

ELIZABETH II**1967 CHAPTER xxxvii**

An Act to authorise the construction of a further tunnel under the river Thames between West Thurrock in the county of Essex and Dartford in the county of Kent with approaches thereto; to consolidate with amendments the Dartford Tunnel Acts, 1930 to 1962; to confer further powers in connection with the works authorised by those Acts and the new works; and for other purposes. [27th July 1967]

WHEREAS by the Dartford Tunnel Acts, 1930 to 1962, the county councils of Essex and Kent (hereinafter referred to as "the Councils") were authorised to construct a tunnel for vehicular traffic under the river Thames between the urban district of Thurrock in the county of Essex and Dartford in the county of Kent and approaches thereto, to demand and take tolls in respect of traffic passing through or into the said tunnel and to exercise the powers otherwise conferred upon them with respect to the construction and operation of the said tunnel:

And whereas the volume of vehicular traffic using the said tunnel has increased and continues to increase to such an extent that the construction of a further tunnel for vehicular traffic under the river Thames adjacent to the existing tunnel would be of public and local advantage and it is expedient that the Councils should be empowered to construct the works authorised by this Act and to purchase and use lands and easements for the purposes of or in connection with those works:

And whereas it would be of local and public advantage if the provisions of the Dartford Tunnel Acts, 1930 to 1962, were consolidated with certain amendments and additions in one Act:

And whereas it is expedient that the other powers in this Act contained should be conferred and that the other provisions in this Act contained should be enacted:

And whereas estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

The construction of the works in respect of
which borrowing powers are authorised by
this Act £12,198,000:

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands which may be acquired or used for the purposes of the said works or for other purposes of this Act have been duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the respective clerks of the Councils, which plans, sections and book of reference are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

1933 c. 51.

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed:

May it therefore please Your Majesty that it may be enacted, and 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:—

PART I

PRELIMINARY

- | | |
|-----------------------------|---|
| Short title. | 1. This Act may be cited as the Dartford Tunnel Act 1967. |
| Division of Act into Parts. | 2. This Act is divided into Parts as follows:— |
| | Part I.—Preliminary. |
| | Part II.—Lands. |
| | Part III.—Construction of new works. |
| | Part IV.—Provisions relating to new and existing works. |

Part V.—Finance.
Part VI.—Tolls and charges.
Part VII.—Protective provisions.
Part VIII.—Miscellaneous and general.

PART I
—cont.

3.—(1) In this Act, the several words and expressions to which Interpretation. meanings are assigned by the enactments wholly or partly incorporated with this Act by section 4 (Incorporation of Railways Clauses Consolidation Act, 1845) of this Act shall, subject to the provisions of that section, have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act, unless the subject or context otherwise requires—

- “ the Act of 1930 ” means the Dartford Tunnel Act, 1930; 1930 c. clxxxii.
- “ the Act of 1937 ” means the Dartford Tunnel Act, 1937; 1937 c. cxxvii.
- “ the Act of 1957 ” means the Dartford Tunnel Act, 1957; 1957 c. xxxiv.
- “ the Act of 1962 ” means the Dartford Tunnel Act, 1962; 1962 c. xl.
- “ the authorised works ” means the existing works and the new works;
- “ bicycles ” means and includes pedal bicycles, pedal tricycles and pedal tandem cycles and whether or not the same are mechanically powered;
- “ the Councils ” means the Essex Council and the Kent Council and includes either of those councils;
- “ the Dartford Corporation ” means the mayor, aldermen and burgesses of the borough of Dartford;
- “ the Essex Council ” means the county council of Essex;
- “ the excess sum ” means the amount by which the cost of the existing works exceeded the sum of £3,125,000;
- “ the existing works ” means the works constructed by the Councils under the powers conferred upon them by the enactments repealed by this Act;
- “ financial year ” means the period of twelve months ending on 31st March;
- “ the Kent Council ” means the county council of Kent;
- “ the limits of deviation ” means in relation to the new works the limits of deviation shown on the deposited plans;
- “ the limits of deviation for the authorised works ” means the limits of deviation shown on the plans deposited in connection with the Bill for the Act by which the work in question was authorised;
- “ the Minister ” means the Minister of Transport;
- “ the new works ” means the works described in section 15 (Power to construct new works) of this Act together with the works subsidiary or incidental thereto authorised by this Act;

PART I
—cont.

1959 c. 25.

1878 c. 76.

“ the port authority ” means the Port of London Authority;

“ street ” has the meaning assigned to that term in the Highways Act, 1959;

“ telegraphic line ” has the same meaning as in the Telegraph Act, 1878;

“ the tribunal ” means the Lands Tribunal;

“ the tunnel ” means the tunnel constructed by the Councils under the river Thames under the powers conferred upon them by the enactments repealed by this Act and the tunnel authorised by this Act together with so much of the highways forming the approaches to the said tunnels as lie between the line A-B shown on the deposited plans and drawn straight across the northern such approach and the line C-D so shown and drawn straight across the southern such approach, the said lines being indicated by posts or marks in accordance with section 27 (Posts or marks to show limits of tunnel) of this Act;

“ the tunnel approaches ” means so much of the highway passing through the tunnel as lies between the road A.13 in the urban district of Thurrock in the county of Essex and the road A.2 in the borough of Dartford in the county of Kent together with the two slip roads to the roundabout forming the junction between that highway and the said road A.2 (being the slip roads comprised in Works Nos. 5 and 6 authorised by the Act of 1962 as constructed by the Councils), but excluding—

(i) so much of the said highway as is comprised in the tunnel;

(ii) any part of the roundabouts forming the junctions between that highway and the said roads A.13 and A.2; and

(iii) so much of the said highway as lies to the south of a line drawn straight across the same at a point 45 yards measured in a southerly direction from the southern face of the abutments of the bridge carrying Watling Street over the said highway;

“ the tunnel undertaking ” means the authorised works and includes all the lands, works, erections, appliances, cash, investments, stocks, stores and other real and personal property, assets and effects, rights, powers, privileges, liabilities and obligations for the time being held or used by the Councils for the purpose of or in relation to the authorised works or to which they are for the time being subject for or in relation to those works.

(3) Any reference in this Act to an enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

(4) Where in this Act any distance or length is stated, the reference to that distance or length shall be construed as if the words “or thereabouts” were inserted after such distance or length.

(5) Any reference in this Act to a work identified by the number of such work, and coupled with a reference to the Act by which the work is authorised, shall be construed as a reference to the work of that number, together with the works subsidiary thereto, authorised by the Act mentioned.

4.—(1) The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, so far as the same are applicable for the purposes of and are not inconsistent with, or varied by, the provisions of this Act, are hereby incorporated with and form part of this Act and this Act shall be deemed to be the special Act for the purposes of the said incorporated provisions.

Incorporation
of Railways
Clauses
Consolidation
Act, 1845.
1845 c. 20.

(2) In the construction for the purposes of this Act of the provisions of the Railways Clauses Consolidation Act, 1845—
the expression “the company” shall mean the Councils;
the expression “the railway” shall mean the new works; and
the expression “the centre of the railway” shall mean the centre line of any of the new works.

5.—(1) Part I, including Schedules 1 to 5, of the Compulsory Purchase Act, 1965, other than the excepted provisions, in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to any compulsory purchase under this Act.

Application of
Part I of
Compulsory
Purchase
Act, 1965.
1965 c. 56.

(2) The provisions of the Compulsory Purchase Act, 1965, as so applied shall have effect as if—

- (a) this Act were the special Act and the Councils were the acquiring authority;
- (b) references to the compulsory purchase orders were references to this Act;
- (c) in section 4 of the Compulsory Purchase Act, 1965 (which prohibits the exercise of the compulsory powers after the expiration of three years from the date on which the compulsory purchase order becomes operative) the reference to the date on which the compulsory purchase order becomes operative were a reference to the 31st December following the passing of this Act;

PART I

—cont.

1965 c. 56.

(d) in section 11 (1) of the Compulsory Purchase Act, 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice), for the words "fourteen days'" there were substituted the words "three months'";

(e) in section 11 (3) of the said Act (which permits the acquiring authority to enter land subject to compulsory purchase for the purpose of survey after giving not less than three nor more than fourteen days' notice) for the words "not less than three nor more than fourteen days' notice" there were substituted the words "not less than seven days' notice in the case of the first entry and not less than twenty-four hours' notice in the case of a subsequent entry".

(3) In this section "the excepted provisions" means the following provisions of the Compulsory Purchase Act, 1965, namely, section 24 (5) (which provides that where land is acquired in consideration of a rentcharge the acquiring authority's borrowing powers shall be reduced by twenty years' purchase of the rent payable under the rentcharge), section 27 (Liability of acquiring authorities to make good deficiencies in rates) and paragraph 3 (3) of Schedule 3 (which requires a bond for compensation to be with two sufficient sureties).

PART II

LANDS

Power to
acquire lands.

6. Subject to the provisions of this Act, the Councils may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the new works or for other purposes of this Act.

Correction
of errors in
deposited
plans and
book of
reference.

7.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Councils, after giving not less than ten days' notice to the owner, lessee 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 thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact 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 thereof in the Private Bill Office of the House of Commons and with the respective clerks of the

Councils, the Thurrock Urban District Council, the Dartford Rural District Council and the Stone Parish Council, and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Councils to take the land and execute the new works in accordance with the certificate.

PART II
—cont.

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

8.—(1) Notwithstanding anything contained in this Act or in any Act wholly or partly incorporated therewith or shown on the deposited plans, the Councils shall not be required to purchase or take any river, stream or watercourse or any part thereof which may be crossed or interfered with in constructing the new works authorised by this Act but may purchase and take, and the owners of and other persons interested in such river, stream or watercourse shall sell, such easements and rights in, over or under the same as the Councils may require for the purposes of or in connection with the said works.

Power to acquire easements compulsorily in certain cases.

(2) Accordingly the Councils may give notice to treat in respect of any such easements or rights describing the nature thereof ; and “ land ” in the Compulsory Purchase Act, 1965, as applied by this Act, includes such easements and rights as aforesaid.

1965 c. 56.

9. In determining any question of disputed compensation under the Compulsory Purchase Act, 1965, as applied by this Act, the tribunal shall not take into account—

Disregard of recent improvements and interests.

(a) any works executed, improvement or alteration made, or building erected, or work done after 5th December, 1966; or

(b) any interest in the land created after the said date; which in the opinion of the tribunal was not reasonably necessary and was executed, made, erected or created with a view to obtaining or increasing the compensation or purchase money.

10.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall, as from the acquisition of the land whether compulsorily or by agreement, be extinguished.

Extinction of private rights of way.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Councils compensation to be determined in case of dispute under and in accordance with the Land Compensation Act, 1961.

1961 c. 33.

11.—(1) Any person empowered by the Compulsory Purchase Act, 1965, as applied by this Act, to sell and convey or release lands may if he thinks fit, subject to the provisions of the said Act of 1965, grant to the Council any easement or right required

Grant of easements by persons under disability.

PART II
—cont.

for the purposes of this Act over or in the land, not being an easement or right of water in which some person other than the grantor has an interest.

(2) The provisions of the said Act of 1965 with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

Provision of
substituted
sites.

12. The power of the Councils to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land which may be acquired under this Act.

Power to
reinstate
owners or
occupiers of
property.

13.—(1) The Councils may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired under this Act with respect to his reinstatement.

(2) Any such agreement may provide for the exchange of land; and for that purpose the Councils may pay or receive money for equality of exchange.

Agreements
with
adjoining
owners.

14.—(1) The Councils may enter into and carry into effect agreements with any person being the owner of, or interested in, any land adjoining any portion of the new works or of land which may be acquired under this Act with respect to the sale by the Councils to him (subject to such reservations, restrictions or other provisions as to the Councils seem fit) of any land not required for the new works.

(2) The Councils may accept as satisfaction for the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Councils for the purposes of this Act or any easement or right so required.

PART III

CONSTRUCTION OF NEW WORKS

Power to
construct
new works.

15. Subject to the provisions of this Act, the Councils may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the following works, with all necessary works connected therewith:—

Work No. 1 A tunnel under the river Thames with approach roads at either end thereof commencing in the urban district of Thurrock in the county of Essex by a junction with the road forming the approach to the tunnel at that end and constructed by the Councils under the powers of the enactments repealed by this Act at a

point 170 yards measured in a southerly direction from the face of the southern abutment of the viaduct carrying that approach over the Tilbury Branch Railway (Eastern Region) of the British Railways Board and terminating in the parish of Stone in the rural district of Dartford in the county of Kent by a junction with the road forming the approach to the tunnel at that end and also so constructed by the Councils at a point 1,460 yards measured in a northerly direction from the face of the northern abutment of the bridge carrying that approach over the North Kent Railway (Southern Region) of the British Railways Board:

Work No. 2 A widening on both sides and improvement of the road in the said parish of Stone so constructed by the Councils and forming the approach to the tunnel at that end commencing at the termination of Work No. 1 and terminating at a point 995 yards measured in a northerly direction from the face of the northern abutment of the bridge carrying the tunnel approach over the North Kent Railway (Southern Region).

16. In executing the new works the Councils may deviate laterally from the lines or situations thereof to any extent within the limits of deviation relating thereto respectively and vertically from the levels thereof defined on the deposited sections to any extent not exceeding 25 feet upwards and to any extent downwards: Power to deviate.

Provided that in the execution of so much of the new works as is situate under the bed of the river Thames the Councils shall not, without the consent of the Minister, deviate upwards to an extent exceeding 2 feet.

17. The Councils may as part of the new works execute and do any of the following works or things within the limits of deviation marked on the deposited plans:— Subsidiary works.

- (a) make and maintain all such approaches, bridges, subways, roundabouts, lifts, stairs, escalators, ramps, passages, means of ingress or egress, shafts, stagings, buildings, apparatus, plant and machinery as may be necessary or convenient;
- (b) make junctions and communications (including the provision of steps or ramps for the use of persons on foot) with any existing streets intersected, crossed or interfered with by or contiguous to any of the new works and widen or alter the line or alter the level of any existing street for the purpose of connecting the same with the new works or any of them or with any existing street, or of crossing under or over the same;

PART III
—cont.

(c) construct and provide all such embankments, aprons, abutments, retaining walls, wing walls, culverts and other works as may be necessary or convenient for the new works;

(d) execute any works and do any things necessary for the protection of any adjoining land;

together with all necessary or convenient subsidiary and incidental works.

Subsidiary
works
affecting
river Thames.

18.—(1) Subject to the provisions of this Act—

(a) the Councils may for the purpose of or in connection with the new works temporarily alter or interfere with the banks, bed and foreshores of the river Thames and construct, place and maintain within the limits of deviation in the said river and in or on the bed, banks and foreshores thereof all such temporary piles, fenders, booms, dolphins, pontoons, caissons, cofferdams, embankments, aprons, abutments, stagings, piers, wharves, walls, fences, drains, stairs, buildings and other works as they may deem expedient or necessary;

(b) the Councils may occupy and use temporarily so much of the banks, bed and foreshores of the said river as may be required for the purposes referred to in paragraph (a) of this subsection and as lies within the limits of deviation;

(c) the Councils may, with the consent of the port authority (such consent not to be unreasonably withheld) and subject to such reasonable conditions as that authority may impose, for the purpose of the construction or maintenance of any of the authorised works moor or anchor temporarily, or cause to be moored or anchored temporarily, vessels, barges or other craft in the said river.

(2) Any difference between the Councils and the port authority under paragraph (c) of subsection (1) of this section shall be settled by arbitration.

Period for
completion
of works.

19.—(1) If the new works are not completed on or before 1st October, 1977, then as from that date the powers by this Act granted to the Councils for making and completing the said works shall cease except so far as the same are respectively then completed.

(2) On the application of the Councils the Minister may by order extend the period referred to in subsection (1) of this section.

(3) An order under subsection (2) of this section shall be subject to special parliamentary procedure.

PART III
—cont.

20.—(1) The Councils during and for the purpose of the execution of the new works may—

Temporary
stoppage
of streets.

- (a) temporarily stop up and divert and interfere with any street, stream or watercourse, other than the river Thames;
- (b) execute and do all necessary works and things for or in connection with such stopping up or diversion and for keeping any such street open for traffic; and
- (c) for any reasonable time divert the traffic from any such street and prevent persons using the same.

(2) The Councils shall not exercise the powers of this section—

- (a) as respects any street upon which a service of stage carriages or express carriages is operated, unless not less than forty-eight hours' previous notice is given to the traffic commissioners and to the holders of the road service licence under which that service is authorised; or
- (b) so as to deprive foot-passengers bona fide going to or from any building or land adjoining the street of reasonable access to the building or land.

(3) The exercise by the Councils of the powers conferred by this section in relation to any street shall not prejudice or affect the right of the Postmaster General—

- (a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him under, in, upon, over, along or across the street; or
- (b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that street.

21. The Councils may sell or dispose of all matters or things excavated or obtained in the construction of the new works and all building and other materials of any houses, buildings or structures acquired by them under the powers of this Act and not required for the purposes of this Act, and also all matters or things in, under or upon any street altered by them for the purposes of this Act, and any matters or things obtained in the alteration of or interference with any drain or sewer under the powers of this Act:

Power to
sell materials.

Provided that—

- (1) the Councils shall not under the powers of this section sell or dispose of any matter or thing if any person other than the Councils before such sale or disposal proves to the satisfaction of the Councils that he is the owner thereof;
- (2) if any person after such sale proves to the satisfaction of the Councils that he was the owner of the matter or thing so sold the Councils shall pay the proceeds to him.

