



Avon Weir Act 1992

1992 CHAPTER v

PART VI

PROTECTIVE PROVISIONS

52 For further protection of National Rivers Authority

For the further protection of the rivers authority the following provisions shall, unless otherwise agreed in writing between the Corporation and the rivers authority, apply:—

- (1) Nothing in sections 40 (Works in impounded river), 41 (Licensing of works) or 43 (Powers as to moorings, etc.) of this Act shall relieve any person of the obligation to obtain consent under section 109 of the Water Resources Act 1991 (which requires the consent of the rivers authority to the erection of any structure in, over or under a watercourse which is designated as main river) or any other licence or consent required under any enactment:
- (2) Nothing in this Act shall exempt any person from any land drainage byelaws of the rivers authority:
- (3)
 - (a) On receipt of application for a works licence under the said section 41 the Corporation shall serve on the rivers authority a copy of the application and all plans, sections and particulars incidental thereto;
 - (b) The Corporation shall consider such observations as the rivers authority may submit to the Corporation within six weeks after service on the rivers authority of the application and particulars as aforesaid, and shall not grant a works licence before the expiry of that period;
 - (c) In granting any works licence in response to such an application the Corporation shall impose on the applicant such terms and conditions as give effect to such reasonable requirements to prevent pollution of any watercourse, to safeguard it against damage or to secure that its efficiency for flood defence purposes is not impaired, as the rivers authority may, within the said period make in any observations to the Corporation:

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

(4) If by reason of the carrying out by the Corporation of works or operations in exercise of any of the powers of subsection (1) of section 43 (Powers as to moorings, etc.) of this Act, a watercourse or any of the banks of a watercourse is damaged or the efficiency of a watercourse for flood defence purposes is impaired, and the rivers authority takes such steps as are reasonable—

(a) to make good the watercourse to restore it to its former standard of efficiency; or

(b) where necessary, to construct some other work in substitution therefor;

it may recover from the Corporation the reasonable cost of so doing (including a proper proportion of the overhead charges of the rivers authority) and any such cost of executing works needed for remedying any subsidence of the substituted work during such reasonable period as may be agreed between the Corporation and the rivers authority, or failing agreement, settled by arbitration:

Provided that nothing in this paragraph shall apply to the erection of any structure or the carrying out of any work of alteration or repair of a structure in accordance with a consent of the rivers authority given under section 110 of the Water Resources Act 1991:

(5) If the rivers authority has reasonable grounds for believing that a watercourse or any of the banks of a watercourse is likely to be damaged or the efficiency of a watercourse for flood defence purposes is likely to be impaired in any of the circumstances mentioned in the last foregoing paragraph, it may carry out such protective works as may be agreed between it and the Corporation or as, failing agreement, may be settled by arbitration, and recover the reasonable cost thereof (including a proper proportion of the overhead charges of the rivers authority) from the Corporation:

(6) Any difference arising between the rivers authority and the Corporation under this section (other than a difference as to the construction thereof) shall be settled by arbitration.