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STATUTORY INSTRUMENTS

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**1991 No. 1760**

**The River Colne Barrier (Wivenhoe) Order 1991**

**Temporary use of land**

6.—(1) In this Article “the designated lands” means so much of the lands shown on sheets 2, 3 and 4 of the deposited plans in the borough of Colchester and in the district of Tendring as lies within the lines marked “Limit of temporary working site” on the deposited plans.

(2) The Rivers Authority, in connection with the construction of the works and after giving to the owners and occupiers of the designated lands not less than 28 days' previous notice in writing, may—

- (a) enter upon and take possession temporarily of the designated lands or any part thereof for the purpose of temporary working sites;
- (b) construct on the designated lands such temporary works or structures as may be required by them; and
- (c) remove any structures and vegetation on the designated lands.

(3) On the exercise of the powers conferred by paragraph (2) above, the following provisions shall have effect—

- (a) The Rivers Authority shall not for any of the purposes mentioned in paragraph (2) above be empowered to purchase compulsorily or be required to purchase any part of the designated lands which is the subject of the notice;
- (b) The Rivers Authority shall not, without the agreement of the owners and occupiers of the designated lands, remain in possession of any part thereof after a period of one year from the completion of the works for which such possession has been taken;
- (c) Before giving up possession of the designated lands, the Rivers Authority shall remove all temporary works or structures and restore the designated lands to the reasonable satisfaction of the owners and occupiers thereof;
- (d) The Rivers Authority shall compensate the owners and occupiers of the designated lands for any loss or damage which may result to them by reason of the exercise of the powers of the said paragraph (2);
- (e) Nothing in this Article shall relieve the Rivers Authority from liability to compensate under section 10(2) of the Act of 1965, as incorporated with or applied by this Order, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under sub-paragraph (d) above;
- (f) Any dispute as to a person's entitlement to compensation under sub-paragraph (d) above or as to the amount thereof shall be determined by the tribunal.