PART IV

PROVISIONS RELATING TO NEW AND EXISTING WORKS

Power to alter
sewers and
drains.

22. The Councils may for the purposes of the authorised works, after consultation with the authority to whom it belongs or by whom it is repairable, raise, lower, divert, alter, remove, arch over or fill up or otherwise interfere with any sewer or drain or part thereof but so that no sewer or drain or part thereof (unless the same becomes unnecessary by reason of the purchase by the Councils of the property entitled to the use thereof) shall be interfered with without another sewer or drain being made in lieu thereof equally serviceable and convenient before the removal or filling up thereof and, when made and completed, any substituted sewer or drain or part thereof shall be under the same jurisdiction, care, management and direction as the existing sewer or drain or part thereof for which it is substituted.

Alteration of
position of
water, gas and
other pipes.

23. Subject to the provisions of this Act, the Councils may for the purposes of the authorised works upon the lands acquired by them for the purposes of any of those works and also in any street within the limits of deviation defined on the deposited plans raise, sink or otherwise alter the position of any water-course, water pipe or gas pipe belonging to or connected with any house or building and also any main, pipe or apparatus laid down or used by any company, authority or person for carrying a supply of water or water for hydraulic power or gas and also any pipe, tube, wire or apparatus laid down or placed for telegraphic, postal or other purposes or for supplying electricity (all of which mains, pipes, tubes, wires and apparatus are in this section included in the expression "apparatus") and may remove any other obstruction, making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any company, authority or person who suffers damage by any such alteration:

1878 c. 76.

Provided that the Councils shall not raise, sink or otherwise alter the position of or interfere with any telegraphic line or other apparatus belonging to or used by the Postmaster General except under and subject to the provisions of the Telegraph Act, 1878.

Laying out,
repair and
lighting of
works.

24.—(1) Subject to the provisions of this Act, the Councils may lay out the new works, or any part thereof, for carriageways and for footways as they may think proper, and may provide all such sewers, works and conveniences as they may deem fit for that purpose.

(2) Subject to the provisions of this Act the Councils may from time to time execute all such works and do all such acts in, under or upon any of the carriageways and footways forming part of the authorised works as they may from time to time think proper

for preserving, repairing, lighting, ventilating or improving the authorised works and may, for that purpose, enter upon and break open the soil and pavement of such carriageways and footways and any sewers, drains or tunnels within or under the same, causing as little inconvenience as may be in the execution of the powers hereby conferred, and restoring the said carriageways, footways, sewers, drains or tunnels as nearly as practicable to the same condition as they were in before such breaking and opening:

PART IV
—cont.

Provided that nothing in this subsection shall authorise the Councils, without the consent of the Minister, to execute any works or do any acts in, under or upon so much of the existing works as comprises any part of—

- (a) any of the carriageways forming part of Works Nos. 1, 2, 3 and 4 authorised by the Act of 1962; or
- (b) any of the carriageways or footways forming part of the London to Tilbury trunk road or to enter upon and break open the soil and pavement of such carriageways or footways, or any sewers, drains or tunnels within or under the same.

25.—(1) The Councils may light any part of the tunnel and the tunnel approaches or may enter into and carry into effect any agreement with any other body, company or person with respect to lighting the same or any such part. Lighting and draining of works.

(2) For the purpose of draining the new works the Councils may exercise all the powers of a highway authority under section 103 of the Highways Act, 1959, as if the new works were a highway and the Councils were the highway authority for that highway and the provisions of the said section 103 shall accordingly apply with any necessary modifications. 1959 c. 25.

26.—(1) Subject to the provisions of this Act, the Councils may pump any water found by them— Power to pump water and use sewers for removing water.

- (a) in the maintenance of any of the existing works; or
- (b) in the construction or maintenance of any of the new works;

and may use for the discharge of any such water the river Thames or any available stream or watercourse or any sewer or drain and may within the limits of deviation for the authorised works lay down, take up and alter conduits, pipes and other works and make convenient connections with the said river or any such stream, watercourse, sewer or drain as aforesaid.

(2) In the exercise of the powers of this section the Councils shall not—

- (a) abstract water from underground strata except in so far as the abstraction is necessary (in connection with execution and maintenance of the new works or the

PART IV
—*cont.*

maintenance of the existing works) to prevent any interference with any engineering, building or other operations (whether underground or on the surface) or to prevent damage to works resulting from any such operations;

(b) discharge any surface water into—

(i) a sewer of the Thurrock Urban District Council;
or

(ii) a soil sewer of the Dartford Corporation; or

(c) make any connection with a sewer belonging to the West Kent Main Sewerage Board or with a sewer or drain communicating with a sewer of that board except with the consent of that board in writing and in accordance with such terms and conditions as that board may reasonably attach thereto, but such consent shall not be unreasonably withheld; or

(d) make any opening into any sewer vested in a local authority except in accordance with plans reasonably approved by and under the superintendence (if the same shall be given) of that local authority.

(3) Any question arising under subsection (2) of this section between the Councils and any such body, board or authority as is referred to in that subsection shall, unless otherwise agreed, be settled by arbitration.

1951 c. 64.

(4) Notwithstanding anything in section 11 (7) of the Rivers (Prevention of Pollution) Act, 1951, the discharge of any water under the powers of this section into any stream as defined in that section shall be subject to the provisions of section 2 of that Act.

Posts or marks
to show limits
of tunnel.

27. The Councils shall on either side of the highways forming the approaches to the tunnel erect and maintain posts or other marks indicating the position of the lines delimiting the tunnel and the straight lines across each such approach and between those posts or marks shall be deemed to be the limits of the tunnel as so indicated.

Maintenance
of works.

28.—(1) Subject to the provisions of this section, the existing works, and, so soon as the same shall be completed, the new works shall respectively be and become county roads vested in and under the jurisdiction and management of the Essex Council as highway authority so far as the same are within the administrative county of Essex and of the Kent Council as highway authority so far as the same are within the administrative county of Kent and the soil under any such works (other than the bed, banks or shores of the river Thames) for such estate or interest as the Councils shall have acquired therein shall be vested, so far as the same shall be in the said county of Essex, in the Essex Council and, so far as the same shall be in the said county of Kent, in the Kent Council.

(2) The following provisions of this subsection shall have effect as respects the maintenance of so much of the existing works as form any part of the following works authorised by the Act of 1957:—

PART IV
—cont.

- (a) the subway Work No. 3 and the structures of the bridges Works Nos. 7 and 8 shall be maintained by and at the expense of the Councils;
- (b) the roadway and any drain forming part of the said subway, the footpath Work No. 5 and the road Work No. 6 shall be highways maintainable by and at the expense of the Dartford Corporation;
- (c) the functions of maintenance and repair of the roadways over the said bridges Works Nos. 7 and 8 shall be exercised by the Dartford Corporation as if such roadways had been claimed by them under section 45 of the

1959 c. 25.

(3) So much of the existing works as forms any part of Works Nos. 1, 2, 3 and 4 authorised by the Act of 1962 shall be trunk roads.

(4) For the purposes of this Act, the boundary between the administrative counties of Essex and Kent shall—

- (a) as respects the tunnel constructed by the Councils under the powers conferred upon them by the enactments repealed by this Act, be the boundary shown on the 1930 deposited plans; and
- (b) as respects the tunnel authorised by this Act, be the boundary shown on the deposited plans;

and the Councils shall in the said tunnel so constructed by them maintain and in the construction of the tunnel authorised by this Act cause to be affixed therein and maintained a mark in each case indicating the point at which such tunnel passes over such boundary and the said boundary shall be deemed to be the boundary as so indicated.

(5) In this section “the 1930 deposited plans” means the plans which were deposited with the clerk of the peace for the county of Essex and the clerk of the peace for the county of Kent for the purposes of the Act of 1930.

29. For the purposes of maintaining, improving, repairing or renewing the tunnel and the tunnel approaches and any buildings, works, plant, machinery or apparatus connected therewith, or of controlling or securing the safety or convenience of traffic or persons using the tunnel and the tunnel approaches or any part or parts thereof, or otherwise of exercising the functions of the Councils under this Act, the Councils may—

Powers for
maintenance,
management,
etc., of tunnel
and tunnel
approaches.

- (a) by agreement acquire or take on lease such land;

PART IV
—cont.

- (b) provide, erect and maintain such buildings, works, vehicles, machinery, plant and apparatus;
- (c) employ and pay such officers and servants;
- (d) do all such other acts and things;

as may be necessary or convenient for those purposes or any of them:

Provided that the Councils shall not under the powers of this section manufacture any motor vehicles.

Agreements between Essex Council and Thurrock Urban District Council as to maintenance of streets.

30. The Essex Council and the urban district council of Thurrock may enter into and carry into effect agreements authorising the said urban district council to undertake on behalf of the Essex Council the maintenance, repair or improvement of, or any other dealing with, any street in the said urban district which forms part of the tunnel approaches.

Agreements with Government departments and others.

31. The Councils, on the one hand, and any Government department or the port authority or any company, body or person, on the other hand, may enter into and carry into effect agreements and arrangements with respect to the construction of any of the new works which may be carried under or affect the river Thames or the bed, banks or shores thereof, or over or under or affect any property of such department, company, body or person, or with respect to the maintenance of any such works or property and as to any matters incidental thereto, or as to any other objects or purposes of this Act and any such agreement or arrangement may make provision as to the payments to be made by any party thereto to any other party thereto in respect of any such matter.

Restriction on use of tunnel.

32.—(1) Notwithstanding anything contained in this Act, it shall not be obligatory upon the Councils in constructing the tunnel authorised by this Act to make provision therein for the accommodation of pedestrian traffic.

(2) The tunnel shall not be available for use by traffic of any of the following classes (that is to say)—

- persons on foot;
- animals (unless conveyed in a vehicle);
- vehicles of any description (other than mechanically powered vehicles with or without trailers and bicycles);

and any collector or other person appointed to receive tolls, or any special constable appointed under the powers of this Act or the Acts repealed by this Act and for the time being in office as such special constable, may by himself, or with such assistance as he shall think necessary, stop and prevent any person seeking to enter or use the tunnel contrary to the restriction imposed by this subsection:

Provided that—

- (i) the Councils jointly may at any time and from time to time withdraw or suspend (either permanently or temporarily

and whether as respects particular traffic or as respects traffic of all or any of the said classes) the restriction imposed by this subsection and such withdrawal or suspension may be made upon and subject to such terms and conditions as the Councils may determine including, with the approval of the Minister, conditions which reduce or remit the tolls otherwise payable in respect of traffic to which the withdrawal or suspension relates;

(ii) the said restriction shall not apply to—

(a) any person entering or using the tunnel for or in connection with the performance of work, duties or services relating to the tunnel;

(b) any member of the naval, military or air forces while on duty in the service of the Crown;

(c) any police officer acting in the execution of his duty;

(d) any person entering the tunnel in or on a vehicle who, in consequence of a mechanical or other breakdown of such vehicle or in any other case of emergency, uses the tunnel on foot in a reasonable and proper manner having regard to the circumstances of the case.

(3) Any person entering or using, or attempting to enter or use the tunnel in contravention of the restriction imposed by subsection (2) of this section shall be liable to a fine not exceeding twenty pounds and in the case of a second or subsequent contravention to a fine not exceeding fifty pounds.

(4) Any withdrawal or suspension effected by the Councils under proviso (i) to subsection (2) of this section shall be in writing and may be signed on behalf of the Councils by their respective clerks or by any officer of either of the Councils authorised by them to sign such withdrawals or suspensions or, as the case may be, a particular withdrawal or suspension.

(5) In and for the purposes of this section the expression “the tunnel” includes (in addition to the tunnel) the tunnel approaches and in this section references to “the tunnel” include references to any part of the tunnel or the said tunnel approaches, as the case may be.

33. The Councils may, at such times and for such periods as they may think proper, close wholly or in part the authorised works or any of them, or any part thereof for the purposes of Closing of authorised works.
maintaining, repairing, renewing, draining, cleansing, ventilating, lighting or improving the same, or otherwise for the safety of the public.

PART IV
—*cont.*

No sewers,
mains or
pipes to be
laid in tunnel
or tunnel
approaches.
1950 c. 39.

34.—(1) Notwithstanding anything contained in the Public Utilities Street Works Act, 1950, or in any other enactment, but subject to the provisions of this section, no person shall enter upon, break up or interfere with the tunnel or the tunnel approaches or any part thereof or the carriageways or footways thereof or of any part thereof for the purpose of laying down any sewer, drain, main, pipe, wire or other apparatus or executing any work therein, thereon, thereunder or thereover except with the consent of the Councils in writing and in accordance with such terms and conditions either as to the payment of rent or other valuable consideration or otherwise as the Councils may determine:

Provided that such consent shall not be unreasonably withheld—

1875 c. clxiii.

1926 c. xix.

1962 c. 58.

- (a) for the laying down of telegraphic lines, electric lines or gas mains in any part of the tunnel or the tunnel approaches or the carriageways or footways thereof; or
- (b) for the construction and maintenance by the West Kent Main Sewerage Board within the West Kent main sewerage district across but not along the line of the specified portions of the tunnel approaches of such main sewers as are authorised by the West Kent Main Sewerage Act, 1875, and the West Kent Main Sewerage Order, 1926, which was confirmed by the Ministry of Health Provisional Orders Confirmation (No. 1) Act, 1926; or
- (c) for the placing of pipe-lines in any part of the tunnel approaches, or the carriageways or footways thereof along a line crossing such approaches, carriageways or footways subject to and in accordance with the provisions of the Pipe-Lines Act, 1962, as modified by subsection (2) of this section and for that purpose to execute the works specified in subsection (1) of section 15 of that Act;

and any question which may arise as to whether such consent is so unreasonably withheld or as to whether the terms and conditions subject to which any such consent is given are reasonable shall be determined by the Minister.

In paragraph (b) of the proviso to this subsection the expression “the specified portions of the tunnel approaches” means—

- (i) Work No. 2 authorised by this Act;
- (ii) so much of Work No. 1 authorised by the Act of 1930 as comprises that part of the southern approach to the tunnel which is situate between the commencement of Work No. 1A authorised by the Act of 1937 and the point of commencement of the gradient to the southern entrance to the tunnel;
- (iii) the said Work No. 1A;

- (iv) Work No. 9 authorised by the Act of 1957 and Works Nos. 5 and 6 authorised by the Act of 1962.

PART IV
—cont.

(2) For the purposes of the placing of pipe-lines and the execution of works pursuant to paragraph (c) of the proviso to subsection (1) of this section the provisions of the Pipe-Lines Act, 1962 c. 58. 1962, shall have effect subject to the following modifications:—

- (a) In subsection (2) of section 15 of that Act after the word “ not ” there shall be inserted the word “ unreasonably ” and for the words after “ section ” there shall be substituted the words “ and any question which may arise as to whether such consent is so unreasonably withheld or as to whether the conditions subject to which any such consent is given are reasonable shall be determined under and in accordance with section 34 (No sewers, mains or pipes to be laid in tunnel or tunnel approaches) of the Dartford Tunnel Act 1967 ”;

- (b) Subsection (7) of the said section 15 shall be omitted.

(3) Where any telegraphic line is laid pursuant to any consent of the Councils given under subsection (1) of this section, the Councils shall not by virtue of that subsection be entitled to any payment or other valuable consideration, but this subsection shall operate without prejudice to any entitlement of the Councils to any payment or indemnity under conditions (3) and (4) of section 6 of the Telegraph Act, 1878.

1878 c. 76.

35.—(1) For the purpose of facilitating the movement of vehicular traffic along the tunnel approaches and for securing the safety of the public or otherwise, the Minister, on the application of the Councils, may from time to time authorise the Councils, at the junctions of any existing street with any of the tunnel approaches to erect and maintain walls, fences or barriers for the prohibition, prevention or limitation of access to or from any of the tunnel approaches, or notices prohibiting or limiting such access.

Power to prevent access to or from tunnel approaches.

(2) The Councils shall give public notice of the making of an application under subsection (1) of this section in such manner as the Minister may direct.

(3) Any person removing or interfering with any such wall, fence, barrier or notice or failing to comply with any such notice shall be liable to a fine not exceeding twenty pounds for each such offence.

36. Except for the purpose of—

- (a) landing or embarking persons engaged in the construction, maintenance or repair of any of the authorised works; or

Restrictions as to landing place.

PART IV
—cont.

(b) landing or loading from or into vessels not arriving from or departing for foreign parts any goods or materials required for or used in such construction, maintenance or repair;

none of the authorised works shall be used as a landing or loading place for goods or passengers conveyed or intended to be conveyed in any vessel.

Section 45
of Highways
Act, 1959, not
to apply to
tunnel or
tunnel
approaches.
1959 c. 25.

37. The provisions of section 45 of the Highways Act, 1959 (which contain provisions as to the rights of non-county borough and urban district councils to maintain certain county roads), shall not apply in the case of the tunnel or the tunnel approaches.

Application of
Public Utilities
Street Works
Act, 1950.
1950 c. 39.

38. In relation to any of the new works and to any other works authorised by this Act to which, apart from this section, the provisions contained in Part II of, and Schedule 4 to, the Public Utilities Street Works Act, 1950 (which regulate the relations between an authority executing a road alteration and undertakers within the meaning of the Act of 1950 whose apparatus is affected thereby), would not apply, the said provisions shall apply as if the said works were mentioned in paragraph (a) of subsection (1) of section 21 of the Public Utilities Street Works Act, 1950, and the undertakers' apparatus affected thereby was in a street.

