



Transport Act 1968

1968 CHAPTER 73

PART VIII

BRIDGES, LEVEL CROSSINGS, ETC.

Bridges

117 Duty of Boards as respects bridges carrying highways

- (1) This section applies to any bridge which—
 - (a) carries a highway over one or more of the following that is to say, a railway of the Railways Board, a railway of the London Board, an inland waterway of the Waterways Board or any other installation or land used by any of those Boards in connection with a railway or inland waterway ; and
 - (b) belongs to the Board or Boards whose railway, water way, installation or land is crossed by the bridge.
- (2) It shall be the duty of each of the Boards mentioned in subsection (1) of this section—
 - (a) in constructing a bridge which, on completion, will belong to the Board and be a bridge to which this section applies, or in reconstructing a bridge which belongs to the Board and to which this section applies, to secure that it has the required load-bearing capacity ;
 - (b) to maintain and, if necessary, to improve or strengthen any bridge which belongs to the Board and to which this section applies so that it has the required load-bearing capacity, and, if at any time it is not reasonably practicable to secure that it has that capacity by means of maintenance, improvement or strengthening, to reconstruct the bridge or to replace it by a new bridge.
- (3) For the purposes of subsection (2) of this section a bridge has the required load-bearing capacity—
 - (a) in the case of a bridge in relation to which load-bearing standards are prescribed by an order made by the appropriate Minister, if it complies with those standards; and

Status: This is the original version (as it was originally enacted).

- (b) in the case of any other bridge, if it is such as to be capable of bearing the weight of the traffic which ordinarily uses, or may reasonably be expected to use, the highway carried by the bridge on or about the day on which this section comes into force in relation to bridges of the Board concerned or, if the bridge is constructed subsequently, when it is opened for traffic.
- (4) An order made for the purposes of subsection (3)(a) of this section—
 - (a) may prescribe standards for a particular bridge or for any class or description of bridges;
 - (b) may, in prescribing standards for a particular bridge or for any class or description of bridges, at the same time prescribe different standards for any bridge or bridges resulting from the reconstruction or replacement of that bridge or of any of those bridges;
 - (c) may prescribe standards by reference to any document published by the British Standards Institution, any government department or any other body or authority, and provide that where standards are prescribed as aforesaid any question as to the requirements to be fulfilled by a particular bridge in order to comply with those standards shall be determined, in case of dispute, by a certificate of the appropriate Minister;
 - (d) shall not, so long as a bridge is not reconstructed or replaced, be such as to require the bridge to comply with standards higher than those prescribed in relation thereto by a previous order under this section.
- (5) For the purposes of subsection (3)(b) of this section, no account shall be taken of any traffic which cannot use the highway carried by the bridge in question without infringing a prohibition for the time being in force under section 1, 6, 12 or 17 of the Road Traffic Regulation Act 1967.
- (6) The requirements of this section shall be in addition to, and, so far as inconsistent therewith, shall prevail over, any requirements applicable to the bridge in question under section 46, 50, 51, 52, or 66 of the Railways Clauses Consolidation Act 1845, section 39, 43, 44, 45, or 58 of the Railways Clauses Consolidation (Scotland) Act 1845 or under any similar enactment.
- (7) In subsection (2) of this section references to a bridge being constructed by or belonging to a Board include references to its being constructed by or belonging to any two or more of the Boards mentioned in subsection (1) of this section, and in any such case the duties imposed by the said subsection (2) shall be duties of both or all of those Boards.
- (8) In this section " the appropriate Minister" means, as respects bridges in England, the Minister and as respects bridges in Scotland or Wales, the Secretary of State.