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STATUTORY INSTRUMENTS

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**2012 No. 1867**

**TRANSPORT AND WORKS, ENGLAND**

**The Ipswich Barrier Order 2012**

*Made* - - - - - *16th July 2012*

*Coming into force* *7th August 2012*

**THE IPSWICH BARRIER ORDER 2012**

PART 1

1. Citation and commencement
2. Interpretation

PART 2

*Principal powers*

3. Power to construct and maintain works
4. Power to deviate

*Streets and rights of way*

5. Power to execute street works
6. Extinguishment and diversion of rights of way
7. Temporary stopping up of streets

*Supplementary powers and provisions*

8. Power to dredge etc.
9. River not to be a reservoir
10. Agreements with owners of land and others for construction of works
11. Temporary closing of river in connection with works
12. Diversion of flow of water
13. Power to take, pump, impound and discharge water
14. Application of docks legislation

PART 3

15. Tidal works not to be executed without approval of Secretary of State

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16. Lights on tidal works during construction
17. Provisions against danger to navigation
18. Abatement of works abandoned or decayed
19. Survey of tidal works
20. Permanent lights on tidal works

#### PART 4

##### *Powers of acquisition*

21. Power to acquire land
22. Application of Part 1 of the Compulsory Purchase Act 1965
23. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
24. Power to acquire new rights
25. Power to acquire subsoil only
26. New rights only to be acquired in certain lands

##### *Temporary possession of land*

27. Temporary possession of land for construction purposes
28. Temporary use of land for maintenance of works

##### *Compensation*

29. Disregard of certain interests and improvements
30. Set-off for enhancement in value of retained land

##### *Supplementary*

31. Acquisition of part of certain properties
32. Extinction or suspension of private rights of way etc. over land
33. Time limit for exercise of powers of acquisition

#### PART 5

##### ETC.

34. Power to operate scheduled works
35. Misuse of scheduled works, etc.

##### *Navigation*

36. Navigation etc. in vicinity of barrier
37. Removal of vessels
38. Arbitration in respect of removal of vessels
39. Removal of obstructions other than vessels
40. Arbitration in respect of removal of obstructions other than vessels
41. Emergency powers and consents

##### *Byelaws*

42. Byelaws

#### PART 6

43. Protection of certain persons
44. Protection of A.B. Ports

- 45. Protection of Network Rail
- 46. Saving for Trinity House
- 47. Crown rights
- 48. Minerals

## PART 7

- 49. Power to transfer undertaking
  - 50. Obstructing execution of Order
  - 51. Defence of due diligence
  - 52. Defence to proceedings in respect of statutory nuisance
  - 53. Certification of plans etc.
  - 54. Arbitration
  - 55. No double recovery
  - 56. Service of notices
- Signature

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## SCHEDULES

### SCHEDULE 1 — DESCRIPTION OF THE SCHEDULED WORKS

### SCHEDULE 2 — DIVERSION OF POSSIBLE RIGHTS OF WAY

#### PART 1 — SUBSTITUTED WAYS FOR ALLEGED RIGHTS OF WAY IF SUCH RIGHTS ARE ESTABLISHED

#### PART 2 — PATHS TO BE TEMPORARILY STOPPED UP

### SCHEDULE 3 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

- 1. The enactments for the time being in force with respect...
- 2. (1) Without limitation on the scope of paragraph 1, the...
- 3. (1) The 1965 Act has effect with the modifications necessary...
- 4. For section 7 of the 1965 Act (measure of compensation),...
- 5. For section 8 of the 1965 Act (provisions as to...
- 6. The following provisions of the 1965 Act (which state the...
- 7. Section 11 of the 1965 Act (powers of entry) is...
- 8. Section 20 of the 1965 Act (protection for interests of...
- 9. Section 22 of the 1965 Act (protection of acquiring authority's...

### SCHEDULE 4 — ACQUISITION OF NEW RIGHTS ONLY

### SCHEDULE 5 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

### SCHEDULE 6 — PROVISIONS RELATING TO STATUTORY UNDERTAKERS ETC.

#### *Apparatus of statutory undertakers etc. on land acquired*

- 1. Sections 271 to 274 of the planning Act (power to...
- 2. In the provisions of the planning Act, as applied by...
- 3. Where any apparatus of public utility undertakers or of a...
- 4. Paragraph 3 does not apply in the case of the...

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5. The provisions of the planning Act mentioned in paragraph 1,...
6. In this Schedule— “public communications provider” has the same meaning...

#### SCHEDULE 7 — PROTECTION OF A.B. PORTS

1. The following provisions of this Schedule have effect unless otherwise...
2. In this Schedule— “accumulation” means any accumulation of silt or...
3. (1) The Agency must not under the powers conferred by...
4. (1) Before beginning any operations for the construction of any...
5. The Agency must give to A.B. Ports not less than...
6. The Agency must carry out all operations for the construction...
7. After the purpose of any temporary works has been accomplished...
8. (1) If— (a) during the construction of a tidal work...
9. The Agency must pay to A.B. Ports the reasonable costs...
10. Without prejudice to the other provisions of this Schedule, the...
11. (1) The Agency must indemnify A.B. Ports from all claims,...
12. Nothing in paragraph 11 imposes any liability on the Agency...

#### SCHEDULE 8 — PROTECTION OF NETWORK RAIL

1. The following provisions of this Schedule shall have effect, unless...
2. In this Schedule— “construction” includes execution, placing, alteration and reconstruction...
3. (1) Where under this Schedule Network Rail is required to...
4. (1) The Agency shall not exercise the powers conferred by...
5. (1) The Agency shall before commencing construction of any specified...
6. (1) Any specified work and any protective works to he...
7. The Agency shall— (a) at all times afford reasonable facilities...
8. Network Rail shall at all times afford reasonable facilities to...
9. (1) If any permanent or temporary alterations or additions to...
10. The Agency shall repay to Network Rail all reasonable fees,...
11. If at any time after the completion of a specified...
12. The Agency shall not provide any illumination or illuminated sign...
13. Any additional expenses which Network Rail may reasonably incur in...
14. (1) The Agency shall pay to Network Rail all reasonable...
15. Network Rail shall, on receipt of a request from the...
16. In the assessment of any sums payable to Network Rail...
17. The Agency and Network Rail may, subject in the case...
18. Nothing in this Order, or in any enactment incorporated with...
19. The Agency shall give written notice to Network Rail if...
20. The Agency shall no later than 28 days from the...

Explanatory Note

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**Changes and effects yet to be applied to :**

- art. 13(4) words substituted by [S.I. 2016/1154 Sch. 29 Pt. 2 para. 41](#)