PART V

FINANCE

Existing
borrowing
powers
continued.

39.—(1) All statutory borrowing powers of the Councils under any enactment repealed by this Act which have been exercised before the commencement of this Act and all existing securities of the Councils granted, issued or created by the Councils under or by virtue of any such an enactment shall be deemed to have been exercised, granted, issued or created under or by virtue of this Act and the provisions of this Act shall apply thereto, notwithstanding anything in any Act, order, deed, mortgage or other document to the contrary.

1933 c. 51.

(2) The provisions of Part IX of the Local Government Act, 1933, shall extend and apply to money borrowed in the exercise of the statutory borrowing powers referred to in subsection (1) of this section as if it were borrowed under Part IX of that Act, but no consent of a sanctioning authority shall be necessary if under the repealed enactment such consent has been given or is not required.

(3) All sums borrowed by the Councils before the commencement of this Act under any statutory borrowing power referred to in subsection (1) of this section and not repaid before the commencement of this Act shall, notwithstanding the repeal of

any enactment by or under which such statutory borrowing power was created or authorised, be repaid within the respective periods within which they were required to be repaid by or under that repealed enactment.

PART V
—cont.

40.—(1) The Councils may borrow, without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum specified in relation thereto in the second column of that table.

(1) Purpose for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(i) For the purchase of lands, easements and rights for the new works	The sum requisite	Sixty years.
(ii) For the construction of the new works (except machinery, plant and equipment)	£11,470,000	Sixty years.
(iii) For machinery, plant and equipment for the new works	£728,000	Twenty-five years.
(iv) For the payment out of capital of interest on moneys borrowed or deemed to be borrowed under this Act, other than for purposes (iv) and (v) in this subsection	The sum requisite	Sixty years.
(v) For paying the costs, charges and expenses of this Act	The sum requisite	Five years.

(2) Every sum borrowed under subsection (1) of this section shall be repaid within such period from the date of borrowing as the Councils without the consent of any sanctioning authority may determine, not exceeding the period specified in relation thereto in the third column of the said table.

(3) The Councils may also with the sanction of the Minister of Housing and Local Government borrow such further sums as may be necessary for any of the purposes of this Act, and any sum borrowed under the powers of this subsection shall be repaid within such period, not exceeding sixty years, from the date of borrowing as the Councils, with the consent of that Minister, may determine.

(4) Notwithstanding anything in any scheme for a consolidated loans fund operated by the Essex Council under section 167 (Consolidated Loans Fund) of the Essex County Council Act, 1933, or by the Kent Council under section 55 of the Local Government Act, 1958—

1933 c. xlv.
1958 c. 55.

(a) the yearly repayments to any such fund of any advance made therefrom for the purposes of this Act shall be in

PART V
—cont.

amounts ascertained in accordance with such of the provisions of subsection (4) of section 57 (Application of moneys derived from tolls) of this Act as for the time being apply; and

(b) the interest charged on any such advance shall be at the rate per cent. which would have been payable by the Councils on loans raised at the time such advance was made.

1933 c. 51.

(5) Subject to the provisions of this Act, Part IX of the Local Government Act, 1933, shall have effect as if money borrowed under this section were borrowed under that Part.

(6) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

1946 c. 58.

Payment of
interest on
moneys
borrowed in
certain events.

41. Notwithstanding anything in this Act or in any other enactment, the Councils may pay interest on any moneys borrowed or deemed to be borrowed under this Act other than moneys borrowed for the purposes (iv) and (v) in subsection (1) of section 40 (Power to borrow) of this Act out of moneys borrowed under this Act for or in respect of the purpose (iv) referred to in that subsection, but only until the completion of the new works or until the expiration of eight years from the date or dates of borrowing (or such longer period as the Minister of Housing and Local Government may allow), whichever shall be the earlier, or in any year in which the tolls are insufficient to pay the interest upon the excess sum and upon the moneys borrowed by the Councils under the said section 40.

Expenses of
Councils.

42.—(1) Any expenses incurred by the Councils under or for the purposes of this Act or the enactments repealed by this Act shall, unless otherwise provided, be borne by the Councils and (unless otherwise agreed between them) in equal shares and may be paid out of their respective county funds.

1959 c. 25.

(2) For the purposes of the Highways Act, 1959, any expenses borne by the Councils pursuant to subsection (1) of this section shall be deemed to have been incurred by the Councils as highway authorities in the maintenance or improvement of existing roads.

Deficiencies.

43.—(1) Subject to the provisions of this Act, any deficiency in the revenue of the tunnel undertaking in any financial year shall be made good at the option of the Councils either out of the reserve fund (if any) authorised by section 45 (Reserve fund) of this Act, or out of the other moneys of the Councils, and in such case any amount made good out of such other moneys shall be repayable out of any future revenue of the tunnel undertaking unless and to the extent that the Councils may otherwise jointly determine.

(2) The Councils may apply money received by them in any financial year on account of the revenue of the tunnel undertaking in the payment of interest calculated at the rate of six per centum per annum with half-yearly rests on the amounts repayable out of the revenue of the undertaking referred to in the last preceding subsection.

44.—(1) (a) Subject to the provisions of this Act, the Councils shall provide a maintenance fund in respect of the tunnel undertaking by each of the Councils paying to the fund such equal amounts as they may from time to time determine from the sum representing the amount of the tolls collected in pursuance of this Act and referred to in subsection (3) of section 57 (Application of moneys derived from tolls) of this Act and (unless the said amounts are applied in any other manner authorised by any enactment) by investing the same in any securities (whether of the Councils or of other persons) in which trustees are from time to time authorised to invest trust funds until the fund so provided amounts to the sum of three million five hundred thousand pounds, or such greater sum as the Minister may on the application of the Councils from time to time approve. Maintenance fund.

(b) One-half of any income arising from the investment of moneys in the maintenance fund in manner provided by this subsection shall be carried to and form part of the county fund of each of the Councils respectively and an amount equivalent to that so carried to the county fund shall be credited by each of the Councils to the maintenance fund or, if that fund is then fully funded, shall be applied otherwise for the benefit of the tunnel undertaking as the Councils may determine.

(2) The maintenance fund provided under this section may be applied from and after the date on which the power to demand, take and recover tolls conferred by this Act has ceased pursuant to section 58 (Cesser of tolls) of this Act in defraying the costs and administrative and other expenses incurred by the Councils—

- (a) in maintaining and repairing the authorised works; and
- (b) in operating the services and facilities provided by the Councils in connection therewith.

45.—(1) (a) Subject to the provisions of this Act, the Councils shall provide a reserve fund in respect of the tunnel undertaking by each of the Councils paying to the fund such equal amounts as they may from time to time determine from the sum representing the amount of the tolls collected in pursuance of this Act and referred to in subsection (3) of section 57 (Application of moneys derived from tolls) of this Act and (unless the said amounts are applied in any other manner authorised by any enactment) by investing the same in any securities (whether of the Councils or of other persons) in which trustees are from time Reserve fund.

PART V
—cont.

to time authorised to invest trust funds until the fund so provided amounts to the sum of five million pounds or such greater sum as the Minister may from time to time approve.

(b) One-half of any income arising from the investment of the moneys in the reserve fund in manner provided by this subsection shall be carried to and form part of the county fund of each of the Councils respectively and an amount equivalent to that so carried to the county fund shall be credited by each of the Councils to the reserve fund or, if that fund is then fully funded, shall be applied otherwise for the benefit of the tunnel undertaking as the Councils may determine.

(2) The reserve fund provided under this section may be applied—

- (a) in making good any deficiency at any time happening in the tolls and charges collected in pursuance of this Act; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Councils in respect of the tunnel undertaking; or
- (c) in or towards any approved payment of the cost of renewing, improving or extending any part of the authorised works; or
- (d) to any other purpose (whether or not for the benefit of the tunnel undertaking) which may be approved.

In this subsection “approved” means approved by the Minister on any application to him in that behalf by the Councils.

(3) Resort may be had to the reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

PART VI

TOLLS AND CHARGES

Tolls and
charges.

46. Subject to the provisions of this Act, the Councils shall demand and take and may recover in respect of traffic passing through or into the tunnel or entering any of the tunnel approaches the tolls specified in Schedule 1 to this Act and may demand, take and recover such reasonable charges as they may think fit for any services rendered or action taken by the Councils to, or in respect of, persons or vehicles in connection with the use of the tunnel or the tunnel approaches:

Provided that the Councils may allow traffic to use the tunnel approaches or, with the consent of the Minister, the tunnel without paying tolls during such times or under such circumstances as they may from time to time determine.

47.—(1) If at any time—

(a) it is represented in writing to the Minister—

(i) by any person or body representative of persons appearing to the Minister to have a substantial interest in the use of the tunnel and the tunnel approaches; or

(ii) by the Councils; or

(b) it appears to the Minister after consultation with the Councils to be expedient;

that under the circumstances then existing or in prospect (including the opening to public traffic of the tunnel authorised by this Act) all or any of the tolls authorised in pursuance of this Act or any classification of vehicles specified in this Act or in any order for the time being in force under this Act should be revised, the Minister may, if he thinks fit, make an order revising all or any of such tolls or any classification of vehicles as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section.

(2) As soon as may be after the receipt by the Minister of a representation pursuant to subsection (1) of this section from any person or any body other than the Councils the Minister shall send a copy of the representation to the Councils.

(3) Before making an order under this section the Minister shall, if required by—

(a) any such person or body as is referred to in subparagraph (i) of paragraph (a) of subsection (1) of this section, being a person or body who either has made a representation to the Minister pursuant to that subsection or has pursuant to section 48 (Further provisions as to revision of tolls) of this Act objected to the representation made to, or the proposals of, the Minister and has not withdrawn the objection; or

(b) the Councils;

and may in any other case, if he thinks fit, cause a local inquiry to be held by such person as he may appoint for the purpose.

(4) In the exercise of the powers conferred upon him by this section, the Minister shall have regard to the financial position and future prospects of the tunnel undertaking and any order made by him under this section shall prescribe such tolls as in the Minister's opinion are reasonably required to be demanded, taken and recovered so as to produce an annual revenue not substantially less, nor substantially more, than is adequate to meet such expenditure as is authorised for the several purposes mentioned in subsections (3) and (4) of section 57 (Application of moneys derived from tolls) of this Act.

PART VI

—cont.

Revision of
tolls.

PART VI
—cont.

Further
provisions
as to revision
of tolls.

48.—(1) If representations are made to the Minister under section 47 (Revision of tolls) of this Act, the Councils shall furnish the Minister with such information and particulars as the Minister may require and shall publish in the London Gazette and in such one or more newspapers as the Minister may specify a notice stating—

- (a) the general effect of the representation;
- (b) the place or places at which copies of the representation may be inspected free of charge and copies thereof purchased and the price of such copies;
- (c) the date, being not less than forty-two days after the first publication of the notice, by which objections to the representation may be made in writing to the Minister.

(2) Where it appears to the Minister to be expedient to revise the tolls or any classification of vehicles pursuant to paragraph (b) of subsection (1) of the said section 47, the Councils shall furnish the Minister with such information and particulars as the Minister may require and shall, upon being required so to do by the Minister, publish in the London Gazette and in such one or more newspapers as the Minister may specify a notice stating—

- (a) the general effect of the proposals of the Minister; and
- (b) the date, being not less than forty-two days after the first publication of the notice, by which objections to the proposals may be made in writing to the Minister.

1933 c. 51.

(3) The provisions of subsections (2) to (5) of section 290 of the Local Government Act, 1933, shall apply in relation to any local inquiry which the Minister may cause to be held under subsection (3) of the said section 47.

(4) The power of the Minister to make an order under the said section 47 shall be exercisable by statutory instrument and the Minister may by any order made by him under the said section 47 amend, vary or revoke any of the provisions of Schedule 1 to this Act or any order made by him under the said section 47.

List of tolls
to be
exhibited.

49. A list of the tolls by or by virtue of this Act authorised to be demanded and taken by the Councils shall at all times be exhibited in a conspicuous position within a reasonable distance of the place where such tolls shall be payable.

Regulations
as to payment
of tolls and
charges.

50. The tolls and charges by or by virtue of this Act authorised to be demanded and taken shall be paid to such persons and at such places and in such manner and in compliance with such regulations as the Councils may from time to time appoint or make, and the Councils may recover such tolls and charges in a summary manner as a civil debt or by action in any court of competent jurisdiction, and when such tolls or charges are not paid at the time at which the tunnel is used or the services provided, the Councils may recover an additional sum not exceeding ten shillings to cover administrative expenses in addition to the tolls

or charges payable, and may recover in addition any legal costs properly recoverable by the Councils in any legal proceedings which they may institute.

PART VI
—cont.

51.—(1) The Councils may in exchange for the payment of any Tickets. toll hand a ticket to any person intending to pass through or into the tunnel or to enter any of the tunnel approaches, and any person to whom a ticket is so handed may be required on demand to show or deliver up such ticket to the toll collector or other person appointed by or on behalf of the Councils to inspect or collect the same at such place or places as the Councils may from time to time determine.

(2) The Councils may, either when they enter into a composition agreement in accordance with the provisions of section 53 (Power to compound for the payment of tolls) of this Act, or otherwise, issue prepaid tickets and any person to whom such a ticket is issued may be required on demand to show such ticket to the toll collector or other person appointed by or on behalf of the Councils to inspect the same at such place or places as the Councils may from time to time determine, and shall deliver up such ticket to such toll collector or other person appointed by or on behalf of the Councils to receive the same at the expiration of the period for which it is issued.

52. If any person liable to pay any toll authorised to be demanded and taken from him under or by virtue of this Act shall wilfully refuse or neglect to pay the toll payable by him, an officer duly authorised by or on behalf of the Councils may refuse to permit the person so in default to pass through or by any toll-gate or other place at which the toll is payable, and may by himself, or with such assistance as he shall think necessary, stop and prevent the person so in default from passing through or by such toll-gate or other place as aforesaid and, if any such person has entered any of the tunnel approaches, may require him to return along the approach by which he came and, if necessary, to repass through the tunnel. Power to stop persons refusing to pay tolls.

53.—(1) The Councils may, with the approval of the Minister, compound and agree with any person using the tunnel or the tunnel approaches for his passage or for the passage of any other person or of any traffic through the tunnel or on the tunnel approaches on such terms and for such period as may be agreed. Power to compound for the payment of tolls.

(2) Any payments payable under a composition agreement entered into under this section shall be paid in advance.

(3) If the Councils enter into a composition agreement under this section, every other person using the tunnel or the tunnel approaches in like manner and in like circumstances may compound for the tolls payable by him upon like terms to those contained in such agreement.

PART VI
—*cont.*

Penalties on
persons
practising
frauds.

54. If any person shall wilfully refuse or neglect to pay any toll when the same shall be demanded from him by virtue of this Act, he shall, without prejudice to any remedy of the Councils for the recovery of such toll, be guilty of an offence and shall for every such offence be liable to a fine not exceeding twenty pounds.

Power to
provide
toll-houses,
etc.

55. The Councils may from time to time provide, set up and maintain upon and remove from any land for the time being belonging to the Councils (including any part of the tunnel or tunnel approaches) or with the consent of the highway authority concerned upon any part of any highway, not forming part of the tunnel or the tunnel approaches, such toll-houses, toll-gates, offices and other conveniences in connection with the authorised works as may be necessary or convenient.

Exemption
from tolls.

56.—(1) Nothing in this Act or in any order made under this Act shall extend to authorise any tolls to be demanded in respect of—

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

(i) a police authority; or

(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;

(b) an ambulance or other vehicle if it is being used by a local health authority in the discharge of their functions under section 27 of the National Health Service Act, 1946, or by a voluntary organisation or other person under an arrangement made under that section, or any other ambulance if it is being used for the purpose of or in connection with the transport of such persons as are referred to in that section or for the carriage in an emergency of medical apparatus or supplies;

(c) a vehicle for invalids or fitted with controls enabling it to be driven by persons having a particular disability and which is exempted from payment of duty under the Vehicles (Excise) Act, 1962, either by paragraph (g) of subsection (1) of section 6 of that Act or by section 11 of the Finance Act 1964.

(2) If any person wilfully and with intent to defraud claims or takes the benefit of any such exemption as is allowed by subsection (1) of this section without being entitled thereto he shall for every such offence be liable to a fine not exceeding fifty pounds.

1947 c. 41.

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

1946 c. 81.

1962 c. 13.

1964 c. 49.

57.—(1) Tolls collected in pursuance of this Act shall as to one-half thereof form part of the revenue of the Essex Council and as to the other half form part of the revenue of the Kent Council, and shall accordingly be carried in those proportions to the respective county funds of the Councils as receipts for general county purposes.

PART VI
—cont.

Application
of moneys
derived from
tolls.

(2) The Councils shall, in accordance with the provisions of this section, repay to the Minister the excess sum (or so much thereof as remains to be repaid), together with the interest, if any, which may from time to time be or remain payable thereon.

