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STATUTORY INSTRUMENTS

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**1999 No. 2981**

**The River Thames (Hungerford Footbridges) Order 1999**

**PART IV**

**MISCELLANEOUS AND GENERAL**

**Saving for Trinity House**

27. Nothing in this Order shall prejudice or derogate from any of the powers, rights or privileges, or the jurisdiction or authority of Trinity House.

**Protection of certain persons**

28.—(1) For the protection of the Environment Agency, Schedule 9 shall have effect.

(2) For the protection of the persons specified in the several Parts of that Schedule, Schedule 10 shall have effect.

**Statutory undertakers, etc.**

29. Schedule 11 to this Order shall have effect.

**Regulation of footways**

30. Schedule 12 to this Order shall have effect.

**Application, modification and exclusion of miscellaneous enactments**

31. Schedule 13 to this Order shall have effect.

**Repeal of enactments**

32.—(1) Part I of Schedule 14 to this Order shall have effect.

(2) For any period during which the undertaker is, pursuant to article 3(5) above, providing a temporary way on foot for members of the public across the River Thames in place of the existing Hungerford footbridge, the enactments mentioned in Part II of Schedule 14 to this Order shall be modified so as not to require the existing Hungerford footbridge to be open for use by the public.

(3) On the dedication as a highway of Work No. 1 or Work No. 2 pursuant to article 10 above, the enactments mentioned in Part II of Schedule 14 to this Order shall be repealed to the extent specified in the third column of that Part.

**Certification of plans, etc.**

33. The undertaker shall, as soon as practicable after the making of this Order, submit copies of the book of reference, the deposited sections and the deposited plans to the Secretary of State for certification that they are, respectively, true copies of the book of reference, sections and plans

referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

### **Service of notices**

**34.**—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served by post.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978(1) as it applies for the purposes of this article, the proper address of any person in relation to the service on him of a notice or document under paragraph (1) above is, if he has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, his last known address at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and his name or address cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to him by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) This article shall not be taken to exclude the employment of any method of service not expressly provided for by it.

### **No double recovery**

**35.** Compensation shall not be payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law.

### **Arbitration**

**36.** Any difference under any provision of this Order (other than in relation to any matter otherwise provided for in Schedules 9, 10, 11 or a difference which falls to be determined by the tribunal) shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing 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.

### **Byelaws**

**37.**—(1) The undertaker may make byelaws regulating the use and operation of the authorised works, the maintenance of order on the authorised works and the conduct of all persons while on the authorised works.

(2) Without prejudice to the generality of paragraph (1) above, byelaws under this article may make provision—

- (a) with respect to interference with, or obstruction of, the operation or maintenance of the authorised works or other facilities provided in connection with the authorised works; and

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(1) 1978 c. 30.

(b) with respect to the prevention of nuisances on the authorised works.

(3) Byelaws under this article may provide for it to be an offence for a person to contravene, or to fail to comply with, a provision of the byelaws and for such a person to be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Without prejudice to the taking of proceedings for an offence included in byelaws by virtue of paragraph (3) above, if the contravention of or failure to comply with, any byelaw under this article is attended with danger or annoyance to the public, or hindrance to the undertaker in the operation of the authorised works, the undertaker may summarily take action to obviate or remove the danger, annoyance or hindrance.

(5) Byelaws under this article shall not come into operation until they have been confirmed by the Secretary of State.

(6) At least 28 days before applying for any byelaws to be confirmed under this article, the undertaker shall publish in such manner as may be approved by the Secretary of State a notice of its intention to apply for the byelaws to be confirmed and of the place at which and the time during which a copy of the byelaws will be open to public inspection; and any person affected by any of the byelaws may make representations on them to the Secretary of State within a period specified in the notice, being a period of not less than 28 days.

(7) For at least 24 days before an application is made under this article for byelaws to be confirmed, a copy of the byelaws shall be kept at the principal office of the undertaker and shall at all reasonable hours be open to public inspection without payment.

(8) The undertaker shall, at the request of any person, supply him with a copy of such byelaws on payment of such reasonable sum as the undertaker may determine.

(9) The Secretary of State may confirm with or without modification, or may refuse to confirm, any of the byelaws submitted under this article for confirmation and, as regards any byelaws so confirmed, may fix a date on which the byelaws shall come into operation; and if no date is so fixed the byelaws shall come into operation after the expiry of 28 days after the date on which they were confirmed.

(10) The Secretary of State may charge the undertaker such fees in respect of any byelaws submitted for confirmation under this article as he may consider appropriate for the purpose of defraying any administrative expenses incurred by him in connection therewith.

(11) A copy of the byelaws when confirmed shall be printed and deposited at the principal office of the undertaker and shall at all reasonable hours be open to public inspection without payment and the undertaker shall, at the request of any person, supply him with a copy of any such byelaws on payment of such reasonable sum as the undertaker shall determine.

(12) The production of a printed copy of byelaws confirmed under this article on which is endorsed a certificate purporting to be signed by a person duly authorised by the undertaker stating—

- (a) that the byelaws were made by the undertaker,
- (b) that the copy is a true copy of the byelaws,
- (c) that on a specified date the byelaws were confirmed by the Secretary of State, and
- (d) the date when the byelaws came into operation

shall be prima facie evidence of the facts stated in the certificate.