
STATUTORY INSTRUMENTS

2017 No. 1329

The Boston Barrier Order 2017

PART 2

WORKS PROVISIONS

Principal powers

Power to construct and maintain works

4.—(1) The Agency may—

- (a) construct and maintain the scheduled works; and
- (b) break out and remove such structures that are contained within the limits of deviation as may be necessary or expedient for or in connection with the construction or maintenance of the scheduled works.

(2) Subject to article 5 (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the works plan and in accordance with the levels shown on the sections.

(3) Subject to paragraph (6), the Agency may carry out and maintain such of the following works as may be necessary or expedient for the purpose of, or for purposes ancillary, to the construction of the scheduled works, namely—

- (a) works to erect and construct such offices and other buildings, yards, machinery, plant, apparatus, and other works, and conveniences as the Agency thinks fit;
- (b) works to construct, provide and maintain all such embankments, retaining walls, fencing, shafts, drainage works, culverts and other works as may be necessary or convenient;
- (c) works for the strengthening, improvement, maintenance or reconstruction of any street;
- (d) works for the strengthening, alteration or demolition, in whole or in part, of any building;
- (e) works to remove or alter the position of any street furniture or apparatus, including mains, sewers, drains, pipes, cables and lights;
- (f) works to alter the course of, or otherwise interfere with, watercourses;
- (g) means of access, including footpaths;
- (h) the felling of trees;
- (i) earthworks required for the carrying out of the authorised works;
- (j) landscaping, ecological and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised works; and
- (k) replacement facilities and works for the benefit or protection of land or premises affected by the authorised works.

(4) Subject to paragraph (6) the Agency may carry out and maintain such other works (of whatever nature) as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works.

(5) The Agency may remove any works constructed by it under this Order which have been constructed as temporary works or which it no longer requires.

(6) Paragraphs (3) and (4) only authorise the carrying out or maintenance of works—

(a) within the Order limits; or

(b) within the boundaries of any street abutting the Order limits or which has a junction with such a street.

(7) The powers conferred by this article may not be exercised within the boundaries of a street outside of the Order limits without the consent of the street authority, such consent not to be unreasonably withheld or delayed.

(8) Where the Agency lays down conduits for the accommodation of cables or other apparatus for the purposes of or associated with the authorised works it may provide in, or in connection with, such conduits, accommodation for the apparatus of any other person, and manholes and other facilities for access to such accommodation, and may permit the use of such conduits and facilities on such terms and conditions as may be agreed between it and such other person.

(9) The authorised works may be constructed and maintained under the powers of this article regardless of anything contained in or done pursuant to Part 1 of, or Schedule 2 to, the Commons Act 2006(1).

Commencement Information

II Art. 4 in force at 2.1.2018, see [art. 1](#)

Power to deviate

5.—(1) Subject to paragraph (3), in constructing or maintaining any of the scheduled works, the Agency may deviate—

(a) laterally from the lines or situations shown on the works plan to any extent within the limits of deviation; and

(b) vertically from the levels shown on the sections to any extent upwards or downwards.

(2) Without limiting the scope of paragraph (1), in constructing or maintaining the scheduled works the Agency may, within the limits mentioned in paragraph (1)—

(a) deviate from their points of commencement and termination as shown on the Order plans; and

(b) deviate from the design shown on the Order plans.

(3) The scheduled works must be constructed so that the unobstructed opening between the walls of the barrier, as shown on the Order plans, measures 25 metres wide.

(4) Nothing in paragraphs (3) or (4) of article 4 (power to construct and maintain works) authorises the Agency to execute any works in contravention of the restrictions imposed by paragraph (3).

Commencement Information

I2 Art. 5 in force at 2.1.2018, see [art. 1](#)

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Boston Barrier Order 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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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](#)