

SCHEDULES

SCHEDULE 8

PROTECTIVE PROVISIONS

PART 2

FOR PROTECTION FOR BRITISH WATERWAYS BOARD

Interpretation

(2) In this Part of this Schedule—

“BW” means the British Waterways Board;

“BW’s network” means BW’s network of waterways;

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

- (i) the execution and placing of that work; and
- (ii) any relaying, renewal or maintenance of that work as may be carried out during the period of 24 months from the completion of that work;

and “construct” and “constructed” have corresponding meanings;

“detriment” means any damage to a waterway or any other property of BW and, without prejudice to the generality of that meaning, includes—

- (a) any obstruction of, or interference with, or hindrance or danger to, navigation or to any use of a waterway (including towing paths);
- (b) the erosion of the bed or banks of a waterway, or the impairment of the stability of any works, lands or premises forming part of a waterway;
- (c) the deposit of materials in, or the siltation of, a waterway, so as to damage the waterway;
- (d) the pollution of a waterway;
- (e) any significant alteration in the water level of a waterway, or significant interference with the supply of water thereto, or drainage of water therefrom;
- (f) any harm to the ecology of a waterway (including any adverse impact on any site of special scientific interest comprised in BW’s network);
- (g) any interference with the exercise by any person of rights over BW’s network;

“the engineer” means an engineer appointed by BW 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” shall be construed accordingly;

“protective work” means a work constructed under sub-paragraph 7(3)(a);

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“specified works” means so much of any of the authorised works as is situated upon, across, under, over or within 15 metres of, or may in any way affect the waterway;

“towing path” means the towing path forming part of the waterway;

“the undertaker” means the Executive; and

“waterway” means any canal or inland navigation belonging to or under the management or control of BW, and includes any works, lands or premises belonging to BW, or under its management or control, and held or used by BW in connection with any such canal or inland navigation.