



Medway Ports Authority Act 1973

1973 CHAPTER xxi

PART VII

MISCELLANEOUS AND GENERAL

89 For protection of gas undertakers

- (1) Nothing in section 40 (Restriction on construction of works and dredging) of this Act shall apply to the construction, alteration, renewal, extension or maintenance by the gas undertakers of any gas work from time to time authorised under or by virtue of any enactment or any consent, wayleave or other instrument given or made under any enactment or make it unlawful for the gas undertakers to carry out any work not so authorised, or any dredging, necessary in case of emergency for the protection of or to ensure the efficient operation of any gas work.
- (2) (a) Before granting a licence to any person for the construction, alteration, extension, renewal or maintenance of any works under section 37 (Licensing of works) or for dredging under section 38 (Licence to dredge) of this Act, the Authority shall, in any case where the proposed works or dredging would be at, over, under or near to any gas work situated on or under tidal waters or tidal lands below the level of high water in the port, or in such a position as to be likely to affect or endanger any such work, or in any case where reasonably so requested by the gas undertakers, submit to the gas undertakers detailed particulars of the proposed works or dredging, as the case may be, and furnish them with such further particulars with respect thereto as the gas undertakers may reasonably require, and such licence shall only be granted subject to such conditions as may be reasonably necessary to safeguard the gas work including, without prejudice to the generality of the foregoing, conditions empowering the gas undertakers from time to time to inspect the works or dredging to which the licence relates and to take any steps necessary to prevent damage to the gas work or to ensure that the gas work can operate efficiently and to recover from the holder of the licence the reasonable cost of any works carried out by the gas undertakers for those purposes.
 - (b) If in any case any difference arises between the Authority and the gas undertakers with respect to the particulars required to be furnished to the gas undertakers by the Authority or with respect to the conditions which the

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gas undertakers require to be attached to any licence granted under either of the said sections 37 or 38, such difference shall be determined by a single arbitrator to be agreed between the Authority and the gas undertakers or in default of agreement to be appointed on the application of either party after notice in writing to the other party by the President of the Institution of Civil Engineers.

- (c) If within three weeks of the receipt by the gas undertakers from the Authority of the particulars of any proposed works or dredging the gas undertakers do not require any further particulars to be furnished or in any case where further particulars are required, within two weeks of the receipt thereof by the gas undertakers, the gas undertakers do not intimate that they require conditions to be attached to the licence for such works or dredging, the gas undertakers shall be deemed to have acquiesced in the granting thereof.
 - (d) Upon the grant of any licence to which this subsection applies the Authority shall supply to the gas undertakers a copy of the licence and any conditions subject to which it is granted.
- (3) Except in a case which is, in the opinion of the Authority, a case of emergency, the Authority shall before raising, removing or destroying any vessel sunk, stranded or abandoned in the port and within a distance of 150 yards of any gas work give the gas undertakers as long notice as is practicable of their intention to do so.