(3) A sum equivalent to the amount of the tolls collected in pursuance of this Act shall be applied by the Councils from their respective county funds in equal shares—

(a) in defraying the cost of providing, maintaining and renewing any toll-houses, toll-gates, weighbridges, offices, equipment or other conveniences required for the collection of the tolls; and

(b) in meeting—

(i) all expenses incurred in and about the collection of the tolls; and

(ii) the administrative, maintenance and any other expenses of the Councils incurred in connection with the tunnel or the tunnel approaches; and

(c) in the payment of taxes (if any);

and subject to the foregoing provisions of this subsection—

(d) in meeting in any financial year any interest which may from time to time be or remain payable in respect of that or any previous financial year on any part of the excess sum and on any moneys borrowed by the Councils in the exercise of the powers of section 40 (Power to borrow) of this Act; and

(e) in repaying to the Councils any amounts repayable to them pursuant to subsection (1) of section 43 (Deficiencies) of this Act, together with any interest payable on any such amount pursuant to subsection (2) of that section; and

(f) in meeting any expenditure properly chargeable to capital account incurred by the Councils in connection with the new works and approved by the Minister for the purposes of this paragraph;

and any balance remaining shall be applied by the Councils in accordance with the next following subsection.

PART VI
—cont.

(4) Subject to the provisions of this section, any balance remaining under the last foregoing subsection shall be applied by the Councils—

- (a) in any financial year prior to that in which moneys are first borrowed by the Councils in exercise of the powers of the said section 40 in repaying any part of the excess sum which is for the time being outstanding;
- (b) in any financial year commencing with that in which moneys are first so borrowed and ending with the financial year in which the new works are first opened to public traffic—
 - (i) in repaying any part of the excess sum; and
 - (ii) in repaying any part of the moneys so borrowed; which is or are for the time being outstanding and, if amounts are outstanding under both sub-paragraph (i) and sub-paragraph (ii) of this paragraph, the repayments so made shall be in the proportion which the one such amount bears to the other;
- (c) in any financial year following that in which the new works are first opened to public traffic—
 - (i) in repaying any part of the excess sum which is for the time being outstanding;
 - (ii) in repaying any moneys so borrowed which are so outstanding;
 - (iii) in paying amounts to the maintenance fund authorised by section 44 (Maintenance fund) of this Act, if and in so far as not already fully funded;
 - (iv) in paying amounts to the reserve fund authorised by section 45 (Reserve fund) of this Act, if and in so far as not already fully funded;

and the repayments and payments so made shall be in the proportions which the amounts respectively outstanding, and the amounts respectively by which such funds at the time of such payments are less than the full funds so authorised, bear each to the others of those amounts:

Provided that, in any financial year commencing on or after the beginning of the financial year in which moneys are first borrowed by the Councils in exercise of the powers of the said section 40 and ending before the commencement of the sixth financial year after the financial year in which the new works are first opened to public traffic, the amount of any balance remaining and applicable in accordance with this subsection may (on application by the Councils to the Minister and with his approval) be reduced by so much as the Minister deems reasonably necessary to ensure that the Councils will be able to meet out of the sums from time to time falling to be applied by them in

accordance with subsection (3) of this section interest payable as mentioned in paragraph (d) of that subsection in such financial year or years after that in which application to the Minister is made as the Minister in granting his approval may specify.

PART VI
—cont.

(5) For the purposes of any apportionment made under the last foregoing subsection, any expenditure approved by the Minister for the purposes of paragraph (f) of subsection (3) of this section shall be deemed to be an amount paid by way of reduction of the principal of the loans raised by the Councils in exercise of the powers of section 40 (Power to borrow) of this Act.

(6) The Councils shall, during such time as any part of the excess sum or of any moneys borrowed under the said section 40 remains to be repaid, keep in such form as the Minister may approve accounts relating to the collection of tolls and the application of moneys under this section and shall, within four months after the expiration of each financial year or such longer period as the Minister may allow, furnish a copy of the accounts kept under this section to the Minister.

58. So soon as the excess sum and all moneys borrowed by the Councils in exercise of the powers of section 40 (Power to borrow) of this Act have been repaid together with interest thereon and the maintenance fund and the reserve fund authorised respectively by section 44 (Maintenance fund) and section 45 (Reserve fund) of this Act are fully funded, the power to demand, take and recover tolls conferred by this Act shall cease and determine.

59. If, after the power to demand, take and recover tolls conferred by this Act has ceased and determined in pursuance of section 58 (Cesser of tolls) of this Act, there shall remain any excess of tolls collected and carried to the respective county funds of the Councils in accordance with subsection (1) of section 57 (Application of moneys derived from tolls) of this Act, the sums representing such excess in the hands of each of the Councils may be applied to general county purposes as each of the Councils may think fit.

Disposal of
terminal
balance.

PART VII

PROTECTIVE PROVISIONS

60. For the protection of The Tunnel Portland Cement Company Limited (in this section referred to as "the Tunnel Company") the following provisions of this section shall, unless

For protection
of The Tunnel
Portland
Cement
Company
Limited.

PART VII
—cont.

otherwise agreed in writing between the Councils and the Tunnel Company, apply and have effect:—

(1) In this section—

“ the factory area ” means so far as relevant for the purposes of this section the lands coloured yellow on the signed plan I;

“ the chalk lands ” means the lands coloured green on the signed plan I;

“ the signed plan I ” means the plan marked “ I ” and signed in triplicate by Thomas McElderry Megaw on behalf of the Councils and by James Asher Mackintosh on behalf of the Tunnel Company one copy of which has been retained by each of the Councils and one by the Tunnel Company;

“ the Thurrock Company ” means the Thurrock Chalk and Whiting Company Limited;

“ the Thurrock tunnel ” means the tunnel leading from the factory area to lands of the Thurrock Company:

- (2) Notwithstanding anything in this section, no accumulation of silt nor anything placed, moored or anchored in the river Thames to the west of the jetty of the Tunnel Company on the said river and within a distance of 600 feet from mean high-water springs on the northern bank of the said river shall be deemed to interfere with the access of vessels to or from the said jetty or to interrupt or interfere with the use of the said jetty:
- (3) Notwithstanding the acquisition by the Councils before the passing of this Act of the chalk lands the Tunnel Company shall on giving to the Councils not less than fourteen days’ notice of their intention so to do be at liberty to excavate so much of the chalk as remains unexcavated under such part or parts as is represented by the area coloured pink on the cross sections shown on the signed plan I:

Provided that—

(i) the work of excavation is carried out before the year two thousand;

(ii) the Tunnel Company in carrying out such excavation shall not interfere with the maintenance, repair, use or stability of Work No. 1 authorised by the Act of 1957, as now constructed;

(iii) the Tunnel Company shall leave the face of the east side of so much of the said Work No. 1 as is situate on the chalk lands formed as delineated by the dotted lines on the cross sections shown on the signed plan I and shall to the reasonable satisfaction of the Councils re-erect the fence referred to in paragraph (4) of this section and at the expense of the Councils deposit soil on any such face and seed the same with grass or other seed:

- (4) The Councils shall for all time maintain in good and substantial repair the fence as now erected by them along the eastern boundary of so much of the chalk lands and the factory area as was acquired by them for the purposes of or in connection with the said Work No. 1 and along the western boundary of so much of such lands as abuts upon other lands of the Tunnel Company:
- (5) The Councils shall maintain so much of the Thurrock tunnel as is situate on or under land belonging to the Councils and shall be responsible and pay compensation to the Tunnel Company for any damage which may be occasioned to the Tunnel Company by reason or in consequence of any failure to maintain the same in a proper state of repair and the Tunnel Company shall grant to the Councils all such rights of access to such portion of the said tunnel as may be necessary for the purposes of or in connection with such maintenance:
- (6) Notwithstanding the acquisition by the Councils under the powers of the Act of 1957 of any land situate over or forming part of the Thurrock tunnel, the Tunnel Company in common with the Thurrock Company and their respective licensees shall continue to be entitled at all times free of charge to use the said tunnel where it passes under, over or through any such land for the passing, repassing and shunting of railway vehicles, the passing and repassing of road vehicles, animals and persons and the construction, laying down, maintenance and repair of conveyor belts, transport equipment, pipes, mains, cables and other similar works:

Provided that the use of the said tunnel and the construction, maintenance and use of any works thereunder by the Tunnel Company and the Thurrock Company and their respective licensees shall be subject to such terms and conditions as the Councils may from

PART VII
—cont.

time to time in writing reasonably impose for protecting any works of the Councils and for securing the safety, stability and support thereof:

(7) Nothing in this Act or done thereunder shall in any way affect or derogate from the provisions contained in paragraph H of the Second Schedule to the agreement dated 4th October, 1926, and made between the Tunnel Company of the one part, the Essex Council of the second part and the Minister of the third part:

(8) (a) In the exercise of the powers to which this sub-paragraph applies the Councils shall not carry out the following operations, namely:—

(i) place or allow to be placed in the river Thames any plant works or structure; or

(ii) moor or anchor or cause to be moored or anchored in the said river any vessels, barges or other craft;

except after consultation with the Tunnel Company; and in the exercise of the said powers the Councils shall by means of such operations interfere no more than is reasonably necessary with the access of vessels to or from the jetty of the Tunnel Company on the said river:

Provided that no such consultation shall be required in case of emergency or as respects operations mentioned at (ii) of this sub-paragraph carried out within the limits described in paragraph (2) of this section;

(b) Sub-paragraph (a) of this paragraph applies to the powers for the construction of Work No. 1 authorised by this Act and the powers of section 18 (Subsidiary works affecting river Thames) of this Act:

(9) The Councils shall, during the construction of so much of Work No. 1 authorised by this Act as is in the county of Essex, or any work in connection therewith authorised by this Act, permit the authorised representatives of the Tunnel Company to inspect all or any part of such works, and shall afford to such representatives all reasonable facilities for the purpose of such inspection:

(10) (a) Subject to the provisions of paragraph (9) of section 65 (For protection of port authority) of this Act, the Councils shall during the construction of

Work No. 1 authorised by this Act, or any work in connection therewith authorised by this Act, carry out such dredging operations as are necessary to remove any accumulation of silt which is caused by the execution of those works, or any of them, and which interferes with, or is likely to interfere with, the use of the said jetty or the access of vessels to or from the said jetty;

- (b) The Councils shall take soundings of the said area prior to the commencement of any temporary work in the county of Essex authorised by paragraph (a) of subsection (1) of section 18 (Subsidiary works affecting river Thames) of this Act and every three months thereafter until six months after every such temporary work has been removed and shall within twenty-one days of the taking of the said soundings forward to the secretary of the Tunnel Company copies of plans showing the dredged depth plotted to a suitable scale:

- (11) The Councils shall be responsible for and make good to the Tunnel Company all costs, losses and expenses which the Tunnel Company may reasonably suffer or incur by reason or in consequence of—

(a) any damage to the railway running from the factory area to the Tunnel Company's jetty on the river Thames; or

(b) any consequential interruption to or interference with the operation of the said railway;

which may occur before 18th November, 1968, if such damage is caused directly or indirectly by the execution of those parts of Works Nos. 1 and 2 authorised by the Act of 1957 or of any works in connection therewith executed on land not acquired by the Councils from the Tunnel Company, or through any settlement or subsidence of the said parts of any such works or through any movement of soil due to the construction of the said parts of any such works:

- (12) The Councils shall be responsible for and make good to the Tunnel Company all costs, losses and expenses which the Tunnel Company may reasonably suffer or incur by reason or in consequence of any damage to the property of the Tunnel Company caused by the execution of Work No. 1 authorised by this Act or any works in connection therewith or the failure of any such works

PART VII
—cont.

or by reason or in consequence of any act or omission of the Councils, or of any person or persons in their employ, or of their contractors, in the course of the execution or maintenance of any such works, and, without prejudice to the generality of the foregoing, all costs, losses and expenses which the Tunnel Company may reasonably suffer or incur by reason or in consequence of—

(a) any damage to the railway and the oil and other pipelines and services which respectively run on or in the railway embankment between the works of the Tunnel Company and their jetty on the river Thames and any damage to the said embankment prejudicing the stability thereof; or

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

(c) any accumulation of silt such as is described in paragraph (10) (a) of this section;

if the same is caused directly or indirectly by the execution (including maintenance) of Work No. 1 authorised by this Act or any works in connection therewith, or through any settlement or subsidence of any such works or through the movement of soil due to the construction of any such works:

Provided that the Tunnel Company shall give to the Councils notice of any claim or demand made against them which in the opinion of the Tunnel Company is a claim or demand for which the Councils may be liable under this paragraph and no settlement or compromise of any such claim or demand shall be made without the consent in writing of the Councils:

(13) For the removal of doubt it is hereby declared that for the purposes of the last two foregoing paragraphs any damage of the character referred to in sub-paragraph (a) of paragraph (12) of this section suffered after the commencement of such parts of the new works as lie in the county of Essex shall be deemed not to be damage caused by the execution of Works Nos. 1 and 2 authorised by the Act of 1957 or any works in connection therewith:

(14) The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof,

as incorporated with this Act, shall not apply or extend so as to authorise the occupation by the Councils of any lands or property of the Tunnel Company:

PART VII
—cont.

(15) The Councils shall not under the powers of this Act obstruct the road access to or from the Tunnel Company's factories at West Thurrock by means of the Grays-Purfleet Road A.126:

(16) Any difference which may arise between the Councils and the Tunnel Company under this section shall be referred to and determined by arbitration.

61. For the protection of the Thurrock Chalk and Whiting Company Limited their successors and assigns, owners or owner of the lands hereinafter referred to or for the time being entitled as their successors or assigns to the rights with respect to that company's railways conferred upon or reserved to the said company by this section (all of whom are in this section collectively referred to as "the company"), the following provisions shall, notwithstanding anything in this Act contained or shown upon the plans and sections deposited in respect of the Bill for the Act of 1930, or the plans and sections deposited in March, 1937, in respect of the Bill for the Act of 1937, and unless otherwise heretofore or hereafter agreed in writing between the Councils and the company apply and have effect, that is to say:—

(1) In this section, the expressions—

"the contract of 1933" and "the conveyance of 1933" mean respectively the contract dated the 22nd February, 1933, and the conveyance dated 31st March, 1933, both of which were made between the company of the one part and the Essex Council of the other part;

"the signed plan A" means the plan so marked which was prepared for the purposes of section 52 (For protection of Thurrock Chalk and Whiting Company Limited) of the Act of 1930 and signed in triplicate by Alec George Vaughan-Lee on behalf of the Councils and by Eric Houghton Brown on behalf of the company one copy of which has been retained by each of the Councils and the other copy has been retained by the company:

(2) The Councils shall not object but will (so far as their consent may be necessary) consent to the company at any time (subject to the company obtaining any other necessary authority, consent or licence for such purposes)

PART VII
—*cont.*

constructing a new arm extension or widening of any of their existing piers or jetties on the river Thames, notwithstanding that such new arm extension or widening may overlap or extend in front of the lands acquired by the Councils:

Provided that—

(a) no part of any work of the company shall be nearer than 70 feet to the centre line of the tunnel authorised by the Act of 1930 as now constructed where that tunnel passes under the said river, but any vessel moored at any such pier or jetty may extend over that tunnel or the tunnel authorised by this Act or the site thereof so long as such vessel shall not anchor over either of the tunnels;

(b) nothing in this paragraph shall preclude the Councils from opposing any application made by the company for any such authority, consent or licence in so far as the Councils deem it necessary to do so for the protection of the tunnel:

- (3) Nothing in this Act shall entitle the Councils to use any railway owned or under the control of the company:
- (4) The contract of 1933 shall continue to have effect except so far as the provisions thereof are expressly varied by or are inconsistent with the foregoing provisions of this section:

Provided that (as from 30th July, 1937) clauses 18, 20 and 21 of the said contract and (as from 31st July, 1957) clauses 8, 9 16 and 17 thereof shall be deemed to have ceased to have effect:

- (5) The reference in clause 22 of the contract of 1933 and in clause 3 of the conveyance of 1933 to section 52 of the Act of 1930 shall be construed as a reference to paragraph (2) of this section:
- (6) The reference in the said clause 3 of the conveyance of 1933 to the contract of 1933 shall be construed as a reference to that contract as amended by this section:
- (7) Before the Councils for the purposes of this Act fill in any part of any existing drain situate between the Tilbury Branch Railway (Eastern Region) of the British Railways Board and the Essex river wall of the river Thames on land proximate to and adjoining any land for the time being belonging to the company, the Councils shall (except in case of emergency when the Councils shall

so far as practicable otherwise comply with the provisions of this paragraph) give twenty-eight days' previous notice in writing to the company of their intention so to do together with sufficient particulars of the works of filling in to be carried out and if within the said twenty-eight days the company give notice in writing to the Councils that such works will adversely affect the drainage of any of the company's lands the Councils shall at their own expense take such action (including the construction of works, whether on land of the company or of the Councils) as may be agreed between the Councils and the company or (in default of agreement) as may be determined by arbitration to be reasonably necessary to ensure that such drainage is rendered as efficient after as before the works of filling in were carried out:

- (8) Any question or dispute which may arise between the Councils and the company under the provisions of this section shall be determined by arbitration.

62. For the protection of the Dartford Corporation the following provisions of this section shall unless otherwise agreed in writing between the Councils and the Dartford Corporation apply and have effect:—

- (1) In this section—

“the balancing tank” means the open reservoir adjoining the southern river training embankment of the river Thames at Little Powder Creek;

“the Dartford engineer” means the engineer and surveyor of the borough of Dartford;

“the 1957 sewerage works” means the works comprised in the definition of the expression “the sewerage works” in subsection (2) of section 41 (For protection of Dartford Corporation) of the Act of 1957 and comprising the following works:—

(i) sewers for carrying the sewage from the soil sewers of the Dartford Corporation existing at the passing of that Act in the Brent and Watling Street to the sump next hereinafter mentioned;

(ii) a sump on the eastern side of the road Work No. 1A authorised by the Act of 1937;

(iii) a sewer connecting the said sump with the soil sewer of the Dartford Corporation existing at the passing of this Act in Watling Street on the western side of the said road:

PART VII
—cont.

