
STATUTORY INSTRUMENTS

2005 No. 2222

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The River Tyne (Tunnels) Order 2005

Made - - - - *5th August 2005*

Coming into force *26th August 2005*

THE RIVER TYNE (TUNNELS) ORDER 2005

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1. The enactments for the time being in force with respect...
2. (1) Without prejudice to the generality of paragraph 1, the...

Adaptation of the 1965 Act

3. (1) The 1965 Act shall have effect with the modifications...
4. For section 7 of the 1965 Act (measure of compensation)...
5. For section 8 of the 1965 Act (provision as to...
6. The following provisions of the 1965 Act (which state the...
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SCHEDULE 9 — PROTECTION OF NAVIGATION

1. In this Schedule— “construction” includes execution, placing, alteration and reconstruction...

Tidal works

2. (1) A tidal work shall not be constructed, altered, replaced...

Damage etc. to works

3. (1) In case of damage to or destruction or decay...

Abandonment etc. of structures

4. (1) Where a tidal work is abandoned, or allowed to...

Surveys etc.

5. The Secretary of State may, if he considers it expedient,...

Offences

6. (1) Where the undertaker is guilty of an offence under...

Expenses

7. The Secretary of State shall be entitled to recover from...

SCHEDULE 10 — PROTECTION OF CERTAIN PERSONS

PART 1 — GENERAL

Application of Schedule 10

1. The provisions of each Part of this Schedule including this...

Arbitration

2. Unless any provision of this Schedule provides the contrary any...

PART 2 — PROTECTION OF THE ENVIRONMENT AGENCY

3. (1) The provisions of this Part of this Schedule shall...
4. No dredging operations shall take place for the excavation of...
5. (1) Before beginning to construct any specified work, the undertaker...
6. Without prejudice to the generality of paragraph 5, the requirements...
7. (1) Subject to sub-paragraph (2), any specified work, and all...
8. (1) Before commencing the construction of a specified work the...
9. If by reason of the construction of any specified work...
10. (1) The undertaker shall take all such measures as may...
11. The undertaker shall indemnify the Agency in respect of all...
12. (1) Without prejudice to the other provisions of this Part...
13. The fact that any work or thing has been executed...
14. For the purposes of Chapter II of Part II of...
15. Any dispute arising between the undertaker and the Agency under...

PART 3 — PROTECTION OF THE PORT OF TYNE AUTHORITY

16. The provisions of this Part of this Schedule shall, unless...
17. The undertaker may with the written consent of the Port...
18. Before commencing a tidal work or a part of a...
19. (a) Subject to the provisions of this Part of this...

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20. The undertaker shall allow the authorised representatives of the Port...
 21. Nothing in this Order shall authorise or empower the undertaker...
 22. Except so far as may be unavoidable in the construction...
 23. The undertaker shall not, except for the purpose of constructing...
 24. From the time when the construction of the tidal works...
 25. (a) The undertaker shall consult with the Port Authority as...
 26. The undertaker shall, at or near every tidal work exhibit...
 27. If, except in the case of the new tunnel—
 28. Subject to paragraph 40 and to complying with paragraph 41,...
 29. Nothing in this Order authorises the doing of anything prohibited...
 30. The Port Authority shall not be liable, in the absence...
 31. After the purpose of any temporary tidal work has been...
 32. If during the construction of a tidal work or within...
 33. Should any such accumulation or erosion as is mentioned in...
 34. For the purpose of paragraphs 32 and 33—
 35. In the event it is established that any accumulation or...
 36. For the purposes of paragraph 32 the date of completion...
 37. The undertaker shall— (a) pay to the Port Authority the...
 38. Nothing in this Part of this Schedule shall impose any...
 39. The Port Authority shall give to the undertaker notice of...
 40. The fact that any work or thing has been executed...
 41. With the exception of any duty owed by the Port...
 42. Save as the terms of this Order may otherwise provide...
 43. Unless otherwise agreed in writing, any difference which may arise...
 44. In this Part of this Schedule— “accumulation” means any accumulation...
- PART 4 — PROTECTION OF TELECOMMUNICATIONS UNDERTAKERS
45. (1) The provisions of this Part of this Schedule shall...
 46. The temporary stopping up or diversion of any street under...
 47. If BT or C&W suffer damage in consequence of the...
 48. Nothing in this Order shall affect any right of a...
- PART 5 — PROTECTION OF NEXUS
49. (1) The provisions of this Part of this Schedule shall,...
 50. (1) The undertaker shall not exercise the powers conferred by...
 51. (1) The undertaker shall, before commencing construction of any specified...
 52. (1) Any specified work and any protective work specified pursuant...
 53. The undertaker shall— (a) at all reasonable times afford reasonable...
 54. Nexus shall at all times afford reasonable facilities to the...
 55. (1) If any alterations or additions, either permanent or temporary,...
 56. The undertaker shall repay to Nexus all reasonable fees, costs,...
 57. If at any time after the completion of a specified...
 58. (1) The undertaker shall pay to Nexus all reasonable costs,...
 59. In the assessment of any sums payable to Nexus under...
 60. The undertaker and Nexus may enter into, and carry into...
- PART 6 — PROTECTION OF NETWORK RAIL INFRASTRUCTURE LTD

Interpretation

61. In this Part of this Schedule— “construction” includes execution, placing,...

Powers requiring consent of NRI

62. (1) The undertaker shall not under the powers conferred by...

