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STATUTORY INSTRUMENTS

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**2002 No. 1998**

The Wye Navigation Order 2002

PART IV

SUPPLEMENTARY PROVISIONS IN RELATION TO THE PRINCIPAL RIVERS

**For protection of bridges, highways, railways, etc.**

**29.**—(1) Subject to paragraph (2), nothing in Part III of this Order or any byelaw made under or by virtue of that Part shall prejudice the exercise of any power of a highway authority or Railtrack to enter upon, use or interfere with the principal rivers for the purpose of inspecting, maintaining, repairing, improving, widening or reconstructing any bridge, highway, railway or public quay to which this article applies.

(2) In exercising any power referred to in paragraph (1), a highway authority or Railtrack (as the case may be) shall comply with any reasonable direction given by the Agency for the purpose of protecting the navigation and use of the principal rivers, whether in the form of modifications to the plans, sections and particulars of the proposed work, in relation to the manner in which the work is to be carried out, or otherwise.

(3) Any dispute between the Agency and a highway authority or Railtrack as to the reasonableness of any direction given by the Agency under paragraph (2) shall be determined by a person appointed for the purpose—

- (a) by agreement between the Agency and the highway authority or Railtrack (as the case may be); and
- (b) failing such agreement, by the appropriate national authority.

(4) This article applies to—

- (a) any bridge over the principal rivers, being—
  - (i) a highway maintainable at the public expense; or
  - (ii) a bridge maintained by the highway authority in pursuance of any agreement, and includes the highway carried by that bridge;
- (b) any railway bridge over the principal rivers belonging to Railtrack, including the railway carried by that bridge;
- (c) any highway, or railway belonging to Railtrack, abutting on, adjacent to or contiguous with the principal rivers and any retaining wall between them and any such highway or railway; and
- (d) any public quay situated in or by the principal rivers.

(5) In this article expressions to which meanings are assigned by the Highways Act 1980 have the same respective meanings.