(iv) a pumping station together with pumps and other necessary machinery for pumping the sewage from the said sump to the said soil sewer in Watling Street on the western side of the said road;

(v) a sewer connecting the surface water sewers of the Dartford Corporation existing at the passing of that Act in Watling Street and the Brent on the eastern side of the said road to the existing southern end of the Temple Hill sewer, including a manhole in Bow Arrow Lane constructed at a point agreed between the Councils and the Dartford Corporation, that part of the said sewer which is situate between the said manhole and the southern end of the Temple Hill sewer (including the crossing of the North Kent railway) being constructed with an internal diameter of not less than 30 inches;

(vi) a relief sewer with an internal diameter of not less than 18 inches parallel with the Temple Hill sewer commencing at the manhole situate 215 yards or thereabouts northward of the southern end of the Temple Hill sewer and terminating by a junction with the Temple Hill sewer northward of the existing manhole situate 312 yards or thereabouts northward of the southern end of the Temple Hill sewer;

(vii) an increase of the depth and of the width of the maximum water level by 3 feet respectively of the ditch or watercourse forming part of the Temple Hill sewer situate between the existing head wall at the northern end of the piped section of the Temple Hill sewer and the balancing tank;

(viii) an enlargement of the balancing tank so as to increase the storage capacity thereof by 75,000 cubic feet;

(ix) a raising of the level of the overflow weir at the balancing tank by six inches;

of which works those described in paragraphs (i) to (vi) (inclusive) of that definition have been completed;

“ the intended sewerage works ” means the works described in paragraphs (vii), (viii) and (ix) of the 1957 sewerage works;

“ the Temple Hill sewer ” means the surface water sewer vested in the Dartford Corporation commencing at the existing manhole situate 39 yards or thereabouts south-eastward of the south-eastern corner of the

house known as No. 94 Attlee Drive, Dartford, and running in a northerly and north-westerly direction to a point on the western side of Marsh Street opposite Joyce Green Cemetery, thence in a northerly and easterly direction to the western end of an open ditch forming the southern and eastern boundaries of the works of the West Kent Main Sewerage Board and proceeding as such open ditch and terminating in the balancing tank:

PART VII
—cont.

- (2) The Councils shall at their own expense and to the reasonable satisfaction of the Dartford Corporation construct the intended sewerage works:
- (3) (a) Not less than two months before commencing to construct the intended sewerage works, the Councils shall submit to the Dartford Corporation for their reasonable approval plans, sections and particulars thereof;
- (b) If the Dartford Corporation fail to signify their approval or disapproval within two months after the submission to them of the said plans, sections and particulars, the Dartford Corporation shall be deemed to have approved the same. If the Dartford Corporation signify their disapproval of the said plans, sections and particulars or any of them within the said period of two months, and the Councils and the Dartford Corporation fail to agree with regard thereto, the difference shall be referred to arbitration and the Councils shall not commence to construct the intended sewerage works until plans, sections and particulars of the intended sewerage works shall have been approved by the Dartford Corporation or such difference shall have been settled by arbitration;
- (c) The intended sewerage works shall be constructed in accordance with the plans, sections and particulars thereof so approved by the Dartford Corporation or in the case of difference as settled by arbitration and to the reasonable satisfaction of the Dartford Corporation:
- (4) The Councils shall at all reasonable times during the construction of the intended sewerage works afford facilities to the Dartford engineer and his duly authorised representatives for access to such works and shall supply him with all such information as he may reasonably require with regard to the said works or the method of construction thereof:
- (5) (a) The Dartford Corporation may, on giving to the Councils notice in writing of their desire so to do, construct any of the intended sewerage works, in which case the Councils shall (subject to the next following

PART VII
—cont.

paragraph) repay to the Dartford Corporation all costs, charges and expenses reasonably incurred by the Dartford Corporation in constructing such works:

Provided that if the Dartford Corporation give any such notice as aforesaid they shall commence the work to which the notice relates and complete the same with all reasonable dispatch;

- (b) Any such notice as is referred to in sub-paragraph (a) of this paragraph may, subject as hereinafter provided, be given at any time but, if the notice is given after the submission pursuant to paragraph (3) of this section of plans, sections and particulars of the work to which the notice relates, the notice shall be given before the expiration of two months after the submission of such plans, sections and particulars:
- (6) The Dartford Corporation shall on completion of the intended sewerage works to their reasonable satisfaction, other than any works constructed or to be constructed by the Dartford Corporation pursuant to the last foregoing paragraph, repay to the Councils a sum equal to the cost of constructing a sewer with an internal diameter of 27 inches between the manhole constructed in Bow Arrow Lane by the Councils in the position determined pursuant to paragraph (v) of the definition of the expression “ the 1957 sewerage works ” and the southern end of the Temple Hill sewer:
- (7) The 1957 sewerage works shall be maintained by and at the expense of, or (in the case of any part of the intended sewerage works which shall have been constructed by the Dartford Corporation) at the expense of the Councils for a period of twelve months after completion of the intended sewerage works and the 1957 sewerage works shall then vest without payment in the Dartford Corporation and shall for all purposes be deemed to have been constructed by them under section 15 of the Public Health Act, 1936:
- (8) Notwithstanding anything in section 34 (No sewers, mains or pipes to be laid in tunnel or tunnel approaches) of this Act, the Dartford Corporation shall have access at all times to the 1957 sewerage works for the purposes of inspecting, maintaining, repairing, renewing and using the same:
- (9) The Councils shall repay to the Dartford Corporation the reasonable costs and expenses incurred by them in any year in—
- (a) providing any artificial lighting which may reasonably be required in so much of the existing

works as comprises the subway Work No. 3 authorised by the Act of 1957, as now constructed, during every twenty-four hours of the day and maintaining the apparatus provided for that purpose;

(b) inspecting, maintaining and repairing any drain used solely for draining the said subway;

(c) maintaining, repairing and renewing the pumping station referred to in paragraph (iv) of the definition of “the 1957 sewerage works” and the pumps and machinery therein; and

(d) operating the said pumping station:

(10) The Councils shall make compensation to the Dartford Corporation for any damage to any sewer or drain of the Dartford Corporation, or for the interference with the free flow of the contents thereof, or any additional expenditure reasonably incurred by the Dartford Corporation which may be caused by or in consequence of any act or default of the Councils, their contractors, servants or agents in connection with works carried out by the Councils pursuant to this section and for which provision is not otherwise made, or which is not specifically authorised by this section:

(11) During the period ending on 31st December, 2003—

(a) the Councils shall carry out such additional works as shall from time to time be agreed between the Councils and the Dartford Corporation, or in default of agreement as may be determined by arbitration to be reasonably necessary to remedy any flooding which may occur or may have occurred during that period in or from the Temple Hill sewer by reason of the reception through any of the 1957 sewerage works of surface water from areas other than those which the said sewer was designed to drain:

Provided that the liability of the Councils under this sub-paragraph shall be limited to the construction of two relief sewers each with an internal diameter of not less than 18 inches, the one commencing in the said manhole at the southern end of the Temple Hill sewer and terminating by a junction with the southern end of the relief sewer described in paragraph (vi) of the definition of “the 1957 sewerage works” and the other commencing by a junction with the northern end of such last-mentioned relief sewer and terminating by a junction with the Temple Hill sewer at the manhole situate 461 yards or thereabouts northward of the southern end of the Temple Hill sewer;

PART VII
—cont.

(b) the Councils shall indemnify the Corporation against any proceedings, costs, claims, damages or demands arising from any such flooding as aforesaid:

Provided that the Dartford Corporation shall give to the Councils reasonable notice of any such proceeding, claim or demand as aforesaid and shall not settle or compromise the same without the prior agreement of the Councils:

- (12) Any difference which may arise between the Councils and the Dartford Corporation under this section shall be settled by arbitration.

For protection
of Essex and
Kent river
authorities.

63. For the protection of the Essex River Authority and of the Kent River Authority (hereinafter in this section respectively referred to as “the authority”) the following provisions of this section shall unless otherwise agreed in writing between the authority and the Councils apply and have effect:—

- (1) In this section—

“drainage work” means any bank, wall, embankment or watercourse constructed or used for the drainage of land, or any structure or appliance constructed or erected in connection therewith, and for this purpose “drainage” includes defence against water (including sea water);

“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers (other than sewers vested in a local authority or joint board of local authorities) and passages through which water flows:

- (2) Not less than two months before commencing the execution of any works under the powers of this Act which shall or may pass over, under or by the side of or interfere with any drainage work belonging to, vested in or under the jurisdiction or control of the authority (hereinafter in this section referred to as “the authority’s works”) or which shall involve any alteration of any of the authority’s works, the Councils shall submit to the authority all reasonable particulars together with plans, sections and drawings of any such works which the Councils propose to carry out and no such works shall be carried out otherwise than in accordance with the particulars, plans, sections and drawings approved by the authority in writing or settled by arbitration as hereinafter provided:

Provided that nothing in this paragraph shall apply to any work which is to be carried out in accordance with particulars, plans, sections and drawings which have been approved by the authority, the Essex River Board or the Kent River Board (as the case may be) before the passing of this Act:

PART VII
---cont.

- (3) If by reason of or in connection with the execution of any such works the authority shall reasonably require the Councils to alter any of the authority's works or to execute any work for protecting any of the authority's works the Councils shall at their own cost in accordance with particulars, plans, sections and drawings previously submitted to and approved by the authority in writing or settled by arbitration as hereinafter provided make and execute such alterations or carry out such works as the authority may have so required or as may have been settled by arbitration:
- (4) If within two months after the receipt of any such particulars, plans, sections and drawings as are hereinbefore mentioned the authority have not intimated to the Councils their disapproval thereof or their requirements with respect to any such works, they shall be deemed to have approved such particulars, plans, sections and drawings and such works may be carried out in accordance therewith:
- (5) The Councils shall in executing any works under the powers of this Act take all such precautions as the authority may reasonably require for preventing any injury to any of the authority's works:
- (6) All such works of the Councils as are referred to in paragraphs (2) and (3) of this section shall be executed under the superintendence (if after reasonable notice from the Councils the same be given) and to the reasonable satisfaction of the engineer to the authority:
- (7) The Councils shall be responsible for and make good all damage which may be occasioned to any of the authority's works in consequence of the execution of any of the new works either (a) during the construction of the new works or (b) within three years after the completion of the new works and shall also be responsible for and make good all damage which may be occasioned to any watercourse forming part of the authority's works within five years from the completion of any of the new works or of the existing works (as the case may be) through the settlement of any embankment forming part of any such new work or existing work or movement

PART VII
—cont.

of soil due to any such embankment if such settlement or movement can be shown to be attributable to the special nature of the subsoil:

Provided that the authority may at their option themselves carry out any works reasonably required to be carried out for the purpose of making good any such damage to the authority's works and the reasonable cost incurred by the authority in carrying out such works shall be paid by the Councils:

- (8) If any difference shall arise between the authority and the Councils under the provisions of this section the matter in difference shall be determined by arbitration.

For protection
of British
Railways
Board.

64. For the protection of the British Railways Board (in this section referred to as "the board") the following provisions shall, unless otherwise agreed in writing between the Councils and the board, apply and have effect:—

- (1) In this section—

"the engineer" means an engineer to be appointed by the board;

"the specified works" means—

(i) the bridge constructed by the Councils under the powers of the Act of 1937 for carrying the road Work No. 1A authorised by that Act over the North Kent Railway (Southern Region) of the board;

(ii) the bridge constructed by the Councils under the powers of the Act of 1957 for carrying the road Work No. 1 authorised by that Act over the Tilbury Branch Railway (Eastern Region) of the board;

and so much of any of the works authorised by the Act of 1937 and the Act of 1957 as may be situated upon, across, under or over any property of the board or may in any way affect the same:

- (2) (a) The Councils shall at their own expense maintain the specified works in substantial repair and good order and condition (and where such maintenance involves renewal renew them) to the reasonable satisfaction and under the supervision (if given) of the engineer and so as to leave undisturbed at all times the railway works and property of the board and if and whenever the Councils fail so to do after reasonable notice in writing to be given by the board to the Councils, or in case of emergency, the board may make and do in and upon as well the lands of the Councils as their own lands all such works and things as may be requisite, and the amount of the expenditure reasonably incurred by the board in that behalf shall be repaid to them by the Councils;

(b) In the event of the Councils carrying out any structural alteration or renewal of the specified works, the Councils shall, except in any case of emergency, give twenty-eight days' previous notice in writing to the board of their intention so to do. Such notice shall be accompanied by a sufficient description of the works to be executed and all such works shall be carried out only at such times as the engineer shall reasonably require and the execution thereof when commenced shall proceed with all reasonable dispatch:

(3) The Councils shall be responsible for and make good to the board all costs, losses, damages and expenses which may be occasioned to the board—

(a) by reason of the specified works or the failure thereof; or

(b) by reason of any act or omission of the Councils, or of any person or persons in their employ, or of their contractors, in the course of maintenance or repair of the specified works;

and the Councils shall effectually indemnify the board from all claims and demands upon or against them by reason of such maintenance or repair or failure as aforesaid, or of any such act or omission, and the fact that any work or thing may have been done in accordance with any plan, section, drawings or particulars approved by the engineer, or in accordance with any requirement of the engineer, or under his supervision shall not (if it was done without negligence on the part of the board, or of any person in their employ, or of their contractors whilst engaged upon any works) excuse the Councils from any liability under the provisions of this section:

Provided that the board shall give to the Councils reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the agreement of the Councils:

(4) The board shall have the right in accordance with plans, sections, drawings and particulars to be previously submitted to and reasonably approved by the Councils at any time to attach to the bridge referred to in subparagraph (ii) of the definition of "the specified works" set forth in paragraph (1) of this section such cables, telegraph and telephone wires and other apparatus of all descriptions as may be required in connection with their railway and to remove or alter the same from time to time as they may think fit:

PART VII
—cont.

- (5) Any additional expense which the board may reasonably incur (after giving one month's notice thereof to the Councils) in widening, altering, reconstructing or maintaining the railway and railway works of the board in pursuance of any powers existing at the passing into law of the Act of 1957 by reason of the existence of Work No. 1 authorised by that Act shall be repaid by the Councils to the board:
- (6) The Councils, their successors and assigns shall not object to any restriction imposed by the board on the height of vehicles using the accommodation level-crossing over the Tilbury Branch Railway (Eastern Region) of the board south of the lands numbered 17 in the urban district of Thurrock on the plans deposited in connection with the Bill for the Act of 1957:
- (7) Any dispute or difference which may arise between the Councils and the board under the provisions of this section (other than a question as to the meaning or construction of this section) shall be referred to and determined by arbitration.

For protection
of port
authority.

