Dartford-Thurrock Crossing Act 1988

1988 CHAPTER 20

An Act to provide for the construction of a bridge over the river Thames between Dartford in Kent and Thurrock in Essex and of associated works; to provide for the Secretary of State to be the highway authority for the highways passing through the tunnels under that river between Dartford and Thurrock and their approaches instead of Kent and Essex County Councils; to provide for the levying of tolls, by a person appointed by the Secretary of State or by the Secretary of State, in respect of traffic using the crossing; to provide for transfers of property and liabilities of those Councils to the person appointed and the Secretary of State and for the transfer to the Secretary of State of property and liabilities of the person appointed on termination of his appointment; to provide for the management of the crossing, including the imposition of prohibitions, restrictions and requirements in relation to traffic, and otherwise in relation to the crossing; and for connected purposes. [28th June 1988]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Commencement Information

I1 Act partly in force at Royal Assent see s. 47(2); Act wholly in force 31.7.1988 see ss. 4, 47(2)

PART I

CONSTRUCTION OF NEW BRIDGE OVER RIVER THAMES

1 Construction of the scheduled works.

(1) The Secretary of State may, subject to and in accordance with the provisions of this Act, construct the works specified in Part I of Schedule 1 to this Act (below in this Act

Status: *Point in time view as at 01/04/2013.*
Changes to legislation: *There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988. (See end of Document for details)*

referred to as the scheduled works), being works for the construction of a new bridge over the river Thames between the borough of Dartford, in the county of Kent, and the borough of Thurrock, in the county of Essex, and certain associated works.

(2) References below in this Act to the bridge are references to the bridge mentioned in subsection (1) above (Work No.3).

(3) Subject to Part II of that Schedule (which gives the limits of deviation for the scheduled works, permits deviation from the levels shown on the deposited sections and specifies requirements as to the construction of the bridge) the scheduled works shall be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the deposited sections.

2 Acquisition of land for the scheduled works and other authorised works.

(1) The Secretary of State is authorised by this section to acquire compulsorily—

(a) so much of the land shown on the deposited plans within the limits of deviation for the scheduled works as may be required for or in connection with those works; and

(b) so much of any land specified in columns 1 and 2 of Part I of Schedule 2 to this Act shown on the deposited plans within the limits of land to be acquired as may be required for the purpose specified in relation to the land in column 3 as one for which this Act authorises it to be acquired or used.

(2) Part I of the [M1]Compulsory Purchase Act 1965 (except sections 4 and 27 and paragraph 3(3) of Schedule 3), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions of this Act, shall apply to the acquisition of land under this section as it applies to a compulsory purchase to which Schedule 1 to the [M2]Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under that Act.

(3) A notice to treat under Part I of the Compulsory Purchase Act 1965 for the purpose of acquiring any land under this section shall not be served after 31st December 1992.

(4) The [M3]Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this section.

(5) Part II of Schedule 2 to this Act shall have effect for making supplementary provision relating to the acquisition of land for or in connection with the works authorised by this Act.

Marginal Citations

M1 1965 c. 56.
M2 1981 c. 67.
M3 1845 c. 18.

3 Supplementary provision as to authorised works.

Schedule 3 to this Act shall have effect for making provision for the purpose of or in connection with the construction of the works authorised by this Act and for making in connection with those works provision with respect to highways and road traffic regulation.

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PART II

TRANSFER OF TUNNELS AND TUNNEL APPROACHES

Status of tunnel highway and tunnel approaches, etc.

4 Trunking of tunnel highway and tunnel approaches.

(1) On such date as the Secretary of State may by order appoint the tunnel highway and such parts of the tunnel approaches as immediately before that date are not trunk roads shall become trunk roads as if they had become so by virtue of an order under section 10(2) of the [M4]Highways Act 1980 specifying that date as the date on which they were to become trunk roads.

(2) The date appointed under subsection (1) above is referred to below in this Act as the transfer date.

(3) In this Act—

"the tunnel highway" means the highway over such parts of the A282 as pass through the tunnels or lie within land shown on the deposited plans as forming part of the tunnel crossing, and includes the tunnels themselves;

"the tunnel approaches" means the highways over the approach roads;

"the tunnels" means the tunnel authorised by the enactments repealed by the [M5]Dartford Tunnel Act 1967 and the tunnel authorised by that Act;

"the approach roads" means such parts of the A282 (other than those passing through the tunnels) as lie outside land shown on the deposited plans as forming part of the tunnel crossing, together with any slip roads joining them; and

"the tunnel crossing" means—

(a) the tunnel highway; and

(b) any land not forming part of that highway which is shown on the deposited plans as forming part of the tunnel crossing.

(4) The [M6]Dartford Tunnel Act 1984 shall cease to have effect on the transfer date.

(5) The Highways Act 1980 and the Dartford Tunnel Act 1984 are below in this Act referred to respectively as the 1980 Act and the 1984 Act.

Modifications etc. (not altering text)

C1 Power of appointment conferred by s. 4(1) fully exercised: 31.7.1988 appointed by S.I. 1988/1129

Marginal Citations

M4 1980 c. 66.

M5 1967 c. xxxvii.

M6 1984 c. xvii.

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5 Status of roads, etc., other than the tunnel highway.

(1) As from the transfer date any road within the tunnel crossing which was a highway immediately before that date, other than the tunnel highway, shall cease to be a highway.

(2) As from that date, the [M7]Road Traffic Regulation Act 1984 shall have effect in relation to any road within the tunnel crossing which is not a highway as if it were a trunk road.

(3) The Secretary of State may by order make provision for applying any specified enactment relating to highways in relation to any specified part of any road or other land within the tunnel crossing which is not a highway as if that part were a highway, or a highway of any specified description, for which he is the highway authority.

(4) Any such order may provide for modifying any enactment as it applies by virtue of the order.

(5) In this section "specified" means specified by the order.

Marginal Citations
M7 1984 c. 27.

Transfers consequential on section 4

6 Transfer of tunnel crossing and tunnel approaches to Secretary of State.

(1) Section 265 of the 1980 Act (transfer of property and liabilities to Secretary of State upon a highway becoming a trunk road) shall not apply by virtue of section 4 of this Act; but, subject to the following provisions of this section and to section 7 of this Act, on the transfer date there are transferred to the Secretary of State by virtue of this section—

(a) the tunnel crossing;

(b) such parts of the tunnel approaches as immediately before that date are not trunk roads;

(c) the property mentioned in subsection (2) below, in so far as, immediately before that date, it was vested in either of the Councils (or in them jointly) for the purposes of any of their functions in relation to the tunnel crossing or the tunnel approaches; and

(d) all liabilities incurred by either of the Councils (or by them jointly) for the purposes of any of those functions and not discharged before that date, other than loans and loan charges;

and the property so transferred vests, by virtue of this section, in the Secretary of State.

(2) The property referred to in subsection (1)(c) above is—

(a) any easement or right in or over land; and

(b) all other property (including the unexpended balances of any grants paid by the Secretary of State to the Councils or either of them for the purposes of any of their functions in relation to the tunnel crossing or the tunnel approaches), other than—

(i) materials to be used for the maintenance or improvement of the tunnel highway or the tunnel approaches or of any works on land within the tunnel crossing;

(ii) the unexpended balances of any loans raised by either of the Councils (or by them jointly) for the purposes of any of those functions; and

(iii) tolls collected in pursuance of the 1984 Act.

(3) Subject to subsection (4) below, there is not transferred to the Secretary of State by virtue of this section—

(a) any right or liability in respect of—

(i) work done, services rendered, goods delivered, or money due for payment, before the transfer date; or

(ii) damages or compensation for any act or omission before that date; or

(b) any right or liability under any contract of insurance.

(4) Any such right or liability as is mentioned in subsection (3)(a) above is so transferred if—

(a) it was not acquired or incurred solely for the purposes of any of the functions of the Councils in relation to the tunnel approaches; and

(b) any payment received or made in respect of it would have fallen to be taken into account in determining the amount of any expenditure of the Councils which, but for the repeal by this Act of the 1984 Act, would have fallen to be met from county funds of the Councils by virtue of section 30(3) of that Act (application of sum equivalent to the amount of the tolls collected under that Act).

(5) In this Act—

(a) references to the functions of the Councils in relation to the tunnel crossing or the tunnel approaches are references to—

(i) all their functions under the 1984 Act; and

(ii) any other functions of theirs in relation to that crossing or those approaches; and

(b) "the Councils" means the Essex County Council and the Kent County Council.

7 Transfer of toll undertaking to person appointed under section 11.

(1) This section applies where before the transfer date a person is appointed to levy tolls under section 11 of this Act and his appointment is still effective on that date.

(2) On that date, such of the property and liabilities mentioned in subsection (3) below as would apart from this section fall to be transferred by virtue of section 6 of this Act to the Secretary of State are instead transferred by virtue of this section to the person appointed; and the property so transferred vests in that person by virtue of this section.

(3) The property and liabilities referred to in subsection (2) above are—

(a) all movable property which, immediately before the transfer date, was property which was normally kept anywhere within the tunnel crossing;

(b) any right or liability relating to any such movable property;

(c) any right or liability in respect of the price of, or compensation for, any land within the tunnel crossing purchased, or for which a contract to purchase has been concluded, before the transfer date;

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(d) any right or liability under a contract entered into by the Councils under section 26 of the 1984 Act (power to compound for payment of tolls); and

(e) any such right or liability as is mentioned in section 6(3)(a) of this Act.

8 Supplementary provisions and transfers of staff.

(1) Schedule 4 to this Act shall have effect in relation to a transfer by virtue of section 6 or 7 of this Act, and for the purpose of providing for further transfers and for supplementary and transitional matters in connection with the operation of those sections.

(2) Parts I and III of Schedule 5 to this Act shall have effect with respect to the transfer to employment with a new employer, in consequence of the operation of section 6 or 7 of this Act, of persons—

(a) who immediately before the transfer date were employed by Kent County Council for the purposes of or in connection with the exercise by the Councils of any of their functions in relation to the tunnel crossing or the tunnel approaches; and

(b) whose normal place of employment immediately before the transfer date was within the tunnel crossing;

and references in Part I of that Schedule to relevant employees of Kent County Council are references to persons within this subsection.

Financial provisions

9 Termination of borrowings for tunnels, etc.

(1) The liabilities of the Councils as at the transfer date in respect of the principal of, and interest on, sums borrowed from the Secretary of State in respect of tunnel expenditure shall be extinguished.

(2) The Secretary of State shall, in accordance with the provisions of this section, pay to each of the Councils the amount required to discharge their respective liabilities as at the transfer date in respect of the principal of, and interest on, sums borrowed otherwise than from the Secretary of State in respect of tunnel expenditure less their respective unapplied tolls amounts.

(3) In this section—

(a) "tunnel expenditure" means expenditure incurred for or in respect of the tunnel undertaking (within the meaning of the 1984 Act) or for paying interest on sums borrowed for the purposes of defraying such expenditure; and

(b) "the unapplied tolls amount", in relation to either of the Councils, means the amount which immediately before the transfer date remains to be applied by the Council in accordance with section 30(3) of the 1984 Act.

(4) Not less than fourteen days before the transfer date the Secretary of State shall give notice of that date to the Councils and not less than seven days before that date they shall jointly furnish to him a copy of accounts (the provisional accounts) in such form as he may approve relating to the collection of tolls and the application of money under section 30 of the 1984 Act from the end of the period covered by the last accounts of which a copy was furnished to him under that section to the transfer date; and the provisional accounts may, to the extent necessary, take the form of estimates.

(5) The provisional accounts shall also include estimates of—

(a) the amount falling to be extinguished by virtue of subsection (1) above;

(b) the amount required to discharge the respective liabilities of the Councils as at the transfer date in respect of the principal of, and interest on, sums borrowed otherwise than from the Secretary of State in respect of tunnel expenditure (including details of how that amount relates to the actual amount of those liabilities as at that date); and

(c) the Councils' respective unapplied tolls amounts.

(6) Before the end of the period of ninety days beginning with the transfer date the Councils shall jointly furnish to the Secretary of State a copy of accounts (the final accounts) in such form as he may approve relating to the matters mentioned in subsection (4) above (but not including anything in the form of estimates) and including a final statement of the amounts mentioned in subsection (5)(a) to (c) above.

(7) On the transfer date the Secretary of State shall make a payment to each of the Councils in pursuance of subsection (2) above in accordance with the provisional accounts.

(8) If the final accounts show that there fall to be paid in pursuance of subsection (2) above amounts greater in the aggregate than the aggregate of the payments under subsection (7) above, the Secretary of State shall, within fourteen days of the furnishing to him of the copy of those accounts, pay one-half of the amount of the difference to each of the Councils; and if the converse case occurs each of the Councils shall pay one-half of the amount of the difference to the Secretary of State within that period.

(9) Any dispute as to an amount falling to be paid under this section shall be determined by arbitration.

10 Payment of transfer expenses.

(1) If either or both of the Councils make to the Secretary of State within twenty-eight days of the transfer date a claim in respect of expenses to which this subsection applies, he shall within twenty-eight days of the date on which he receives the claim make them a payment equal to the amount of those expenses.

(2) Subsection (1) above applies to expenses—

(a) which are incurred on or after 1st January 1986 in connection with the transfer of any property or liability from them under or by virtue of this Act or in providing assistance in the preparation of this Part of the Bill for this Act; and

(b) which are not such as were, or before the transfer date could have been, met from county funds under section 30(3) of the 1984 Act.

(3) Where a claim is made under this section, the Secretary of State may require the production to him of such documents and the furnishing to him of such other information as he considers relevant with respect to the claim and he shall not be required to make any payment in response to the claim until such documents are produced, or other information furnished, to him.

(4) Any dispute as to an amount falling to be paid under this section shall be determined by arbitration, but where the dispute is as to some only of the expenses to which a claim relates nothing in this subsection shall affect any duty of the Secretary of State to make a payment under this section in respect of any other expenses to which it also relates.

Status: *Point in time view as at 01/04/2013.*
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PART III

OPERATION OF THE CROSSING

Power to levy tolls and management and maintenance, etc., of the crossing and the approach roads

11 Power to levy tolls for use of the crossing.

(1) Subject to and in accordance with the following provisions of this Part of this Act, tolls may be levied in respect of vehicles using either of the tunnels or the bridge.

(2) Below in this Act "toll" means a toll leviable under this Part of this Act.

(3) Tolls may be levied by a person appointed by the Secretary of State, if the requirements of subsection (4) below are met in relation to that person's appointment.

(4) The appointment must be made under a contract between the Secretary of State and the person appointed providing for the construction by that person of the bridge (whether or not together with any other of the scheduled works) and the maintenance by that person—

(a) as from such date as may be provided by or under the contract, of the tunnels and such other parts of the crossing as may be specified in the contract; and

(b) as from such later date as may be so provided, of the whole of the crossing;

and that contract must not have been preceded by any contract between the Secretary of State and any other person providing for the construction of the bridge.

(5) The appointment shall be subject to such terms and conditions as may be agreed in the contract.

(6) Where the contract comes to an end otherwise than—

(a) on exercise by the person appointed of any right of his to terminate the contract in consequence of any breach by the Secretary of State of his obligations under the contract; or

(b) at the end of the period allowed under section 16 of this Act for the levy of tolls by the person appointed in default of earlier termination of his appointment;

tolls may be levied by the Secretary of State.

(7) Tolls shall be leviable by the person appointed under this section—

(a) as from the transfer date, as respects vehicles using either of the tunnels; and

(b) as from the date on which the bridge is first open for public use, as respects vehicles using the bridge;

until the end of the period so allowed or the termination of his appointment, whichever first occurs.

(8) If subsection (6) above applies, tolls shall be leviable by the Secretary of State as respects vehicles using either of the tunnels or the bridge as from the time when the contract comes to an end or, where it comes to an end before the date applicable in the case of the vehicles in question in accordance with subsection (7)(a) or (b) above, as from that date.

(9) In this Act "the crossing" means—

(a) the tunnel crossing;

(b) the bridge (including the highway carried by it); and

(c) any land which may be acquired by the Secretary of State in exercise of any of his powers under Part XII of the 1980 Act in relation to any trunk road or other land forming part of the crossing by virtue of paragraph (a) or (b) above;

but as respects any time before the bridge is open for public use references below in this Act to the crossing shall be read as referring only to the tunnel crossing and such other parts of the crossing as the context may require.

(10) References in this Act to the toll period are references—

(a) to the period allowed under section 16 of this Act for the levy of tolls by the person appointed under this section in default of earlier termination of his appointment; or

(b) if subsection (6) above applies, to the period beginning with the transfer date and ending at the end of the period allowed under that section for the levy of tolls by the Secretary of State.

12 Delegation of functions of Secretary of State in relation to the crossing and the approach roads.

(1) Subject to the following provisions of this section, the Secretary of State may by agreement with any person delegate to that person all or any of his functions with respect to the maintenance and improvement of, or other dealing with, any trunk road or other land comprised in the crossing.

(2) A delegation under subsection (1) above may only be made—

(a) if tolls are for the time being leviable by the person appointed under section 11 of this Act, to that person; or

(b) if tolls are for the time being leviable by the Secretary of State and he appoints any person to collect the tolls as his agent, to that person.

