Dartford-Thurrock Crossing Act 1988

1988 CHAPTER 20

PART III

OPERATION OF THE CROSSING

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 applyto—

(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 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.

24 Special traffic restrictions

(1) In relation to roads within the crossing and the approach roads the power conferred by subsection (3) of section 14 of the 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 subsection (3) 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 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.

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.

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.

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 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.

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.