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STATUTORY INSTRUMENTS

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**1996 No. 1829**

**The South Tynedale Railway (Light Railway) Order 1996**

**For protection of Environment Agency**

**10.**—(1) For the protection of the Environment Agency (in this article referred to as “the Agency”) the following provisions shall, unless otherwise agreed in writing between the undertakers and the Agency apply and have effect.

(2) Nothing in this Order or in any enactment incorporated with or applied by this Order shall prejudice or affect the operation of section 109 of the Water Resources Act 1991(1) or any byelaws made under that Act or the Land Drainage Act 1991(2) in relation to anything done under or in pursuance of this Order.

(a) (3) (a) Before carrying out any works involving the erection or raising of any obstruction to the flow of any watercourse which is not part of a main river within the meaning of section 113 of the Water Resources Act 1991 or the construction, alteration or replacement of any culvert or any structure designed to contain or divert the flow of any such watercourse in, under or through any land held for the purposes of or in connection with the railway the undertakers shall furnish to the Agency proper and sufficient plans thereof for the approval of the Agency and shall not carry out the said works until the said plans have been approved in writing by the Agency:PROVIDED that approval of plans furnished under this paragraph shall not be unreasonably withheld and, if within two months after such plans have been supplied to the Agency the Agency shall not have intimidated its disapproval thereof and the grounds of its disapproval it shall be deemed to have approved the plans as supplied.

(b) For the purposes of this article, “plans” includes sections, drawings, specifications, calculations and descriptions.

(a) (4) (a) Any culvert or any structure designed to contain or divert the flow of any watercourse situated within any land held for the purpose of or in connection with the railway whether constructed under the powers of this Order or in existence prior to the making hereof, shall be maintained by the undertakers in good repair and condition and free from obstruction.

(b) Nothing in this paragraph shall have the effect of requiring the undertakers to carry out works of maintenance in respect of any culvert or structure which the Agency or any other person is liable to maintain.

(5) If any obstruction is erected or raised or any culvert is constructed, altered or replaced in contravention of this article the undertakers shall upon receiving notice from the Agency take such action as may be necessary to remedy the effect of the contravention to the Agency’s satisfaction and in default the Agency may itself take such action as may be necessary and recover the expenses reasonably incurred by it in doing so from the undertakers as a debt due from them to the Agency.

(6) Any dispute or difference which may arise between the Agency and the undertakers under this article shall be referred to and determined by a single arbitrator to be agreed upon between the parties

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(1) 1991 c. 57.  
(2) 1991 c. 59.

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or, failing such agreement, to be appointed by the President for the time being of the Institution of Civil Engineers on application of either party (after notice in writing to the other of them).

(7) The provisions of the Railways Clauses Consolidation Act 1845 applied by this Order shall be subject to the provisions of this article.