(3) Without prejudice to the application of subsection (1) above and section 6(1) of the 1980 Act (delegation by Secretary of State of trunk road functions to local councils) in relation to functions of the Secretary of State under this Act, each of those provisions shall apply in relation to—

(a) any functions conferred by or under this Part of this Act on the crossing operator which are for the time being exercisable by the Secretary of State; and

(b) the power of the Secretary of State under section 23 of this Act to withdraw or suspend the restriction imposed by subsection (1) of that section;

as it applies in relation to functions of his of a description mentioned in subsection (1) above.

(4) In this Act “the crossing operator” means the person appointed under section 11 of this Act to levy tolls, in relation to any time when tolls are for the time being leviable by that person, and otherwise means the Secretary of State.

(5) No functions may be delegated under subsection (1) above to any council to whom the Secretary of State may under section 6(1) of the 1980 Act (including that provision as extended by subsection (3) above) delegate any of his functions.

(6) Any person to whom any functions are delegated under this section shall, in the exercise of those functions, act as agent for the Secretary of State and in accordance with such conditions as he may attach to the delegation.

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(7) Any agreement made by the Secretary of State for delegating any of his functions under this section shall not prevent him from exercising any function delegated if he considers that it is necessary or expedient for him to do so—

(a) by reason of any emergency; or

(b) on the ground that, in his view, the delegate has failed or will be unable to carry out any works, or do any other thing, that appears to the Secretary of State to be necessary for the discharge of that function.

(8) A delegation of any functions under this section may be terminated in such circumstances and in such manner as may be provided under the agreement providing for the delegation.

(9) Nothing in this section limits the power of the Secretary of State to enter into and carry into effect agreements with any person for any purpose connected with the exercise of any function he has power to delegate under subsection (1) above.

13 Leases of crossing land, etc.: application of landlord and tenant law.

(1) The Secretary of State shall have power to grant to the person appointed under section 11 of this Act a lease—

(a) of any land comprised in the crossing; and

(b) of any easement or right in or over land not so comprised, being an easement or right acquired by him under section 2 of this Act or transferred to him under section 6 of this Act;

if it appears to him to be expedient to do so for the purpose of or in connection with the exercise by that person of any of the functions mentioned in subsection (2) below.

(2) Those functions are—

(a) any functions of the person appointed under the contract under which he was appointed;

(b) any functions conferred or imposed by or under this Part of this Act on the crossing operator which are for the time being exercisable by the person appointed; and

(c) any functions of the Secretary of State delegated to him under section 12 of this Act.

(3) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement between the Secretary of State and the person appointed so far as relates to the terms on which any land which is the subject of a lease granted in pursuance of this section is to be provided for that person's use; and accordingly no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease so granted—

(a) so as to exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;

(b) so as to confer or impose on either party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or

(c) so as to restrict the enforcement (whether by action for damages or otherwise) by either party to the lease of any obligation of the other party under the lease.

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14 Termination of appointment under section 11 after the transfer date.

(1) This section applies where the appointment of the person appointed under section 11 of this Act to levy tolls comes to an end after the transfer date.

(2) Subject to the following provisions of this section and section 15 of this Act, on the termination of the appointment there are transferred to the Secretary of State by virtue of this section—

(a) all movable property belonging to the person appointed immediately before termination—

(i) which was transferred to that person under section 7 of this Act; or

(ii) which, immediately before termination, was property which was normally kept anywhere within the crossing;

(b) all assets of the person appointed of a description within subsection (3) below which fall in accordance with the contract under which he was appointed to be transferred to the Secretary of State on termination of the appointment in the circumstances in which it has in fact terminated; and

(c) all rights and liabilities of the person appointed subsisting immediately before termination which—

(i) were acquired or incurred by that person for the purposes of or in connection with the exercise of any relevant functions; or

(ii) arose from that person's occupation of the crossing;

and the property so transferred vests, by virtue of this section, in the Secretary of State.

(3) The assets referred to in subsection (2)(b) above are—

(a) assets representing revenue produced by the tolls and other revenue of the person appointed; and

(b) the unexpended balances of any loan funds raised by the person appointed for the purposes of or in connection with the exercise of any relevant functions.

In paragraph (b) above "loan funds" means funds raised by borrowing or by the issue of loan stock.

(4) Subsection (2)(c) above does not apply in relation to rights and liabilities in respect of loans, loan stock and loan charges.

(5) Where the appointment terminates at the end of the period allowed under section 16 of this Act for the levy of tolls by the person appointed, any right or liability of that person under any contract (not being a contract of employment) entered into by him for or in connection with the collection of tolls is not transferred by virtue of this section unless it is acquired or incurred in respect of things done or omitted before termination.

(6) Parts II and III of Schedule 5 to this Act shall have effect for making in connection with the operation of this section provision relating to employees and former employees of the person appointed.

15 Termination: supplementary provisions.

(1) Any property vested in the Secretary of State by virtue of section 14 of this Act on termination of the appointment of the person appointed under section 11 of this Act to levy tolls shall vest free from any security to which it was subject immediately before termination.

(2) Where before termination possession of any such property has been taken by any person in pursuance of any legal process or distress, the Secretary of State shall be entitled to recover that property from any person in possession of it without being required, as a condition of doing so, to meet any liability in respect of which that process or distress was issued or levied.

(3) Subsection (1) above is without prejudice to any liability secured by any security from which any such property is released by virtue of that subsection, and subsection (2) above is without prejudice to any liability in respect of which the process or distress there mentioned was issued or levied.

(4) Where any liability which, if it had subsisted immediately before termination, would have fallen to be transferred to the Secretary of State by virtue of section 14 of this Act has been discharged before termination, nothing in the [M8]Insolvency Act 1986 shall—

(a) affect the validity of anything done by the person appointed or by any other person in discharging that liability;

(b) authorise a court to make any order affecting the property of, or imposing any obligation on, any person in consequence of or in connection with the receipt by that person or by any other person of any payment made, property transferred or other benefit provided by the person appointed or by any other person in discharging that liability; or

(c) be treated as giving rise to any trust affecting any money or property so transferred.

(5) Subject to subsection (1) above, any property vested in the Secretary of State by virtue of section 14 of this Act shall be held by him subject to all covenants, conditions and restrictions subject to which the property was held by the person appointed.

(6) Any dispute between the Secretary of State and any person as to the property or liabilities transferred by virtue of section 14 of this Act shall be determined by arbitration; and, where any such dispute is one between the Secretary of State and the person appointed, the arbitration shall be subject to the provisions relating to arbitration of the contract under which that person was appointed.

(7) Subject to subsection (1) above, all agreements or other transactions entered into or effected by the person appointed and subsisting immediately before termination, in so far as they relate to property or liabilities transferred by virtue of section 14 of this Act to the Secretary of State, shall have effect with the substitution of the Secretary of State for the person appointed; and accordingly—

(a) any such agreement or transaction may be enforced by or against the Secretary of State; and

(b) references to the person appointed—

(i) in any agreement (whether or not in writing) and in any deed, bond or instrument, so far as relating to any such property or liabilities; and

(ii) in any other document whatsoever relating to or affecting any such property or liabilities;

shall be taken after termination as referring to the Secretary of State.

(8) All proceedings, legal or other, begun before termination and relating to any such property or liabilities, other than proceedings for enforcing any security from which any such property is released by virtue of subsection (1) above, may be carried on with the substitution of the Secretary of State in lieu of the person appointed, and any such proceedings may be amended in such manner as may be necessary for that purpose.

(9) In this section "security" means any mortgage, charge, lien or other security.

(10) References in this Act, in relation to the person appointed, to relevant functions are references to—

(a) any functions of the person appointed under the contract under which he was appointed or under any lease granted under section 13 of this Act;

(b) any functions conferred or imposed by or under this Part of this Act on the crossing operator which are for the time being exercisable by the person appointed; and

(c) any functions of the Secretary of State delegated to him under section 12 of this Act.

Marginal Citations

M8 1986 c. 45.

16 Time limit for levy of tolls.

(1) Tolls shall cease to be leviable at the end of the period allowed under subsection (2) below or, where section 11(6) of this Act applies, at the end of the period allowed under subsection (3) below.

(2) The period allowed for the levy of tolls by the person appointed under section 11 of this Act, in default of earlier termination of his appointment, is the period determined in accordance with Part I of Schedule 6 to this Act.

(3) The period allowed for the levy of tolls by the Secretary of State is the period determined in accordance with Part II of that Schedule.

(4) Where the period allowed for the levy of tolls by the person appointed under section 11 of this Act includes any toll extension period under paragraph 4 of that Schedule, references in section 14 of this Act to relevant functions shall include references to any functions of the person appointed under the contract relating to the levy of tolls by that person during the toll extension period.

Tolls and their administration

17 Classification of vehicles and level of tolls.

(1) The classes of vehicles in respect of which tolls may be levied shall be those established immediately before the transfer date by any classification of vehicles then in force under the 1984 Act.

(2) Subject to the following provisions of this section, the toll leviable on and after the transfer date in respect of a vehicle of any class shall be that in force immediately before that date in respect of vehicles of that class.

(3) Below in this section—

"the base month" means, subject to subsection (10) below, the month of June; and

"the revision date" means the date immediately following the end of the period of two months beginning with the 1st day of the base month.

(4) Subject to subsection (9) below, on or within the period of seven days next following—
   (a) the first revision date after the transfer date; and
   (b) each succeeding revision date falling within the toll period;

   the Secretary of State shall make an order fixing the amounts of the tolls in respect of all classes of vehicles in respect of which tolls are leviable.

(5) Subject to the following provisions of this section, the amount of the toll to be fixed by the order in respect of each class of vehicles shall be an amount arrived at by increasing the amount applicable in the case of that class on 1st January 1986 by the same percentage as the percentage increase between the retail prices index for December 1985 and the retail prices index for the month which is the base month in relation to the revision date in question.

(6) Any amount which falls in accordance with subsection (5) above to be fixed by an order under this section—
   (a) if it is neither a multiple of ten nor an amount which on division by ten produces a remainder of five, shall be rounded to the nearest ten pence; and
   (b) if it is an amount which on division by ten produces a remainder of five, shall be increased by five pence.

(7) Subject to subsection (8) below, where the amount of any toll which, in accordance with the preceding provisions of this section, falls to be fixed by an order made under this section in respect of any class of vehicles exceeds that in force under the last previous order so made, the new order may fix an amount which does not implement the increase or implements it only in part.

(8) Where tolls are for the time being leviable by the person appointed under section 11 of this Act, an order under this section may not by virtue of subsection (7) above fix an amount for any toll which does not implement, or implements only in part, any increase in the amount of that toll which would otherwise fall to be made under this section, except at the request of that person.

(9) Where, on any occasion when an order fixing the amounts of tolls falls to be made in accordance with subsection (4) above, in the case of the toll leviable in respect of each class of vehicles in respect of which tolls are leviable either—
   (a) the amount which, in accordance with the preceding provisions of this section, would fall to be fixed by the order does not exceed that in force under the last previous order so made; or
   (b) any increase which would fall to be made in the amount of that toll is one which by virtue of subsection (7) above need not be implemented by the order and the Secretary of State proposes not to implement it;

   an order under subsection (4) above need not be made on that occasion.

(10) Where the retail prices index for any month during the toll period which is not for the time being the base month for the purposes of this section shows an increase of twelve per cent. or more over that for the last preceding base month, the month first mentioned above shall become the base month for the purposes of this section.

(11) An order made under this section shall come into force on the 1st day of the month next following that in which it is made.

(12) References in this section to the retail prices index are references to the general index of retail prices (for all items) published by the **[**[F1]Statistics Board**]**; and if that index

is not published for any month those references shall be read as references to any substituted index or index figures published by **[**[F2]the Board**]** for that month.

(13) Subsection (8) above shall not apply in relation to any order made under this section during any toll extension period under paragraph 4 of Schedule 6 to this Act.

Subordinate Legislation Made

P1 S. 17: power previously exercised by S.I. 1988/1364, 1989/1402 and 1990/1597

P2 S. 17(4): s. 17(4) power exercised by S.I. 1991/1808

Textual Amendments

F1 Words in s. 17(12) substituted (1.4.2008) by Statistics and Registration Service Act 2007 (c. 18), s. 74(1), **Sch. 3 para. 4(a)**; S.I. 2008/839, art. 2

F2 Words in s. 17(12) substituted (1.4.2008) by Statistics and Registration Service Act 2007 (c. 18), s. 74(1), **Sch. 3 para. 4(b)**; S.I. 2008/839, art. 2

18 Temporary suspension of tolls.

(1) Subject to the following provisions of this section, tolls may be suspended by the crossing operator.

(2) A suspension may relate to all vehicles using the crossing, or only to all such vehicles travelling from north to south, or from south to north.

(3) Where the person appointed under section 11 of this Act to levy tolls is the crossing operator, his power to suspend tolls under this section shall be subject to any conditions in the contract under which he was appointed.

19 Exemption from tolls.

Nothing in this Act shall authorise the levying of tolls in respect of—

(a) a vehicle identifiable by writing or markings on it or otherwise by its appearance as being the property of—

[[F3](i) a local policing body;**]**

[[F4](ia) the Serious Organised Crime Agency;**]**

[[F5](ii) a fire and rescue authority under the Fire and Rescue Services Act 2004; or**]**

(iii) one of the civil defence forces or the civil defence services as respectively defined in the [M9]Civil Defence Act 1948;

being used in the execution of duty;

(b) an ambulance or other vehicle if it is being used by [F6]**[**[F7]... a Special Health Authority established under section 28 of **[**[F8]the National Health Service Act 2006**]** or section 22 of the National Health Service (Wales) Act 2006, [F9]... **[**[F10]a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006**]** or a voluntary organisation or other person under an arrangement made under either of those Acts;**]**

(c) any other ambulance if it is being used for the purpose of or in connection with the transport of persons requiring or receiving medical treatment or for the carriage in an emergency of medical apparatus or supplies;

(d) a vehicle exempted from duty under **[**[F11]paragraph 18 of Schedule 2 to the Vehicle Excise and Registration Act 1994**]** if it is being used for the purposes of an invalid; or

(e) a vehicle so exempted under **[**[F12]paragraph 19 of that Schedule**]** if it is being used by or for the purposes of a person suffering from a physical defect or disability.

Textual Amendments

F3 S. 19(a)(i) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 177**; S.I. 2011/3019, art. 3, Sch. 1

F4 S. 19(a)(ia) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 51**; S.I. 2006/378, art. 4(1), Sch. para. 10

F5 S. 19(a)(ii) substituted (7.9.2004 for E. for specified purposes, 1.10.2004 for E. in so far as not already in force, 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 66**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

F6 Words in s. 19(b) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 43(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F7 Words in s. 19(b) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 105** (with Sch. 3 Pt. 1)

F8 Words in s. 19(b) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 43(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F9 Words in s. 19(b) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 43(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F10 Words in s. 19(b) inserted (1.4.2007) by References to Health Authorities Order 2007 (S.I. 2007/961), art. 1(1), **Sch. para. 18**

F11 S. 19(d) words substituted (1.9.1994) by 1994 c. 22, ss. 63, 66, **Sch. 3 para. 23(a)** (with s. 57(4))

F12 S. 19(e) words substituted (1.9.1994) by 1994 c. 22, ss. 63, 66, **Sch. 3 para. 23(b)** (with s. 57(4))

Marginal Citations

M9 1948 c. 5. (12, 13 & 14 Geo 6)

20 Composition agreements.

(1) The crossing operator may enter into agreements ("composition agreements") under which persons compound in advance, on such terms as may be provided by the agreement, for the payment of tolls in respect of the use of the crossing by them, by other persons or by any vehicles.

(2) A composition agreement may relate to use on such number of occasions or during such period as may be provided by the agreement.

(3) Composition agreements offered by the crossing operator to persons seeking to compound in advance for the payment of tolls must be offered on the same terms with respect to the same description of use of the crossing to all persons seeking so to compound in respect of use of that description.

21 List of tolls to be exhibited.

A list of the tolls for the time being leviable shall at all times be exhibited in a conspicuous position within a reasonable distance of any place at which tolls are payable.

22 Refusal to pay tolls.

(1) Any person who, without reasonable excuse, refuses or fails to pay any toll for which he is liable or attempts to evade payment of any such toll shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) The powers mentioned in subsection (3) below are exercisable in relation to any such person (referred to in that subsection as the person in default) by any traffic officer or by any person employed at the crossing for the purpose of the collection of tolls.

(3) Those powers are—
- (a) to refuse to permit the person in default to pass through any place at which tolls are payable;
- (b) whether by himself or with such assistance as he thinks necessary, to prevent the person in default from passing through any such place; and
- (c) to require the person in default to leave the crossing by such route as a traffic officer may direct.

Regulation of traffic using crossing or approach roads

23 Restriction on use by certain classes of traffic.

(1) Subject to subsections (2) and (4) below, so much of the A282 as passes through the tunnels or is carried by the bridge and such other parts of the crossing and such parts of the approach roads as may be prescribed shall not be available for use by any of the following classes of traffic—
- (a) pedestrians;
- (b) animals;
- (c) pedal cycles; and
- (d) other vehicles which are not mechanically powered (unless drawn by a mechanically powered vehicle).

