



# Dartford-Thurrock Crossing Act 1988

## 1988 CHAPTER 20

### PART IV

#### MISCELLANEOUS AND GENERAL

#### **37 Works affecting the river Thames.**

- (1) The Secretary of State may, for the purpose of or in connection with the construction, maintenance or improvement of any part of the crossing—
  - (a) temporarily alter or interfere with the river and construct, place and maintain within the relevant limits in the river all such temporary piles, fenders, booms, dolphins, pontoons, caissons, cofferdams, embankments, aprons, abutments, stagings, piers, wharves, walls, fences, drains, stairs, buildings or other works as he may deem necessary or expedient;
  - (b) moor or anchor temporarily, or cause to be moored or anchored temporarily, in the river barges or other vessels or craft; and
  - (c) temporarily close the river or any part of it to navigation.
- (2) In subsection (1)(a) above “relevant limits” means—
  - (a) in relation to the bridge, the limits of land to be acquired;
  - (b) in relation to the tunnels, the limits of deviation specified in each of the Acts repealed by the <sup>M1</sup>Dartford Tunnel Act 1967 and in that Act by which works were authorised by reference to the plans and sections deposited in connection with the Bills for those Acts.
- (3) Before exercising any of the powers conferred by subsection (1) above, the Secretary of State shall consult the Port Authority; but section 70 of the <sup>M2</sup>Port of London Act 1968 (licence from Port Authority required for works in river) and section 73 of that Act (licence from Port Authority required for dredging there) shall not apply in relation to anything done in the exercise of any of those powers within the limits of land to be acquired.

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- (4) In exercising the power conferred by subsection (1)(c) above the Secretary of State shall ensure that no more of the river is closed to navigation at any time than is at that time necessary in the circumstances.
- (5) If complete closure of the river to navigation becomes necessary the Secretary of State shall use his best endeavours to secure that the minimum obstruction, delay or interference is caused to vessels which may be using or intending to use the river.
- (6) Neither the Secretary of State nor the Port Authority shall be liable for any loss suffered or any costs or expenses incurred by any person as a direct or indirect result of any closure of the river in accordance with this section.

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**Marginal Citations**

- M1** 1967 c. xxxvii.  
**M2** 1968 c. xxxii.

**38 Restrictions on works on crossing and approach roads.**

- (1) No works shall be carried out in, on, under or over any part of the crossing or of the approach roads otherwise than by or on behalf of the Secretary of State unless the Secretary of State gives his written consent.
- (2) Consent under subsection (1) above may be granted subject to such reasonable terms and conditions (including conditions imposing a charge) as the Secretary of State may determine; and any question whether any such terms and conditions are reasonable shall be determined by arbitration.
- (3) Section 15 of the <sup>M3</sup>Pipe-lines Act 1962 shall not apply where this section applies.
- (4) Subsection (1) above shall not be taken to require the consent of the Secretary of State for the carrying out of works in relation to any highway or railway passing under or over any part of the crossing or of the approach roads.

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**Marginal Citations**

- M3** 1962 c.58.

**39 Application of public utilities street works code to all works at the crossing.**

In so far as, apart from this section, Part II of the <sup>M4</sup>Public Utilities Street Works Act 1950 (public utilities street works code where undertakers' apparatus is affected by road works) would not apply in relation to works for the construction, maintenance or improvement of any part of the crossing, that Part of that Act shall apply as if such works were mentioned in section 21(1)(a) of that Act and as if any undertakers' apparatus affected by any such works were in a street.

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**Marginal Citations**

- M4** 1950 c. 39.

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**40 Rating.**

No part of the crossing shall be liable to be rated or to be included in any valuation list or in any rate.

**41 Protection of interests.**

Schedule 7 to this Act shall have effect for protecting the interests of the bodies and persons specified in that Schedule (being bodies and persons who may be affected by other provisions of this Act).

