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STATUTORY INSTRUMENTS

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**1991 No. 2210**

**The Grimsby and Louth Light Railway Order 1991**

**For protection of water undertaker**

**13.** For the protection of Anglian Water Services Limited (in this article referred to as “the water undertaker”) the following provisions shall, unless otherwise agreed in writing between the Company and the water undertaker, apply and have effect:—

(1) In this article, “apparatus” means mains, pipes or other apparatus belonging to or maintained by the water undertaker for the purposes of water supply, not being apparatus in respect of which the relations between the Company and the water undertaker are regulated by Part II of the Public Utilities Street Works Act 1950(1).

(2) Nothing in section 18 of the Railways Clauses Consolidation Act 1845 as incorporated in this Order shall authorise the Company to raise, sink or otherwise alter the position of, or in any way to interfere with, any apparatus without the consent in writing of the water undertaker, such consent not to be unreasonably withheld.

(3) The Company shall afford reasonable facilities to the water undertaker for the execution and doing of all such works and things as may be reasonably necessary to enable them to inspect, repair, maintain, renew, replace, remove or use any apparatus.

(4) The Company shall make compensation to the water undertaker—

(a) for any damage caused to any apparatus; and

(b) for any other expenses, loss, damages, penalty or costs incurred by the water undertaker, by reason or in consequence of the execution, maintenance, use or failure of any of the works authorised by this Order or otherwise by reason or in consequence of the exercise by the Company of the powers of this Order:

Provided that nothing in this paragraph shall entitle the water undertaker to any payment in respect of damage attributable to the neglect or default of the water undertaker, their servants or agents.

(5) Nothing in this Order shall prejudice or affect the rights of the water undertaker in respect of any apparatus or the provisions of any agreement regulating the relations between the Company and the water undertaker with regard to any apparatus and whether made before or after this Order comes into force.

(6) Any difference arising between the Company and the water undertaker under this article shall be referred to and settled by arbitration.

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(1) 1950 c. 39.