
STATUTORY INSTRUMENTS

1995 No. 1236

The Foxfield Light Railway Order 1995

For protection of National Rivers Authority

10.—(1) For the protection of the National Rivers Authority (in this article referred to as “the Authority”) the provisions of this article shall, unless otherwise agreed in writing between the Society and the Authority, apply and have effect.

(2) Nothing in this Order or in any enactment incorporated with or applied by this Order shall prejudice or affect the operation of section 109 of the Water Resources Act 1991⁽¹⁾ or any byelaws made under that Act or the Land Drainage Act 1991⁽²⁾ in relation to anything done under or in pursuance of this Order.

- (a) (3) (a) Before carrying out any works involving the erection or raising of any obstruction to the flow of any watercourse which is not part of a main river within the meaning of section 113 of the Water Resources Act 1991 or the construction, alteration or replacement of any culvert or any structure designed to contain or divert the flow of any such watercourse in, under or through any land held for the purposes of or in connection with the railways the Society shall furnish to the Authority proper and sufficient plans thereof for the approval of the Authority and shall not carry out the said works until the said plans have been approved in writing by the Authority;
- (b) The approval of plans furnished under this paragraph shall not be unreasonably withheld and, if within two months after such plans have been supplied to the Authority, the Authority shall not have intimated its disapproval thereof and the grounds of its disapproval, it shall be deemed to have approved the plans as supplied;
- (c) For the purposes of this paragraph “plans” includes sections, drawings, specifications, calculations and descriptions.

- (a) (4) (a) Any culvert or any structure designed to contain or divert the flow of any watercourse situated within any land held for the purposes of or in connection with the railways, whether constructed under the powers of this Order or in existence prior to the making hereof, shall be maintained by the Society in good repair and condition and free from obstruction;
- (b) Nothing in this paragraph shall have the effect of requiring the Society to carry out works of maintenance in respect of any culvert or structure which the Authority or any other person are liable to maintain.

(5) If any obstruction is erected or raised or any culvert or structure is constructed, altered or replaced in contravention of this article the Society shall upon receiving notice from the Authority take such action as may be necessary to remedy the effect of the contravention to the Authority’s satisfaction and in default the Authority may itself take such action as may be necessary and recover the expenses reasonably incurred by it in doing so from the Society as a debt due from them to the Authority.

(1) 1991 c. 57.
(2) 1991 c. 59.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) Any dispute or difference which may arise between the Authority and the Society under this article shall be determined by arbitration.

(7) The provisions of the Railways Clauses Consolidation Act 1845 applied by this Order shall be subject to the provisions of this article.