
STATUTORY INSTRUMENTS

1999 No. 2587

The Pur Fleet (King's Lynn) Order 1999

PART II

WORKS PROVISIONS

Supplemental

Diversion of flow of water in certain watercourses

7. The Council may by means of the works divert, abstract, intercept, or otherwise interfere with the waters or the flow of water in the creek or the river.

Power to Council to interfere with existing dam

8.—(1) Subject to the provisions of this Order, the Council may for the purposes of regulating the level of water which may be impounded as a consequence of the construction of the barrage, fill in, alter or remove any sills, tide flaps, sluices or other similar devices whatsoever forming part of the existing dam.

(2) The Council shall pay compensation to all persons for any damage sustained by them or liability to which they may become subject by reason of the exercise by the Council of the powers of this article and any question as to the amount of the compensation to be so paid shall be determined by the Lands Tribunal.

Power to take, pump and discharge water

9.—(1) Except as provided in paragraphs (2) and (3) below, notwithstanding anything contained in any other enactment the Council may, for the purposes of or in connection with the exercise of their functions under this Order, take, impound and use water from the creek or pump any water from the creek into any sewer, drain or watercourse and for any of those purposes may, within the limits of deviation, lay down, take up and alter conduits, pipes and other works and conveniences and make any convenient connections with the creek or, as the case may be, with the sewer, drain or watercourse.

(2) The Council shall not, under the powers of this article—

- (a) discharge any water into any sewer or drain except with the consent (which shall not be unreasonably withheld) of the sewerage undertaker or (in the case of a private sewer or drain) the owner and subject to such terms and conditions as the sewerage undertaker or the owner, as the case may be, may reasonably impose, and
- (b) make any opening into any such sewer or drain save in accordance with plans approved by and under the superintendence, if given, of, the sewerage undertaker or the owner, as the case may be, but such approval shall not be unreasonably withheld.

(3) Subject to article 5 above, nothing in this article shall relieve the Council from the requirements of the Water Resources Act 1991.

(4) Section 85 of the Water Resources Act 1991 shall apply to a discharge under the powers of this article into any controlled waters within the meaning given by section 104 of that Act as if this article were excluded from the reference to any local statutory provision mentioned in section 88(1)(f) of that Act.

(5) In paragraph (2) above “owner” includes any person with a right to use the private sewer or drain in question.

Agreements with owners of land and others for execution of works

10.—(1) The Council may enter into agreements with the Agency or the owners of, or other persons interested in, any land in or through which the works are or may be constructed or the drainage of which may be affected by the construction of the works for or with respect to the doing of anything which may be rendered necessary or convenient by reason or in consequence of the exercise of the powers of this Order.

(2) Any such agreement may provide for—

- (a) the payment by the Council of, or the making of contributions by them towards, the cost incurred by the Agency or any such owners or other persons in or in connection with the doing of any such thing, or
- (b) the payment by the Council of compensation for any injury suffered or loss incurred by the Agency or any such owners or other persons by reason or in consequence of the execution by the Council of the works.

Operation of sluices

11. Notwithstanding anything in any enactment or in any rule of law, the Council may operate the sluices, culverts or moveable sections or gates comprised in the barrage to control the level of water impounded in the creek, in such manner and for such periods as they think necessary or desirable.

Misuse of sluices, etc.

12.—(1) Any person who, without lawful authority, closes or opens the sluices, culverts or moveable sections or gates comprised in the barrage or in any other way interferes with those sluices, culverts, sections or gates or the operation thereof, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person shall not be guilty of any offence under paragraph (1) above as respects any act done in an emergency in order to avoid danger to any person or property.