to the owner thereof (unless he cannot be found) an opportunity of taking possession of it.

Penalty for obstructing local authority in exercise of powers

- 7 If any person obstructs the local authority in the exercise of any of their powers under the scheme, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds in the case of a first conviction and twenty pounds in the case of a second or any subsequent conviction.

Interpretation

- 8 In any provision of this Schedule, unless the context otherwise requires,—
 “the scheme” means the scheme in which the provision is incorporated;

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“the operations” means the operations to which the scheme relates;
“the local authority” means the local authority by whom the operations are to be carried out.

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