(2) The Secretary of State may at any time by such notice in writing as he thinks appropriate withdraw or suspend (either permanently or temporarily and either as respects particular traffic or as respects traffic of all or any of the classes mentioned in subsection (1) above) the restriction imposed by that subsection.

(3) Such a withdrawal or suspension may be made on and subject to such terms and conditions as the Secretary of State may determine, including conditions imposing tolls at such of the levels at which tolls are for the time being levied as the Secretary of State considers appropriate.

(4) The restriction imposed by subsection (1) above shall not apply to—
- (a) any person performing work, duties or services relating to the crossing or the approach roads;
- (b) any constable acting in the execution of his duty;
- (c) any member of the naval, military or air forces while on duty in the service of the Crown; or
- (d) any inspector appointed under section 19 of the [M10]Health and Safety at Work etc. Act 1974 acting in the execution of his duty;

or to any vehicle of which any such person is in charge or to any person to whom it would otherwise apply only in consequence of a breakdown of a vehicle or other emergency.

(5) A person who contravenes the restriction imposed by subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) Any such person may be stopped by any traffic officer or by any person employed at the crossing for the purpose of the collection of tolls.

(7) Any person who is about to contravene the restriction imposed by subsection (1) above may be prevented from doing so by any traffic officer or by any person so employed.

(8) For the purposes of this section a person contravenes the restriction imposed by subsection (1) above if he uses any part of the crossing or of the approach roads contrary to the restriction or if he is in charge of an animal or vehicle which does so; and where he does so by being in charge of an animal or vehicle a traffic officer or person so employed may move the animal or vehicle to a place where the restriction does not apply.

(9) A traffic officer or person so employed may exercise the powers conferred by subsections (6) to (8) above with such assistance as he thinks necessary.

Marginal Citations

M10 1974 c. 37.

24 Special traffic restrictions.

(1) In relation to roads within the crossing and the approach roads the power conferred by **[**[F13]subsection (2)**]** of section 14 of the [M11]Road Traffic Regulation Act 1984 (temporary restriction or prohibition of traffic on roads) shall be exercisable—

(a) by a constable or traffic officer (as well as by the Secretary of State as the highway authority) on a ground on which it is exercisable by that authority; and

(b) by the Secretary of State or a traffic officer where a restriction or prohibition appears necessary or expedient for the purpose of maintaining or improving any part of the crossing.

(2) Where that power is exercised by a constable or traffic officer it may be exercised either by notice or by an appropriate means of communication; and subsections (4) and (7) of that section shall apply in relation to an appropriate means of communication as they apply in relation to a notice under **[**[F13]subsection (2)**]**of that section.

(3) Where that power is exercised in relation to any road within the crossing a traffic officer may, either by notice or by an appropriate means of communication, make as respects any other road within the crossing—

(a) any such provision as is described in section 2(2)(a) to (c) of the [M12]Road Traffic Regulation Act 1984 (direction of traffic, waiting, etc.); or

(b) any provision restricting the speed of vehicles;

and any restriction or prohibition imposed under this subsection shall be treated for the purposes of section 16(1) of that Act (offence of contravention) as if imposed under section 14 of that Act.

(4) A notice or an appropriate means of communication under subsection (3) above may suspend any statutory provision of a description which could have been contained in it and any such provision shall have effect subject to it.

(5) In this section "an appropriate means of communication" means any reasonable means for communicating the restriction or prohibition to persons affected by it, other than a notice.

Textual Amendments

F13 Words in s. 24(1)(2) substituted (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), **s. 2(6)(7)**; S.I. 1992/1218, **arts.2**, 3

Marginal Citations

M11 1984 c. 27.

M12 1984 c. 27.

25 Large vehicles and safety.

(1) Regulations may make provision—

(a) for the regulation by the crossing operator of the use of the crossing by vehicles exceeding such dimensions or weight as may be prescribed;

(b) for the prohibition or regulation by the crossing operator of the conveyance through the tunnels of any goods, substances or other things capable of being conveyed which are dangerous, including provision for searching vehicles suspected of conveying any such things; and

(c) for eliminating or reducing the risk of fire in the tunnels.

(2) The regulations may include provision requiring the prescribed person to pay to the crossing operator in respect of the use of the crossing by vehicles such as are mentioned in subsection (1)(a) above a charge of an amount determined in accordance with such scales and other provisions as may be prescribed.

(3) Any person who contravenes or fails to comply with any regulations made under subsection (1)(b) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) In proceedings brought against any person for an offence under subsection (3) above it shall be a defence for him to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Subordinate Legislation Made

P3 S. 25: power previously exercised by S.I. 1989/2372 and 1990/1598

P4 S. 25(1)(2): s. 25(1)(with ss. 25(2), 26(1)(3)(d), 44(3) and 46(1)) power exercised by S.I.1991/1805

26 Removal of stationary vehicles.

(1) For the purpose of preventing obstruction of the crossing and the approach roads, regulations may—

(a) prohibit vehicles from stopping or remaining at rest in prescribed parts of the crossing or of the approach roads except in prescribed circumstances; and

(b) make such provision as is mentioned in subsection (3) below with respect to vehicles which, either in contravention of the regulations or in such circumstances to which subsection (2) below applies as may be prescribed, are for the time being at rest in any prescribed part of the crossing or of the approach roads.

(2) The circumstances to which this subsection applies, in relation to any vehicle, are any circumstances in which—

(a) it is necessary for the vehicle to remain at rest by reason of breakdown; or

(b) no person is for the time being in charge of the vehicle or the person in charge of it is not present in or on the vehicle.

(3) The regulations may—

(a) require the person (if any) in charge of any vehicle which is at rest by reason of breakdown in any prescribed part of the crossing or of the approach roads to take prescribed steps for reporting that fact and the position and circumstances in which the vehicle is at rest;

(b) prohibit any person, other than a constable or traffic officer—

(i) from carrying out, or attempting to carry out, any repair, adjustment or refuelling of any such vehicle except with permission expressly given by a constable or traffic officer;

(ii) from moving, or attempting to move, any such vehicle from the position in which it is at rest;

(c) include provision for empowering a constable or traffic officer to remove any vehicle which is at rest in any prescribed part of the crossing or of the approach roads from its position to a place within the crossing or the approach roads where the regulations do not prohibit vehicles stopping or remaining at rest; and

(d) include provision, in the case of any vehicle which is so removed by a traffic officer or which at the request of the person in charge of it is repaired, adjusted or refuelled (instead of being removed) by a traffic officer, for requiring the prescribed person to pay to the crossing operator a charge of an amount determined in accordance with such scales and other provisions as may be prescribed.

Subordinate Legislation Made

P5 S. 26: power previously exercised by S.I. 1989/2372 and 1990/1598

P6 S. 26(1)(3)(d): s. 25(1)(with ss. 25(2), 26(1)(3)(d), 44(3) and 46(1)) power exercised by S.I.1991/1805

27 Services for transporting cycles and cyclists through crossing.

(1) The Secretary of State shall either provide, maintain and operate vehicles for the purpose of carrying pedal cycles and cyclists through the crossing or make such

arrangements as he considers appropriate with any other person for securing the provision, maintenance and operation of vehicles for that purpose.

(2) No charge shall be made in respect of the carriage of any cycle or cyclist on any vehicle provided by, or in pursuance of arrangements made by, the Secretary of State under subsection (1) above.

28 Traffic officers.

(1) The crossing operator shall appoint persons to act as traffic officers.

(2) It shall be the duty of every traffic officer to secure the observance and enforcement of the provisions of this Part of this Act and of regulations made under it, in particular by exercising functions conferred on traffic officers by any such provision.

(3) It shall also be the duty of every traffic officer to secure the observance and enforcement of—

(a) any traffic regulation order made under section 1 of the [M13]Road Traffic Regulation Act 1984 and any prohibition or restriction imposed under section 14 of that Act or section 24 of this Act as respects any road within the crossing or the approach roads; and

(b) any byelaws made or treated as made under the 1984 Act as they have effect by virtue of this Act.

(4) Every traffic officer may stop and direct traffic within the crossing and, so far as is necessary for the performance of any of his duties under subsections (2) and (3) above, on the approach roads.

(5) A traffic officer shall not act as such unless in uniform.

(6) Every officer who immediately before the transfer date was acting as a traffic officer under section 36 of the 1984 Act shall be treated as if he was appointed to act as a traffic officer under this section on that date.

Marginal Citations

M13 1984 c. 27.

29 Offences.

Any person who—

(a) without reasonable excuse refuses or fails to pay any charge which he is liable to pay under regulations made under section 25 or 26 of this Act;

(b) resists or intentionally obstructs a traffic officer in uniform acting in the execution of his duty; or

(c) contravenes or fails to comply with any regulations made under this Part of this Act, other than regulations made under section 25(1)(b) of this Act;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Miscellaneous and supplementary

30 Planning permission.

If any works for or in connection with the exercise of any functions under this Part of this Act or the maintenance or improvement of any part of the crossing are carried out on any land otherwise than by or on behalf of the Secretary of State, they shall not be taken for the purposes of **[**[F14]the Town and Country Planning Act 1990**]** to involve development of the land.

Textual Amendments

F14 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 77**

31 Pollution controls, etc.

(1) If any operation for or in connection with the maintenance or improvement of any part of the crossing is carried out otherwise than by or on behalf of the Secretary of State, a prohibition or restriction to which this section applies shall not have effect in relation to the operation if it would not have effect in relation to the operation if the operation were carried out by the Secretary of State.

(2) This section applies to—

(a) any prohibition on the carrying out of operations or on carrying them out without the consent of any person;

(b) any restriction on the level of noise which may be emitted in the course of carrying out operations;

(c) any prohibition or restriction on the times when or the period of time for which operations may be carried out; and

(d) any prohibition or restriction on depositing materials in or discharging materials into any waters;

imposed by or under any enactment other than this Act, other than any prohibition or restriction imposed by or under the relevant statutory provisions (within the meaning of Part I of the [M14]Health and Safety at Work etc. Act 1974).

(3) In this section “operation” means any works or action.

Marginal Citations

M14 1974 c. 37.

32 Recovery of tolls and charges.

Where any tolls or any charges payable under regulations made under section 25 or 26 of this Act remain unpaid after they have become due for payment the crossing operator may recover from the person liable to pay them the amount of the tolls or charges together with a reasonable sum to cover administrative expenses.

33 Accounts of person appointed under section 11.

(1) Copies of any accounts of the person appointed to levy tolls under section 11 of this Act which are provided to the Secretary of State in pursuance of—

(a) the contract under which that person was appointed; or

(b) any contract relating to the levy of tolls by that person during any toll extension period under paragraph 4 of Schedule 6 to this Act;

shall be laid before Parliament by the Secretary of State.

[[F15](2) In relation to a company " accounts " in subsection (1) means the company's annual accounts for a financial year, together with the relevant directors' report and the auditors' report on those accounts.

Expressions used in this subsection have the same meaning as in **[**[F16]Part 15 of the Companies Act 2006**].]**

Textual Amendments

F15 S. 33(2) substituted by Companies Act 1989 (c. 40, SIF 27), s. 23, **Sch. 10 para. 39** (subject to savings in S.I. 1990/355, art. 8, **Sch. 3 para. 1**)

F16 Words in s. 33(2) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), **Sch. 1 para. 152** (with arts. 6, 11, 12)

34 Accounts of Secretary of State.

(1) Where section 11(6) of this Act applies, the Secretary of State shall prepare a statement of accounts under this section in respect of each financial year falling wholly or partly within the period allowed under section 16 of this Act for the levy of tolls by him.

(2) Any statement of accounts prepared under this section shall be in such form and contain such particulars, compiled in such manner, as the Treasury may from time to time direct.

(3) Any such statement shall be sent by the Secretary of State to the Comptroller and Auditor General not later than the end of the month of November following the end of the financial year to which the statement relates.

(4) The Comptroller and Auditor General shall examine and certify any statement sent to him under this section and shall lay copies of it, together with his report on it, before Parliament.

35 Offences by bodies corporate.

(1) Where a body corporate is guilty of an offence under this Part of this Act and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Status: *Point in time view as at 01/04/2013.*
Changes to legislation: *There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988. (See end of Document for details)*

36 Application of Part III to Crown.

(1) Subject to the preceding provisions of this Part of this Act and to subsection (2) below, this Part of this Act and any regulations made under it shall have effect in relation to persons in the public service of the Crown, vehicles belonging to, or used for the purposes of, a Minister of the Crown or Government department and things done, or omitted to be done, in connection with such vehicles by such persons as they have effect in relation to other persons or vehicles.

(2) Regulations made under section 25 or 26 of this Act may provide that, in their application in relation to—

(a) vehicles belonging to the Crown and used for naval, military or air force purposes; and

(b) vehicles used for the purposes of any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the [M15]Visiting Forces Act 1952, or used for the purposes of any headquarters or organisation designated by an Order in Council under section 1 of the [M16]International Headquarters and Defence Organisations Act 1964;

the regulations shall have effect subject to such modifications as may be prescribed.

Marginal Citations

M15 1952 c. 67.

M16 1964 c. 5.

PART IV

MISCELLANEOUS AND GENERAL

37 Works affecting the river Thames.

(1) The Secretary of State may, for the purpose of or in connection with the construction, maintenance or improvement of any part of the crossing—

(a) temporarily alter or interfere with the river and construct, place and maintain within the relevant limits in the river all such temporary piles, fenders, booms, dolphins, pontoons, caissons, cofferdams, embankments, aprons, abutments, stagings, piers, wharves, walls, fences, drains, stairs, buildings or other works as he may deem necessary or expedient;

(b) moor or anchor temporarily, or cause to be moored or anchored temporarily, in the river barges or other vessels or craft; and

(c) temporarily close the river or any part of it to navigation.

(2) In subsection (1)(a) above "relevant limits" means—

(a) in relation to the bridge, the limits of land to be acquired;

(b) in relation to the tunnels, the limits of deviation specified in each of the Acts repealed by the [M17]Dartford Tunnel Act 1967 and in that Act by which works were authorised by reference to the plans and sections deposited in connection with the Bills for those Acts.

(3) Before exercising any of the powers conferred by subsection (1) above, the Secretary of State shall consult the Port Authority; but section 70 of the [M18]Port of London Act 1968 (licence from Port Authority required for works in river) and section 73 of that Act (licence from Port Authority required for dredging there) shall not apply in relation to anything done in the exercise of any of those powers within the limits of land to be acquired.

(4) In exercising the power conferred by subsection (1)(c) above the Secretary of State shall ensure that no more of the river is closed to navigation at any time than is at that time necessary in the circumstances.

(5) If complete closure of the river to navigation becomes necessary the Secretary of State shall use his best endeavours to secure that the minimum obstruction, delay or interference is caused to vessels which may be using or intending to use the river.

(6) Neither the Secretary of State nor the Port Authority shall be liable for any loss suffered or any costs or expenses incurred by any person as a direct or indirect result of any closure of the river in accordance with this section.

Marginal Citations

M17 1967 c. xxxvii.

M18 1968 c. xxxii.

38 Restrictions on works on crossing and approach roads.

(1) No works shall be carried out in, on, under or over any part of the crossing or of the approach roads otherwise than by or on behalf of the Secretary of State unless the Secretary of State gives his written consent.

(2) Consent under subsection (1) above may be granted subject to such reasonable terms and conditions (including conditions imposing a charge) as the Secretary of State may determine; and any question whether any such terms and conditions are reasonable shall be determined by arbitration.

(3) Section 15 of the [M19]Pipe-lines Act 1962 shall not apply where this section applies.

(4) Subsection (1) above shall not be taken to require the consent of the Secretary of State for the carrying out of works in relation to any highway or railway passing under or over any part of the crossing or of the approach roads.

Marginal Citations

M19 1962 c.58.

39 Application of public utilities street works code to all works at the crossing.

In so far as, apart from this section, Part II of the [M20]Public Utilities Street Works Act 1950 (public utilities street works code where undertakers' apparatus is affected by road works) would not apply in relation to works for the construction, maintenance or improvement of any part of the crossing, that Part of that Act shall apply as if

such works were mentioned in section 21(1)(a) of that Act and as if any undertakers' apparatus affected by any such works were in a street.

Marginal Citations

M20 1950 c. 39.

40 Rating.

No part of the crossing shall be liable to be rated or to be included in any valuation list or in any rate.

41 Protection of interests.

Schedule 7 to this Act shall have effect for protecting the interests of the bodies and persons specified in that Schedule (being bodies and persons who may be affected by other provisions of this Act).

42 Correction of deposited plans.

(1) If the deposited plans or the book of reference to those plans are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Secretary of State, after giving not less than ten days' notice to the owner and occupier of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction of the plans or book of reference.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake or inadvertence, the justices shall certify accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments and a copy of it in the Private Bill Office of the House of Commons and with the proper officers of the Councils, the Dartford Borough Council and the Thurrock Borough Council; and the deposited plans or the book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Secretary of State, in accordance with the certificate, to proceed under this Act as if the deposited plans or the book of reference had always been in the corrected form.

