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**Changes to legislation:** There are currently no known outstanding effects for the Cardiff Bay Barrage Act 1993, Cross Heading: Other matters relating to water etc.. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2

#### WORKS: SUPPLEMENTARY

##### *Other matters relating to water etc.*

- 10 (1) Notwithstanding anything in any other enactment, the Development Corporation may for the purposes of, in connection with or in consequence of the works authorised by section 1 of this Act or anything authorised by any of the preceding provisions of this Schedule—
- (a) take, impound or use water from, or discharge water into, the sea, or
  - (b) pump any water required by them from or into the inland bay or pump any water found by them into the inland bay;
- and, in order to do so, they may, within the limits of deviation, lay down, take up or alter pipes or other apparatus and make any convenient connections with the inland bay.
- (2) Notwithstanding anything in any other enactment, the Development Corporation may for the purposes of or in connection with—
- (a) the works authorised by section 1(1) of this Act, or
  - (b) anything authorised by section 1(5) of this Act, or any of the preceding provisions of this Schedule, to be done for the purposes of or in connection with those works,
- pump any water found by them into any sewer or drain; and, in order to do so, they may, within the limits of deviation, make any convenient connections with any sewer or drain.
- (3) The Development Corporation shall not under this paragraph—
- (a) discharge any water into any sewer or drain except with the consent of the appropriate person or otherwise than in accordance with such terms and conditions as that person may reasonably impose,
  - (b) make any opening into any sewer or drain except in accordance with plans reasonably approved by and under the superintendence (if given) of the appropriate person, or
  - (c) take, impound, use or pump any water from upstream of either the weir at Blackweir in the river Taff or the Wiggins Teape Weir in the river Ely.
- (4) In sub-paragraph (3) above “the appropriate person” means—
- (a) in the case of a private sewer or a drain, the owner, and
  - (b) in the case of a public sewer, the sewerage undertaker for the area where it is situated.
- (5) Any consent requested for the purposes of sub-paragraph (3)(a) above shall not be unreasonably withheld.

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- (6) Nothing in this paragraph shall exempt the Development Corporation from any requirement of the <sup>M1</sup>Prevention of Oil Pollution Act 1971.
- (7) Subject to sub-paragraph (8) below, nothing in this paragraph shall exempt the Development Corporation from any requirement of the <sup>M2</sup>Water Resources Act 1991; and, accordingly, this paragraph shall not be regarded as a local statutory provision for the purposes of section 88 of that Act (defences to pollution offences under section 85).
- (8) In the application of section 85 of that Act to, and to the consequences of, a discharge effected under this paragraph that section shall have effect with the omission of subsections (2) to (4) (offences involving discharge from sewer or drain in contravention of prohibition under section 86 or discharge of trade or sewage effluent).

#### Marginal Citations

- M1** 1971 c. 60.  
**M2** 1991 c. 57.

- 11 (1) [<sup>F1</sup>Where the Natural Resources Body for Wales and] the sewerage undertaker for the area in which any sewer, drain or other watercourse (or any part of a sewer, drain or other watercourse) within the limits of deviation is situated consider—
- (a) in the case of (or of a part of) a sewer or drain, that it has become unnecessary by reason of the exercise of any of the powers conferred by section 1 of this Act or the preceding provisions of this Schedule, or
  - (b) in the case of any other watercourse (or part of a watercourse), that it has ceased to be of use for any purpose connected with water supply, land drainage or conservation or recreation by reason of the exercise of any of those powers,
- the Development Corporation shall remove it or fill it in.
- (2) Any difference between the Development Corporation and [<sup>F2</sup>the Natural Resources Body for Wales or a] sewerage undertaker as to whether the condition in paragraph (a) or (b) of sub-paragraph (1) above is satisfied shall be determined by arbitration.

#### Textual Amendments

- F1** Words in Sch. 2 para. 11(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 357\(3\)\(a\)](#) (with Sch. 7)
- F2** Words in Sch. 2 para. 11(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 357\(3\)\(b\)](#) (with Sch. 7)

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