



Middle Level Act 2018

2018 CHAPTER ii

PART 2

REGULATION OF NAVIGATION

9 Repairs to buildings

- (1) This section applies where any building or structure in, on, under or over a waterway or its banks is, because of its state of disrepair, causing or in imminent danger of causing an obstruction to the passage of vessels on that waterway.
- (2) Where this section applies, the Commissioners may serve notice on the owner of the building or structure requiring the owner to carry out such reasonable and practicable works as are specified in the notice for the purpose of remedying or preventing the obstruction within such reasonable time as is specified in the notice.
- (3) Subject to subsection (4), if the owner does not carry out the works specified in the notice, the Commissioners may proceed to carry out those works and recover the expenses reasonably incurred in so doing from the owner as a civil debt.
- (4) Any person on whom notice is served under subsection (2) may within 14 days serve on the Commissioners a counter notice objecting to the necessity for such works.
- (5) Where a counter-notice is served under subsection (4)—
 - (a) the operation of the notice is suspended until—
 - (i) agreement has been reached as to the necessity of the works; or
 - (ii) the dispute has been determined in accordance with paragraph (b);and
 - (b) if that person and the Commissioners cannot reach agreement the dispute is to be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.