(4) A person with whom a copy of the certificate is deposited under this section shall keep it with the documents to which it relates.

(5) In this section "book of reference" means a book deposited in April 1987 in connection with the Dartford-Thurrock Crossing Bill in the Office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons.

43 Determination of questions referred to arbitration.

Subject to any other provision of this Act, where under this Act any difference is to be determined by arbitration, the difference shall be referred to, and settled by, a single arbitrator to be agreed between the parties or, in default of agreement, to be appointed

on the application of either party, after notice in writing to the other, by the President of the Institution of Civil Engineers.

44 Orders and regulations.

(1) Any power conferred by this Act to make an order or regulations shall be exercisable by statutory instrument.

(2) Any statutory instrument containing regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Regulations made under this Act may make different provision for different cases or classes of case to which they apply.

Subordinate Legislation Made

P7 S. 44: power previoulsy exercised by S.I. 1989/2372 and 1990/1598

P8 S. 44(3): s. 25(1)(with ss. 25(2), 26(1)(3)(d), 44(3) and 46(1)) power exercised by S.I.1991/1805

45 Financial provision.

(1) There shall be paid out of money provided by Parliament any expenses of the Secretary of State under this Act and any increase attributable to this Act in the sums so payable under any other enactment.

(2) Any sums received by or on behalf of the Secretary of State under this Act shall be paid into the Consolidated Fund.

(3) Any sums paid to the person appointed during any toll extension period under paragraph 4 of Schedule 6 to this Act—

(a) in respect of tolls or charges payable by virtue of this Act; or

(b) under any composition agreement under section 20 of this Act;

shall be taken to be received by that person on behalf of the Secretary of State.

46 Interpretation.

(1) In this Act, except where the context otherwise requires—

"the 1980 Act" and "the 1984 Act" shall be construed in accordance with section 4(5);

"the approach roads" has the meaning given by section 4(3);

"breakdown", in relation to a vehicle, includes mechanical defect, lack of fuel, oil or water for the vehicle, and any other circumstances in which a person in charge of the vehicle could not immediately, safely and without damage to the vehicle or its accessories, drive it under its own power;

"the bridge" shall be construed in accordance with section 1(2);

"bridleway" has the same meaning as in the 1980 Act;

"building" includes any structure or erection and any part of a building as so defined;

"the Councils" has the meaning given by section 6(5)(b);

"the crossing" has the meaning given by section 11(9);

"the crossing operator" has the meaning given by section 12(4);

"cycle track" has the same meaning as in the 1980 Act;

"deposited plans" and "deposited sections" mean respectively the plans and sections deposited in April 1987 in connection with the Dartford-Thurrock Crossing Bill in the Office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons;

"enactment" includes an enactment contained in any Act passed on or after the date on which this Act is passed and any subordinate legislation within the meaning of the [M21]Interpretation Act 1978;

"exercise" includes performance and related expressions shall be construed accordingly;

"footpath" has the same meaning as in the 1980 Act;

"functions" includes powers, duties and obligations;

"land" includes buildings, land covered with water, and any estate, interest, easement, servitude or right in or over land;

"limits of deviation" means the limits of deviation shown in the deposited plans and "limits of land to be acquired" means the limits of land to be acquired so shown;

"maintenance" includes repair and "maintain" shall be construed accordingly;

"modifications" includes additions, omissions and alterations and "modify" shall be construed accordingly;

"owner" has the same meaning as in section 7(1) of the [M22]Acquisition of Land Act 1981;

"pedal cycle" means a pedal cycle which is either—

(a) not propelled by mechanical power; or

(b) an electrically assisted pedal cycle of a class prescribed by regulations made by the Secretary of State for the purposes of section 193 of the [M23]Road Traffic Act 1972 and section 140 of the [M24]Road Traffic Regulation Act 1984;

"place at which tolls are payable" means any place at which, in accordance with arrangements made by the crossing operator, tolls (other than tolls previously compounded for) are for the time being payable;

"Port Authority" means the Port of London Authority;

"prescribed" means prescribed by regulations;

"property" includes property, rights and powers of every description;

"regulations" means regulations made by the Secretary of State;

"river" means the river Thames including its bed, banks and foreshore;

"the scheduled works" shall be construed in accordance with section 1(1);

"toll" has the meaning given by section 11(2);

"traffic" includes pedestrians and animals;

"traffic officer" means a person appointed, or treated as if appointed, to act as such under section 28;

"the transfer date" shall be construed in accordance with section 4(2);

"trunk road" has the same meaning as in the 1980 Act; and

"the tunnel approaches", "the tunnel crossing", "the tunnel highway" and "the tunnels" have the meanings given by section 4(3).

(2) In this Act—

(a) references to the functions of the Councils in relation to the tunnel crossing or the tunnel approaches shall be construed in accordance with section 6(5)(a);

(b) references to the toll period shall be construed in accordance with section 11(10); and

(c) references, in relation to the person appointed under section 11 of this Act to levy tolls, to relevant functions shall be construed in accordance with sections 15(10) and 16(4).

(3) In this Act—

(a) any reference to a road designated by a letter and number is a reference to the road so designated by the Department of Transport at the date of the passing of this Act;

(b) references to specified distances shall be construed as if the words "or thereabouts" were inserted after each such distance, distances between points on a road being measured along the centre line of the road; and

(c) any reference to a work identified by a number shall be read as a reference to the scheduled work of that number.

Subordinate Legislation Made

P9 S. 46: power previously exercised by S.I. 1989/2372 and 1990/1598

P10 S. 46(1): s. 25(1)(with ss. 25(2), 26(1)(3)(d), 44(3) and 46(1)) power exercised by S.I.1991/1805

Marginal Citations

M21 1978 c. 30.

M22 1981 c. 67.

M23 1972 c. 20.

M24 1984 c. 27.

47 Short title, commencement and extent.

(1) This Act may be cited as the Dartford-Thurrock Crossing Act 1988.

(2) Sections 23, 24, 27, 28 and 37 to 40 of this Act shall come into force on the transfer date.

(3) This Act extends to England and Wales only.

Status: *Point in time view as at 01/04/2013.*
Changes to legislation: *There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 1.

THE SCHEDULED WORKS

PART I

THE WORKS

In the borough of Thurrock in the county of Essex—

Work No.1 – An improvement of the M25 and the A282 (Dartford Tunnel Approach Road) forming a new road comprising dual carriageways in place of parts of those roads, commencing at a point 75 metres north of the junction of the M25 with the eastern slip road connecting the A282 with the A13 (Purfleet to Grays Road) and terminating at a point 35 metres north of the northern abutment of the existing viaduct carrying the A282 over the A126 (London Road) and the Tilbury Branch Railway;

Work No.1A – A new road, commencing by a junction with the southbound carriageway of the A282 (Work No.1) at a point 205 metres south of the commencement of that work, including a cycle track commencing by a junction with the existing cycle track on the eastern side of that carriageway, and terminating by a junction with the A126 at a point 40 metres east of the eastern side of the said existing viaduct carrying the A282 over that road;

Work No.2 – A realignment and regrading of the A282, commencing by a junction with the northbound carriageway of the A282 (Work No.1) at the termination of that work, passing over the said existing viaduct carrying the A282 over the A126 and the Tilbury Branch Railway and terminating at the northern portals of the tunnels.

In the borough of Thurrock in the county of Essex and in the borough of Dartford (parish of Stone) in the county of Kent—

Work No.3 – A fixed bridge, with approach viaducts, carrying a new road over the river Thames, commencing by a junction with the southbound carriageway of the A282 (Work No.1) at the termination of that work and terminating by a junction with the southbound carriageway of the A282 (Work No.5) at a point 145 metres north of the northern side of Littlebrook Bridge over that road.

In the borough of Dartford (town of Dartford and parishes of Darenth, Stone and Sutton-at-Hone and Hawley) in the county of Kent—

Work No.4 – A realignment and regrading of the A282, commencing at the southern portals of the tunnels and terminating by a junction with the northbound carriageway of the A282 (Work No.5) at the said point 145 metres north of the northern side of Littlebrook Bridge over that road;

Work No.5 – An improvement of the A282 forming a new road comprising dual carriageways in place of part of that road, commencing by a junction with Works Nos.3 and 4 at their termination and terminating at the existing junction of the A282 with the M25, including the reconstruction

of the bridge carrying the A226 (The Brent) over the A282 and the bridge carrying the B2200 (Watling Street) over that road;

Work No.5A – An improvement of the M25 forming a new road comprising dual carriageways in place of part of that road, commencing by a junction with Work No.5 at its termination and terminating at the north-eastern abutment of the bridge carrying the M25 over the River Darent in the parishes of Darenth and Sutton-at-Hone and Hawley;

Work No.6 – Improvements of the slip roads at Littlebrook Bridge comprising —

Work No.6A – A new slip road in place of part of the existing slip road between the southbound carriageway of the A282 south of Littlebrook Bridge and the roundabout at the eastern access to that bridge, commencing at a point on that existing slip road 120 metres from its junction with that roundabout and terminating by a junction with Work No.5 at a point 40 metres north of the northern abutment of the existing Bow Arrow Railway Bridge carrying the A282 over the North Kent Railway;

Work No.6B – A new slip road in place of the existing slip road between the northbound carriageway of the A282 north of Littlebrook Bridge and the roundabout at the western access to that bridge, commencing by a junction with Work No.4 at a point 50 metres from its termination and terminating by a junction with Work No. 6C at a point 80 metres from its commencement;

Work No.6C – A new slip road in place of the existing slip road between the northbound carriageway of the A282 south of Littlebrook Bridge and the said roundabout at the western access to that bridge, commencing at the said roundabout and terminating by a junction with Work No.5 at the said point 40 metres north of the northern abutment of the existing Bow Arrow Railway Bridge;

Work No.7 – Improvement of the Princes Road Roundabout carrying the A296 and A225 (Princes Road) over the A282 comprising —

Work No.7A – Improvement of the A296, commencing at a point in that road 90 metres west of its junction with Princes Avenue and terminating at the existing roundabout;

Work No.7B – Improvement of the A225, commencing at the existing roundabout and terminating at a point in that road 80 metres east of its junction with Green Street Green Road;

Work No.7C – A new road forming the northern section of the gyratory road of the roundabout, commencing by a junction with Work No.7A at its termination and terminating by a junction with Work No.7B at its commencement, including a bridge over the A282;

Work No.7D – A new road forming the southern section of the gyratory road of the roundabout, commencing by a junction with Work No.7A at its termination and terminating by a junction with Work No.7B at its commencement, including a bridge over the A282;

Work No.7E – A new slip road in place of the slip road between the southbound carriageway of the A282 north of the roundabout and Princes Road, commencing by a junction with Work No.5 at a point 275 metres south of the southern abutment of the existing Bow Arrow Railway Bridge and terminating by a junction with Work No.7C at a point 25 metres from its commencement;

Work No.7F – A new slip road in place of the slip road between Princes Road and the northbound carriageway of the A282 north of the roundabout, commencing by a junction with Work No.5 at a point 410 metres south of the southern abutment of the existing Bow Arrow Railway Bridge and terminating by a junction with Work No.7C at a point 25 metres from its termination;

Work No.8 – A diversion of the B260 (Green Street Green Road and Trolling Down Hill), including a new bridge over the A282 (Work No.5), the slip roads (Works Nos. 9A and 9C)

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and the link roads (Works Nos.10 and 11), commencing at a point 265 metres north-west of the western abutment of the existing bridge carrying the B260 over the A282 and terminating at a point 290 metres south-east of the eastern abutment of that bridge;

Work No.9 – Improvement of the junction of the A2 (Bexley to Rochester Road) with the M25, and the roundabout at that junction, comprising—

Work No.9A – A new slip road in place of the slip road between the southbound carriageway of the A282 north of that roundabout and the A2 east of that roundabout, commencing by a junction with Work No.5 at a point 170 metres north of the northern side of the existing bridge carrying the B260 over the A282 and terminating by a junction with the A2 at a point 70 metres west of the western abutment of the existing viaduct carrying that road over Green Street Green Road, including junction with the gyratory road (Work No.9E);

Work No.9B – A new slip road in place of the slip road between the A2 east of that roundabout and the southbound carriageway of the M25 south of that roundabout, commencing by a junction with the A2 at the said point 70 metres west of the western abutment of the existing viaduct carrying that road over Green Street Green Road and terminating by a junction with the southbound carriageway of the M25 (Work No.5A) at the termination of that work, including junction with the said gyratory road;

Work No.9C – A new slip road in place of the slip road between the northbound carriageway of the A282 north of that roundabout and the A2 west of that roundabout, commencing by a junction with Work No.5 at a point 170 metres north of the northern side of the said existing bridge carrying the B260 over the A282 and terminating by a junction with the A2 at a point 15 metres east of the eastern abutment of the bridge carrying that road over Hawley Road, including junction with the said gyratory road;

Work No.9D – A new slip road in place of the slip road between the northbound carriageway of the M25 south of that roundabout and the A2 west of that roundabout, commencing by a junction with the A2 at the said point 15 metres east of the eastern abutment of the bridge carrying that road over Hawley Road and terminating by a junction with the northbound carriageway of the M25 (Work No.5A) at the termination of that work, including junction with the said gyratory road;

Work No.9E – A widening on the outside of the gyratory road forming the roundabout;

Work No.10 – A link road on the east side of the A282 (Work No.5) between Princes Road and the A2, commencing by a junction with the Princes Road roundabout (Work No.7D) at a point 25 metres from the commencement of that work and terminating by a junction with the slip road (Work No.9A) at a point 160 metres from the junction of that road with the gyratory road (Work No.9E);

Work No.11 – A link road on the west side of the A282 (Work No.5) between Princes Road and the A2, commencing by a junction with the Princes Road Roundabout (Work No.7D) at a point 25 metres from the termination of that work and terminating by a junction with the slip road (Work No.9C) at a point 150 metres from the junction of that road with the gyratory road (Work No.9E);

Work No.12 – A diversion of part of the means of access from the roundabout at the eastern access to Littlebrook Bridge to the Dartford International Ferry Terminal, commencing at a point 830 metres from that roundabout and terminating at a point 55 metres from that roundabout;

Work No.13 – A new road commencing at the roundabout at the western access to Littlebrook Bridge, passing north and west and terminating by a junction with the access road to the Littlebrook Power Station at a point 45 metres west of the entrance from that road to the car

park of the Kent County Council's offices adjoining the existing lorry park on the west side of the southbound toll booths of the tunnel.

PART II

SUPPLEMENTARY

Limits of deviation

1 In constructing the scheduled works the Secretary of State may, subject to paragraph 2 below—

(a) deviate laterally from the lines or situations shown on the deposited plans within the limits of deviation for those works; and

(b) deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards or 3 metres downwards.

Particulars of the bridge

2 (1) The piers in the river Thames carrying the central span of the bridge shall be so placed that, on the centre line of the bridge as constructed, there shall be a distance of not less than 440 metres between the riverward faces of the piers, and any permanent fenders for the protection of any such pier shall not extend more than 20 metres riverward from the face of the pier.

(2) Each of those piers shall be so constructed as to allow for dredging of the river between the permanent fenders for the protection of the piers to a depth of 15.7 metres below ordnance datum (Newlyn).

(3) The span of the bridge between those piers shall be so constructed that, for a distance of 100 metres, there is a headway under the deck of the span of not less than 57.5 metres above ordnance datum (Newlyn).

(4) The height of the towers above those piers shall not exceed 148 metres above ordnance datum (Newlyn).

SCHEDULE 2

Section 2.

ACQUISITION OF LAND

PART I

PURPOSES FOR WHICH CERTAIN LAND MAY BE ACQUIRED OR USED

Borough of Thurrock	12	Working site and access to it
Borough of Thurrock	21	Working site and area of operations for bridge construction
Borough of Thurrock	23 and 24	Diversion of electricity cables

Borough of DartfordParish of Stone	1 and 2	Working site and area of operations for bridge construction
Borough of Dartford Town of Dartford	3 to 7	Working site
Borough of Dartford Town of Dartford	8 to 14	Working site
Borough of Dartford Town of Dartford	33u, 34u and 35u	Provision of ground anchors for retaining wall
Borough of Dartford Town of Dartford	47u to 60u	Provision of ground anchors for retaining wall
Borough of Dartford Town of Dartford	61u, 62u and 63u	Provision of ground anchors for retaining wall
Borough of Dartford Town of Dartford	71, 73, 75, 79 and 81 to 89	Working site
Borough of Dartford Town of Dartford	71u, 72u, 74u, 76u, 77u, 78u, and 80u to 89u	Provision of ground anchors for retaining wall
Borough of Dartford Town of Dartford	91u	Provision of ground anchors for retaining wall

PART II

SUPPLEMENTARY

Period of notice

1 Section 11(1) of the [M25]Compulsory Purchase Act 1965 (power to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice) shall have effect in its application by virtue of section 2 of this Act as if for the words "fourteen days" there were substituted the words "one month".

