

## SCHEDULES

### SCHEDULE 12

#### PROTECTIVE PROVISIONS

#### PART 4

#### PROTECTIVE PROVISION FOR THE HOBSON'S CONDUIT TRUST

##### **Interpretation**

**28.** In this Part of this Schedule—

“construction”, in relation to any specified work or protective work, includes—

- (a) the execution and placing of that work; and
- (b) any relaying, renewal or maintenance of that work,

and “construct” and “constructed” are construed accordingly;

“detriment” means any damage to the watercourse, including—

- (a) any obstruction of, or interference with, or hindrance or danger to, any use of the watercourse;
- (b) the erosion of the bed or banks of the watercourse, or the impairment of the stability of any works or lands forming part of the watercourse;
- (c) the deposit of materials or the siltation of the watercourse so as to damage the watercourse;
- (d) the pollution of the watercourse;
- (e) any significant alteration in the water level of the watercourse, or significant interference with the supply of water to it, or drainage of water from it (save to the extent that such alteration or interference was otherwise approved by the Trust);
- (f) any harm to the ecology of the watercourse; and
- (g) any interference with the exercise by any person of rights over the watercourse,

“the engineer” means an engineer appointed by the Trust for the purpose in question;

“plans” includes sections, designs, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction) and programmes;

“practical completion” means practical completion of all of the specified work notwithstanding that items which would ordinarily be considered snagging items remain outstanding, and the expression “practically complete” and “practically completed” are to be construed accordingly;

“protective work” means a work constructed under paragraph 32(3)(a);

“specified work” means so much of any of the authorised works as is situated upon, across, under, over or within 16 metres of the watercourse, or may in any way adversely affect the watercourse;

“the Trust” means the Hobson's Conduit Trust;

**Status:** *This is the original version (as it was originally made).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

“the watercourse” means Hobson’s Brook and Conduit, and includes any works, lands or premises belonging to the Trust, or under its management or control, that are held or used by the Trust in connection with Hobson’s Brook and Conduit.