
STATUTORY INSTRUMENTS

2023 No. 778

The Boston Alternative Energy Facility Order 2023

PART 6

MISCELLANEOUS AND GENERAL

Amendment of local legislation

41.—(1) The following local enactments and local byelaws, and any byelaws or other provisions made under any of those enactments or byelaws, are hereby excluded and do not apply insofar as inconsistent with a provision, of or a power conferred by, this Order—

- (a) Boston Port and Harbour Act 1812**(1)**;
- (b) Witham Navigation and Drainage Act 1812**(2)**;
- (c) River Witham Outfall Improvement Act 1880**(3)**;
- (d) Boston Dock Act 1881**(4)**;
- (e) Land Drainage (Black Sluice) Provisional Order Confirmation Act 1925**(5)**;
- (f) The Boston Barrier Order 2017**(6)**;
- (g) Boston Dock Byelaws 1947; and
- (h) Black Sluice Internal Drainage Board Complete Land Drainage Byelaws 1988.

(2) For the purpose of paragraph (1) a provision is inconsistent with the exercise of a power conferred by this Order if and insofar as (in particular)—

- (a) it would make it an offence to take action, or not to take action, in pursuance of a power conferred by this Order;
- (b) action taken in pursuance of a power conferred by this Order would cause the provision to apply so as to enable a person to require the taking of remedial or other action or so as to enable remedial or other action to be taken; or
- (c) action taken in pursuance of a power or duty under the provisions would or might interfere with the exercise of any work authorised by this Order.

(3) Where any person notifies the undertaker in writing that anything done or proposed to be done by the undertaker or by virtue of this Order would amount to a contravention of a statutory provision of local application, the undertaker must as soon as reasonably practicable, and at any rate within 14 days of receipt of the notice, respond in writing setting out—

- (a) whether the undertaker agrees that the action taken or proposed does or would contravene the provision of local application;

(1) 1812. c. cv.
(2) 1812 c. cviii.
(3) 1880 c. cliii.
(4) 1881 c. cxii.
(5) 1925 c. lxxi.
(6) S.I. 2017/1329.

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- (b) if the undertaker does agree, the grounds (if any) on which the undertaker believes that the provision is excluded by this article; and
- (c) the extent of that exclusion.