

SCHEDULES

SCHEDULE 13

FOR PROTECTION OF BRITISH WATERWAYS BOARD

Powers requiring the Board's consent

3.—(1) Merseytravel shall not under the powers conferred by this Order acquire, compulsorily any land of the Board relating to the waterway or any easement or other right over such land, or use any such land, unless such acquisition or use is with the consent of the Board.

(2) Merseytravel shall not in the exercise of the powers conferred by this Order permanently obstruct or interfere with pedestrian or vehicular access to a waterway unless such permanent obstruction or interference with such access is with the consent of the Board.

(3) Nothing in article 21 shall authorise Merseytravel—

(a) to discharge any water directly or indirectly into a waterway; or

(b) to carry out any works to, or make any opening in, or otherwise interfere with, a waterway (including the banks and bed thereof),

except with the consent of the Board and in accordance with plans approved by, and under the supervision (if given) of, the engineer.

(4) Merseytravel shall not exercise any power conferred by this Order in such a way as to interfere with the supply of water to or the drainage of water from a waterway unless such exercise is with the consent of the Board.

(5) Merseytravel shall not exercise the powers conferred by article 25, or the powers conferred by section 11(3) of the 1965 Act, in relation to a waterway unless such exercise is with the consent of the Board.

(6) Merseytravel shall not exercise the powers conferred by sections 271 or 272 of the 1990 Act, as applied by Schedule 11 to this Order, so as to divert any right of access to a waterway, but such right of access may be diverted with the consent of the Board.

(7) The consent of the Board pursuant to sub-paragraphs (1) to (6) and the approval of plans under sub-paragraph (3) shall not be unreasonably withheld or delayed but may be given subject to reasonable terms and conditions which, in the case of article 21, may include conditions—

(a) specifying the maximum volume of water which may be discharged in any period; and

(b) authorising the Board on giving reasonable notice (except in an emergency, when the Board may require immediate suspension) to Merseytravel to require Merseytravel to suspend the discharge of water or reduce the flow thereof where this is necessary by reason of any operational requirement of the Board.