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STATUTORY INSTRUMENTS

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**2012 No. 1867**

**The Ipswich Barrier Order 2012**

**PART 2**

**WORKS PROVISIONS**

*Streets and rights of way*

**Extinguishment and diversion of rights of way**

**6.—**(1) On the completion and coming into operation of the barrier, whichever is the later, any existing or alleged path or street within the limits of deviation is stopped up and all rights of way then existing within the limits of deviation, including unless otherwise agreed to by the Agency any private right of way but excluding any right of navigation along the river or through the Wet Dock Lock, are extinguished.

(2) Paragraph (1) does not apply to so much of Ship Launch Road as is a public highway.

(3) Paragraph (1) does not apply to the proposed public footpath 40, to the restricted byway 36, proposed restricted byway 37 or to byway 38 shown between the points marked K and N on the rights of way maps but the Agency may—

- (a) stop up that part of byway 38 hatched blue on the rights of way maps; and
- (b) divert byway 38 as shown on the rights of way maps through the proposed flood gate as built (and shown between the points marked D1 and D2 on those maps), in consequence of which the restricted byway will be narrower than otherwise provided for between those points.

(4) Paragraph (1) does not apply to any alleged right of way which is both shown on the rights of way maps and referred to in column 1 of Part 1 of Schedule 2 if the alleged right of way has been dedicated, prior to the completion and coming into operation of the barrier, whichever is the later, as a right of way but the Agency may then stop up and divert it as described in column 2 of Part 1 of Schedule 2 and shown on the rights of way maps.

(5) Any stopping up or diversion authorised by paragraph (3) or (4) has no effect until the highway authority is satisfied that the diversion has been completed in accordance with its reasonable requirements and is open for public use or, in the case of any difference between the Agency and the highway authority as to whether the highway authority's requirements are reasonable, until the matter in dispute has been determined by arbitration.

(6) If byway 38 or any other right of way is diverted through the flood gate as shown on the rights of way maps, the Agency may from time to time close the floodgate across such rights of way.

(7) Where a path or street has been stopped up under this article—

- (a) all rights of way over or along the street so stopped up are extinguished; and
- (b) the Agency may appropriate and use for the purposes of the authorised works so much of the site of the path or street as is bounded on both sides by land owned by the Agency.

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**Changes to legislation:** There are currently no known outstanding effects for the  
The Ipswich Barrier Order 2012, Section 6. (See end of Document for details)

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(8) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

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**Commencement Information**

**II** Art. 6 in force at 7.8.2012, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Ipswich Barrier Order 2012, Section 6.