



Midland Metro Act 1992

1992 CHAPTER vii

PART IV

PROTECTIVE PROVISIONS

21 For protection of National Rivers Authority

For the protection of the National Rivers Authority (in this section referred to as “the Authority”) the following provisions shall, unless otherwise agreed in writing between the Executive and the Authority, have effect:—

(1) In this section—

“construction” includes placing and altering and, in relation to temporary works, includes removal;

“drainage work” means any watercourse as defined in the Land Drainage Act 1991, and includes any land regularly used for providing flood storage capacity for any such watercourse and any other structure or appliance under the control of the Authority constructed or used for defence against water;

“plans” includes sections, drawings, specifications, method statements and other such particulars;

“specified work” means so much of any work authorised by this Act as is likely to affect any drainage work or the flow of water in, to or from any such drainage work:

- (h) (a) Not less than two months before beginning the construction of any specified work, the Executive shall submit to the Authority plans of the work and such further particulars available to them as the Authority may, within 28 days of the submission of the plans, reasonably require;
- (b) Any such specified work shall not be constructed except in accordance with plans approved by the Authority, or settled by arbitration, and in accordance with any reasonable requirements made by the Authority for the protection of any drainage work and for the prevention of flooding;
- (c) The requirements which the Authority may make under sub-paragraph (b) above include conditions requiring the construction of such protective works

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by, and at the expense of, the Executive during the construction of the specified work as are reasonably necessary to safeguard a drainage work against damage or to secure that the efficiency of a drainage work for flood defence purposes is not impaired:

- (3) If within a period of two months after the submission of any plans under paragraph (2) (a) above the Authority do not inform the Executive in writing that they disapprove of those plans, stating the grounds of their disapproval, they shall be treated for the purposes of this section as having approved them:
- (4) Any specified work, and all protective works required by the Authority under paragraph (2) above, shall be constructed to the reasonable satisfaction of the Authority and the Authority shall be entitled by their officer to watch and inspect the construction of such works:
- (5) If by reason of the construction of any specified work the efficiency of any drainage work for flood defence purposes is impaired or that work is otherwise damaged, such damage shall be made good by the Executive to the reasonable satisfaction of the Authority and, if the Executive fail to do so, the Authority may make good the same and recover from the Executive the expense reasonably incurred by them in so doing:
- (6) The Executive shall pay to the Authority all costs, charges and expenses reasonably incurred by them in respect of the examination and approval of plans under this section:
- (c) (a) The Executive shall indemnify the Authority from all claims, demands, proceedings, costs, damages, expenses or loss which may be made or taken against, or recovered from or incurred by, the Authority by reason or in consequence of—
 - (i) any damage to any drainage work so as to impair its efficiency for the purposes of flood defence; or
 - (ii) any raising of the water table in land adjoining the works authorised by this Act or any sewers, drains and watercourses; or
 - (iii) any flooding or increased flooding of any such lands;

which may be caused by, or result from, the construction of any authorised work or any act or omission of the Executive, their contractors, agents, workmen or servants whilst engaged upon the work;

- (b) The Authority shall give to the Executive reasonable notice of any such claim or demand and no settlement or compromise thereof shall be made without the consent of the Executive who, if they withhold such consent and confirm to the Authority their acceptance of liability under this paragraph in respect of the claim or demand in question, shall have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand:
- (8) The fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by the Authority, or to their satisfaction, or in accordance with any directions or award of an arbitrator, shall not relieve the Executive from any liability under the provisions of this section:
- (9) For the purposes of section 109 of the Water Resources Act 1991 (as to structures in, over or under a main river) as applying to the construction of any specified work, any consent or approval given or deemed to be given by the Authority under this section with respect to the erection of any structure shall be deemed also to constitute a consent or approval under the said section 109 as respects the erection of that structure:

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- (10) To the extent to which byelaws made under section 66 of the Land Drainage Act 1991 or paragraph 5 of Schedule 25 to the Water Resources Act 1991 apply to anything done in relation to railway property or the use thereof, those byelaws shall apply to anything done under this Act:
- (11) Any difference arising between the Executive and the Authority under this section (other than a difference as to its meaning or construction) shall be determined by arbitration.