65. For the protection of the port authority and river users the following provisions shall unless otherwise agreed between the Councils and the port authority have effect (that is to say):—

- (1) The Councils shall not execute or commence to execute any work in the river Thames (in this section called “the river”) or on or under the bed, shores or banks thereof except in accordance with plans, elevations and sections approved by the port authority in writing under the hand of their secretary (which approval shall not be unreasonably withheld but may be given subject to reasonable conditions) and a work which is so approved shall be subject to section 244 (Certain works to be approved by the Board of Trade) of the Port of London (Consolidation) Act, 1920. The port authority shall be deemed to have approved such plans, elevations and sections unless they notify to the Councils their disapproval within twenty-eight days after the submission thereof by the Councils:
- (2) All such works shall be constructed to the reasonable satisfaction of the engineer of the port authority and the Councils shall, in the construction and subsequent operation of such works ensure that the traffic of the river shall not be interfered with more than is reasonably necessary:
- (3) Notwithstanding anything in this Act no part of the tunnel authorised by this Act or of any works connected therewith shall be constructed in such position or of

1920 c. clxxiii.

such dimensions or otherwise so as to prevent the port authority from deepening and dredging the river in any part to the depth shown by the line marked “Limit of Dredging” on the section of that work deposited in connection with the Bill for this Act, being the same depth as is shown by the red line marked “Dredging Line” on the section signed in quadruplicate by Major the Right Honourable William Ormsby-Gore the Chairman of the Committee of the House of Commons to which the Bill for the Act of 1930 was referred and which section was deposited as to one copy in the Parliament Office of the House of Lords, as to another copy in the Committee and Private Bill Office of the House of Commons and as to the third and fourth copies at the offices of the Minister and the port authority respectively:

- (4) The port authority shall not be liable, in the absence of negligence, for any damage or injury howsoever caused to the tunnel or to any of the authorised works (whether temporary or permanent) resulting from the dredging operations of the port authority or 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 thereof, but the provisions of this subsection shall not protect the port authority in respect of the carrying out of any such dredging or other operations or works within 200 feet on each side of either of the centre lines of the tunnels comprised in the existing works and in the new works as constructed, and below the depth shown by the said red line:
- (5) The owners and masters of vessels shall not be liable to make good any damage which may be caused to any temporary work or plant placed by the Councils in the river under the powers of this Act except such as may arise from the wilful act or wilful default of such owners or masters or their servants or agents:
- °(6) Nothing in this Act shall authorise or empower the Councils, without the previous consent of the port authority signified under the hand of their secretary, to embank, encroach upon or interfere with any part of the bed, shores or banks of the river except as is expressly authorised by this Act:
- (7) Except so far as may be unavoidable in the construction of the new works, the Councils shall not, without the consent of the port authority signified under the hand of their secretary, deposit or permit the deposit of any material on or in the river or on the bed, shores or banks

PART VII
—cont.

of the river and all materials excavated by the Councils from the bed, shores or banks thereof in the construction of the new works shall be removed by and at the expense of the Councils and shall not be allowed to fall or to be washed into the river:

- (8) The Councils shall allow the authorised representatives of the port authority to inspect and survey all or any of the authorised works in, on, under or over the river, or immediately adjoining the river, on reasonable written notice in that behalf being given to the Councils by the port authority, and shall give all reasonable facilities for so doing:
- (9) The Councils shall not (except so far as may be necessary in the construction of the new works) take any gravel, soil or other material from the bed, shores or banks of the river without the previous consent of the port authority signified in writing under the hand of their secretary:
- (10) The Councils shall during the progress of such of the new works as are in the river or on the bed, shores or banks of the river and, as respects any of the authorised works, so long as any such works are maintained in the river or on the bed, shores or banks of the river—
 - (a) during every night from sunset to sunrise hang out and exhibit and keep burning at or near to the said works such lights; and
 - (b) during every day exhibit such marks or beacons; as shall be proper and sufficient for the navigation and safe guidance of vessels and shall take such other steps for preventing so far as may be danger to navigation as shall from time to time be directed by the port authority. The said lights, marks and beacons shall from time to time be altered by the Councils in such manner and be of such kind and number and be so placed and used as the port authority by writing under the hand of their secretary shall approve or direct and, in case the Councils fail so to exhibit and keep burning such lights and to exhibit such marks and beacons, they shall for every such offence be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine:
- (11) The Councils shall, upon reasonable notice in writing from the port authority so to do, remove any temporary works and materials for temporary works which may have been placed in the river by the Councils and are no longer in use and in any event within one year after the completion of the construction of the tunnel

authorised by this Act and, on the Councils failing so to do, the port authority may remove the same charging the Councils with the expense of so doing and the Councils shall forthwith repay to the port authority all expenses so incurred:

(12) (a) Any pile, stump or other obstruction in the river which becomes exposed in consequence of the new works shall be removed from the river by the Councils or, if it is not reasonably practicable to remove it, shall be cut off at such level below the bed of the river as the port authority may direct;

(b) If the Councils fail to remove from the river any such pile, stump or other obstruction within twenty-eight days after receipt of written notice from the port authority requiring the removal, the port authority may carry out the removal and recover their expenses from the Councils:

(13) If—

(i) any work comprised in the existing works or the new works is abandoned or out of repair and is either wholly or partially in the river below mean high-water springs, or is in such other position that it is or is likely to become a danger to or interfere with navigation or other public rights in the river; and

(ii) the port authority by written notice require the Councils to repair the work or (if the Councils no longer require the work) to abate and remove the work or any part of it and restore the site to its former condition; and

(iii) the Councils fail to comply with the notice within twenty-eight days after the receipt of it;

the port authority may abate and remove the work or any part of it and restore the site to its former condition and may recover their expenses from the Councils:

(14) The port authority may recover from the Councils any expenses which the port authority incur—

(i) in dredging away any accumulation of mud or silt consequent upon the execution or maintenance of the existing works or the new works;

(ii) in obtaining and depositing in the river such material as is necessary in the opinion of the port authority to protect river users and other works in the river from the effects of scouring of the river bed consequent upon the execution or maintenance of the existing works or the new works;

PART VII
—*cont.*

(iii) in altering any mooring in any way which in the opinion of the port authority may be rendered necessary or desirable by reason of the execution or maintenance of the existing works or the new works:

1920 c. clxxiii.

- (15) (a) Notwithstanding anything in this Act, the compensation or consideration payable to the port authority in respect of any easement acquired by the Councils under this Act and of any temporary works placed in the river or on, over or under the bed, shores or banks thereof and in respect of any mains, pipes, cables, wires or other works or apparatus which may after the passing of this Act be carried under the river by means of the tunnel (other than such as may be placed and used solely by the Councils for the purpose of their respective undertakings or in pursuance of any of their powers or duties) shall be assessed in accordance with the provisions of section 254 of the Port of London (Consolidation) Act, 1920, and the port authority may recover the assessors' fees so incurred from the Councils or other person to whom the works or apparatus belong;
- (b) The Councils shall give notice in writing to the port authority of the placing or carrying of any such main, pipe, cable, wire or other work or apparatus under the river by means of the tunnel other than such thereof as are so excepted as aforesaid:
- (16) Nothing in this Act or in any Act incorporated therewith shall authorise the Councils in the construction of the new works or any of them or in the exercise of any powers of this Act to discharge or allow to escape either directly or indirectly into the river or its tributaries any poisonous, noxious or polluting matter in solution or in suspension or otherwise, or to prejudice or affect in any manner the operation of any provision of the Port of London Acts, 1920 to 1965, relating to pollution:
- (17) On the completion of the construction of the tunnel authorised by this Act, the Councils shall supply to the port authority without payment a plan on a scale of not less than 1 inch to 208.33 feet and sections and cross-sections on scales of not less than $\frac{1}{8}$ -inch to 1 foot showing the situation and levels of the said tunnel and of all other permanent works (if any) constructed by the Councils in connection therewith under the river:
- (18) Except as is expressly provided by this Act, nothing in this Act shall extend to, or be construed to extend to, prejudice or derogate from the estates, rights, interests,

privileges, liberties or franchises of the port authority or to prohibit, defeat, alter or diminish any power, authority or jurisdiction which at the time of the passing of this Act the port authority did or might lawfully claim, use or exercise under and by virtue of the Port of London Acts, 1920 to 1965:

PART VII
—cont.

- (19) Any difference which shall arise between the Councils and the port authority under any provisions of this section (other than paragraphs (6), (15) and (16) thereof) shall be referred to and determined by arbitration.

66.—(1) (a) The Councils shall in constructing Work No. 1 authorised by this Act provide for the telegraphic lines of the Postmaster General such reasonable accommodation as may be sufficient for ten cables each with an external diameter of 3 inches and for any apparatus ancillary thereto and shall also provide a means by which the Postmaster General may have access to the said telegraphic lines, after the same are laid or installed, without breaking up or interfering with the carriageways and footways comprised in Work No. 1 authorised by this Act. The accommodation and means of access so to be provided shall be provided in accordance with plans, sections and particulars to be previously submitted to and reasonably approved by the Postmaster General:

For protection
of Postmaster
General.

Provided that if within one month after the receipt of such plans, sections and particulars as aforesaid the Postmaster General shall not have intimated to the Councils his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the plans, sections and particulars as submitted.

(b) The additional cost reasonably incurred by the Councils in the provision of such accommodation and means of access together with a reasonable sum representing any additional cost so incurred (consequent on such provision) in operating the ventilation facilities of the tunnel shall be repaid to the Councils by the Postmaster General in a single payment or in such other manner as may be agreed between the Councils and the Postmaster General.

(c) For the purposes of this subsection the additional cost of providing accommodation or means of access shall be the difference between the cost of constructing Work No. 1 authorised by this Act designed with such accommodation and means of access and the cost of constructing the same designed without making provision for such accommodation and means of access.

(d) The Postmaster General shall conform with the reasonable requirements of the Councils as to the time or times at which,

PART VII
—cont.

and the manner in which, he is to lay down or instal in the accommodation provided the said telegraphic lines or carry out any other work in relation thereto and the Councils shall be entitled to superintend such laying down, installation or other work. The costs reasonably incurred by the Councils in such superintendence shall be repaid to them by the Postmaster General.

(e) Any question or difference which may arise between the Postmaster General and the Councils under this subsection (other than a question or difference as to the meaning or construction of this subsection) shall be determined by arbitration.

(2) Nothing in section 34 (No sewers, mains or pipes to be laid in tunnel or tunnel approaches) of this Act shall alter, prejudice or affect any of the rights and powers of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1962, to lay or maintain telegraphic lines—

(a) in the accommodation provided in Work No. 1 authorised by this Act pursuant to subsection (1) of this section or in the tunnel authorised by the Act of 1930 pursuant to subsection (2) of section 23 (For protection of Postmaster General) of that Act; or

(b) in, under, along or across the tunnel and the tunnel approaches (other than Work No. 1 authorised by this Act and the tunnel authorised by the Act of 1930).

(3) Any electrical works, machinery, plant or apparatus made, provided, erected or maintained under the powers of this Act shall be so made, provided or erected and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line.

For protection
of certain
statutory
undertakers.

67. For the protection of the undertakers the following provisions shall, notwithstanding anything contained in any other enactment, unless otherwise agreed in writing between the Councils and any of the undertakers, apply and have effect:—

(1) In this section, unless the subject or context otherwise requires—

“ apparatus ” means—

(a) any electric line or works (as respectively defined in the Electric Lighting Act, 1882) of the Central Electricity Generating Board, the Eastern Electricity Board, the London Electricity Board or the South Eastern Electricity Board and includes any works constructed for the lodging therein of apparatus;

(b) any main, pipe or other apparatus of the North Thames Gas Board or the South Eastern Gas Board and includes any works constructed for the lodging therein of apparatus;

(c) any main, pipe or other apparatus of the Metropolitan Water Board or the South Essex Waterworks Company and includes any works constructed for the lodging therein of apparatus;

“undertakers” means—

the Central Electricity Generating Board; or
the Eastern Electricity Board; or
the London Electricity Board; or
the South Eastern Electricity Board; or
the North Thames Gas Board; or
the South Eastern Gas Board; or
the Metropolitan Water Board; or
the South Essex Waterworks Company;

as the case may be:

- (2) The undertakers referred to in column 1 of the following table shall continue entitled at all times to use free of charge the accommodation and support provided by the Councils in or near to the works as now constructed and mentioned respectively in column 2 of the said table for the purpose of laying and placing therein the apparatus mentioned respectively in column 3 of the said table and any necessary apparatus ancillary thereto :—

1	2	3
Undertakers	Work	Apparatus for which accommodation is provided
South Eastern Gas Board	Subway Work No. 3 authorised by the Act of 1957	One gas main having an internal diameter of 12 inches. One gas main having an internal diameter of 6 inches.
	Footpath Work No. 5 authorised by the Act of 1957	One gas main having an internal diameter of 6 inches.
	Road Work No. 6 authorised by the Act of 1957	One gas main having an internal diameter of 6 inches.
	Bridge Work No. 7 authorised by the Act of 1957	One gas main having an internal diameter of 12 inches. One gas main having an internal diameter of 6 inches. One gas main having an internal diameter of 4 inches.

PART VII
—cont.

1	2	3
Undertakers	Work	Apparatus for which accommodation is provided
South Eastern Gas Board (continued)	Bridge Work No. 8 authorised by the Act of 1957	One gas main having an internal diameter of 4 inches.
	Bridge carrying Work No. 1 authorised by the Act of 1962 over Work No. 9 authorised by the Act of 1957	One gas main having an internal diameter of 8 inches.
Metropolitan Water Board	Subway Work No. 3 authorised by the Act of 1957	One water main having an internal diameter of 4 inches.
	Footpath Work No. 5 authorised by the Act of 1957	One water main having an internal diameter of 4 inches.
	Road Work No. 6 authorised by the Act of 1957	One water main having an internal diameter of 10 inches.
		One water main having an internal diameter of 4 inches.
	Bridge Work No. 7 authorised by the Act of 1957	One water main having an internal diameter of 10 inches.
		One water main having an internal diameter of 4 inches.
	Bridge Work No. 8 authorised by the Act of 1957	One water main having an internal diameter of 12 inches.
		One water main having an internal diameter of 6 inches.
		One water main having an internal diameter of 4 inches.
	Bridge carrying Work No. 1 authorised by the Act of 1962 over Work No. 9 authorised by the Act of 1957	One water main having an internal diameter of 12 inches.
		One water main having an internal diameter of 4 inches.

- (3) Notwithstanding the stopping up of any street or part of a street, whether permanently under the powers of any enactment repealed by this Act, or temporarily under the powers of section 20 (Temporary stoppage of streets) or the closing of any authorised works under section 33 (Closing of authorised works) of this Act, the undertakers, their engineers and workmen and others in their employ shall at all times have such rights of access to all or any apparatus situate in or under any such street or part of a street or works, as they had immediately before such stopping up or closing and, where the undertakers have such rights of access as aforesaid, they shall be at liberty to execute and do all such works and things in, upon or under such street or works or part of a street or works, as may be necessary for inspecting, repairing, maintaining, renewing or removing such apparatus or with the consent of the Councils (which shall not be unreasonably withheld) laying new apparatus:

Provided that this paragraph shall not apply to any street or part of a street permanently stopped up where apparatus therein or thereunder has been replaced by substituted apparatus:

- (4) Nothing in section 32 (Restriction on use of tunnel) of this Act shall preclude the undertakers or their officers, servants or agents from having, for the purposes of inspecting, repairing, maintaining, removing or replacing any apparatus, reasonable access to any part in which such apparatus is situate of any road which will form part of any of the tunnel approaches:
- (5) Should any interruption in the supply of electricity by the undertakers during the construction of the new works and any other works authorised by this Act be in any way occasioned either by reason of the exercise by the Councils of the powers of this Act or by any act or default of the Councils or any of their contractors, agents, workmen or servants or any person in the employ of them or any or either of them the Councils shall make to the undertakers full compensation for any loss, injury or damage sustained by the undertakers consequent upon such interruption:
- (6) Where by reason or in consequence of the exercise of any of the powers of this Act any apparatus is rendered derelict or unnecessary the Councils shall pay to the undertakers the value of such apparatus so rendered derelict or unnecessary unless proper and sufficient substituted apparatus is provided by or at the cost of the Councils and the cost reasonably incurred by the

PART VII
—*cont.*

undertakers in the cutting off of such apparatus from other apparatus. Any apparatus so rendered derelict or unnecessary shall be the property of the Councils:

- (7) (a) Notwithstanding anything contained in section 34 (No sewers, mains or pipes to be laid in tunnel or tunnel approaches) of this Act, the North Thames Gas Board, the South Eastern Gas Board and the Metropolitan Water Board shall continue to be entitled for the purpose of laying down, maintaining, inspecting, repairing, renewing or removing apparatus to exercise from time to time with reference to a protected highway the like rights of opening and breaking up the same as if that section had not been enacted:

Provided that the South Eastern Gas Board and the Metropolitan Water Board shall not be entitled to lay any main in any part of the protected highway which is situate on the bridge carrying Work No. 1A authorised by the Act of 1937, as now constructed, over the North Kent Railway (Southern Region) of the British Railways Board other than in the case of the South Eastern Gas Board two mains with an internal diameter not exceeding 12 inches for which the Councils have provided accommodation in such part of such protected highway;

- (b) In this paragraph "protected highway" means—

(i) the footways, verges and cycle-tracks (as constructed by the Councils) of Work No. 1A authorised by the Act of 1937, of Works Nos. 1 and 9 authorised by the Act of 1957 and of Works Nos. 5 and 6 authorised by the Act of 1962, other than any viaduct or bridge forming part of the said Work No. 1; and

(ii) the footways, verges and cycle-tracks (as so constructed) of so much of Work No. 1 authorised by the Act of 1930 as comprises that part of the southern approach to the tunnel which is situate between the point of commencement of the said Work No. 1A and the point of commencement of the gradient to the southern entrance of the tunnel:

- (8) Notwithstanding anything contained in section 55 (Power to provide toll-houses, etc.) of this Act, in any case where the Councils under the powers of that section or of any enactment repealed by this Act have provided, set up or maintained any toll-house, toll-gate, office or other convenience (in this paragraph referred to respectively as any "structure") on any highway not forming part of the tunnel or the tunnel approaches and on or over any apparatus of the undertakers laid or placed under statutory authority before the erection of the structure, and the undertakers to whom the apparatus

belongs give to the Councils notice in writing of their desire to obtain access to such apparatus, the Councils shall if such access is reasonably necessary either remove temporarily the structure or so much thereof as shall be required to be so removed in order to afford such access or (if the Councils determine not to remove the structure or part thereof) bear any additional expense due to the existence of the structure which may be reasonably incurred by those undertakers in obtaining such access:

- (9) (a) The South Eastern Gas Board shall be entitled at any time without making payment for such right to lay one additional transmission main having an internal diameter not exceeding 36 inches in a line parallel to, and at the same level as, and at a distance of not less than 18 inches and not more than 4 feet from the existing transmission main;
- (b) For the purposes of inspecting, maintaining, repairing, renewing or removing the existing transmission main or laying, inspecting, maintaining, repairing, renewing or removing any such additional transmission main as is referred to in sub-paragraph (a) of this paragraph, the South Eastern Gas Board shall have all such rights of access to any such main and of entering upon, breaking up and interfering with the land in which the main is or will be situated as they would be entitled to exercise, and shall be subject to all such obligations as they would be subject to, if the said land formed part of a street under the management or control of the authority in whom that land is for the time being vested;
- (c) In this paragraph “the existing transmission main” means the existing 36-inch transmission main of the South Eastern Gas Board laid pursuant to subsection (7) of section 49 (For further protection of South Eastern Gas Board) of the Act of 1957 as subsequently diverted or relaid pursuant to subsections (3) to (5) inclusive of section 21 (For protection of South Eastern Gas Board) of the Act of 1962:
- (10) If any question or difference shall arise between the Councils and the undertakers under this section (other than a difference as to the meaning or construction of this section) such question or difference shall be determined by arbitration.

