



# Tyne Tunnels Act 1998

## 1998 CHAPTER i

An Act to amend provisions of the Tyne and Wear Act 1976 concerning tolls in relation to the Tyne Tunnels; to confer further powers upon the Tyne and Wear Passenger Transport Authority to facilitate the provision and operation of an additional tunnel crossing of the river Tyne; to enable provision to be made for the operation of the existing tunnels in conjunction with such a new crossing; and for connected purposes. [8th April 1998]

### WHEREAS

- (1) The Tyne and Wear Passenger Transport Authority (“the Authority”) was established under section 28 of the Local Government Act 1985 and is the passenger transport authority for the metropolitan county of Tyne and Wear under section 9 of the Transport Act 1968:
- (2) By the Tyne Tunnel Order 1986 made pursuant to provisions contained in the Local Government Act 1985, the tunnel undertaking of the County Council of Tyne and Wear was transferred to the Authority on 1st April 1986:
- (3) That undertaking comprises in particular a tunnel for vehicular traffic under the river Tyne (“the road tunnel”) and two tunnels for cyclist and pedestrian traffic which were originally authorised by local Acts enacted in 1946, 1956 and 1960 and which are now governed by provisions contained in Part II of the Tyne and Wear Act 1976 (“the 1976 Act”):
- (4) Pursuant to the 1976 Act, the Authority levies tolls for the use of the road tunnel, the income from which is required to be applied in defraying expenses, in making payments to any maintenance or reserve fund provided in respect of the tunnel and in paying interest and in re-paying capital upon moneys borrowed in respect of the tunnel undertaking:
- (5) The Authority wishes to secure powers for and to facilitate the construction and operation of an additional tunnel crossing of the river Tyne and it is expedient that it should be empowered to do so and in particular that it should be permitted to apply toll income from the road tunnel for that purpose:
- (6) In the interests of securing the procurement of such an additional tunnel crossing in an economic and timely manner, and also of securing the most effective management of the Authority’s tunnel undertaking thereafter, it is further expedient that the Authority should be able to divest itself in whole or in part of its tunnel undertaking so as to enable the tunnel undertaking and any such tunnel crossing to be operated together:

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- (7) It is likewise expedient that statutory provisions applicable to the Authority's tunnel undertaking should be capable of being replaced by uniform arrangements applicable to both the Authority's tunnel undertaking and the intended additional tunnel crossing:
- (8) Whilst necessary powers for the construction and operation of the proposed additional tunnel can be secured by an order made under section 3 of the Transport and Works Act 1992, there is some uncertainty as to whether such an order can also make provision in relation to the Authority's tunnel undertaking:
- (9) It is expedient that such uncertainty should be removed and that the other provisions contained in this Act should be enacted:
- (10) The purposes of this Act cannot be effected without the authority of Parliament:
- (11) In relation to the promotion of the Bill for this Act the requirements of section 239(4A) of the Local Government Act 1972 (powers of joint and local authorities to apply for further powers, etc.) 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:—

## **1 Short Title**

This Act may be cited as the Tyne Tunnels Act 1998.

## **2 Interpretation**

In this Act—

- “the 1976 Act” means the Tyne and Wear Act 1976;
- “the Authority” means the Tyne and Wear Passenger Transport Authority;
- “new tunnel crossing” means an additional tunnel crossing of the river Tyne in the vicinity of the road tunnel and intended to be operated in conjunction with it;
- “the road tunnel” means Work No. 2 described in Part I of Schedule 1 to the 1976 Act; and
- “the tunnel” has the meaning given in section 36 of the 1976 Act.

## **3 Amendment of 1976 Act**

- (1) Part II of the 1976 Act is amended as follows.
- (2) In section 13 (Revision of tolls), after subsection (4)(a), there shall be inserted—
  - “(aa) the desirability of providing funds for and in meeting expenses incurred in securing any necessary authority or consent for, and in securing the construction and operation of, an additional tunnel crossing of the river Tyne;”.
- (3) In section 14 (Application of tolls), in subsection (1)(c), after “subsection” there shall be inserted—
  - “(i) in providing funds for and in meeting expenses incurred in securing any necessary authority or consent for, and in

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securing the construction and operation of, an additional tunnel crossing of the river Tyne;  
(ii)".

#### **4 Facilitating provision of new tunnel**

- (1) Without prejudice to any other power available to it, the Authority may take all such steps as it may think fit to facilitate the provision and operation of a new tunnel crossing.
- (2) For the avoidance of doubt, in addition to or as part of any order which may be made under section 3 of the Transport and Works Act 1992 relating to or to matters ancillary to the construction of a new tunnel crossing, provision may be made by an order under that section relating to or to matters ancillary to the operation of the tunnel and the new tunnel crossing, including provision applying, modifying or excluding any statutory provision and provision amending, repealing or revoking any statutory provision of local application including a provision of this Act.