**42 Correction of deposited plans.**

- (1) If the deposited plans or the book of reference to those plans are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Secretary of State, after giving not less than ten days' notice to the owner 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 of the plans or book of reference.
- (2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake or inadvertence, the justices shall certify 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 of it in the Private Bill Office of the House of Commons and with the proper officers of the Councils, the Dartford Borough Council and the Thurrock Borough Council; and the deposited plans or the book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Secretary of State, in accordance with the certificate, to proceed under this Act as if the deposited plans or the book of reference had always been in the corrected form.
- (4) A person with whom a copy of the certificate is deposited under this section shall keep it with the documents to which it relates.
- (5) In this section "book of reference" means a book deposited in April 1987 in connection with the Dartford-Thurrock Crossing Bill in the Office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons.

**43 Determination of questions referred to arbitration.**

Subject to any other provision of this Act, where under this Act any difference is to be determined by arbitration, the difference shall be referred to, and settled by, a single arbitrator to be agreed between the parties or, in default of 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.

**44 Orders and regulations.**

- (1) Any power conferred by this Act to make an order or regulations shall be exercisable by statutory instrument.

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- (2) Any statutory instrument containing regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Regulations made under this Act may make different provision for different cases or classes of case to which they apply.

#### **Subordinate Legislation Made**

**P1** S. 44: power previously exercised by [S.I. 1989/2372](#) and 1990/1598

**P2** S. 44(3): s. 25(1)(with ss. 25(2), 26(1)(3)(d), 44(3) and 46(1)) power exercised by [S.I.1991/1805](#)

#### **45 Financial provision.**

- (1) There shall be paid out of money provided by Parliament any expenses of the Secretary of State under this Act and any increase attributable to this Act in the sums so payable under any other enactment.
- (2) Any sums received by or on behalf of the Secretary of State under this Act shall be paid into the Consolidated Fund.
- (3) Any sums paid to the person appointed during any toll extension period under paragraph 4 of Schedule 6 to this Act—
  - (a) in respect of tolls or charges payable by virtue of this Act; or
  - (b) under any composition agreement under section 20 of this Act;
shall be taken to be received by that person on behalf of the Secretary of State.

#### **46 Interpretation.**

- (1) In this Act, except where the context otherwise requires—
  - “the 1980 Act” and “the 1984 Act” shall be construed in accordance with section 4(5);
  - “the approach roads” has the meaning given by section 4(3);
  - “breakdown”, in relation to a vehicle, includes mechanical defect, lack of fuel, oil or water for the vehicle, and any other circumstances in which a person in charge of the vehicle could not immediately, safely and without damage to the vehicle or its accessories, drive it under its own power;
  - “the bridge” shall be construed in accordance with section 1(2);
  - “bridleway” has the same meaning as in the 1980 Act;
  - “building” includes any structure or erection and any part of a building as so defined;
  - “the Councils” has the meaning given by section 6(5)(b);
  - “the crossing” has the meaning given by section 11(9);
  - “the crossing operator” has the meaning given by section 12(4);
  - “cycle track” has the same meaning as in the 1980 Act;
  - “deposited plans” and “deposited sections” mean respectively the plans and sections deposited in April 1987 in connection with the Dartford-Thurrock Crossing Bill in the Office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons;

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“enactment” includes an enactment contained in any Act passed on or after the date on which this Act is passed and any subordinate legislation within the meaning of the <sup>M5</sup>Interpretation Act 1978;

“exercise” includes performance and related expressions shall be construed accordingly;

“footpath” has the same meaning as in the 1980 Act;

“functions” includes powers, duties and obligations;

“land” includes buildings, land covered with water, and any estate, interest, easement, servitude or right in or over land;

“limits of deviation” means the limits of deviation shown in the deposited plans and “limits of land to be acquired” means the limits of land to be acquired so shown;

“maintenance” includes repair and “maintain” shall be construed accordingly;

“modifications” includes additions, omissions and alterations and “modify” shall be construed accordingly;