68.—(1) In this section “the board” means the Central Electricity Generating Board. For further protection of Central Electricity Generating Board.

(2) Nothing contained in or done under this Act or any Act applied thereby shall affect such rights (if any) as the board may

PART VII
—cont.

have under clause 13 of a contract dated 7th March, 1933, and made between the Honourable Andrew Alexander Morton Weir of the one part and the Kent Council of the other part and ratified and confirmed by a conveyance dated 31st March, 1933, and made between the same parties.

(3) Notwithstanding anything in this Act or shown on the deposited plans the Councils shall acquire only so much of the lands numbered 3, 4 and 5 on the deposited plans and such easements or rights in, over or under the same as shall be agreed between the Councils and the board, or in default of agreement determined by arbitration, to be reasonably necessary for the purposes of the new works:

Provided that notwithstanding the acquisition by the Councils of any lands aforesaid the board shall have a right of way, with any necessary vehicles, over such lands in such position (in extension of the road referred to in clause 13 of the contract mentioned in subsection (2) of this section) as shall be agreed between the Councils and the board, or in default of agreement determined by arbitration, to be suitable having regard to the reasonable requirements of the Councils and the board and the board shall be at liberty, if they so desire, at their own expense to construct and maintain a roadway thereover.

(4) If the Councils require for the purposes of this Act to alter the drainage system of any lands acquired thereunder, they shall take such steps (including if necessary the provision of alternative means of drainage) as are necessary to ensure that the drainage of any adjoining lands of the board are not adversely affected thereby.

(5) Any difference arising between the Councils and the board under this section shall be determined by arbitration.

Accommoda-
tion for
apparatus of
Central
Electricity
Generating
Board.

69.—(1) In this section, unless the subject or context otherwise requires—

“accommodation” means accommodation for the board to be provided in the construction of Work No. 1 authorised by this Act to instal two circuits together with apparatus ancillary thereto, each circuit being designed to operate at a pressure not exceeding 400,000 volts or such other pressure as may be agreed, and the cables and other works comprising the two circuits to have a cross-sectional area which at a cable joint will not be more than 15 square feet and at any other point will not be more than 10 square feet, together with a means by which the board may have access to the apparatus after the same is laid without breaking up or interfering with the surface of the carriageways and footways comprised in Work No. 1 authorised by this Act;

“ apparatus ” means the cables and other works comprising the circuits referred to in paragraph (a) of subsection (2) of this section together with any apparatus ancillary thereto; and

“ the board ” means the Central Electricity Generating Board.

(2) (a) If so requested in writing by the board within three months after this Act passes into law the Councils shall, before commencing to construct Work No. 1 authorised by this Act, submit to the board plans, sections and particulars and an estimate of the cost both of the accommodation and of any enlarged or additional machinery, plant or equipment which the Councils consider would be reasonably necessary in consequence of the provision of the accommodation or the installation of the apparatus.

(b) The board may give notice in writing to the Councils either that they reject the accommodation so offered or that they accept the same, whether or not subject to such modifications to the said plans, sections and particulars as they may reasonably require, and the Councils shall (in the event of any such acceptance) in constructing Work No. 1 authorised by this Act provide therein the accommodation—

- (i) if the accommodation has been so accepted without modification, in the form so agreed; or
- (ii) if the accommodation has been accepted subject to any such modification as aforesaid, in a form thereafter agreed or, in default of agreement, settled by arbitration:

Provided that if within one month (or, in the event of any other period being agreed in writing between the Councils and the board that period) after the receipt of such plans, sections and particulars and estimate of cost as aforesaid the board shall not have intimated to the Councils their acceptance, whether or not subject to any such modifications as aforesaid, they shall be deemed to have rejected the accommodation so offered.

(c) If the Councils are required to provide the accommodation under the foregoing provisions of this section—

- (i) the nature, position and (as far as the same has not been determined at the time of the approval by the board under paragraph (b) of this subsection) the extent of the accommodation so provided and the means of access thereto;
- (ii) the type, spacing, characteristics and proposed use of the apparatus; and
- (iii) any other works and any machinery, plant or equipment necessary to be provided to enable the apparatus to be

PART VII
—cont.

installed and effectively used without interference with or danger to traffic or persons using the tunnel or the tunnel approaches;

shall be agreed between the Councils and the board or, in default of agreement, settled by arbitration.

(3) (a) The board shall repay to the Councils—

(i) if the board reject accommodation which has been offered in accordance with subsection (2) of this section, the costs incurred by the Councils in or in connection with the submission of the plans, sections and particulars and estimate of cost as described in that subsection;

(ii) if the board accept any such accommodation in accordance with that subsection, the additional cost (if any) incurred by the Councils in providing the accommodation provided pursuant to the foregoing provisions of this section together with the additional cost of any enlarged or additional machinery, plant or equipment which the Councils may consider to be reasonably necessary in consequence of the provision of the accommodation or the installation of the apparatus.

(b) For the purposes of this subsection the additional cost of providing accommodation shall be the difference between the cost of constructing Work No. 1 authorised by this Act designed with such accommodation and the cost of constructing the same designed without making provision for such accommodation.

(4) The board shall conform with the reasonable requirements of the Councils as to the time or times at which and the manner in which the board are to lay down or instal in the accommodation provided the apparatus, or carry out any other work under this section, and the Councils shall be entitled to superintend such laying down, installation or other work. The costs reasonably incurred by the Councils in such superintendence shall be repaid to them by the board.

(5) The board shall be entitled at all times to use the accommodation provided pursuant to the foregoing provisions of this section for the purposes of laying down and placing therein the apparatus and for the purpose of inspecting, repairing, maintaining, removing or renewing the apparatus:

Provided that—

(a) the apparatus shall at all times conform in its installation, design, construction and use with the reasonable requirements of the Councils;

(b) except in case of emergency, the board shall give to the Councils not less than ten days' notice in writing of their intention to execute works in Work No. 1 authorised by this Act and shall conform with the reasonable requirements of the Councils as to the time

or times at which the board may exercise the right of entering upon and executing works in Work No. 1 authorised by this Act, and as to the manner in which such works are executed, and the Councils shall be entitled to superintend the execution of such works. The costs reasonably incurred by the Councils in such superintendence shall be repaid to them by the board;

- (c) the board shall pay to the Councils the increased costs reasonably incurred by the Councils in operating and maintaining Work No. 1 authorised by this Act (including the operation, maintenance and renewal of machinery, plant and equipment) in consequence of the provision of the accommodation and the installation of the apparatus and the use thereof by the board.

(6) The board shall not be entitled to break up, interfere with or obstruct the surface of the carriageways and footways of the tunnel or of the tunnel approaches nor to obstruct or interfere in any way with the free flow of traffic in the tunnel and the tunnel approaches except at such times and in accordance with such terms and conditions as may be agreed between the Councils and the board or, in default of agreement, as may be settled by arbitration.

(7) (a) The board shall maintain in good repair and to the reasonable satisfaction of the Councils the apparatus placed in Work No. 1 authorised by this Act by the board and shall from time to time carry out and maintain such works or take such other precautions as the Councils may reasonably require to be done, provided or taken for ensuring the safety of the tunnel and the tunnel approaches and the safety and convenience of those using the tunnel and the tunnel approaches, being works or precautions reasonably required to be done, provided or taken in consequence of the exercise by the board of the rights conferred upon them by this section and, in default, the Councils may at the expense of the board carry out and maintain such works or take such precautions, and the board shall repay to the Councils any expenses reasonably incurred by the Councils in carrying out any such works or taking any such precautions.

(b) The board shall indemnify the Councils against any loss, damage, costs, expenses and liabilities suffered or incurred by the Councils and against all actions, proceedings, claims or demands made or taken against the Councils by reason or in consequence of any damage or injury whatsoever which may arise or be occasioned by reason or in consequence of the failure of the board to comply with the provisions of this section, or any fault in, or failure or breakage of or accident to any apparatus or otherwise arising out of, or in any way attributable to, the exercise by the board of the rights conferred upon them by this

PART VII
—cont.

section except to the extent that such actions, proceedings, claims or demands may arise by reason of the neglect or default of the Councils, their servants or agents.

(c) Whenever any loss or damage occurs which might give rise to a claim against the board under this section the Councils shall as soon as possible give notice thereof to the board, and if within a reasonable time after receiving such a notice the board serve a counter-notice on the Councils admitting liability as between the Councils and the board for such loss or damage, the board shall be entitled to assume responsibility for the conduct of any claim or legal action which may arise as a result thereof, which shall thereafter be conducted in the name of the Councils but in all respects under the control and direction of the board; if no such counter-notice is served, the Councils shall not concede or compromise any claim made upon the Councils without the concurrence of the board.

(8) Subject to the provisions of this section the Councils shall afford to the board all such facilities as the board may reasonably require for the purpose of connecting the apparatus with any other mains, cables or apparatus of the board.

(9) The accommodation for the apparatus of the board provided by the Councils under the provisions of this section shall be maintained by the Councils to the reasonable satisfaction of the board and the costs reasonably incurred by the Councils under this subsection (including costs of periodical inspections by the Councils) shall be paid by the board to the Councils.

(10) (a) Any difference which may arise between the Councils and the board under this section, other than any difference as to the meaning or construction of this section, shall be settled by arbitration.

(b) In settling any difference under this section, the arbitrator shall have regard to the need for the Councils to ensure the maintenance of a free flow of traffic in the tunnel and the tunnel approaches and to secure the safety of persons and vehicles therein.

PART VIII

MISCELLANEOUS AND GENERAL

Appointment
of joint
committee.

1933 c. 51.

70.—(1) A joint committee of the Councils shall be appointed under and (except where those provisions are inconsistent with the provisions of this Act) subject to the provisions of the Local Government Act, 1933, relating to joint committees for the purpose of exercising such of the functions of the Councils under this Act as may be delegated to the joint committee by the Councils except the powers of the Councils relating to—

- (a) the acquisition, appropriation, leasing or disposal of land under this Act; or
- (b) the borrowing of money under this Act.

(2) The joint committee appointed as aforesaid shall consist of five members of the Essex Council to be appointed by that council and five members of the Kent Council to be appointed by that council, or of such greater equal number of members of each of the Councils as the Councils may from time to time determine.

(3) Should any vacancy arise on the joint committee, the Council in whose representation the vacancy arises shall appoint another person to fill such vacancy.

(4) A quorum of the joint committee shall consist of two members from each of the Councils, or such greater equal number of members from each of the Councils as the Councils may from time to time determine.

(5) For the avoidance of doubt it is hereby declared that the accounts of the joint committee shall for all purposes be deemed to be accounts of the Councils.

(6) The joint committee appointed by the Councils under any enactment repealed by this Act, and the members thereof in office immediately before the passing of this Act, shall be deemed to have been appointed respectively as the joint committee and the members thereof under this section and a delegation by the Councils to the joint committee of any functions under the enactments repealed by this Act shall have effect, subject to the same exceptions, reservations, restrictions and conditions, as a delegation of those functions under the corresponding provisions of this Act.

71.—(1) Notwithstanding anything contained in section 16 of the London Passenger Transport Act, 1933, or in section 141 of the Road Traffic Act, 1960, the Councils may provide (but shall not manufacture) and maintain and operate vehicles for the purpose of providing services for carrying bicycles and persons riding thereon or carried thereby and other persons into, along and through the tunnel, and may do all such things and make all such arrangements as may be requisite for or incidental to the provision and maintenance of such vehicles and the operation thereof for the purpose aforesaid:

Provision and operation of services for transporting cyclists and other persons through tunnel.
1933 c. 14.
1960 c. 16.

Provided that the Councils shall not themselves provide, maintain and operate any vehicles under the powers of this subsection without the consent of the London Transport Board, but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister.

(2) Section 134 of the Road Traffic Act, 1960, shall not apply in relation to the use into, along or through the tunnel for the

PART VIII
—cont.

purposes of this section of vehicles provided thereunder and, notwithstanding anything in subsection (4) of the said section 134, a road service licence shall not be required in respect of the provision of services of vehicles under this section.

(3) (a) The Councils, on the one hand, and any other company, body or person, on the other hand, may enter into and carry into effect agreements for the transfer to and exercise by any such other company, body or person, subject to such terms and conditions as may be agreed, of all or any of the powers conferred upon the Councils by this section, and subject to the provisions of this Act and to the terms of any such agreement, such company, body or person may exercise the powers so transferred to them:

Provided that the Councils shall not enter into any such agreement with any company, body or person other than the London Transport Board without the consent of that board, but such consent shall not be unreasonably withheld, and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister.

(b) Any such agreement may make provision as to the payments to be made by either party thereto to the other party.

1960 c. 16.

(4) (a) Notwithstanding anything in section 129 of the Road Traffic Act, 1960, the Minister may by order provide that any vehicle or vehicles provided for the purposes of this section need not comply with such one or more of the prescribed conditions of fitness for the time being in force by virtue of that section as may be specified in the order and, in relation to any such vehicle or vehicles, may by any such order modify the said prescribed conditions of fitness or substitute such alternative conditions, if any, as he may think fit.

(b) While any order made by the Minister under paragraph (a) of this subsection is in force, the references in the said section 129 and in section 133 of the Road Traffic Act, 1960, to prescribed conditions of fitness shall in relation to any such vehicle or vehicles as aforesaid be construed as being references to the said conditions as modified by such order or to the alternative conditions substituted therefor, as the case may be.

(c) Any order made by the Minister under subsection (4) of section 34 (Provision and operation of services for transporting cyclists through tunnel) of the Act of 1957 shall be deemed to have been made under this section.

(5) Except as otherwise expressly provided, nothing in this section shall be in derogation of Part III of the Road Traffic Act, 1960.

72.—(1) The Councils may in pursuance of this Act and any other Act enabling them in that behalf make and enforce byelaws for—

PART VIII
—cont.
Byelaws.

- (a) the regulation, control and protection of the tunnel and the tunnel approaches or of any part of the tunnel or the tunnel approaches and of persons resorting to or using the same;
- (b) the management, regulation, direction and control of traffic of every description using the tunnel or the tunnel approaches or any part of the tunnel or the tunnel approaches;
- (c) securing the safe custody, redelivery or disposal of any property accidentally left or abandoned in the tunnel or on the tunnel approaches or in any premises used for the purposes of or in connection with the tunnel or the tunnel approaches or in any vehicle (not being a public service vehicle as defined in section 117 of the Road Traffic Act, 1960) of or operated by the Councils 1960 c. 16. and for fixing the charges to be made by the Councils in respect thereof.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, byelaws made by the Councils in pursuance of this section may contain provisions—

- (a) fixing maximum and minimum speed limits or either of such speed limits to be observed by motor vehicles whilst passing through the tunnel or along the tunnel approaches or through or along part of the tunnel or the tunnel approaches;
- (b) prohibiting the passage of particular traffic through the tunnel or along the tunnel approaches or through or along any part of the tunnel or the tunnel approaches either generally or during particular hours:

Provided that the Minister shall not confirm any byelaws prohibiting the passage through the tunnel or along the tunnel approaches or through or along any part of the tunnel or the tunnel approaches of bicycles unless he is satisfied that during any period during which such passage is prohibited a satisfactory service under section 71 (Provision and operation of services for transporting cyclists and other persons through tunnel) of this Act or otherwise will be provided for carrying such bicycles, and the persons riding thereon or carried thereby through and along the tunnel and the tunnel approaches or, as the case may be, the part thereof through or along which such passage is prohibited.

(3) Any vehicle operated by the Councils under the said section 71 of this Act shall be deemed not to be a public service vehicle for the purposes of this section.

PART VIII
—cont.

1933 c. 51.

(4) (a) All byelaws from time to time made in pursuance of this section shall be made under and according to the provisions of section 250 of the Local Government Act, 1933, and the provisions of section 252 of the said Act shall apply to such byelaws.

(b) The byelaws which may from time to time be made by the Councils in pursuance of this section may provide for the imposition of a fine not exceeding twenty pounds for the breach or non-observance of any of the byelaws and, in the case of a continuing offence, a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

(c) For the purposes of the said sections 250 and 252 in their application to this section, the Minister shall be the confirming authority.

(d) The said section 250, in its application to byelaws made under this section, shall have effect as if in subsection (6) of that section, after the word “confirm”, where it firstly occurs in that subsection, the words “with or without modification” were inserted.

(5) The Minister shall, before confirming any byelaw made in pursuance of this section for the management, regulation, direction or control of traffic, take into consideration any objections to such byelaw submitted to him by any representative body of traders or of owners or users of vehicles or any person who in the opinion of the Minister is a proper person for the purpose.

(6) A copy of all byelaws made in pursuance of this section shall at all times be exhibited in conspicuous positions within a reasonable distance of each entrance to the tunnel and to the tunnel approaches.

1920 c. clxxiii. (7) Nothing in this section shall restrict or interfere with any existing rights and privileges of the port authority or conflict with any byelaws made from time to time by that authority under and by virtue of the Port of London (Consolidation) Act, 1920.

1889 c. 63. (8) Without prejudice to the operation of section 33 of the Interpretation Act, 1889, nothing in any byelaw made by the Councils in pursuance of paragraph (a) of subsection (1) of this section shall preclude the bringing of proceedings against and conviction of any person with respect to an offence under Part I of the Road Traffic Act, 1960, of driving a motor vehicle at a speed exceeding a statutory speed limit.

