Dartford-Thurrock Crossing Act 1988

1988 CHAPTER 20

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.

(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.

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 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.

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 Department of Employment; 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 that Department 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.

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—

(i) a police authority;

(ii) a fire authority as defined in the Fire Services Act 1947; or

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

being used in the execution of duty;

(b) an ambulance or other vehicle if it is being used by a health authority (as defined in the National Health Service Act 1977) or by a voluntary organisation or other person under an arrangement made under that Act;

(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 section 4(1)(g) of the Vehicles (Excise) Act 1971 if it is being used for the purposes of an invalid; or

(e) a vehicle so exempted under section 7(2) of that Act if it is being used by or for the purposes of a person suffering from a physical defect or disability.

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 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.

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 the Town and Country Planning Act 1971 to involve development of the land.

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 Health and Safety at Work etc. Act 1974).

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

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.

(2) In subsection (1) above "accounts" includes any documents which in the case of a company are treated by virtue of section 239 of the Companies Act 1985 as comprised in the company's accounts for the purposes of Part VII of that Act.

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.

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 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 International Headquarters and Defence Organisations Act 1964;

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