

SCHEDULES

SCHEDULE 3

Sections 7 and 8.

SPECIAL CONTROL OF NAVIGATION, ETC

PART I

POWERS

- 1 (1) Subject to sub-paragraph (2) below, the Secretary of State may raise, lower, divert, alter, remove or otherwise interfere with any of the following, that is to say—
- (a) any pipe, tube, cable, wire or other apparatus intended or used for carrying water, gas or electricity or for telegraphic, postal or other purposes ;
 - (b) any sewer or drain or other similar works ; and
 - (c) any mooring;
- in any case where it appears to him to be necessary or convenient to do so for the purposes of any of the works.
- (2) The Secretary of State may not under sub-paragraph (1)(a) or (b) above remove from any land acquired for or in connection with the principal works any apparatus of a description falling within section 230(1)(b) of the Town and Country Planning Act 1971 (apparatus vested in or belonging to statutory undertakers for the purpose of carrying on their undertaking) as that paragraph applies by virtue of paragraph 8 of Schedule 1 to this Act in relation to any such land.
- 2 If it appears to the Secretary of State to be necessary or convenient for the purposes of any of the works, he may remove any vessel—
- (a) sunk, stranded or abandoned in the area affected by the works; or
 - (b) moored or left there (whether lawfully or not);
- either to another place within that area or to a place outside that area.

PART II

PROHIBITIONS AND RESTRICTIONS

- 3 (1) A person may not navigate within or carry out any other activities or operations on; in, under or over the bed, banks, foreshore or waters of the Estuary within the area affected by the works at any time when that area is closed to navigation in pursuance of this paragraph.
- (2) At any time when it appears to the Secretary of State to be necessary or convenient for the purposes of any of the works, he may close the area affected by the works to navigation by a direction given under this paragraph specifying the period during which that area is to be closed.

Status: This is the original version (as it was originally enacted).

- (3) Subsections (4) to (6) of section 8 of this Act shall apply in relation to a direction under this paragraph as they apply in relation to a direction under section 7 of this Act.
- (4) Without prejudice to paragraph 6 of Schedule 2 to this Act, the Secretary of State may take such measures as he thinks fit to prevent access to the area affected by the works at any time when that area is closed to navigation in pursuance of this paragraph.
- 4 A person may not—
- (a) cause or permit a vessel to be moored in the area affected by the works ; or
 - (b) lay down or place in that area any apparatus of any description mentioned in paragraph 1 above ;
- without the consent in writing of the Secretary of State.
- 5 A person may not without the consent in writing of the Secretary of State exercise or enjoy within the area affected by the works—
- (a) any public right of fishery, public right of way or other public or customary right (other than a right of navigation);
 - (b) any other privilege, immunity or right conferred by licence or other authority granted or given under any enactment (whenever passed);
- that would apart from this paragraph be exercisable or available in that area.
- 6 A person may not without the consent in writing of the Secretary of State carry out within the area affected by the works—
- (a) any mining operations ;
 - (b) any blasting or dredging operations ; or
 - (c) any other operations of a similar description in, on, over or under the bed, banks, foreshores or waters of the Estuary.
- 7 A person may not without the consent in writing of the Secretary of State do anything within the area affected by the works which is capable of preventing or hindering the construction or carrying out of any of the works.

PART III

SUPPLEMENTARY PROVISIONS

- 8 The Secretary of State may delegate—
- (a) any of his powers under Part I of this Schedule ; and
 - (b) the giving or withholding of any consent required or the taking of any other action he is authorised to take for the purposes of Part II of this Schedule ;
- to the harbour master or to any other person appointed by him for the purpose.
- 9 Any consent given for the purposes of any provision of Part II of this Schedule by the Secretary of State or by any person exercising a power delegated to him by the Secretary of State in accordance with paragraph 8 above may be given subject to conditions.
- 10 A person who without reasonable excuse contravenes any provision of Part II of this Schedule or fails to comply with any condition attached to a consent given for the purposes of any such provision shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (within the meaning of section 75 of the Criminal Justice Act 1982).