



# Public Health Act 1936

## 1936 CHAPTER 49

### PART XII

#### GENERAL.

##### *Savings.*

#### **333 Protection for works of dock undertakers and for railways.**

- (1) Subject to the provisions of this section, nothing in this Act shall authorise a local authority without the consent of the dock undertakers concerned—
- (a) to interfere with any river, canal, dock, harbour, basin, lock or reservoir so as injuriously to affect navigation thereon or the use thereof or the access thereto, or to interfere with any towing path, so as to interrupt the traffic thereon;
  - (b) to interfere with any bridges crossing any river, canal, dock, harbour or basin;
  - (c) to execute any works in, across or under any dock, harbour, basin, wharf, quay or lock, or any land which belongs to dock undertakers and is held or used by them for the purposes of their undertaking;
  - (d) to execute any works which will interfere with the improvement of, or the access to, any river, canal, dock, harbour, basin, lock, reservoir, or towing path, or with any works appurtenant thereto or any land necessary for the enjoyment or improvement thereof;

or without the consent of the railway company concerned, to execute any works along, across or under any railway of a railway company:

Provided that consent under this section shall not be unreasonably withheld, and if any question arises as to whether or not consent is unreasonably withheld, either party may require that it shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers,

- (2) Upon an arbitration under this section, the arbitrator shall determine—

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*Status: This is the original version (as it was originally enacted).*

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- (i) whether any works which the local authority propose to execute are such works as under the last preceding subsection they are not entitled to execute without the consent of the statutory undertakers; and
- (ii) if they are such works, whether the injury, if any, to the undertakers will be of such a nature as to admit of being fully compensated by money; and
- (iii) if the works are of such a nature, the conditions subject to which the local authority may execute the works, including the amount of the compensation, if any, to be paid by them to the undertakers.

If the arbitrator should determine that the proposed works are such works as the local authority are not entitled to execute without the consent of the undertakers and that the works would cause injury to the undertakers of such a nature as not to admit of being fully compensated by money, the local authority shall not proceed to execute the works, but in any other case they may execute the works subject to compliance with such conditions, including the payment of such compensation, as the arbitrator may have determined.

- (3) For the purposes of this section, dock undertakers shall be deemed to be concerned with any river, canal, dock, harbour, basin, lock, reservoir, towing path, wharf, quay or land if it belongs to them and forms part of their undertaking, or if they have statutory rights of navigating on or using it, or of demanding tolls or dues in respect of navigation thereon or the use thereof.
- (4) Nothing in this section shall be construed as limiting the powers of a local authority under any of the foregoing provisions of this Act in respect of the opening and breaking up of streets and bridges for the purpose of constructing, laying and maintaining sewers, drains and pipes.