

SCHEDULES

SCHEDULE 13

FOR PROTECTION OF BRITISH WATERWAYS BOARD

Construction of specified works

14.—(1) Any specified or protective work shall, when commenced, be constructed—

- (a) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as provided in paragraph 8(1) and with any requirement made under paragraph 8(3)(b);
- (b) under the supervision (if given) and to the reasonable satisfaction of the engineer;
- (c) in such manner as to cause as little detriment as is reasonably practicable, and
- (d) in such manner as to cause as little inconvenience as is reasonably practicable to the Board, its officers and agents and all other persons lawfully using the waterways, except to the extent that temporary obstruction has otherwise been agreed by the Board.

(2) Nothing in this Order shall authorise the promoter to make or maintain any permanent work in or over a waterway so as to impede or prevent (whether by reducing the width of a waterway or otherwise) the passage—

- (a) in the case of any waterway to which the provisions of sections 105(1)(b) and 105(2) of the Transport Act 1968⁽¹⁾ apply, of any vessel which is of a kind (as to its dimensions) for which the Board is required by sections 105(1)(b) and 105(2) of the Transport Act 1968 to maintain the waterway; or
- (b) in the case of any other waterway, of any vessel such as would have been capable of navigating the waterway on 17th April 2007.

(3) Following completion of the construction of any specified work the promoter shall restore the waterway to a condition no less satisfactory than its condition immediately prior to the commencement of that work.

15.—(1) Any pile, stump or other obstruction which becomes exposed in consequence of a specified work shall be removed by the promoter or, if it is not reasonably practicable to remove it, shall be cut off at such level below the bed of a waterway as the Board may direct.

(2) If the promoter fails to remove any such pile, stump or other obstruction within 28 days after receipt of written notice from the Board requiring the removal, the Board may carry out the removal and recover its costs from the promoter.

(1) 1968 c. 73.