Marginal Citations

M25 1965 c. 56.

Acquisition of rights

2 (1) The Secretary of State may under section 2 of this Act acquire easements or other rights in or over land by creating them as well as acquiring easements or other rights already in existence.

(2) In relation to the compulsory acquisition of a right by virtue of sub-paragraph (1) above the provisions of the 1980 Act specified in sub-paragraph (3) below shall apply—

(a) as if references to such a compulsory acquisition were included in references to the compulsory acquisition of a right by virtue of section 250 of that Act; and

(b) as if any such acquisition were made by a compulsory purchase order made in the exercise of highway land acquisition powers.

(3) The provisions are—

(a) section 250(4) and (5) and Part II of Schedule 19 (adaptations of [M26]Compulsory Purchase Act 1965 and the enactments relating to compensation for compulsory purchase);

(b) section 251 (rights acquired to be binding on successive owners of the land); and

(c) sections 252 and 261(2) (power of land owners affected by rights acquisition to compel acquisition of whole interest).

Marginal Citations

M26 1965 c. 56.

Subsoil and under-surface

3 (1) The Secretary of State may under section 2 of this Act acquire so much of the subsoil and under-surface of land as is required as mentioned in that section without being required to acquire any interest in any other part of it.

(2) In the case of any land identified on the deposited plans by a number followed by the suffix "u", the Secretary of State shall not acquire compulsorily under section 2 of this Act any interest except the subsoil or under-surface or any easement or right in that subsoil or under-surface.

(3) For the purposes of sub-paragraph (2) above the subsoil and under-surface of any land shall not include any subsoil or under-surface which is 2 metres or less—

(a) where there is a building on the land, below the level of the surface of the ground adjoining the building;

(b) where there is a watercourse or other area of water, below the level of the surface of the adjoining ground which is at all times above water level; or

(c) in any other case, below the level of the surface of the ground.

Minerals

4 (1) Subject to sub-paragraph (2) below, Parts II and III of Schedule 2 to the [M27]Acquisition of Land Act 1981 (exception of minerals from compulsory purchase and regulation of the working of mines and minerals underlying an authorised undertaking) shall have effect in relation to lands within the limits of land to be acquired as if those lands were comprised in a compulsory purchase order providing for the incorporation with that order of those Parts of that Schedule.

(2) In the application of that Schedule to lands which the Secretary of State is authorised to acquire under section 2 of this Act, paragraph 1(3) (meaning of underlying) shall have effect as if the prescribed distance in relation to any seam of minerals lying under land adjoining any of the works authorised by this Act were such a lateral distance from those works on every side as is equal at every point along those works

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to one-half of the depth of the seam below the natural surface of the ground at that point or 40 metres, whichever is the greater.

Marginal Citations
M27 1981 c. 67.

Private rights of way

5 (1) All private rights of way over any land which may be acquired compulsorily under section 2 of this Act shall be extinguished on the acquisition of the land, whether compulsorily or by agreement, or on the entry on the land in pursuance of section 11(1) of the [M28]Compulsory Purchase Act 1965, as applied by section 2 of this Act, whichever is the sooner.

(2) Any person who suffers loss by the extinguishment of any right under this paragraph shall be entitled to compensation to be determined, in case of dispute, under and in accordance with Part I of the [M29]Land Compensation Act 1961.

Marginal Citations
M28 1965 c. 56.
M29 1961 c. 33.

Provisions as to compensation

6 Section 4 of the [M30]Acquisition of Land Act 1981 (assessment of compensation where unnecessary work undertaken to obtain compensation) shall have effect in relation to a compulsory acquisition under section 2 of this Act as if it were a compulsory purchase to which that Act applies.

Marginal Citations
M30 1981 c. 67.

7 Where land is or rights in or over land are compulsorily acquired under section 2 of this Act, section 261 of the 1980 Act (benefit to be taken into account in assessing compensation) shall have effect as if the acquisition were one in relation to which that section has effect.

SCHEDULE 3

Section 3.

SUPPLEMENTARY PROVISIONS AS TO AUTHORISED WORKS

Temporary occupation of specified sites

1 (1) Subject to the provisions of this paragraph the Secretary of State may, in connection with the construction of the scheduled works specified in column (1) of the following table, or any works in connection with those works, enter upon and take temporary

possession of the lands in the areas specified in columns (2) and (3) of that table for such purposes as are specified in column (4) of that table and may, for any such purpose, remove any buildings on those lands and provide means of access to those lands.

THE TABLE

(1) Works Nos.	(2) Area	(3) Number of land shown on deposited plans	(4) Purpose for which temporary possession may be taken
3	Borough of Thurrock	21	Working site and area of operations for bridge construction
3	Borough of Dartford Parish of Stone	1 and 2	Working site and area of operations for bridge construction
5 and 6C	Borough of Dartford Town of Dartford	3 to 7	Working site for construction of retaining wall
5 and 6C	Borough of Dartford Town of Dartford	8 to 14	Working site for construction of retaining wall
10	Borough of Dartford Town of Dartford	71, 73, 75, 79 and 81 to 89	Working site for construction of retaining wall

(2) Not less than 28 days before entering upon and taking temporary possession of any land under this paragraph the Secretary of State shall give notice to the owners and occupiers of the land.

(3) The Secretary of State shall not, without the agreement of the owners and occupiers of the land, remain in possession of any part of any land under this paragraph after a period of one year from the completion of the work, or (as the case may be) all the works, specified in relation to that land in column (1) of the table in sub-paragraph (1) above.

(4) All private rights of way over any land of which the Secretary of State takes temporary possession under this paragraph shall be suspended and unenforceable for so long as the Secretary of State remains in lawful possession of the land.

(5) Before giving up possession of any land of which temporary possession has been taken under this paragraph, the Secretary of State shall remove all temporary works and restore the land to the reasonable satisfaction of the owners and occupiers of the land.

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Changes to legislation: *There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988. (See end of Document for details)*

(6) The Secretary of State shall not be empowered to purchase compulsorily, or be required to purchase, any part of any land of which temporary possession has been taken under this paragraph.

(7) The Secretary of State shall pay compensation to—

(a) the owners and occupiers of any land of which temporary possession is taken under this paragraph for any loss or damage resulting from the exercise of the powers of this paragraph in relation to that land; and

(b) any person who suffers loss or damage by reason of the suspension of any right under this paragraph.

(8) Nothing in this paragraph shall affect any liability to pay compensation under section 10(2) of the [M31]Compulsory Purchase Act 1965, as applied by section 2 of this Act, or under any other enactment, in respect of damage arising from the execution of any works, other than damage for which compensation is payable under sub-paragraph (7) above.

(9) Any dispute as to a person's entitlement to compensation under sub-paragraph (7) above, or as to the amount of the compensation, shall be determined under and in accordance with Part I of the [M32]Land Compensation Act 1961.

Marginal Citations

M31 1965 c. 56.

M32 1961 c. 33.

Stopping up of and interference with highways

2 (1) Subject to the provisions of this paragraph, the Secretary of State may, in connection with the construction of the scheduled works, stop up each of the highways or parts of highways specified, by reference to the letters and numbers shown on the deposited plans, in columns (1) and (2) of the following table and any other bridleways or footpaths within the limits of deviation for those works; and on his doing so all rights of way over or along the highway or part so stopped up shall be extinguished.

(2) An existing highway or part of a highway specified in columns (1) and (2) of Part II of the following table shall not be stopped up under this paragraph until the Secretary of State is satisfied that the new highway to be substituted for it which is specified in relation to it, by reference to the letters shown on the deposited plans or by reference to scheduled works, in column (3) of that Part of the table has been completed and is open for public use.

THE TABLE

Part I Highways to be stopped up

(1)	**(2)**
Area	**Length of highway to be stopped up**
Borough of Thurrock	Cycle track from A2 to A4
Borough of Thurrock	Footpath from B1 to B2

Borough of Thurrock	Footpath from B2 to B3
Borough of Thurrock	Road from C1 to C2
Borough of Thurrock	Road from U1 to U2
Borough of DartfordTown of Dartford	Road from J1 to J2
Borough of DartfordParish of Darenth	Road from R1 to R2

Part II Highways to be stopped up and new highways substituted for them

(1)	(2)	(3)
Area	**Highway or part to be stopped up**	**New highway to be substituted for it**
Borough of Thurrock	Cycle track from A1 to A2 to A3	Work No. 1A
Borough of DartfordParish of Stone	Road from E1 to E2	Work No. 13
Borough of DartfordTown of Dartford	Cycle track from F1 to F2	Cycle track from F1 to F2
Borough of DartfordTown of Dartford	Cycle track from G1 to G2	Cycle track from G1 to G2
Borough of DartfordTown of Dartford	Footpath from H1 to H2	Footpath from H1 to H2
Borough of DartfordTown of Dartford	Road from K1 to K2	Work No. 7C
Borough of DartfordTown of Dartford	Road from L1 to L2	Work No. 7D
Borough of DartfordTown of Dartford	Footpath from M1 to M2	Footpath from M1 to M2
Borough of DartfordTown of Dartford	Footpath from N1 to N2	Footpath from N1 to N2
Borough of DartfordTown of Dartford	Footpath from P1 to P2	Footpath from P1 to P2
Borough of DartfordTown of Dartford and Parish of Darenth	Road from Q1 to Q2	Work No. 8
Borough of DartfordTown of Dartford and Parish of Darenth	Footpath from S1 to S3, thence southward along the line of footpath DR36 to a point at which that footpath turns westward along the boundary between the lands numbered on the deposited plans 10 and 11 in the Parish of Darenth	Footpath from S1 to S2, thence southward on a straight line within the limit of deviation of Work No. 9C to the point at which that line crosses the line of footpath DR36

Status: *Point in time view as at 01/04/2013.*
Changes to legislation: *There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988. (See end of Document for details)*

Note: In the foregoing table the references to the footpath DR36 are to the footpath so numbered on the list of footpaths maintained by the Kent County Council.

(3) No part of any highway shall be stopped up under this paragraph until the Secretary of State is in possession of all lands abutting on both sides of that part of the highway except so far as the owners and occupiers of those lands may otherwise agree.

(4) The two lengths of footpath shown in the deposited plans between the points marked V1 and V2 in the Borough of Thurrock and the points marked W1 and W2 in the Parish of Stone in the Borough of Dartford shall not be stopped up under this paragraph.

(5) Any person who suffers loss by the extinguishment of any private right under this paragraph shall be entitled to compensation to be determined, in case of dispute, under and in accordance with Part I of the [M33]Land Compensation Act 1961.

Marginal Citations
M33 1961 c. 33.

Marginal Citations
M33 1961 c. 33.

Temporary interference with highways

3 (1) The Secretary of State may, for the purpose of constructing the scheduled works, temporarily stop up, open, break up or interfere with, or alter or divert, the whole or any part of any highway within the limits of deviation for those works or the limits of land to be acquired, and may carry out and do all necessary works and things for, or in connection with, doing so.

(2) The Secretary of State shall provide reasonable access for all persons, with or without vehicles, going to or returning from premises abutting on any highway affected by the exercise of the powers conferred by this paragraph.

Status of new highways

4 On the date on which this Act is passed the road to be carried by the bridge and the roads forming Works Nos. 10 and 11 shall become trunk roads as if they had become so by virtue of an order under section 10(2) of the 1980 Act specifying that date as the date on which they were to become trunk roads.

5 (1) On the date certified by the Secretary of State as the date on which any highway constructed in pursuance of this Act, other than one to which paragraph 4 above applies, is open for public use, that highway shall be transferred to the Kent County Council.

(2) The Secretary of State may classify any highway proposed to be constructed in pursuance of this Act, other than one to which paragraph 4 above applies, in any manner in which, and for any purposes for which, he could classify that highway under section 12(3) of the 1980 Act.

(3) On the date of its transfer under sub-paragraph (1) above any highway classified under sub-paragraph (2) above shall become a highway classified in the manner and for the purposes in question as if so classified under section 12(3) of the 1980 Act.

Application of highways legislation

6 For the purposes of any enactment relating to highways and, in particular, for the purposes of any enactment conferring powers or imposing duties on a highway authority for or in connection with the construction by that highway authority of a highway—

(a) the construction by the Secretary of State of each of the roads to which paragraph 4 above applies shall be treated as the construction of a highway in pursuance of section 24(1) of the 1980 Act; and

(b) the construction by him of any other roads in pursuance of this Act, other than any road forming Work No. 12, shall be treated as the construction of a highway in pursuance of an order under section 14 of that Act made in relation to the A282.

7 (1) The carrying out of Works Nos. 1A, 2, 4, 5, 6A, 6B, 6C, 7E and 7F and the parts of Works Nos. 1, 9A and 9C which are improvements of the A282 shall be treated for the purposes of any enactment relating to highways as improvements of the A282 under Part V of the 1980 Act.

(2) The carrying out of Work No. 5A, the rest of Work No. 1 and the parts of Works Nos. 9B and 9D which are improvements of the M25 shall be treated for those purposes as such improvements of the M25.

(3) The carrying out of Work No. 9E and the rest of Works Nos. 9A, 9B, 9C and 9D shall be treated for those purposes as such improvements of the A2.

8 (1) The carrying out of any of the scheduled works which is neither treated by paragraph 6 above as the construction of a highway nor treated by paragraph 7 above as the improvement of a highway (other than Work No. 12) and the stopping up of any highway in pursuance of this Schedule shall be treated for the purposes of any enactment relating to highways as having been authorised by an order under section 14 of the 1980 Act made in relation to the A282.

(2) Subject to sections 21 and 22 of the 1980 Act as they apply by virtue of sub-paragraph (1) above, the stopping up of any highway in pursuance of this Schedule shall not affect any rights—

(a) of statutory undertakers in respect of any apparatus of theirs which immediately before the date on which this Act is passed is under, in, on, over, along or across that highway; or

(b) of any sewerage authority in respect of any sewer or sewage disposal works of theirs which immediately before that date are under, in, on, over, along or across that highway.

9 Any provision of Schedule 1 to this Act or of this Schedule relating to any work or operation which by virtue of paragraph 6 or 8 above is to be treated as authorised by an order under section 14 of the 1980 Act shall be treated for the purposes of the 1980 Act as provisions of such an order.

Status: *Point in time view as at 01/04/2013.*
Changes to legislation: *There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988. (See end of Document for details)*

Road traffic regulation

10 (1) Subject to sub-paragraph (2) below, any power under the [M34]Road Traffic Regulation Act 1984 to make an order or to give a direction with respect to any road shall be exercisable in relation to any road forming or forming part of any of the works authorised by this Act before that road is open for public use, in any case where it appears to the Secretary of State to be expedient that the order or direction should have effect immediately on the road's becoming open for public use.

(2) The procedure otherwise applicable under that Act in relation to the making of any such order or the giving of any such direction shall apply in any such case with such modifications as the Secretary of State may determine; and he shall publish notice of those modifications in such manner as appears to him to be appropriate for bringing them to the notice of persons likely to be affected by the provisions of any such order or by any such direction.

Marginal Citations
M34 1984 c. 27.

11 (1) In order to facilitate the reconstruction of the bridges carrying the A226 (The Brent) and the B2200 (Watling Street) over the A282 (part of Work No. 5) the Road Traffic Regulation Act 1984 shall have effect in relation to so much of The Brent and Watling Street as lies between the junction of those two roads and the junction of each of them with Lingfield Avenue (including the junctions themselves) and Lingfield Avenue during the relevant period as if they were trunk roads.

(2) The Secretary of State shall certify the date on which the reconstruction of those bridges has been completed to his satisfaction and the relevant period is the period beginning on the transfer date and ending on the date so certified.

SCHEDULE 4

Section 8(1).

Transfer of Tunnels and Tunnel Approaches: Supplementary and Transitional Provisions

Connected transfers and supplementary provisions

1 Subject to paragraph 3 below, the Secretary of State and the Council concerned or, in the case of property or liabilities acquired or incurred by the Councils jointly, the Secretary of State and both the Councils may agree, on such terms as they think fit—

(a) that any property or liabilities (except loans and loan charges) acquired or incurred by that Council, or by the Councils jointly, for the purposes of any of their functions in relation to the tunnel crossing or the tunnel approaches, other than property or liabilities otherwise transferred by virtue of section 6 or 7 of this Act, shall be transferred to him; or

(b) that any property or liabilities transferred to the Secretary of State by virtue of section 6 shall be transferred back to the transferor.

2 (1) Subject to sub-paragraph (2) and paragraph 3 below, where section 7 of this Act applies the Secretary of State may direct—

Status: *Point in time view as at 01/04/2013.*
Changes to legislation: *There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988. (See end of Document for details)*

(a) that any such property or liabilities as are mentioned in paragraph 1(a) above shall be transferred to him or to the person appointed under section 11 of this Act to levy tolls; or

(b) that any property or liabilities transferred to the Secretary of State or to that person by virtue of section 6 or 7 of this Act—

(i) shall be transferred back to the transferor; or

(ii) in the case of property or liabilities transferred to the Secretary of State, shall be transferred to the person appointed; or

(iii) in the case of property or liabilities transferred to that person, shall be transferred to the Secretary of State;

and any property which is the subject of a direction under this paragraph is transferred and vests by virtue of this paragraph in the person to whom in accordance with the direction it is to be transferred.