“owner” has the same meaning as in section 7(1) of the <sup>M6</sup>Acquisition of Land Act 1981;

“pedal cycle” means a pedal cycle which is either—

- (a) not propelled by mechanical power; or
- (b) an electrically assisted pedal cycle of a class prescribed by regulations made by the Secretary of State for the purposes of section 193 of the <sup>M7</sup>Road Traffic Act 1972 and section 140 of the <sup>M8</sup>Road Traffic Regulation Act 1984;

“place at which tolls are payable” means any place at which, in accordance with arrangements made by the crossing operator, tolls (other than tolls previously compounded for) are for the time being payable;

“Port Authority” means the Port of London Authority;

“prescribed” means prescribed by regulations;

“property” includes property, rights and powers of every description;

“regulations” means regulations made by the Secretary of State;

“river” means the river Thames including its bed, banks and foreshore;

“the scheduled works” shall be construed in accordance with section 1(1);

“toll” has the meaning given by section 11(2);

“traffic” includes pedestrians and animals;

“traffic officer” means a person appointed, or treated as if appointed, to act as such under section 28;

“the transfer date” shall be construed in accordance with section 4(2);

“trunk road” has the same meaning as in the 1980 Act; and

“the tunnel approaches”, “the tunnel crossing”, “the tunnel highway” and “the tunnels” have the meanings given by section 4(3).

(2) In this Act—

- (a) references to the functions of the Councils in relation to the tunnel crossing or the tunnel approaches shall be construed in accordance with section 6(5)(a);
- (b) references to the toll period shall be construed in accordance with section 11(10); and

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- (c) references, in relation to the person appointed under section 11 of this Act to levy tolls, to relevant functions shall be construed in accordance with sections 15(10) and 16(4).
- (3) In this Act—
- (a) any reference to a road designated by a letter and number is a reference to the road so designated by the Department of Transport at the date of the passing of this Act;
- (b) references to specified distances shall be construed as if the words “or thereabouts” were inserted after each such distance, distances between points on a road being measured along the centre line of the road; and
- (c) any reference to a work identified by a number shall be read as a reference to the scheduled work of that number.

#### Subordinate Legislation Made

**P3** S. 46: power previously exercised by [S.I. 1989/2372](#) and 1990/1598

**P4** S. 46(1): s. 25(1)(with ss. 25(2), 26(1)(3)(d), 44(3) and 46(1)) power exercised by [S.I.1991/1805](#)

#### Marginal Citations

**M5** 1978 c. 30.

**M6** 1981 c. 67.

**M7** 1972 c. 20.

**M8** 1984 c. 27.

### [<sup>F1</sup>46A Appointment of a strategic highways company

- (1) This section applies in any period in which, by virtue of an appointment under section 1 of the Infrastructure Act 2015, a strategic highways company is the highway authority for the highways comprised in the tunnel crossing or the bridge.
- (2) The reference to the Secretary of State in section 12(4) (crossing operator) is to be read as a reference to the strategic highways company.
- (3) References to the Secretary of State in the following provisions are to be read as references to the strategic highways company—
- (a) section 24(1)(a) and (b) (special traffic restrictions);
- (b) section 27(1) and (2) (bicycles);
- (c) section 37 (powers in relation to River Thames);
- (d) section 38 (restriction on works on crossing);
- (e) Schedule 7 (protective provisions), except—
- (i) paragraph 2 of Part 1, and
- (ii) paragraph 2 of Part 3.]

#### Textual Amendments

**F1** S. 46A inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 102](#); [S.I. 2015/481](#), reg. 2(a)

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**47 Short title, commencement and extent.**

- (1) This Act may be cited as the Dartford-Thurrock Crossing Act 1988.
- (2) Sections 23, 24, 27, 28 and 37 to 40 of this Act shall come into force on the transfer date.
- (3) This Act extends to England and Wales only.

**Changes to legislation:**

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