

SCHEDULES

SCHEDULE 7

PROTECTION OF NAVIGATION

As to Queen's Harbour Master

10.—(1) The undertaker shall, before commencing any specified work or operation, supply to the Queen's Harbour Master proper and sufficient plans of the works or operation for his reasonable approval and shall not commence the same until such plans have been approved in writing by the Queen's Harbour Master, or, in the event of dispute, settled pursuant to paragraph 15.

(2) In considering plans for approval under this paragraph, the Queen's Harbour Master shall have regard not only to the interests of navigation but also to the desirability of facilitating the construction of the specified works and operations notwithstanding that they interfere with navigation, taking into account for this purpose that those works and operations will enable the provision of a public project for which statutory authority has been given.

(3) The approval of the Queen's Harbour Master under this paragraph shall not be unreasonably withheld or delayed but may be given subject to reasonable conditions including conditions requiring the undertaker to vacate the tunnel area in whole or in part upon a direction being given to that effect by the Queen's Harbour Master in an emergency or otherwise for naval operational requirements where it is not reasonably practical for those requirements otherwise to be met.

(4) If, within 56 days after plans have been supplied to the Queen's Harbour Master under this paragraph, the Queen's Harbour Master has not intimated his approval or his disapproval thereof and the grounds of his disapproval, he shall be deemed to have disapproved them.