(2) Before giving a direction under sub-paragraph (1) above, the Secretary of State shall consult the Councils and, if he proposes to give a direction with respect to a transfer to or from the person appointed, that person.

3 Paragraphs 1(b) and 2(1)(b) above do not apply in relation to—

(a) the tunnel crossing;

(b) the tunnel approaches; or

(c) any easement or right in or over land.

4 Any property—

(a) vested by virtue of section 6 of this Act or paragraph 2 above in the Secretary of State; or

(b) vested by virtue of section 7 of this Act or paragraph 2 above in the person appointed under section 11 of this Act to levy tolls;

shall be held by the transferee subject to all covenants, conditions and restrictions subject to which the property was held by the transferor and to all liabilities affecting the property, except liabilities excluded from transfer by section 6(3)(a).

5 Any dispute as to the effect of any transfer under section 6 or 7 of this Act or paragraph 2 above shall be determined by arbitration.

6 The Councils shall produce to the Secretary of State such documents and furnish to him such other information relating to—

(a) their functions in relation to the tunnel crossing or the tunnel approaches; and

(b) any property and liabilities of theirs in respect of the tunnel crossing or the tunnel approaches;

as he may require.

Transitional provisions

7 All orders and regulations made and all directions, consents and notices given with respect to the tunnel highway or the tunnel approaches, if they were in force immediately before the transfer date, have effect with respect to that highway or those approaches as if made or given by the Secretary of State; but nothing in this paragraph is to be taken as transferring to the Secretary of State any liability not otherwise transferred to him by virtue of section 6 of this Act or paragraph 2 above.

Status: *Point in time view as at 01/04/2013.*
Changes to legislation: *There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988. (See end of Document for details)*

8 Notwithstanding the repeal by this Act on the transfer date of section 35 of the 1984 Act (power of the Councils to make byelaws regulating the tunnels and their approaches, etc.), any byelaws which immediately before that date are in force under that section shall continue to have effect and may be varied or revoked by an order made by the Secretary of State.

9 All contracts, deeds, bonds or agreements entered into or made by either of the Councils (or by them jointly) and subsisting immediately before the effective date of any transfer under section 6 or 7 of this Act or paragraph 2 above, in so far as they relate to property or liabilities transferred—

(a) by virtue of section 6 of this Act or paragraph 2 above to the Secretary of State; or

(b) by virtue of section 7 of this Act or paragraph 2 above to the person appointed under section 11 of this Act to levy tolls;

shall have effect with the substitution of the transferee for the transferor and may be enforced by or against the transferee accordingly.

10 All proceedings, legal or other, begun before the effective date of any such transfer and relating to any such property or liabilities, may be carried on with the substitution of the transferee as party to the proceedings in lieu of the transferor, and any such proceedings may be amended in such manner as may be necessary for that purpose.

SCHEDULE 5

Sections 8(2) and 14(6).

TRANSFERS OF STAFF

PART I

STAFF EMPLOYED AT THE TUNNEL CROSSING BEFORE THE TRANSFER DATE

Application of Employment Transfer Regulations

1 (1) For the purposes of the Employment Transfer Regulations section 6 or, where section 7 applies, section 7 of this Act shall be treated (without prejudice to any effect it may have for those purposes apart from this sub-paragraph) as effecting on the transfer date a transfer to which those regulations apply of an undertaking in which all relevant employees of Kent County Council were then employed.

(2) In their application in relation to any transfer of an undertaking effected, or treated by virtue of sub-paragraph (1) above as effected, by section 6 or 7 of this Act, those regulations shall be subject to the following provisions of this paragraph.

(3) Subject to sub-paragraph (4) below, where section 7 of this Act applies the transferee for the purposes of those regulations in relation to all relevant employees shall be taken to be the person appointed under section 11 of this Act to levy tolls.

(4) In relation to any relevant employees who immediately before the transfer date were employed by that Council in activities carried on for the purposes of or in connection with the exercise by the Councils of any function which on that date becomes a function of the Secretary of State, sub-paragraph (3) above shall not apply unless

the function in question is subject to an agreement taking effect on that date for the delegation of that function under section 12 of this Act to the person appointed.

(5) The transferee for the purposes of those regulations shall be taken to be the Secretary of State—

(a) where section 7 of this Act does not apply; or

(b) in relation to any relevant employees who by virtue of sub-paragraph (4) above do not fall, following the transfer, to be treated by virtue of regulation 5 of those regulations as employed by the person appointed.

Provision with respect to pensions, etc.

2 (1) The application to any relevant employee of Kent County Council whose contract of employment is preserved by regulation 5(1) of the Employment Transfer Regulations of new pension terms applied to that employee by the transferee on the transfer of the undertaking shall be regarded as a change in his terms of employment made by the transferee after the transfer (and not as arising by virtue of the transfer).

[F17](2) . . . . . .

(3) In this paragraph "pension terms" means terms with respect to any matters to which regulations 5 and 6 of the Employment Transfer Regulations are excluded from applying by regulation 7 of those regulations.

Textual Amendments

F17 Sch. 5 Pt. I para. 2(2) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3**, Pt. I (with ss. 191-195, 202)

PART II

STAFF EMPLOYED BY THE PERSON APPOINTED TO LEVY TOLLS

Application of Employment Transfer Regulations

3 (1) For the purposes of **[**[F18]the Transfer of Undertakings (Protection of Employment) Regulations 2006**]** section 14 of this Act shall be treated (without prejudice to any effect it may have for those purposes apart from this sub-paragraph) as effecting on the termination of the appointment of the person appointed under section 11 of this Act to levy tolls a transfer to which those regulations apply of an undertaking in which all persons who immediately before termination were employees of that person were then employed.

(2) In their application in relation to any transfer of an undertaking effected, or treated by virtue of sub-paragraph (1) above as effected, by section 14 of this Act, those regulations shall be subject to paragraph 4 below.

Textual Amendments

F18 Words in Sch. 5 para. 3(1) substituted (with application in accordance with reg. 21(1) of the amending S.I.) by The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), reg. 1(2), **Sch. 2 para. 5(2)**

Preservation of pensions, etc.

4 **[**[F19]Regulation 10**]** of **[**[F20]the Transfer of Undertakings (Protection of Employment) Regulations 2006**]** shall not apply—

(a) in relation to the contract of employment of any person employed in the undertaking; or

(b) in relation to any collective agreement in its application in relation to any person so employed.

Textual Amendments

F19 Words in Sch. 5 para. 4 substituted (with application in accordance with reg. 21(1) of the amending S.I.) by The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), reg. 1(2), **Sch. 2 para. 5(3)**

F20 Words in Sch. 5 para. 4 substituted (with application in accordance with reg. 21(1) of the amending S.I.) by The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), reg. 1(2), **Sch. 2 para. 5(2)**

5 (1) Without prejudice to the operation of those regulations by virtue of paragraph 4 above and to any effect that sections 14 and 15 of this Act may have apart from this paragraph, any rights and liabilities of the person appointed under any agreement or arrangement for the payment of pensions, allowances or gratuities to or in respect of persons who are or have been employed by him are on the termination of his appointment transferred to, and vest in, the Secretary of State by virtue of this paragraph.

(2) Accordingly—

(a) references to the person appointed in any such agreement or arrangement, and in any other agreement, deed, bond, instrument or other document whatsoever relating to or affecting any such rights or liabilities, shall be taken after termination as referring to the Secretary of State ; and

(b) for the purposes of any such agreement or arrangement as it has effect after termination any period of employment with any person which immediately before termination falls to be taken into account for any purposes of that agreement or arrangement shall count as a period of employment with the Secretary of State.

PART III

SUPPLEMENTARY

6 (1) In this Schedule, "the Employment Transfer Regulations" means the [M35]Transfer of Undertakings (Protection of Employment) Regulations 1981.

(2) Expressions used in **[**[F21]Part 1 of this Schedule**]** to which a meaning is given by those regulations have the same meaning in **[**[F21]Part 1 of this Schedule**]**.

[[F22](3) Expressions used in Part 2 of this Schedule to which a meaning is given by the Transfer of Undertakings (Protection of Employment) Regulations 2006 have the same meaning in Part 2 of this Schedule.**]**

Status: *Point in time view as at 01/04/2013.*
Changes to legislation: *There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988. (See end of Document for details)*

Textual Amendments

F21 Words in Sch. 5 para. 6(2) substituted (with application in accordance with reg. 21(1) of the amending S.I.) by The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), reg. 1(2), **Sch. 2 para. 5(4)(a)**

F22 Sch. 5 para. 6(3) inserted (with application in accordance with reg. 21(1) of the amending S.I.) by The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), reg. 1(2), **Sch. 2 para. 5(4)(b)**

Marginal Citations

M35 S.I. 1981/1794.

SCHEDULE 6

Section 16.

THE TOLL PERIOD

PART I

THE PERIOD ALLOWED FOR THE LEVY OF TOLLS BY THE PERSON APPOINTED

The maximum toll period

1 Subject to the following provisions of this Part of this Schedule, the period during which the person appointed under section 11 of this Act may levy tolls is the period of twenty years beginning with the transfer date (referred to below in this Part of this Schedule as the maximum toll period).

Early termination of the toll period

2 (1) Where—

(a) on any date ("the determination date") before the end of the maximum toll period it appears to the Secretary of State that the funding requirement with respect to relevant financial commitments will have been met before the end of that period; and

(b) the permitted date for termination by reference to meeting that requirement falls before the end of the maximum toll period;

he shall determine the latter date as the date for early termination of the toll period under this paragraph.

(2) The reference in sub-paragraph (1)(b) above to the permitted date for termination by reference to meeting the funding requirement with respect to relevant financial commitments is a reference to—

(a) the earliest date by which it appears to the Secretary of State that that requirement will have been met; or

(b) the date immediately following the end of the period of six months beginning with the determination date;

whichever is the later.

Status: *Point in time view as at 01/04/2013.*
Changes to legislation: *There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988. (See end of Document for details)*

(3) Where at any time before the date for early termination of the toll period currently applicable in accordance with any determination under this paragraph (including a previous determination under this sub-paragraph) it appears to the Secretary of State that the funding requirement with respect to relevant financial commitments will not have been met by that date—

(a) if it appears to him that that requirement will have been met at some time after that date but before the end of the maximum toll period, he shall determine the earliest date by which it appears to him that that requirement will have been met as the date for early termination of the toll period under this paragraph in substitution for the date currently applicable; or

(b) in any other case, he shall cancel the determination of the date currently applicable.

(4) A cancellation under sub-paragraph (3)(b) above of a determination under this paragraph shall not prejudice any subsequent application of this paragraph if at any later date the requirements of sub-paragraph (1) above are satisfied.

(5) On making or cancelling any determination under this paragraph the Secretary of State shall notify the person appointed in writing of the determination or the cancellation.

(6) Subject to paragraph 4 below, the period during which the person appointed may levy tolls shall end on any date fixed by a determination under this paragraph which has not been cancelled before the date is reached.

3 (1) For the purposes of paragraph 2 above, the funding requirement with respect to relevant financial commitments is to be taken as met by any date if the aggregate amount of all relevant revenue received by the person appointed before that date, less the aggregate amount of the costs mentioned in sub-paragraph (2) below, is equal to or greater than the amount which would be required to meet, on that date, all relevant financial commitments, less the aggregate amount of any permitted payments in respect of relevant financial commitments made or due before that date.

(2) The costs referred to in sub-paragraph (1) above are—

(a) any expenditure incurred before that date by the person appointed for the purposes of or in connection with the exercise of any relevant functions, other than payments in respect of relevant financial commitments;

(b) any liabilities so incurred (other than relevant financial commitments) which fall to be met but have not in fact been met before that date;

(c) permitted payments in respect of relevant financial commitments made or due before that date; and

(d) such provision as it appears to the Secretary of State appropriate to make for meeting—

(i) any liabilities so incurred (other than relevant financial commitments) which fall to be met on or after that date;

(ii) liabilities that may arise on or after that date in respect of anything done before that date for the purposes of or in connection with the exercise of any relevant functions; and

(iii) costs arising as a result of or in connection with tolls ceasing to be leviable.

(3) In this paragraph—

(a) "relevant revenue" means—

(i) tolls collected in pursuance of this Act; and

(ii) such other revenue received by the person appointed as falls in accordance with the contract to be treated for the purposes of this paragraph as relevant revenue;

(b) "relevant financial commitments" means such financial commitments incurred by the person appointed for the purposes of or in connection with the exercise of any relevant functions as fall in accordance with the contract to be treated for the purposes of this paragraph as relevant financial commitments;

(c) "financial commitments" means obligations in respect of—

(i) the repayment of the principal of loans;

(ii) the redemption of loan stock; and

(iii) the payment of interest on loans or in respect of loan stock, or the making of a payment of any other description in connection with any loan; and

(d) "the contract" means the contract under which the person appointed to levy tolls was appointed.

(4) References in this paragraph to permitted payments in respect of relevant financial commitments are references to such payments in respect of those commitments as are required or permitted in accordance with the contract to be met from relevant revenue before the end of the period during which the person appointed may levy tolls.

Toll extension period

4 (1) This paragraph applies where on any date on which apart from this paragraph the period during which the person appointed may levy tolls would come to an end by virtue of paragraph 2 above ("the early termination date") there is in force a contract between the Secretary of State and the person appointed providing for the levy of tolls by that person during an additional period ("the toll extension period") of not more than twelve months beginning with the date immediately following the early termination date and ending not later than the end of the maximum toll period.

(2) The period during which the person appointed may levy tolls, and that person's appointment under section 11 of this Act to levy tolls, shall be treated as continuing until the end of the toll extension period or the termination of the contract relating to the levy of tolls during the toll extension period, whichever first occurs.

(3) The Secretary of State shall not enter into a contract providing for the levy of tolls by the person appointed during any additional period falling after any date for early termination of the toll period determined under paragraph 2 above unless it appears to him to be appropriate to do so for the purpose of making provision out of revenue produced by the tolls during the additional period for meeting expenses properly chargeable to revenue account which are likely to be incurred in, or in connection with, the maintenance of the crossing after the end of the additional period.

Status: *Point in time view as at 01/04/2013.*
Changes to legislation: *There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988. (See end of Document for details)*

PART II

THE PERIOD ALLOWED FOR THE LEVY OF TOLLS BY THE SECRETARY OF STATE

The original maximum toll period

5 Subject to the following provisions of this Part of this Schedule, where section 11(6) of this Act applies the period during which the Secretary of State may levy tolls is—

(a) where the appointment of the person appointed under that section to levy tolls comes to an end after the transfer date, the period beginning immediately after the termination of his appointment and ending at the end of the period of twenty years beginning with the transfer date; or

(b) in any other case, that period of twenty years;

and the period applicable in accordance with this paragraph is referred to below in this Part of this Schedule as the original maximum toll period.

Relevant receipts and assumed interest receipts

6 (1) In this Part and in Part III of this Schedule the expressions mentioned below in this paragraph have the meanings there given.

(2) "Relevant receipts" means—

(a) any assets transferred to the Secretary of State by virtue of section 14 (2) (b) of this Act on termination of the appointment of the person appointed under section 11 of this Act to levy tolls;

(b) any other sums received by the Secretary of State in consequence of or in connection with the termination of the contract under which that person was appointed or in pursuance of any right transferred to him by virtue of section 14 of this Act on termination of that person's appointment;

(c) tolls collected by or on behalf of the Secretary of State; and

(d) any other sums received by the Secretary of State in connection with the exercise (whether by him or by a person appointed to collect tolls on his behalf) of—

(i) any functions of the Secretary of State under this Act; or

(ii) any functions of the Secretary of State under any other enactment with respect to the maintenance or improvement of, or other dealing with, any trunk road or other land comprised in the crossing.

(3) "Assumed interest receipts" means interest on any surplus which may arise during any period in revenue from relevant receipts and amounts treated as received by way of interest on such revenue, as compared with the amounts which would be required during that period for the purposes mentioned in Part III of this Schedule if that revenue and any amounts treated as so received were applied for those purposes.

Extension of the original maximum toll period

7 (1) If at any time during the original maximum toll period it appears to the Secretary of State that the aggregate of relevant receipts and assumed interest receipts before the end of that period is likely to fall short of the aggregate of the amounts required during that period for the purposes so mentioned, he may by order direct that that period shall be extended by five years.

(2) The power to make an order under this paragraph is exercisable on one occasion only.

(3) No order shall be made under this paragraph unless a draft of the order has been laid before, and approved by a resolution of, the Commons House of Parliament.

(4) References in this Part and in Part III of this Schedule to the relevant period are references to the original maximum toll period or, if that period has been extended under this paragraph, to that period as so extended.

Early termination of the relevant period

8 (1) Subject to sub-paragraph (2) below, if as respects any date before the end of the relevant period it appears to the Secretary of State that the aggregate of relevant receipts and assumed interest receipts up to that date is equal to or greater than the aggregate of the amounts required before that date for the purposes mentioned in Part III of this Schedule, the period during which he may levy tolls shall end on that date.

