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SCHEDULE

BRITISH RAILWAYS (NO. 3)

PART IV

PROTECTIVE PROVISIONS

For protection of sewers of Strathclyde Regional Council

30 For the protection of the sewers of the regional council the following provisions shall, unless otherwise agreed in writing between the Board and the regional council, have effect:—

(1) In this section—

“sewer” means, subject to paragraph (2) below, any sewer of the regional council and includes any manholes, ventilating shafts, pumps or other accessories of a sewer; and

“specified work” means any part of the works which will or may be situated within 15 metres measured in any direction of a sewer:

(2) Nothing in this section shall apply to apparatus of the regional council in respect of which the relations between the Board and the regional council are regulated by the provisions of Part IV of the Act of 1991:

(3) Wherever in this section provision is made with respect to the approval or consent of the regional council, that approval or consent shall be in writing and shall not be unreasonably withheld:

(4) The Board shall not commence the execution of any specified work until they have given to the regional council not less than 56 days' notice in writing of their intention to commence the same, together with plans as described in paragraph (9) below (in this section referred to as “the said plans”), for their approval and until the regional council have signified their approval of those plans:

Provided that, if within 56 days after the submission of the said plans the regional council have not approved or disapproved them, they shall be deemed to have approved the said plans as submitted:

(5) The Board shall comply with, and conform to, all reasonable orders, directions and regulations of the regional council in the execution of any specified work and shall provide new, altered or substituted works in such manner as the regional council reasonably require for the protection of, and for preventing injury or impediment to, any existing sewer by reason of the specified work and shall indemnify the regional council against all expenses occasioned thereby:

(6) All new, altered or substituted works shall, where so required by the regional council, be done by or under the direction, superintendence and control of an officer of the regional council duly appointed for the purpose at the cost of the Board, and all costs, charges and expenses reasonably incurred by the regional council by reason of those works, whether in the execution thereof, or in the preparation or examination of plans or designs, or in such direction, superintendence or control as aforesaid, or otherwise, shall be paid to the regional council by the Board:

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- (7) When any new, altered or substituted works or any work of defence connected therewith are completed by or at the cost of the Board under the provisions of this section, they shall thereafter be as fully and completely under the direction, jurisdiction and control of the regional council as any sewers or works now or hereafter may be:
- (8) The regional council may require the Board in constructing any specified work to make any reasonable deviation within the limits of deviation from the lines or levels shown upon the said plans for the purpose of avoiding injury, or risk of injury, to any sewer and the Board shall in constructing those works deviate accordingly:
- (9) The plans to be submitted to the regional council for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, any specified work is proposed to be constructed and shall accurately describe the position of all sewers of the regional council within the limits of deviation (for which purpose the regional council shall allow the Board access to plans in their possession and to any of their sewers in order to enable the Board to obtain reliable information) and shall comprise detailed drawings of every alteration which the Board may propose to make in any sewer:
- (10) The regional council may require such modifications to be made in the said plans as may be reasonably necessary to secure the main drainage system of the district in which any specified work is situated against interference or risk of damage and to provide and secure proper and convenient means of access to any sewer:
- (11) The Board shall be liable to make good, or, if the regional council so decide, to bear any expense reasonably incurred by the regional council in making good, all injury or damage caused by, or resulting from, the construction of any specified work to any sewer, drain or work vested in the regional council:
- (12) If the Board in the construction of any specified work or any new, altered or substituted work or any work of defence connected therewith provided in accordance with this section, damage or, without the consent of the regional council, alter or in any way interfere with any existing sewer, the Board shall—
 - (a) pay to the regional council any additional expense which may be reasonably incurred by the regional council in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary by reason of the said construction; and
 - (b) give to the regional council full, free and uninterrupted access at all times to any such new, altered or substituted sewer and every reasonable facility for the inspecting, maintenance, alteration and repair thereof:
- (13) It shall be lawful for an officer of the regional council duly appointed for the purpose at any reasonable time, on giving to the Board such notice as may in the circumstances be reasonable, to enter upon and inspect any specified work or any other work constructed under the powers of this section:
- (14) The approval by the regional council of any plans, or the superintendence by them of any work, under the provisions of this section, shall not exonerate the Board from any liability or affect any claim for damages under this section or otherwise:

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- (15) Any difference arising between the Board and the regional council under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.