1960 c. 16.

(9) Any byelaw made by the Councils in pursuance of any enactment repealed by this Act and in force immediately before the passing of this Act shall be deemed to have been made and confirmed in pursuance of this section, and any reference in any such byelaw to any such enactment shall be construed as a reference to this Act.

73.—(1) Where any notice or other document under this Act requires authentication by either of the Councils, the signature of the clerk or other duly authorised officer of such council shall be sufficient authentication.

PART VIII
—cont.
Authentication
and service
of notices, etc.

(2) Notices and other documents required or authorised to be served or given by the Councils or either of them under this Act, or under any Act incorporated with this Act, may be served by post, or by delivering the same to or at the residences of the persons to whom they are respectively addressed or, where addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some person on the premises, or, if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises:

Provided that in the case of a company, any such notice or document shall be delivered or sent by post addressed to the secretary of the company at its registered office or at its principal office or place of business.

In proving service by post it shall be sufficient to prove that the notice or other document was properly addressed and put into the post.

(3) Any such notice as aforesaid which is required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given without further name or description.

74. The Minister and the Minister of Housing and Local Government may respectively hold such inquiries as they may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon them and the giving of any consent or approval or (in the case of the Minister) the making of any order or the confirmation of any byelaw under this Act and subsections (2) to (5) of section 290 of the Local Government Act, 1933, shall apply accordingly.

Inquiries by
Minister or by
Minister of
Housing and
Local
Government.
1933 c. 51.

75.—(1) For the purposes of the Local Government Superannuation Acts, 1937 to 1953, the appropriate superannuation fund in relation to the joint committee appointed under section 70 (Appointment of joint committee) of this Act and its contributory employees shall, subject to the provisions of subsection (2) hereof, be the superannuation fund maintained by the Kent Council.

Super-
annuation.

PART VIII
—cont.

(2) The Councils may, if they think fit, at any time and from time to time by resolution passed by each of the Councils, determine that the appropriate superannuation fund in relation as aforesaid shall, as from a date to be specified in the resolution, be the fund maintained by that one of the Councils whose fund is not then the appropriate superannuation fund for the purposes aforesaid.

(3) If by reason of any such determination as aforesaid the superannuation fund (in this subsection referred to as "the former fund") maintained by one of the Councils ceases to be the appropriate superannuation fund and the superannuation fund (in this subsection referred to as "the succeeding fund") maintained by the other of the Councils becomes the appropriate superannuation fund, the like payments shall be made by way of transfer value from the former fund to the succeeding fund in relation to the then contributory employees employed by the joint committee as would be payable if the said contributory employees had been employed by the former council and had ceased to be so employed and had within twelve months after so ceasing become contributory employees under the latter council.

(4) Any such determination as aforesaid shall not affect the rights or obligations of the joint committee in relation to the superannuation fund maintained by the council which ceases to be the appropriate administering authority as respects any persons who, having been contributory employees employed by the joint committee, cease or have ceased to be such before the date on which such determination takes effect.

(5) In this section the several words and expressions to which meanings are assigned by the Local Government Superannuation Acts, 1937 to 1953, have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Protection
of members
and officers.
1875 c. 55.

76. Section 265 of the Public Health Act, 1875 (which relates to the protection of members and officers of certain authorities), shall apply to the Councils as if any reference in that section to the said Act of 1875 were a reference to this Act.

Application
of certain
provisions
to employees
of joint
committee.

77. Where by virtue of any provision in this Act a power, however expressed, in relation to any functions of the Councils is conferred upon or exercisable by any officer or servant or other person in the employment of the Councils, or the Councils

are empowered to authorise or appoint any officer or servant or other person in their employment to act in any capacity or respect, the provision in relation to any function of the Councils for the time being delegated by them to a joint committee appointed pursuant to section 70 (Appointment of joint committee) of this Act shall, unless the subject or context otherwise requires and subject to any restrictions or conditions attached to the delegation of the function, have effect as if the reference to any officer or servant or other person in the employment of the Councils (however expressed) included a reference in like terms to an officer or servant or other person in the employment of the said joint committee.

PART VIII
—cont.

78. The Councils may if they think fit appoint any of their officers or servants to act as special constables and every such officer or servant so appointed as a special constable shall take the same oath and in the tunnel and the tunnel approaches have (if in uniform or provided with a warrant which he shall show if required) the same powers and immunities and be liable to the same penalties as a police constable, but no officer or servant so appointed as a special constable shall be entitled to any pay or to any other remuneration for acting as a special constable. Special constables.

79.—(1) Where the Councils deem it expedient for the promotion or protection of the interests of the Councils under or in relation to the powers or duties conferred or imposed by or under this Act, the Councils may prosecute or defend any legal proceedings. Legal proceedings.

(2) The Councils may by resolution authorise any member or officer of the Councils, either generally or in respect of any particular matter, to institute or defend on their behalf proceedings in any court of summary jurisdiction, or to appear on their behalf before a court of summary jurisdiction in any proceedings instituted by the Councils, or on their behalf, or against them, and any member or officer so authorised shall be entitled to institute or defend any such proceedings and, notwithstanding anything contained in the Solicitors Acts, 1957 to 1965, to conduct any such proceedings although he is not a certificated solicitor.

(3) In any proceedings instituted by the Councils it shall not be necessary for the Councils to prove their corporate name or the constitution or limits of the area in which they are authorised or required to exercise or perform powers or duties.

(4) In any proceedings under this Act a document purporting to be certified by the clerk of either of the Councils as a copy of a resolution or order passed or made by the Councils, or either of them, on a specified date, or of the appointment of or of any

PART VIII
—cont.

authority given to an officer of either of the Councils on a specified date, shall be evidence that that resolution, order, appointment or authority was duly passed, made or given by the Councils, or either of them, on the said date and without proof of the handwriting or official position of any person purporting to sign such document.

(5) Where two or more sums are claimed from any person as being due under this Act or any byelaw made under this Act, any complaint, summons or warrant issued for the purposes of this Act or of any such byelaw in respect of that person may contain in the body thereof, or in a schedule thereto, all or any of the sums so claimed.

Recovery of
penalties, etc.

80. Save as otherwise by this Act expressly provided, all offences against this Act and all fines, forfeitures, costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner:

Provided that costs or expenses, except such as are recoverable along with a penalty, shall not be recovered as penalties but may be recovered summarily as civil debts.

Judges and
justices not
to be dis-
qualified.

81. A judge of any court or a justice of the peace shall not be disqualified from acting in cases arising under or in relation to this Act, or any byelaw made thereunder, by reason only of his being, as one of several ratepayers or payers of tolls chargeable under the provisions of this Act, or as one of any other class of persons, liable in common with the others to contribute to or be benefited by any rate or fund out of which any expenses of the Councils are to be defrayed.

Penalty for
obstructing
execution of
Act.

82. A person who wilfully obstructs any person acting in the execution of this Act or any byelaw made under this Act or of any order, regulation, prescription, notice or warrant made or issued under this Act shall in any case in which no other provision is made by this Act be liable to a fine not exceeding twenty pounds and to a further fine not exceeding two pounds for each day on which the offence continues after conviction therefor.

Contributions
in aid of
drainage
rates.
1930 c. 44.

83.—(1) The Councils may make contributions to any internal drainage board within the meaning of the Land Drainage Act, 1930, or any river authority exercising the functions of an internal drainage board, in aid of drainage rates in respect of land within the drainage district of such board or authority, being land which is occupied by the Councils for the purposes of this Act and in respect of which no drainage rates are paid.

(2) The amount of any contributions paid by the Councils in pursuance of subsection (1) of this section shall be deemed to be expenses incurred by them for the purposes of this Act.

PART VIII
—cont.

84. Notwithstanding anything contained in any Act, no part of the tunnel undertaking (other than any dwelling-house) shall be assessed to any rate within the meaning of the Local Loans Act, 1875.

Undertaking
to be exempt
from rates.
1875 c. 83.

85. Any question arising between the Essex Council and the Kent Council under any of the provisions of this Act shall be referred to and determined by arbitration.

Settlement
of questions
between
Councils.

86. Subject to the provisions of paragraph (10) of section 65 (For protection of port authority) of this Act, nothing contained in this Act shall prejudice or affect the powers, rights and privileges of the Corporation of Trinity House of Deptford Strond.

Saving for
Trinity House.

87. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown.

Crown
rights.

88.—(1) Subject to the provisions of this Act, the unrepealed provisions of the Acts specified in Schedule 2 to this Act are hereby repealed.

Repeals and
savings.

(2) Notwithstanding the repeal effected by this section—

(a) all property acquired by the Councils under and for the purposes of the enactments repealed by this Act, or any of them, and vested in the Councils immediately before the commencement of this Act, shall continue vested in the Councils;

(b) all acts, works, matters and things which before the commencement of this Act were done or commenced under the powers of the enactments repealed by this Act, or any of them, and which were immediately before the commencement of this Act valid and available or in progress and all existing notices, notices to treat, agreements, awards, conveyances, contracts, covenants, deeds, instruments, leases, obligations, rights and remedies shall be and continue valid and available for all purposes and for and against all parties, and may be continued, enforced and completed as if this Act had not been passed;

PART VIII
—cont.

(c) all actions, arbitrations, prosecutions and proceedings by, with or against the Councils by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the enactments repealed by this Act, or any of them, may be continued, commenced or prosecuted by or against the Councils as if this Act had not been passed;

(d) all agreements, whether in writing or not, and other documents which under the powers of the enactments repealed by this Act had effect as if—

(i) the Councils rather than the committee under the Dartford Tunnel Acts, 1930 to 1957, had been a party thereto;

(ii) for any reference (however worded and whether express or implied) to such committee there were substituted a reference to the Councils;

shall continue to have such effect;

(e) all byelaws, rules, regulations, orders and licences made or given by the Councils under any enactment repealed by this Act and in force immediately before the commencement of this Act shall continue in force until repealed, altered or revoked under the provisions of this Act or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act;

(f) all tolls, charges and other sums due or accruing due to the Councils at the commencement of this Act may be collected and recovered by the Councils as if this Act had not been passed;

(g) all books and other documents which under the enactments repealed by this Act or any of them or otherwise would have been receivable in any court in evidence shall be receivable in evidence as if this Act had not been passed.

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act, 1889.

1889 c. 63.

Arbitration.

1965 c. 56.

89. Where under this Act any difference (other than a difference to which the provisions of Part I of the Compulsory Purchase Act, 1965, apply) is to be referred to, or settled by, arbitration, then, unless otherwise provided, such difference 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.

90. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act. Saving for town and country planning.
1962 c. 38.

91. The costs, charges and expenses preliminary to, and of and incidental to, the preparation of, and application for, and the obtaining and passing of, this Act, as taxed by the taxing officer of the House of Lords or of the House of Commons shall be borne by the Councils in equal shares and be paid out of their respective county funds or out of moneys to be borrowed under or by virtue of this Act. Costs of Act.

Section 46.

SCHEDULES

SCHEDULE 1

TOLLS LEVIABLE IN RESPECT OF TRAFFIC USING THE TUNNEL

Classification of vehicles	Toll For a single journey through or into the tunnel or on the tunnel approaches s. d.	
(1) For each bicycle (not being mechanically powered), with or without sidecar, and whether or not conveyed by any service provided under section 71 (Provision and operation of services for transporting cyclists and other persons through tunnel) of this Act	6	
(2) For each motor cycle or bicycle mechanically powered, with or without sidecar and whether or not (in the case of such a bicycle) conveyed by any such service ...	1	0
(3) For each motor car, including motor car with three wheels, or taxi; or light goods vehicle or tractor (up to 30 cwts. unladen weight)	2	6
(4) For each medium goods vehicle or tractor (over 30 cwts. unladen weight, 2 axles) ...	4	0
(5) For each heavy goods vehicle (more than 2 axles)	6	0
(6) For each motor coach or omnibus—		
(a) not exceeding 14 seats	2	6
(b) exceeding 14 but not exceeding 28 seats	4	0
(c) exceeding 28 seats	6	0
(7) For each special type vehicle which is only permitted to be on the roads under the authority of an order made by the Minister of Transport under subsections (4) to (7) of section 64 of the Road Traffic Act, 1960 ...	6	0
(8) For each trailer, the same toll as for the vehicle towing it. Where a vehicle used for drawing a trailer has the trailer attached to it by partial superimposition, the vehicle and trailer shall for the purpose of determining the amount of the toll be treated as if they together formed a single vehicle.		
(9) For authorised traffic not specified in the foregoing list, the toll shall be that in respect of the most comparable class of vehicle.		

1960 c. 16.

SCHEDULE 2

Section 88.

ACTS REPEALED

Dartford Tunnel Act, 1930.	1930 c. clxxxii.
Dartford Tunnel Act, 1937.	1937 c. cxxvii.
Dartford Tunnel (Extension of Time) Act, 1949.	1949 c. xlvi.
Dartford Tunnel Act, 1957.	1957 c. xxxiv.
Dartford Tunnel Act, 1961.	1961 c. xxv.
Dartford Tunnel Act, 1962.	1962 c. xl.



PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
SIR PERCY FAULKNER, K.B.E., C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

Dartford Tunnel Act 1967

CHAPTER xxxvii

ARRANGEMENT OF SECTIONS

PART I

Section

PRELIMINARY

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. Incorporation of Railways Clauses Consolidation Act, 1845.
5. Application of Part I of Compulsory Purchase Act, 1965.

PART II

LANDS

6. Power to acquire lands.
7. Correction of errors in deposited plans and book of reference.
8. Power to acquire easements compulsorily in certain cases.
9. Disregard of recent improvements and interests.
10. Extinction of private rights of way.
11. Grant of easements by persons under disability.
12. Provision of substituted sites.
13. Power to reinstate owners or occupiers of property.
14. Agreements with adjoining owners.

PART III

CONSTRUCTION OF NEW WORKS

Section

15. Power to construct new works.
16. Power to deviate.
17. Subsidiary works.
18. Subsidiary works affecting river Thames.
19. Period for completion of works.
20. Temporary stoppage of streets.
21. Power to sell materials.

PART IV

PROVISIONS RELATING TO NEW AND EXISTING WORKS

22. Power to alter sewers and drains.
23. Alteration of position of water, gas and other pipes.
24. Laying out, repair and lighting of works.
25. Lighting and draining of works.
26. Power to pump water and use sewers for removing water.
27. Posts or marks to show limits of tunnel.
28. Maintenance of works.
29. Powers for maintenance, management, etc., of tunnel and tunnel approaches.
30. Agreements between Essex Council and Thurrock Urban District Council as to maintenance of streets.
31. Agreements with Government departments and others.
32. Restriction on use of tunnel.
33. Closing of authorised works.
34. No sewers, mains or pipes to be laid in tunnel or tunnel approaches.
35. Power to prevent access to or from tunnel approaches.
36. Restrictions as to landing place.
37. Section 45 of Highways Act, 1959, not to apply to tunnel or tunnel approaches.
38. Application of Public Utilities Street Works Act, 1950.

PART V

FINANCE

39. Existing borrowing powers continued.
40. Power to borrow.
41. Payment of interest on moneys borrowed in certain events.
42. Expenses of Councils.
43. Deficiencies.
44. Maintenance fund.
45. Reserve fund.

PART VI

TOLLS AND CHARGES

Section

46. Tolls and charges.
47. Revision of tolls.
48. Further provisions as to revision of tolls.
49. List of tolls to be exhibited.
50. Regulations as to payment of tolls and charges.
51. Tickets.
52. Power to stop persons refusing to pay tolls.
53. Power to compound for the payment of tolls.
54. Penalties on persons practising frauds.
55. Power to provide toll-houses, etc.
56. Exemption from tolls.
57. Application of moneys derived from tolls.
58. Cesser of tolls.
59. Disposal of terminal balance.

PART VII

PROTECTIVE PROVISIONS

60. For protection of The Tunnel Portland Cement Company Limited.
61. For protection of Thurrock Chalk and Whiting Company Limited.
62. For protection of Dartford Corporation.
63. For protection of Essex and Kent river authorities.
64. For protection of British Railways Board.
65. For protection of port authority.
66. For protection of Postmaster General.
67. For protection of certain statutory undertakers.
68. For further protection of Central Electricity Generating Board.
69. Accommodation for apparatus of Central Electricity Generating Board.

PART VIII

MISCELLANEOUS AND GENERAL

70. Appointment of joint committee.
71. Provision and operation of services for transporting cyclists and other persons through tunnel.
72. Byelaws.
73. Authentication and service of notices, etc.
74. Inquiries by Minister or by Minister of Housing and Local Government.
75. Superannuation.
76. Protection of members and officers.

Section

- 77. Application of certain provisions to employees of joint committee.
- 78. Special constables.
- 79. Legal proceedings.
- 80. Recovery of penalties, etc.
- 81. Judges and justices not to be disqualified.
- 82. Penalty for obstructing execution of Act.
- 83. Contributions in aid of drainage rates.
- 84. Undertaking to be exempt from rates.
- 85. Settlement of questions between Councils.
- 86. Saving for Trinity House.
- 87. Crown rights.
- 88. Repeals and savings.
- 89. Arbitration.
- 90. Saving for town and country planning.
- 91. Costs of Act.

SCHEDULES:

Schedule 1—Tolls leviable in respect of traffic using the tunnel.

Schedule 2—Acts repealed.