(2) Where—

(a) that date falls before the end of the original maximum toll period; and

(b) the Secretary of State considers it expedient that he should continue to levy tolls for an additional period determined by him in accordance with sub-paragraph (3) below;

the period during which he may levy tolls shall continue until the end of that additional period.

(3) The additional period shall be such period of not more than twelve months, ending not later than the end of the original maximum toll period, as the Secretary of State may consider appropriate for the purpose of making provision out of revenue produced by the tolls during the additional period for meeting expenses properly chargeable to revenue account which are likely to be incurred in, or in connection with, the maintenance of the crossing after the end of the additional period.

References to interest

9 (1) Any reference in paragraph 6(3) above or Part III of this Schedule to interest is a reference to interest at such rate as may be determined to be appropriate in accordance with any directions given by the Treasury.

(2) Different rates may be so determined in relation to—

(a) different times;

(b) different descriptions of revenue from relevant receipts; and

(c) different paragraphs of Part III of this Schedule, and different expenses referred to in any of those paragraphs.

Assumptions as to application of relevant receipts and assumed interest receipts

10 (1) For the purpose of determining any question arising under paragraph 7 or 8 above as to the amounts of relevant receipts and assumed interest receipts or the amounts from time to time required for the purposes mentioned in Part III of this Schedule, such assumptions shall be followed by the Secretary of State as to—

(a) the manner in which those receipts would from time to time be applied, if they were in fact applied for those purposes;

Status: *Point in time view as at 01/04/2013.*
Changes to legislation: *There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988. (See end of Document for details)*

(b) the times at which payments would be made in respect of expenses and interest referred to in any paragraph of that Part of this Schedule, if such payments were in fact made; and

(c) the amounts of such payments;

as the Treasury may direct.

(2) A direction given for the purposes of this paragraph may require different assumptions to be followed in relation to different times and in relation to, or to interest on, different expenses referred to in any paragraphs of that Part of this Schedule.

PART III

PURPOSES RELEVANT TO PART II

11 Reimbursement with interest of all expenses properly chargeable to capital account which have been or may during the relevant period be incurred by the Secretary of State in respect of the provision or maintenance (whether before or after the passing of this Act) of any works comprised in the crossing.

12 Reimbursement with interest of all expenses (not falling within paragraph 11 above) which are properly chargeable to capital account and have been incurred by the Secretary of State in making to the person appointed under section 11 of this Act to levy tolls any payment in consequence of or in connection with the termination of the contract under which that person was appointed.

13 Reimbursement with interest of all expenses properly chargeable to capital account which may during the relevant period be incurred by the Secretary of State in providing additions to, or improvements of, any works comprised in the crossing.

14 Meeting all expenses (including administrative expenses) which are properly chargeable to revenue account and are incurred during the relevant period by the Secretary of State for the purposes of or in connection with the exercise (whether by the Secretary of State or by a person appointed to collect tolls on his behalf) of—

(a) any functions of the Secretary of State under this Act; or

(b) any functions of the Secretary of State under any other enactment with respect to the maintenance or improvement of, or other dealing with, any trunk road or other land comprised in the crossing.

15 Making such provision as in the opinion of the Secretary of State is required for making payments to or in respect of persons employed by him or by any person appointed to collect tolls on his behalf whose contracts of employment are terminated in consequence of tolls ceasing to be leviable.

16 Making such provision as in the opinion of the Secretary of State is equivalent to that which would be required—

(a) for keeping the works comprised in the crossing and any additions to or improvements of those works insured during the relevant period against damage not amounting to complete destruction of all works so comprised;

(b) for insuring against liabilities arising from the Secretary of State's ownership or occupation of any such works, additions or improvements, or from anything done or omitted in the course of any operations carried out by or on behalf of the Secretary of State in the exercise of any of his

functions under this Act or of any functions mentioned in paragraph 14(b) above;

if those works, and any such additions or improvements, were owned and maintained by a commercial undertaking.

17 Meeting all expenses (not falling within paragraph 8(3) above or within any of the preceding paragraphs of this Part of this Schedule) which are incurred by the Secretary of State in consequence of this Act.

18 Provision for interest on any deficiency which may arise during any period in revenue from relevant receipts and assumed interest receipts, as compared with the amounts which would be required during that period for the purposes mentioned in paragraphs 11 to 17 above if such revenue and assumed receipts were applied for those purposes.

SCHEDULE 7

Section 41.

PROTECTIVE PROVISIONS

PART I

PROTECTION OF PORT AUTHORITY AND RIVER USERS

1 (1) The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the Secretary of State and the Port Authority, have effect for the protection of the Port Authority and users of the river.

(2) In this Part of this Schedule—

"construction" includes renewal;

"scouring" includes disturbance or collapse of the foreshore or bed of the river; and

"tidal work" means so much as is on land below the level of mean high-water springs of any of the works authorised by this Act and of any work for the maintenance or improvement of the tunnels, other than a work carried out wholly within the structure of the tunnels;

and for the purposes of this Part of this Schedule operations for construction, maintenance or improvement are to be regarded as affecting the river if they involve interference with navigation in the river or the flow or regime of the river.

2 The Secretary of State shall not, under section 2 of this Act, acquire compulsorily any part of the river within the limits of land to be acquired which is vested in the Port Authority but he may—

(a) under that section create and acquire the easements and rights in or over any such part of the river which he requires for the purposes of this Act; and

(b) under paragraph 1 of Schedule 3 to this Act, take temporary possession of any such part of the river which he so requires.

3 (1) Not less than 56 days before commencing any operations for the construction of any tidal work, or operations for the maintenance or improvement of any such work affecting the river, the Secretary of State shall submit to the Port Authority for their

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approval plans of the work or (as the case may be) proposed operations and the proposed timetable for the operations.

(2) In sub-paragraph (1) above—

"plans" means outline design and construction drawings, and includes such specifications and other appropriate documents as may be reasonably necessary to give the Port Authority an understanding of the intentions of the Secretary of State in connection with any of the operations proposed which will or may have a significant effect on navigation in, or the flow or regime of, the river; and

"the proposed timetable for the operations" means a statement of the times at which it is intended that significant operations will be carried out, so far as it is reasonably practicable to estimate those times.

(3) The Secretary of State shall supply to the Port Authority with the plans and proposed timetable such relevant hydraulic information as may be available to the Secretary of State and is not in the possession of the Port Authority.

(4) The Secretary of State shall submit to the Port Authority such further particulars available to him with respect to the work and the proposed operations as the Port Authority may, within 28 days of the submission of the plans and proposed timetable, reasonably require.

(5) The Port Authority's approval of the plans and proposed timetable submitted under sub-paragraph (1) above shall not be unreasonably withheld; and if within 56 days after the submission of the plans and proposed timetable the Port Authority have not approved or disapproved them, they shall be deemed to have approved them.

4 (1) Operations for the construction of a tidal work, and operations for the maintenance or improvement of such a work affecting the river, shall be completed as soon as reasonably practicable after they have been commenced.

(2) As soon as reasonably practicable after the completion of operations for the construction, maintenance or improvement of any part of a tidal work, the Secretary of State shall remove all temporary works and all materials on site placed for the purposes only of those operations and shall make good the site to the reasonable satisfaction of the Port Authority.

5 The Secretary of State shall carry out all operations—

(a) for the construction of permanent tidal works;

(b) for the maintenance or improvement of such works affecting the river; or

(c) for the removal of temporary tidal works;to the reasonable satisfaction of the Port Authority so that traffic in the river shall not be interfered with more than is reasonably necessary.

6 On the completion of the construction of the bridge, or of any work for its improvement, the Secretary of State shall supply to the Port Authority a plan on a scale of not less than 1:2500 and sections and cross-sections on a scale of not less than 1:100 showing the situation and levels of the bridge or, as the case may be, that work.

7 (1) Except so far as may be necessary or unavoidable in the construction of the bridge, the Secretary of State shall not, without the consent of the Port Authority (which shall not be unreasonably withheld), deposit in, or allow to fall or be washed into, the river any gravel, soil or other material.

(2) Nothing in this Act shall authorise the Secretary of State to discharge or allow to escape either directly or indirectly into the river any offensive or injurious matter in suspension.

8 The Secretary of State shall at all reasonable times allow and provide reasonable facilities for any authorised representative of the Port Authority—

(a) to inspect and survey the bridge and any works carried out on land adjoining the river in the course of operations for the construction, maintenance or improvement of the bridge affecting the river; and

(b) to inspect any works carried out in the river in the course of operations for the maintenance or improvement of the tunnels.

9 If any pile, stump or other obstruction becomes exposed in consequence of a tidal work (other than a pile, stump or other obstruction situated on the site of any permanent work) the Secretary of State shall, as soon as reasonably practicable after the receipt of notice in writing from the Port Authority requiring such action, remove it from the river or, if it is not reasonably practicable to remove it, cut it off at such level below the bed of the river as the Port Authority may reasonably direct.

10 (1) The Secretary of State shall carry out to the reasonable satisfaction of the Port Authority such surveys as may be required to ascertain the condition, before the commencement of the construction of the bridge, of the parts of the river of which the regime may be adversely affected by any tidal work and shall supply the Port Authority with the results of such surveys.

(2) If, while any operations for the construction or improvement of the bridge are being carried out or after they are completed, the Port Authority carry out any other survey which may be reasonably required to ascertain whether the regime of the parts of the river referred to in sub-paragraph (1) above has been adversely affected by any tidal work, the Secretary of State shall pay to the Port Authority any costs reasonably incurred by them in carrying out the survey, not being costs which the Port Authority would have incurred for other reasons.

11 (1) Before carrying out any of the works authorised by this Act which will impair telecommunication between Crayfordness and Gravesend by means of equipment provided by the Port Authority, the Secretary of State shall make arrangements for the continuance of that telecommunication.

(2) The Secretary of State shall at all reasonable times allow and provide reasonable facilities for any authorised representative of the Port Authority to maintain or repair any equipment placed on the bridge, or on land belonging to the Secretary of State, for the purpose of the continuance of telecommunication in pursuance of arrangements made under sub-paragraph (1) above.

12 (1) If—

(a) within the period beginning with the commencement of the construction of the bridge and ending ten years from the completion of that construction, any part of the river becomes subjected to silting or scouring which is wholly or partly caused by a tidal work; or

(b) within the period of ten years beginning with the commencement of the carrying out of any tidal work in connection with the maintenance or improvement of the bridge any part of the river becomes subjected to silting or scouring which is wholly or partly caused by that tidal work;

and within that period the Port Authority give notice to the Secretary of State that in their opinion that silting or scouring should be removed or, as the case may be, made good in the interests of persons using the river or for the protection of other works in the river, the Secretary of State shall pay to the Port Authority any additional expense reasonably incurred by them in dredging the river to remove the silting or, as the case may be, in making good the scouring in so far as, in either case, it is attributable to a tidal work.

(2) If any part of the river becomes subjected to silting or scouring within a period specified in sub-paragraph (1) above, and that siltation is removed, or, as the case may be, that scouring is made good, in circumstances in which the Secretary of State is liable to make any payment to the Port Authority under that sub-paragraph, the provisions of that sub-paragraph shall apply to any recurrence of such silting or scouring within the remainder of the period ending twenty years from the completion of the construction of the bridge, or, as the case may be, the commencement of the tidal work in connection with the maintenance or improvement of the bridge, as they apply to silting or scouring to which that part of the river is subjected within the period specified in sub-paragraph (1).

(3) On application made by the Port Authority to the Secretary of State, he shall make payments to them on account of any sum payable under sub-paragraph (1) or (2) above, by one or more interim payments of such amounts, at such times, as may be reasonably required by the Port Authority for defraying expenditure incurred by the Port Authority from time to time in removing the silting or making good the scouring.

(4) The Secretary of State shall pay to the Port Authority any costs reasonably incurred by them in order to ascertain whether silting or scouring has occurred in respect of which liability may arise under sub-paragraph (1) or (2) above, not being costs which the Port Authority would have incurred for other reasons.

13 (1) Except as provided in sub-paragraph (2) below, the Port Authority shall not be liable, in the absence of negligence, for any damage caused to the tunnel highway, or to any temporary or permanent works carried out in connection with the construction, maintenance or improvement of the tunnel highway, by—

(a) dredging operations of the Port Authority; or

(b) the carrying out by them in the execution of their statutory powers and duties of any operations in the river or works for the improvement or maintenance of the river.

(2) The Port Authority shall not be excused from liability under sub-paragraph (1) above in respect of the carrying out of any dredging or other operations or works within 61 metres on each side of either of the centre lines of the tunnels and below the depth of 15.7 metres below ordnance datum (Newlyn) within the part of the river width between a line 130 metres from the line of the existing level of mean high-water springs on the southern bank of the river and a line 355 metres northward of that first-mentioned line or, outside that part, below the dredging line shown on a line mid-way between the two tunnels on the sheet signed by Geoffrey Ennals, Secretary to the Port Authority, and Philip Wood, an Under-Secretary in the Department of Transport, and marked "Diagram referred to in Part I of Schedule 7", copies of which have been deposited in the Office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons.

14 (1) Without prejudice to the provisions of paragraph 15 below, the Secretary of State shall provide, or afford reasonable facilities for the Port Authority to provide, at the bridge such navigational lights, signals, radar or other apparatus for the benefit,

control and direction of navigation as the Port Authority may reasonably consider necessary by reason of the construction of the bridge or the carrying out of operations for the construction or maintenance of any tidal work affecting the river.

(2) The Secretary of State shall pay to the Port Authority the costs reasonably incurred by them in connection with the provision of that apparatus or in connection with any surveillance and regulation of river traffic which becomes reasonably necessary by reason of the construction of the bridge or the carrying out of any such operations.

15 (1) The Secretary of State shall, at or near every tidal work, exhibit such lights, lay down such buoys and take such other steps for preventing danger to navigation as the Port Authority may from time to time reasonably require.

(2) In case of injury to, or destruction or decay of, any part of a tidal work, the Secretary of State shall, as soon as practicable after he becomes aware of it, notify the Port Authority and take such steps for preventing danger to navigation as the Port Authority may reasonably require.

16 (1) If a tidal work is abandoned or falls into decay, the Port Authority may by notice in writing to the Secretary of State require him either to repair and restore the work or any part of it, or to remove the work and restore its site to its former condition, to such extent as the Port Authority think proper.

(2) If a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of mean high-water springs is abandoned or falls into decay and that part of the work on or over land above the level of mean high-water springs is in such a condition as to interfere with the right of navigation or other public rights over the foreshore, the Port Authority may include that part of the work, or any portion of it, in any notice under this paragraph.

(3) If after such reasonable period as may be specified in a notice under this paragraph the work specified in the notice has not been done, the Port Authority may do that work and the Secretary of State shall pay the amount of any expenditure reasonably incurred by them in so doing.

17 If—

(a) by reason of the construction of the bridge or of the carrying out of operations for the construction, maintenance or improvement of any tidal work affecting the river, it is reasonably necessary for the Port Authority to incur costs in altering, removing, resiting or reinstating existing moorings owned by the Port Authority, or laying down or removing new moorings, or carrying out dredging operations for any such purpose, not being costs which they would have incurred for any other reason; and

(b) the Port Authority give to the Secretary of State not less than 56 days' notice of their intention to incur such costs, and take into account any representations which the Secretary of State may make in response to the notice within 28 days of the receipt of the notice;

the Secretary of State shall pay the costs reasonably so incurred by the Port Authority.

18 Any difference arising between the Secretary of State and the Port Authority under this Part of this Schedule shall be determined by arbitration.

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Changes to legislation: *There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988. (See end of Document for details)*

PART II

PROTECTION AGAINST SILTATION OR SCOURING

1 (1) The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing in respect of any matter between the Secretary of State and any of the following bodies concerned in that matter, have effect for the protection of the interests of **[**[F23]National Power PLC**]**, RTZ Estates Limited, Civil and Marine Limited, B.V. Schieveem trading as Thames Matex and Dartford International Ferry Terminal Limited in the installations specified in paragraph 2 below.

(2) In this Part of this Schedule—

"dolphin" means a pylon or post extending above high water level provided for mooring or berthing;

"protected body" means any of the bodies mentioned in sub-paragraph (1) above;

"scouring" includes disturbance or collapse of the foreshore or bed of the river; and

"tidal work" means so much as is on land below the level of mean high-water springs of any of the works authorised by this Act.

Textual Amendments

F23 Words substituted by S.I. 1990/577, **art. 2 Sch.**

2 If—

(a) within the period beginning with the commencement of the construction of the bridge and ending ten years from the completion of that construction, any part of the river becomes subjected to silting or scouring which is wholly or partly caused by a tidal work; or

(b) within the period of ten years beginning with the commencement of the carrying out of any tidal work in connection with the maintenance or improvement of the bridge, any part of the river becomes subjected to silting or scouring which is wholly or partly caused by that tidal work;

and that silting or scouring prejudices the stability or operation of, or, as the case may be, the access of vessels to or from, and the berthing of vessels at, any exisiting installation of a protected body specified in the following table, the Secretary of State, if so requested by notice given by that body within that period, shall carry out such works or operations in the river as may be necessary to make good the silting or scouring in so far as, in either case, that silting or scouring is attributable to a tidal work.

