



# British Railways Act 1993

## 1993 CHAPTER iv

### PART IV

#### PROTECTIVE PROVISIONS

#### **42 For protection of North West Water Limited**

For the protection of North West Water Limited (in this section referred to as “the company”) the following provisions shall, unless otherwise agreed in writing between the Board and the company, have effect:

(1) In this section—

“sewer” includes any main used for the conveyance of sewage sludge or sewage effluent and any pipe subway vested in or maintained by the company for the purpose of sewerage or sewage disposal; and

“specified work” means so much of the works within the area of the company, and of any work (whether temporary or permanent) forming part of, or constructed in connection with, those works, as will or may be situated over or within 15 metres measured in any direction of, or (wherever situated) impose any load directly upon, any sewer:

- (2) (a) Before commencing the construction or renewal of any specified work the Board shall submit to the company plans thereof as described in paragraph (3) below (in this section referred to as “the said plans”) and shall not commence that work until the company have signified their approval of the said plans;
- (b) The company’s approval shall not be unreasonably withheld and, if within 56 days after the submission of the said plans the company have not approved or disapproved them, they shall be deemed to have approved them:
- (3) (a) The plans to be submitted to the company shall be detailed plans, drawings, sections and specifications describing the position and manner in which, and the level at which, any specified work is proposed to be constructed and the position of all sewers of the company within 15 metres of that work and shall comprise detailed drawings of every alteration which the Board may propose in any such sewers;

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- (b) For the purpose of the preparation of the said plans the company shall permit the Board to have access to plans in their possession and to any of their sewers:
- (4) The company may require such modifications to be made in the said plans as may be reasonably necessary to secure the sewerage system of the company against interference or risk of damage and to provide and secure proper and convenient means of access to their sewers:
- (5) The specified work shall be constructed in accordance with the plans approved, or deemed to be approved, as aforesaid or settled by arbitration, as they may be amended from time to time by agreement between the Board and the company, and in the construction of the specified work the Board shall comply with all reasonable requirements of the company of which due notice is given to the Board and shall provide new, altered or substituted sewers, or works for the protection of any sewers of the company, in such manner as the company shall reasonably require for the proper protection of, and for preventing injury or impediment to, those sewers by reason of any specified work:
- (6) All works under paragraph (5) above for the provision of new, altered or substituted sewers or the protection of any sewers of the company, shall, where so required by the company, be constructed by the company or under the supervision (if given) of an officer of the company duly appointed for the purpose, and all costs, charges and expenses reasonably incurred by the company in the execution of those works, or in the preparation or examination of plans or designs therefor, or in such supervision, shall be paid to the company by the Board:
- (7) When works for the provision of any new, altered or substituted sewer, or any protective work forming part of any new, altered or substituted sewer or any existing sewer of the company, have been completed under this section, they shall be maintainable by the company:
- (8) (a) The Board shall be liable to make good, or, if the company so decide, to repay to the company any expense reasonably incurred by the company in making good, all injury or damage to any sewers, drains or works vested in the company (except in so far as any sewer, drain or work is intended for alteration or removal for the purposes of the specified work) caused by or resulting from the construction of any specified work and the provision of any new, altered or substituted sewer or any protective work under this section and shall pay to the company any additional expense to which they may be put in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the construction of any specified work;
- (b) Nothing in sub-paragraph (a) above shall impose any liability on the Board in respect of any damage to the extent that it is attributable to the act, neglect or default of the company, their officers, servants, contractors or agents:
- (9) An officer of the company duly appointed for the purpose may, at any reasonable time and, if required by the Board, under their supervision and control, enter upon and inspect any specified work or any other works constructed under this section:
- (10) The approval by the company of any plans, drawings, sections or specifications or the supervision by them of any work under this section shall not (if it was done without negligence on the part of the company, their employees, contractors or agents) exonerate the Board from any liability or affect any claim for damages by the company:

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- (11) As soon as reasonably practicable after the completion of the construction of the specified works the Board shall deliver to the company a plan and section showing the position and level of those works as constructed and all new, altered or substituted works provided under this section:
- (12) Any difference arising between the Board and the company under this section shall be referred to and settled by arbitration:
- (13) Nothing in this section shall affect the provisions of any enactment or agreement regulating the relations between the Board and the company in respect of any sewer or other apparatus constructed, laid or erected in land belonging to the Board before the passing of this Act.