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STATUTORY INSTRUMENTS

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**2017 No. 1329**

**TRANSPORT AND WORKS, ENGLAND**

**The Boston Barrier Order 2017**

*Made - - - - 12th December 2017*

*Coming into force 2nd January 2018*

**THE BOSTON BARRIER ORDER 2017**

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Application of 1991 Act

PART 2

WORKS PROVISIONS

*Principal powers*

4. Power to construct and maintain works
5. Power to deviate

*Works and operations in the river*

6. Power to dredge etc.
7. Works and dredging etc. in the river
8. River not to be a reservoir

*Streets and rights of way*

9. Power to execute street works
10. Power to keep apparatus in streets
11. Power to alter layout, etc., of streets
12. Temporary stopping up and diversion of streets
13. Access to works
14. Agreements with street authorities
15. Use of private roads for construction

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### *Supplementary powers and provisions*

16. Agreements with owners of land and others for construction of works
17. Temporary closing of river in connection with works
18. Diversion of flow of water
19. Power to take, pump, impound and discharge water
20. Water abstraction and impounding
21. Protective works
22. Planning permission
23. Power to survey and investigate land, etc.
24. Felling or lopping of trees

## PART 3

### PROVISIONS RELATING TO TIDAL WORKS

25. Tidal works not to be executed without approval of Secretary of State
26. Lights on tidal works during construction
27. Provisions against danger to navigation
28. Abatement of works abandoned or decayed
29. Survey of tidal works
30. Permanent lights on tidal works

## PART 4

### ACQUISITION AND POSSESSION OF LAND

#### *Powers of acquisition*

31. Power to acquire land
32. Application of Part 1 of the 1965 Act
33. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
34. Power to acquire new rights
35. Power to acquire subsoil only
36. New rights only to be acquired in certain lands
37. Rights under or over streets

#### *Temporary possession of land*

38. Temporary possession of land for construction purposes
39. Temporary possession of land for maintenance of works

#### *Compensation*

40. Disregard of certain interests and improvements
41. Set-off for enhancement in value of retained land

#### *Supplementary*

42. Extinction or suspension of private rights of way etc. over land
43. Time limit for exercise of powers of acquisition

## PART 5

### OPERATION OF SCHEDULED WORKS

44. Power to operate scheduled works
45. Misuse of scheduled works, etc.

*Navigation*

46. Navigation etc. in vicinity of barrier

*Obstruction etc.*

47. Removal of vessels  
48. Arbitration in respect of removal of vessels  
49. Removal of obstructions other than vessels  
50. Arbitration in respect of removal of obstructions other than vessels  
51. Emergency powers and consents

*Byelaws*

52. Byelaws

PART 6

PROTECTIVE PROVISIONS

53. Statutory undertakers, etc.  
54. Protective Provisions  
55. Saving for Trinity House  
56. Crown rights  
57. Minerals

PART 7

MISCELLANEOUS AND GENERAL

58. Temporary traffic regulation  
59. Power of disposal, agreements for operation, etc.  
60. Obstructing execution of Order  
61. Defence of due diligence  
62. Application of landlord and tenant law  
63. Defence to proceedings in respect of statutory nuisance  
64. Disclosure of confidential information  
65. Local legislation  
66. Certification of plans etc.  
67. Arbitration  
68. No double recovery  
69. Service of notices  
Signature

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SCHEDULES

SCHEDULE 1 — SCHEDULED WORKS

SCHEDULE 2 — STREETS TO BE TEMPORARILY STOPPED UP

SCHEDULE 3 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

*Compensation enactments*

1. The enactments for the time being in force with respect...

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2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...
4. (1) The 1965 Act has effect with the modifications necessary...
5. For section 7 (measure of compensation in case of severance)...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 (powers of entry)of the 1965 Act is modified...
8. Section 20 (protection for interests of tenants at will etc.)...
9. Section 22 (interests omitted from purchase) of the 1965 Act...
10. For Schedule 2A of the 1965 Act substitute— SCHEDULE2A COUNTER-NOTICE...

SCHEDULE 4 — ACQUISITION OF NEW RIGHTS ONLY

SCHEDULE 5 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 6 — STATUTORY UNDERTAKERS, ETC.

*Apparatus of statutory undertakers etc. on land acquired*

1. (1) Sections 271 to 274 (extinguishment of rights of statutory...

SCHEDULE 7 — PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

*Interpretation*

1. (1) The following provisions of this Schedule have effect unless...
2. In this Schedule— “alternative apparatus” means alternative apparatus adequate to...

*On-street apparatus*

3. This Schedule does not apply to anything done or proposed...

*Acquisition of land*

4. (1) Regardless of any provision in this Order or anything...

*Removal of apparatus*

5. (1) If, for the purpose of executing any works in,...

*Facilities and rights for alternative apparatus*

6. (1) Where, in accordance with the provisions of this Schedule,...

*Retained apparatus: protection and plan approval*

7. (1) Not less than 28 days before starting the execution...

*Expenses*

8. (1) Subject to the following provisions of this paragraph, the...

*Indemnity*

9. (1) Subject to sub-paragraphs (2) and (3), if by reason...

*Access*

10. If in consequence of the exercise of the powers conferred...

*Cooperation*

11. Where in consequence of the proposed construction of any of...

*Exercise of safeguarding and survey powers*

12. (1) The Agency must, so far as is reasonably practicable,...

*Arbitration*

13. Any difference arising between the Agency and a specified undertaker...

SCHEDULE 8 — PROTECTION OF PORT OF BOSTON

1. The following provisions of this Schedule have effect unless otherwise...
2. In this Schedule— “accumulation” means any accumulation of silt or...
3. (1) The Agency must not exercise the powers conferred by...
4. (1) Before beginning any operations for the construction of any...
5. The Agency must give to the Harbour Authority not less...
6. The Agency must carry out all operations for the construction...
7. After the purpose of any temporary works has been accomplished...
8. (1) If— (a) during the construction of a tidal work...
9. The Agency must pay to the Harbour Authority the reasonable...
10. Without affecting the other provisions of this Schedule, the Agency...
11. (1) The Agency must indemnify the Harbour Authority from all...
12. Nothing in paragraph 11 imposes any liability on the Agency...
13. Save to the extent expressly provided for nothing in this...

SCHEDULE 9 — AMENDMENT OF LOCAL LEGISLATION

PART 1 — LOCAL ENACTMENTS

PART 2 — BYELAWS

Explanatory Note

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Order excluded in part by [S.I. 2023/778 art. 41](#)