

SCHEDULES

SCHEDULE 2

WORKS

Temporary interference with waterways

- 11 (1) The powers under this paragraph are exercisable in relation to the following waterways for the purposes of or in connection with the works authorised by this Act—
- the River Trent;
 - the Trent and Mersey Canal.
- (2) The nominated undertaker may—
- (a) temporarily interfere with a waterway mentioned in sub-paragraph (1) at any point within the Act limits by constructing or maintaining such temporary works, or by carrying out such dredging works, as it considers necessary or expedient;
 - (b) temporarily moor or anchor barges or other vessels or craft in a waterway mentioned in sub-paragraph (1);
 - (c) temporarily close a waterway mentioned in sub-paragraph (1), or a part of such a waterway, to navigation.
- (3) The power under sub-paragraph (2)(c) must be exercised in a way which secures—
- (a) that no more of the waterway is closed to navigation at any time than is necessary in the circumstances, and
 - (b) that, if complete closure of the waterway to navigation becomes necessary, all reasonable steps are taken to secure that the minimum obstruction, delay or interference is caused to vessels or craft which may be using or intending to use it.
- (4) The nominated undertaker is not liable for any loss suffered, or costs or expenses incurred, by any person as a direct or indirect result of any interference in accordance with this paragraph with a public right of navigation.
- (5) The nominated undertaker must compensate any person who suffers loss as a result of any interference in accordance with this paragraph with a private right of navigation.
- (6) Any dispute as to a person's entitlement to compensation under sub-paragraph (5), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.

Changes to legislation:

There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Cross Heading: Temporary interference with waterways.