THE TABLE

Protected bodies and their installations

(1) Body	(2) Installation
[[F24]National Power PLC**]**	The main and auxiliary jetties and jetty heads at Littlebrook on the south bank of the river and any mooring dolphins provided in connection with them, and

	the cooling water intake and outfalls of the Littlebrook Power Station
Dartford International Ferry Terminal Limited	The jetty and pontoon on the south bank of the river forming part of the Dartford International Ferry Terminal and any mooring or berthing dolphins provided in connection with them
Civil and Marine Limited	Its jetty on the north bank of the river and any mooring dolphins provided in connection with it
RTZ Estates Limited	Its jetty and jetty head on the north bank of the river
B. V. Schieveem trading as Thames Matex	Its jetty and jetty head on the north bank of the river and any mooring dolphins provided in connection with them

Textual Amendments

F24 Entry substituted by S.I. 1990/577, **art. 2 Sch.**

3 If, within a period specified in paragraph 2 above, any part of the river becomes subjected to silting or scouring in circumstances in which the making good of that silting or scouring is, at the instance of a protected body, the responsibility of the Secretary of State under that paragraph, the provisions of that paragraph shall apply for the benefit of that protected body to any recurrence of that silting or scouring within the remainder of the period ending twenty years from the completion of the construction of the bridge, or, as the case may be, from the commencement of the tidal work in connection with the maintenance or improvement of the bridge, as they apply to silting or scouring to which that part of the river is subjected within the period specified in paragraph 2.

4 If, when requested by a protected body to carry out any necessary works or operations in accordance with paragraph 2 or 3 above, the Secretary of State—

(a) fails to do so; or

(b) approves the carrying out of those or any other works or operations by that body;

the protected body may itself carry out the works and operations and recover from the Secretary of State the costs reasonably incurred by it in doing so.

5 The Secretary of State shall pay to the protected body any costs reasonably incurred by it in order to ascertain whether silting or scouring has occurred in respect of which liability may arise under paragraph 2 or 3 above, not being costs which the protected body would have incurred for other reasons.

6 Any difference arising between the Secretary of State and a protected body under this Part of this Schedule shall be determined by arbitration.

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PART III

PROTECTION OF RAILWAYS BOARD

1 (1) The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the Secretary of State and the Railways Board, have effect for the protection of the Railways Board.

(2) In this Part of this Schedule—

"the Railways Board" means the British Railways Board;

"railway property" means any railway of the Railways Board, and any works connected with any such railway for the maintenance or operation of which the Railways Board are responsible, and includes any land held or used by the Railways Board for the purposes of any such railway or works;

"the existing works" means so much of any of the works authorised by the 1984 Act as is situated upon, across, under or over any railway property or may in any way affect railway property, including—

(a) the bridge constructed under the powers of the [M36]Dartford Tunnel Act 1937 for carrying the road authorised as Work No. 1A by that Act over the North Kent Railway (Southern Region) of the Railways Board; and

(b) the bridge constructed under the powers of the [M37]Dartford Tunnel Act 1957 for carrying the road authorised as Work No. 1 by that Act over the Tilbury Branch Railway (Eastern Region) of the Railways Board;

"the specified works" means so much of any of the works authorised by this Act as may be situated upon, across, under or over, or within 15 metres of, railway property or may in any way affect railway property;

"the authorised works" means the existing works and the specified works;

"construction" includes renewal;

"maintenance operations" means operations for the maintenance of the authorised works; and

"plans" includes sections, drawings, particulars and schedules of construction.

Marginal Citations

M36 1937 c. cxxvii.

M37 1957 c. xxxiv.

2 The Secretary of State shall not under section 2 of this Act acquire compulsorily any railway property but he may under that section create and acquire such easements and rights as may reasonably be required for the purposes specified in that section in or over any such property within the limits of land to be acquired.

3 (1) Not less than 56 days before commencing the construction of the specified works, the Secretary of State shall submit to the Railways Board for their approval plans of the works and such further particulars available to him as the Railways Board may, within 28 days of the submission of the plans, reasonably require.

(2) The Railways Board's approval of plans submitted under sub-paragraph (1) above shall not be unreasonably withheld; and if within 56 days after the submission of the plans the Railways Board have not approved or disapproved them, they shall be deemed to have approved them.

4 (1) On signifying their approval of the plans the Railways Board may specify any protective works, whether temporary or permanent, which in their opinion should be carried out before the construction of the specified works to ensure the safety and stability of railway property.

(2) Such protective works as may reasonably be necessary for those purposes shall be constructed by the Railways Board with all reasonable dispatch, and the Secretary of State shall not commence the construction of the specified works until the Railways Board shall have notified him that the protective works have been completed.

5 The Secretary of State shall give to the engineer of the Railways Board not less than 28 days' notice of his intention to commence the construction of any of the authorised works and, except in emergency (when he shall give such notice as may be reasonably practicable), of his intention to carry out any maintenance operations in so far as those operations affect or interfere with railway property.

6 (1) The construction of the authorised works shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved or deemed to be approved or settled as mentioned in paragraph 3 above and under the supervision (if given), and to the reasonable satisfaction, of the engineer of the Railways Board, and in such manner as to cause as little damage to railway property as may be and as little interference as may be with the conduct of traffic on the railways of the Railways Board.

(2) If any damage to railway property or any such interference shall be caused by the carrying out of the authorised works, the Secretary of State shall make good such damage and pay to the Railways Board reasonable expenses which they may incur and compensation for any loss which they may sustain by reason of any such damage or interference.

(3) Nothing in this paragraph shall impose any liability of the Secretary of State with respect to any damage, costs, expenses or loss attributable to the act, neglect or default of the Railways Board or their servants, contractors or agents.

7 The Secretary of State shall at all times afford reasonable facilities to the engineer of the Railways Board for access to the authorised works during their construction or when maintenance operations are being carried out and shall supply to him all such information as he may reasonably require with regard to the authorised works and their method of construction or with regard to the maintenance operations.

8 (1) If any alteration or addition, whether permanent or temporary, to railway property shall be reasonably necessary during the construction of the specified works, or during a period of twelve months after their completion in consequence of their construction, such alterations and additions may be carried out by the Railways Board.

(2) If the Railways Board give to the Secretary of State reasonable notice of their intention to carry out such alterations or additions, he shall pay to the Railways Board the reasonable cost of the alterations or additions including, in respect of permanent alterations and additions, a capitalised sum representing any increase in the costs which may be expected to be reasonably incurred by the Railways Board in maintaining, working and, when necessary, renewing any such alterations or additions.

(3) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing such

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saving shall be set off against any sum payable by the Secretary of State to the Railways Board under this Part of this Schedule.

9 The Secretary of State shall pay to the Railways Board costs reasonably incurred by the Railways Board—

(a) in constructing any protective works under paragraph 4 above including, in respect of any permanent protective works, a capitalised sum representing the costs which may be expected to be reasonably incurred by the Railways Board in maintaining and renewing such works;

(b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching and lighting railway property and signalling railway traffic and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction of the specified works or any maintenance operations;

(c) in respect of any special traffic working upon any existing railways of the Railways Board resulting from any speed restrictions, or any substitution or diversion of services, which may, in the opinion of the Railways Board, be required by reason or in consequence of the construction of the specified works or any maintenance operations;

(d) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction of the specified works or any maintenance operations;

(e) in respect of the supervision by the engineer of the Railways Board of the construction of the specified works or any maintenance operations.

10 (1) Subject to sub-paragraph (2) below, the Secretary of State shall be responsible for, and make good to the Railways Board, costs, charges, damages and expenses not otherwise provided for in this Part of this Schedule which may be occasioned to, or reasonably incurred by, the Railways Board—

(a) by reason of the construction of the authorised works or any maintenance operations; or

(b) by reason of any act or omission of the Secretary of State, or of any person in his employ, or of his contractors or others whilst engaged in the construction of the authorised works or in carrying out any maintenance operations;

and the Secretary of State shall indemnify the Railways Board from and against claims and demands arising out of, or in connection with, the construction of the authorised works, the carrying out of any such operations or any such act or omission.

(2) The fact that any act or thing may have been done in accordance with plans approved by the engineer of the Railways Board, or in accordance with any requirement made by him, or under his supervision, shall not (if it was not attributable to the act, neglect or default of the Railways Board, or of any person in their employ, or of their contractors or agents) excuse the Secretary of State from any liability under this Part of this Schedule.

(3) The Railways Board shall give to the Secretary of State reasonable notice of any claim or demand referred to in sub-paragraph (1) above and no settlement or compromise of any such claim or demand shall be made without his prior consent.

11 If the Railways Board give notice to the Secretary of State that the state of repair of the authorised works prejudicially affects railway property, the Secretary of State

shall take such steps as may be reasonably necessary to avoid that effect on railway property.

12 Any difference arising between the Secretary of State and the Railways Board under this Part of this Schedule shall be determined by arbitration.

PART IV

PROTECTION OF SEWERS AND LAND DRAINAGE

1 (1) The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the Secretary of State and the protected authority, have effect for the protection of land drainage works and sewers.

(2) In this Part of this Schedule—

"drainage work" means any work vested in or under the control of the protected authority for the purposes of their land drainage functions as defined in the [M38]Land Drainage Act 1976 and includes a watercourse as so defined;

"plans", in relation to any specified work, means detailed plans, drawings, sections and specifications describing the position and manner in which, and the level at which, the work is proposed to be carried out and the position of all drainage works and sewers of the protected authority within the limits of deviation for that work, and shall comprise detailed drawings of every alteration which is to be made in any such drainage works and sewers by carrying out of the specified work;

"the protected authority" means the Anglian Water Authority and the Southern Water Authority, or either of them, in their capacities as—

(a) authorities responsible for sewerage and sewage disposal; and

(b) authorities responsible for land drainage, including defence against sea water;

"sewer" includes any main used for the conveyance of sewage sludge or sewage effluent, any drain or sewer forming or intended to form part of the general sewerage system of the protected authority, and any storm outflow or outfall or any other apparatus or structure vested in, or maintained by, the protected authority for the purposes of sewerage or sewage disposal; and

"specified work" means Work No. 3, and any works carried out within the limits of deviation for that work for the purpose of or in connection with the construction, maintenance or improvement of any part of the crossing which comprises that work or the tunnels;

but in paragraphs 2 and 5 to 7 below references to a specified work are references to so much only of any such work as is over, or within 15 metres of, any drainage work or sewer.

Marginal Citations

M38 1976 c. 70.

2 For the purpose of the preparation of the plans for any specified work the protected authority shall, on application by the Secretary of State, permit him or his agents

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to have access to plans in the possession of the protected authority and to any of their drainage works and sewers.

3 The carrying out of the works authorised by this Act shall not prevent the continued operation of the sewage pumping station of the Anglian Water Authority on the lands shown on the deposited plans numbered 14 in the Borough of Thurrock but nothing in this paragraph shall prevent the acquisition by the Secretary of State of such part of the said land, or of such rights in that land, as can be taken without preventing the continued operation of that pumping station.

4 In the design and carrying out of the works authorised by this Act the Secretary of State shall secure that no additional quantities of surface water are drained to the Mar Dyke in the Borough of Thurrock.

5 (1) Not less than 56 days before commencing the construction of any specified work, the Secretary of State shall submit to the protected authority for their approval plans for the work and such further particulars available to him as the protected authority may, within 28 days of the submission of the plans, reasonably require.

(2) The protected authority's approval of plans submitted under sub-paragraph (1) above shall not be unreasonably withheld; and if within 56 days after the submission of the plans the protected authority have not approved or disapproved them, they shall be deemed to have approved them.

6 The Secretary of State shall give to the protected authority not less than 28 days' notice of his intention to commence the construction or renewal of a specified work and, except in case of emergency (when he shall give such notice as may be reasonably practicable), of his intention to carry out works of maintenance of a specified work.

7 In carrying out any specified work the Secretary of State shall comply with all reasonable requirements of the protected authority of which due notice is given to him, and shall provide new, altered or substituted drainage works or sewers, or works for the protection of any drainage works or sewers of the protected authority, in such manner as the protected authority shall reasonably require to safeguard any drainage work against damage or to secure that its efficiency for land drainage purposes is not impaired or, as the case may be, to protect and prevent damage or impediment to any sewer, by reason of the specified work.

8 All works for the provision of new, altered or substituted drainage works or sewers or protective works in pursuance of paragraph 7 above shall be carried out to the reasonable satisfaction of the protected authority and, where so required by the protected authority, by or under the supervision (if given) of an officer of the protected authority duly appointed for the purpose; and all reasonable costs and expenses to which the protected authority may be put by reason of such works, whether in the course of the carrying out of the works, or in the preparation or examination of plans or designs or in such supervision, or otherwise, shall be payable to the protected authority by the Secretary of State.

9 When works for the provision of any such new, altered or substituted drainage works or sewers or protective works in pursuance of paragraph 7 above have been completed they shall be maintainable by the protected authority.

10 If by reason of the carrying out of a specified work, or the failure of a specified work, any sewer is damaged, the efficiency of a drainage work for land drainage purposes is impaired or a drainage work is otherwise damaged, the damage shall be made good by the Secretary of State to the reasonable satisfaction of the protected

authority or, failing that, the protected authority may make good the damage and recover from the Secretary of State costs reasonably incurred in so doing.

11 (1) The Secretary of State shall indemnify the protected authority against all claims, demands, costs, expenses, damages or loss which may be made on or against the protected authority or which the protected authority may incur or which they may sustain in consequence of any damage of, or interference with, a drainage work or sewer which may be caused by the construction of a specified work, or of the failure or want of maintenance of such a work, or any subsidence caused by the construction of any specified work or any act or omission of the Secretary of State, his contractors, agents, workmen or servants, while engaged upon the specified work.

(2) The protected authority shall give to the Secretary of State reasonable notice of any such claim or demand and no settlement or compromise shall be made without the agreement in writing of the Secretary of State.

(3) Nothing in this paragraph shall impose any liability on the Secretary of State with respect to any claim, demand, costs, expenses, damage or loss which is attributable to the act, neglect or default of the protected authority or their servants or agents.

12 Nothing in section 23 of this Act shall preclude the protected authority or their officers, servants or agents from having, for the purposes of inspecting, repairing, maintaining, removing or replacing any drainage work or sewer, reasonable access to any part in which the work or sewer is situated of any road which forms part of any of the approach roads.

13 (1) An officer of the protected authority duly appointed for the purpose may, subject to sub-paragraph (2) below, enter upon and inspect any specified work or any other works constructed under this Part of this Schedule.

(2) Entry upon any specified work under sub-paragraph (1) above shall be subject to supervision and control by the Secretary of State but shall be afforded by him at any reasonable time at which it is required.

14 Any difference arising between the Secretary of State and the protected authority under this Part of this Schedule shall be determined by arbitration.

PART V

PROTECTION OF RTZ ESTATES LIMITED

1 (1) The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the Secretary of State and the protected body, have effect for the protection of the interests of that body in the protected premises.

(2) In this Part of this Schedule—

"the protected body" means RTZ Estates Limited and includes the successors in title to, and assigns of the interest of, that company as owner and occupier of the protected premises;

"the protected premises" means the lands numbered on the deposited plans 20 in the Borough of Thurrock and the jetty;

"the jetty" means the existing jetty of the company within the lands numbered on the deposited plans 21 in the Borough of Thurrock.

Status: *Point in time view as at 01/04/2013.*
Changes to legislation: *There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988. (See end of Document for details)*

2 (1) Subject to sub-paragraph (3) below, the Secretary of State shall be responsible for, and make good to the protected body, costs, charges, losses and expenses which may be occasioned to, or reasonably incurred by, the protected body—

(a) by reason of any damage to the property of the protected body caused by the execution of the works mentioned in paragraph 11 of Part VIII of Schedule 1 to the 1984 Act or the failure of any such works; or

(b) by reason of any act or omission of the Secretary of State, or of any person in his employ or of his contractors or others in the course of the improvement or maintenance of those works.

(2) Without prejudice to the generality of sub-paragraph (1) above, the costs, losses and expenses there referred to include any costs and expenses reasonably incurred or losses suffered by the protected body by reason of—

(a) any damage to the railway embankment between the jetty and the southern side of the Tilbury Branch Railway or to the railway, and the oil and other pipelines and services, on or in that embankment; and

(b) any interruption to or interference with the use of the jetty or the operation of the said railway, pipelines and services;

caused by the execution of the works referred to in sub-paragraph (1)(a) above or by any settlement or subsidence of those works or movement of soil attributable to the construction of those works.

(3) The protected body shall give to the Secretary of State reasonable notice of any claim or demand in respect of which the Secretary of State may be liable under sub-paragraph (1) above and no settlement or compromise of any such claim or demand shall be made without his prior consent.

3 Any difference arising between the Secretary of State and the protected body under this Part of this Schedule shall be determined by arbitration.

Status:
Point in time view as at 01/04/2013.

Changes to legislation:
There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988.