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Fencing

63. Where so required by the engineer the undertaker shall to...

Approval of plans

64. (1) The undertaker shall before commencing construction of any specified...

Construction of specified works

65. (1) Any specified work (together with any protective works specified...

Access

66. The undertaker shall— (a) at all times afford reasonable facilities...

67. NRI shall at all times afford reasonable facilities to the...

Alterations, etc. to railway property

68. (1) If during the construction of a specified work or...

Repayment of Network Rail's fees etc.

69. The undertaker shall repay to NRI all reasonable fees, costs,...

Maintenance of specified works

70. If at any time after the completion of a specified...

Illuminated signs etc.

71. The undertaker shall not provide any illumination or illuminated sign...

Alterations etc. to railway property : repayment of additional expenses

72. Any additional expenses which Network Rail may reasonably incur in...

Indemnity

73. (1) The undertaker shall be responsible for and make good...

74. In the assessment of any sums payable under this Part...

75. The undertaker and NRI may enter into, and carry into...

PART 7 — PROTECTION OF ELECTRICITY AND GAS UNDERTAKERS

Interpretation

76. (1) In this Part of this Schedule— “alternative apparatus” means...

Temporarily stopped up streets, etc: maintenance of apparatus

77. Notwithstanding the temporary stopping up or diversion of any highway...

Acquisition of apparatus

78. Notwithstanding anything in this Order or shown on the deposited...

Removal of apparatus: alternative apparatus

79. (1) If, in the exercise of the powers of this...

80. (1) Where, in accordance with the provisions of this Part...

Protection of apparatus

81. (1) Not less than 56 days before commencing the execution...

Stopped up highways: access to apparatus

82. Where, by reason of this Order, any part of any...

Repayment of expenses

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

Indemnity

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

Payment for redundant apparatus

85. (1) Where, by reason of the stopping up of any...

Existing enactments and agreements

86. Nothing in this Part of this Schedule shall affect the...

PART 8 — PROTECTION FOR SEWERAGE AND WATER UNDERTAKERS

87. In this Part of this Schedule—“alteration” includes the provision...

No application where street works code applies

88. This Part of this Schedule (other than paragraphs 89 and...

Disapplication of Schedule 11 in part

89. Paragraphs 1(1) and 2 of Schedule 11 to this Order...

Acquisition of apparatus etc.

90. Notwithstanding anything in the Order or shown on the deposited...

Exercise of powers respecting trial holes

91. The undertaker shall not, in the exercise of the powers...

Access

92. (1) The undertaker shall ensure that the construction of the...

Condition surveys

93. (1) Before commencing the construction or renewal of any specified...

Prior investigation

94. (1) Prior to the submission of plans pursuant to paragraph...

Plan approval

95. (1) Without prejudice to the other provisions of this Part...

96. (1) The specified works shall be constructed and in the...

97. (1) Subject to the following provisions of this Part of...

98. (1) An officer of the company duly appointed for the...

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99. As soon as reasonably practicable after the completion of the...

SCHEDULE 11 — PROVISIONS RELATING TO STATUTORY UNDERTAKERS
ETC.

Apparatus of statutory undertakers etc. on land acquired

1. (1) Sections 271 to 274 of the 1990 Act (power...

Apparatus of statutory undertakers etc. in stopped up streets

2. (1) Where a street is stopped up under article 7...

Railway and navigation undertakings

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

SCHEDULE 12 — APPLICATION OF LOCAL LEGISLATION

1. Section 53(4), (6), (7), (8), (9), (10), (12) and (13)...
2. Sections 42 to 48 of and Schedule 2 to the...
3. Articles 5 to 7 of the Port of Tyne Harbour...

SCHEDULE 13 — ENACTMENTS REPEALED AND CEASING TO HAVE EFFECT

SCHEDULE 14 — LEVEL OF TOLLS

PART 1 — *Initial toll level*

1. On and from the appointed day the tolls chargeable in...

Revision of toll levels between appointed day and the concession toll date

2. (1) The tolls payable in respect of any vehicle or...
3. (1) Whenever the undertaker proposes to revise the amount of...

Toll levels on and from the concession toll date

4. (1) The undertaker may at any time within a period...
5. The undertaker may exercise its powers under paragraph 4(1) on...
6. (1) The tolls chargeable in respect of any vehicle or...
7. (1) Subject to sub-paragraph (2), the amount of tolls to...
8. The percentage increase referred to in paragraph 7 shall be...
9. Where a revision of the level of tolls pursuant to...
10. The amount of tolls to be charged in respect of...
11. The provisions of paragraphs 13 to 15 shall apply to...
12. (1) Whenever the undertaker proposes to make a determination that...

Local Inquiries

13. Where paragraph 9 applies to any proposed revision and an...
14. (1) Where any objections have been made in accordance with...
15. (1) Where the undertaker has caused a local inquiry to...

Further provision in respect of tolls

16. Section 13 of the 1976 Act as amended by this...
17. For section 13 of the 1976 Act there shall be...

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General Provisions as to Tolls

18. Any revision in tolls pursuant to the provisions of this...
19. (1) Subject to sub-paragraph (2), the references in this schedule...
PART 2 — THE RIVER TYNE (TUNNELS) ORDER 2005 (THE “ORDER”)

Explanatory Note