
STATUTORY INSTRUMENTS

2007 No. 608

The Ouseburn Barrage Order 2007

PART 6

PROTECTIVE PROVISIONS

Protection of certain persons

45. The provisions of Schedule 5 (provisions relating to statutory undertakers etc.) and Schedule 6 (protection of certain persons) shall have effect.

Saving for Trinity House

46. Nothing in this Order shall prejudice or derogate from any of the powers, rights or privileges, or the jurisdiction or authority, of Trinity House.

Crown rights

47.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular, and without prejudice to the generality of the foregoing, nothing in this Order shall authorise the Council or any other person to take, use, enter upon or in any manner interfere with any land or hereditament or any rights of whatsoever description belonging to Her Majesty in right of the Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners.

(2) Consent under this article may be given unconditionally or subject to such terms or conditions as shall be considered necessary or appropriate.

Minerals

48. Nothing in this Order shall affect the rights of any person entitled to any mine or minerals of any description whatsoever under a street or other land in, on, or adjacent to which the authorised works are constructed to work the mine or get the minerals but this shall not affect any liability (whether civil or criminal) of the person so entitled in respect of any damage to the authorised works resulting from the exercise of any such rights.

Access to scheduled works

49. The Council shall at all reasonable times, upon receipt on each occasion of not less than 48 hours' written notice, afford to any duly authorised representative of the Port Authority or the Environment Agency or the Port Health Authority access without payment or charge to the scheduled works or to a tidal work for the purposes of inspection and survey of the scheduled works or a tidal work in connection with the exercise of the Port Authority's or the Environment Agency's or the Port Health Authority's functions and shall provide reasonable facilities for those purposes.