



Broads Authority Act 2009

2009 CHAPTER i

PART 3

MISCELLANEOUS

41 For protection of Network Rail

- (1) For the protection of Network Rail the following provisions shall, unless otherwise agreed in writing between the Authority and Network Rail, apply and have effect.
- (2) In this section “Network Rail” means Network Rail Infrastructure Limited and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 736 of the Companies Act 1985 (c. 6)) the holding company of Network Rail.
- (3) No general or special direction shall be given so as unreasonably to prevent or delay Network Rail from using any vessel in any emergency for the purpose of inspecting, maintaining, repairing or renewing any lands, works or apparatus forming part of any operational railway of Network Rail; and any question arising under this subsection shall be determined with regard to the need to ensure the safety of members of the public.
- (4) Nothing in section 24 (entry on land) or section 39 (removal of vegetation, etc.) shall authorise the Authority to enter on any operational railway of Network Rail otherwise than with the consent in writing of Network Rail and in accordance with any reasonable conditions subject to which the consent is given.
- (5) Paragraph 21(9) of Schedule 5 to the 1988 Act shall apply to any dispute between the Authority and Network Rail arising under this section.