



London Docklands Railway Act 1991

1991 CHAPTER xxiii

PART IV

PROTECTIVE PROVISIONS

13 Incorporation of protective provisions

- (1) The following provisions of the under-mentioned Acts are, with necessary modifications, incorporated with this Act:—

The Act of 1963—

section 42 (For protection of gas, water and electricity undertakers):

The Act of 1976—

section 13 (For protection of sewers of Thames Water Authority):

The Act of 1981—

section 17 (For protection of British Telecommunications).

- (2) The provisions of paragraph (1) of the said section 42 of the Act of 1963, as so incorporated, shall have effect as if—

- (a) for the definition of the “undertakers” there were substituted the following:—

““the undertakers” means any person authorised to carry on, in the area within which the Corporation are by this Act authorised to purchase land or execute works, an undertaking for the supply of gas or water or for the generation, transmission or supply of electricity;”;
and

- (b) in the definition of “apparatus”—

(i) in sub-paragraph (a) thereof for the words “electric lines or works” there were substituted “electric lines or electrical plant” and for the reference to the Electricity (Supply) Acts 1881 to 1936 there were substituted a reference to the Electricity Act 1989; and

(ii) in the words in parenthesis after the reference to the Public Utilities Street Works Act 1950 there were inserted “or Part III of the New Roads and Street Works Act 1991”.

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- (3) The provisions of the said section 13 of the Act of 1976, as so incorporated, shall have effect as if—
- (a) for reference to the Thames Water Authority there were substituted reference to Thames Water Utilities Limited;
 - (b) for the reference in paragraph (8) thereof to section 7 (Incorporation of provisions of Acts of 1963, 1965, 1969 and 1974 relating to works) of the Act of 1976 there were substituted a reference to section 8 (Incorporation of works provisions) of this Act; and
 - (c) in the definition of “the specified works” in paragraph (1) thereof, for the reference to the works authorised by the Act of 1976 there were substituted a reference to the works.
- (4) The provisions of the said section 17 of the Act of 1981, as so incorporated, shall have effect as if—
- (a) paragraph (2) of that section were omitted;
 - (b) for reference to Work No. 2 of the Act of 1981 there were substituted reference to the works; and
 - (c) for reference to British Telecommunications there were substituted a reference to a public telecommunications operator.

14 For protection of National Rivers Authority

For the protection of the National Rivers Authority (hereinafter referred to as “the authority”) the following provisions shall, unless otherwise agreed in writing between the Corporation and the authority, have effect—

- (1) in this section unless the context otherwise requires—
- “flood defence work” means any watercourse as defined in the Land Drainage Act 1991, and any structure or appliance under the control of the authority, constructed or used for defence against water (including sea water), details of which shall be specified to the Corporation prior to commencement of the works authorised by this Act, and including in particular but without prejudice to the generality of the foregoing the West India Dock;
- “plans” includes sections, drawings and specifications; and
- “specified work” means so much of any work authorised by this Act as will affect any flood defence work or the flow of water in, to or from any such flood defence work:
- (2) Not less than two months before beginning to construct any specified work, the Corporation shall submit to the authority plans of the work and the work shall not be constructed except in accordance with plans approved by the authority, such approval not to be unreasonably withheld, or settled by arbitration and in accordance with any reasonable requirements made by the authority for the protection of any flood defence work and for the prevention of flooding:
- (3) The requirements which the authority may make under paragraph (2) above include conditions requiring the construction of such protective works by, and at the expense of, the Corporation during the construction of the specified work as are reasonably necessary to safeguard a flood defence work against damage or to secure that the efficiency of a flood defence work for flood defence purposes is not impaired:

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- (4) If within a period of two months after the submission of any plans under paragraph (2) above, the authority do not inform the Corporation in writing that they disapprove of those plans, stating the grounds of their disapproval, they shall be treated for the purposes of that paragraph as having approved them:
- (5) Any specified work, and all protective works required by the authority under paragraph (2) above, shall be constructed to the reasonable satisfaction of the authority and the authority shall be entitled by their officer to watch and inspect the construction of such works:
- (6) If by reason of the construction of any specified work the efficiency of any flood defence work for flood defence purposes is impaired or that work is otherwise damaged, such damage shall be made good by the Corporation to the reasonable satisfaction of the authority and, if the Corporation fail to do so, the authority may make good the same and recover from the Corporation the expense reasonably incurred by them in so doing:
- (7) The Corporation shall indemnify the authority from all claims, demands, proceedings, costs, damages and expenses which may be made or taken against, or recovered from or incurred by, the authority by reason or in consequence of—
 - (a) any damage to any flood defence work so as to impair its efficiency for the purposes of flood defence; or
 - (b) any raising of the water table in lands adjoining the works authorised by this Act or any sewers, drains or watercourses; or
 - (c) any flooding or increased flooding of any such lands;which may be caused by or result from the construction of any work authorised by this Act or any act or omission of the Corporation, their contractors, agents, workmen or servants whilst engaged upon the work:
- (8)
 - (a) The authority shall give to the Corporation reasonable notice of any such claim or demand and no settlement or compromise thereof shall be made without the agreement of the Corporation such agreement not to be unreasonably withheld or delayed;
 - (b) Any sum payable to the authority under paragraph (7) above shall be paid by the Corporation within one month of notice being given in writing to the Corporation by the authority that the expenditure in respect of which the payment is due has been incurred by the authority:
- (9) The fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by the authority or to their satisfaction or in accordance with any directions or award of an arbitrator shall not relieve the Corporation from any liability under the provisions of this section:
- (10) Nothing in this Act shall affect any rights or powers vested or to be vested in the authority but all such rights and powers shall be as valid and effectual as if this Act had not been passed:
- (11) Any difference arising between the Corporation and the authority under this section shall be referred to and settled by arbitration.

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15 Transfer of rights and obligations

- (1) In this section “railway land” means any land which may be acquired by the Corporation from the British Railways Board for the purposes of this Act.
- (2) All rights and obligations of the said board relating to railway land, whether statutory or otherwise, shall be transferred to the Corporation to the exclusion of that board by virtue of this Act on the date upon which the Corporation enter upon railway land.