
STATUTORY INSTRUMENTS

2016 No. 49

**The National Grid (Hinkley Point
C Connection Project) Order 2016**

PART 6

MISCELLANEOUS AND GENERAL

Temporary closure of, and works in, the River Avon

39.—(1) The undertaker may, in connection with the construction of the authorised development temporarily interfere with the relevant part of the river.

(2) Without limitation on the powers conferred by paragraph (1) but subject to paragraph (4) the undertaker may, in connection with the construction of the authorised development—

- (a) temporarily moor or anchor barges or other vessels or craft in the relevant part of the river and may load or unload into and from such barges, other vessels or craft equipment, machinery, soil and any other materials in connection with the construction of the authorised development; and
- (b) on grounds of health and safety only, temporarily close to navigation the relevant part of the river.

(3) During the period of any closure referred to in paragraph (2)(b), all rights of navigation and other rights relating to, and any obligations of the Port Authority in relation to, the relevant part of the river so closed [^{F1}are] suspended and unenforceable against the Port Authority.

(4) The power conferred by paragraphs (1) and (2) must be exercised in such a way which secures—

- (a) that no more of the relevant part of the river is closed to navigation at any time than is necessary in the circumstances; and
- (b) that, if complete closure to navigation of the relevant part of the river becomes necessary, all reasonable steps are taken to secure that the period of closure is kept to a minimum and that the minimum obstruction, delay or interference is caused to vessels or craft which may be using or intending to use the part so closed.

(5) Any person who suffers loss as a result of the suspension of any private right of navigation under this article [^{F2}is] entitled to be paid compensation for such loss by the undertaker, to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) In this article, “the relevant part of the river” means so much of the River Avon as is shown hatched on Section G, Sheet 1 of the Public Rights of Navigation Plan.

F1 Words in art. 39(3) substituted (21.7.2017) by [The National Grid \(Hinkley Point C Connection Project\) \(Correction\) Order 2017 \(S.I. 2017/786\)](#), art. 1, [Sch.](#)

F2 Words in art. 39(5) substituted (21.7.2017) by [The National Grid \(Hinkley Point C Connection Project\) \(Correction\) Order 2017 \(S.I. 2017/786\)](#), art. 1, [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the The National Grid (Hinkley Point C Connection Project) Order 2016, Section 39.