



Dartford-Thurrock Crossing Act 1988

1988 CHAPTER 20

PART II

TRANSFER OF TUNNELS AND TUNNEL APPROACHES

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—

Status: This is the original version (as it was originally enacted).

- (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;

- (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.