



British Waterways Act 1995

1995 CHAPTER i

PART II

ENTRY ON LAND

8 Further provisions as to entry

- (1) (a) The power to carry out relevant operations includes power—
 - (i) to place and leave on the land apparatus for use in connection with the relevant operations in question, and to remove such apparatus; and
 - (ii) to carry out excavations.
 - (b) The nature of any apparatus and of any proposed excavations such as are referred to in paragraph (a) above shall be specified in the notice of entry in the case of relevant operations which are not emergency operations.
 - (c) If the Board carry out any excavation under the powers of paragraph (a) (ii) above they shall make good the surface of the land as soon as reasonably practicable after the completion of the relevant operations.
- (2) In carrying out any relevant operations in pursuance of section 4 (Entry on to land in cases of emergency) of this Act, the Board shall secure that as little damage as may be is done.
 - (3) A person authorised by the Board to enter on land in pursuance of section 4 (Entry on to land in cases of emergency) or section 6 (Power to enter land and carry out relevant operations pursuant to notice of entry) of this Act—
 - (a) shall, if so required before or after entering on the land, produce evidence of his authority to enter;
 - (b) may take with him on to the land such other persons and such vehicles, materials and equipment as are necessary for the relevant operations;
 - (c) shall leave the land as effectually secured against trespassers as he found it unless the occupier of the land or his agent indicates that he does not wish the land to be so secured.

Status: This is the original version (as it was originally enacted).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

- (4) As soon as reasonably practicable after the completion of any relevant operations and any making good carried out under subsection (1) (c) above the Board shall remove any apparatus, vehicles and equipment and any unused materials from the land.
- (5) Nothing in this Part shall authorise the Board to—
 - (a) enter any building or any operational railway, tramroad or any part of a tramway laid otherwise than in a highway or, in Scotland, a road; or
 - (b) use or interfere with any apparatus of a relevant undertaker, unless the Board are entitled to do so otherwise than by virtue of this Part; or
 - (c) construct any permanent works on any land unless the Board have a sufficient right or interest in the land apart from this Part.
- (6) The Board when they have entered any land pursuant to this Part shall commence the relevant operations for the purposes of which entry was made as soon as is reasonably practicable and shall complete them with all reasonable dispatch.
- (7) Nothing in this Part shall authorise the Board to enter any land for the purposes of or in connection with the development of any land, being land not forming part of any inland waterway or of any works such as are mentioned in paragraph (b) of the definition of relevant operations in section 3 of this Act.