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SCHEDULES

SCHEDULE 7

PROTECTIVE PROVISIONS

PART I

PROTECTION OF PORT AUTHORITY AND RIVER USERS

- 1 (1) The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the Secretary of State and the Port Authority, have effect for the protection of the Port Authority and users of the river.
- (2) In this Part of this Schedule—
 - “construction” includes renewal;
 - “scouring” includes disturbance or collapse of the foreshore or bed of the river; and
 - “tidal work” means so much as is on land below the level of mean high-water springs of any of the works authorised by this Act and of any work for the maintenance or improvement of the tunnels, other than a work carried out wholly within the structure of the tunnels;and for the purposes of this Part of this Schedule operations for construction, maintenance or improvement are to be regarded as affecting the river if they involve interference with navigation in the river or the flow or regime of the river.
- 2 The Secretary of State shall not, under section 2 of this Act, acquire compulsorily any part of the river within the limits of land to be acquired which is vested in the Port Authority but he may—
 - (a) under that section create and acquire the easements and rights in or over any such part of the river which he requires for the purposes of this Act; and
 - (b) under paragraph 1 of Schedule 3 to this Act, take temporary possession of any such part of the river which he so requires.
- 3 (1) Not less than 56 days before commencing any operations for the construction of any tidal work, or operations for the maintenance or improvement of any such work affecting the river, the Secretary of State shall submit to the Port Authority for their approval plans of the work or (as the case may be) proposed operations and the proposed timetable for the operations.
- (2) In sub-paragraph (1) above—
 - “plans” means outline design and construction drawings, and includes such specifications and other appropriate documents as may be reasonably necessary to give the Port Authority an understanding of the intentions of the Secretary of State in connection with any of the operations proposed which will or may have a significant effect on navigation in, or the flow or regime of, the river; and

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“the proposed timetable for the operations” means a statement of the times at which it is intended that significant operations will be carried out, so far as it is reasonably practicable to estimate those times.

- (3) The Secretary of State shall supply to the Port Authority with the plans and proposed timetable such relevant hydraulic information as may be available to the Secretary of State and is not in the possession of the Port Authority.
 - (4) The Secretary of State shall submit to the Port Authority such further particulars available to him with respect to the work and the proposed operations as the Port Authority may, within 28 days of the submission of the plans and proposed timetable, reasonably require.
 - (5) The Port Authority’s approval of the plans and proposed timetable submitted under sub-paragraph (1) above shall not be unreasonably withheld; and if within 56 days after the submission of the plans and proposed timetable the Port Authority have not approved or disapproved them, they shall be deemed to have approved them.
- 4
- (1) Operations for the construction of a tidal work, and operations for the maintenance or improvement of such a work affecting the river, shall be completed as soon as reasonably practicable after they have been commenced.
 - (2) As soon as reasonably practicable after the completion of operations for the construction, maintenance or improvement of any part of a tidal work, the Secretary of State shall remove all temporary works and all materials on site placed for the purposes only of those operations and shall make good the site to the reasonable satisfaction of the Port Authority.
- 5
- The Secretary of State shall carry out all operations—
- (a) for the construction of permanent tidal works;
 - (b) for the maintenance or improvement of such works affecting the river; or
 - (c) for the removal of temporary tidal works; to the reasonable satisfaction of the Port Authority so that traffic in the river shall not be interfered with more than is reasonably necessary.
- 6
- On the completion of the construction of the bridge, or of any work for its improvement, the Secretary of State shall supply to the Port Authority a plan on a scale of not less than 1:2500 and sections and cross-sections on a scale of not less than 1:100 showing the situation and levels of the bridge or, as the case may be, that work.
- 7
- (1) Except so far as may be necessary or unavoidable in the construction of the bridge, the Secretary of State shall not, without the consent of the Port Authority (which shall not be unreasonably withheld), deposit in, or allow to fall or be washed into, the river any gravel, soil or other material.
 - (2) Nothing in this Act shall authorise the Secretary of State to discharge or allow to escape either directly or indirectly into the river any offensive or injurious matter in suspension.
- 8
- The Secretary of State shall at all reasonable times allow and provide reasonable facilities for any authorised representative of the Port Authority—
- (a) to inspect and survey the bridge and any works carried out on land adjoining the river in the course of operations for the construction, maintenance or improvement of the bridge affecting the river; and

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- (b) to inspect any works carried out in the river in the course of operations for the maintenance or improvement of the tunnels.
- 9 If any pile, stump or other obstruction becomes exposed in consequence of a tidal work (other than a pile, stump or other obstruction situated on the site of any permanent work) the Secretary of State shall, as soon as reasonably practicable after the receipt of notice in writing from the Port Authority requiring such action, remove it from the river or, if it is not reasonably practicable to remove it, cut it off at such level below the bed of the river as the Port Authority may reasonably direct.
- 10 (1) The Secretary of State shall carry out to the reasonable satisfaction of the Port Authority such surveys as may be required to ascertain the condition, before the commencement of the construction of the bridge, of the parts of the river of which the regime may be adversely affected by any tidal work and shall supply the Port Authority with the results of such surveys.
- (2) If, while any operations for the construction or improvement of the bridge are being carried out or after they are completed, the Port Authority carry out any other survey which may be reasonably required to ascertain whether the regime of the parts of the river referred to in sub-paragraph (1) above has been adversely affected by any tidal work, the Secretary of State shall pay to the Port Authority any costs reasonably incurred by them in carrying out the survey, not being costs which the Port Authority would have incurred for other reasons.
- 11 (1) Before carrying out any of the works authorised by this Act which will impair telecommunication between Crayfordness and Gravesend by means of equipment provided by the Port Authority, the Secretary of State shall make arrangements for the continuance of that telecommunication.
- (2) The Secretary of State shall at all reasonable times allow and provide reasonable facilities for any authorised representative of the Port Authority to maintain or repair any equipment placed on the bridge, or on land belonging to the Secretary of State, for the purpose of the continuance of telecommunication in pursuance of arrangements made under sub-paragraph (1) above.
- 12 (1) If—
- (a) within the period beginning with the commencement of the construction of the bridge and ending ten years from the completion of that construction, any part of the river becomes subjected to silting or scouring which is wholly or partly caused by a tidal work; or
- (b) within the period of ten years beginning with the commencement of the carrying out of any tidal work in connection with the maintenance or improvement of the bridge any part of the river becomes subjected to silting or scouring which is wholly or partly caused by that tidal work;
- and within that period the Port Authority give notice to the Secretary of State that in their opinion that silting or scouring should be removed or, as the case may be, made good in the interests of persons using the river or for the protection of other works in the river, the Secretary of State shall pay to the Port Authority any additional expense reasonably incurred by them in dredging the river to remove the silting or, as the case may be, in making good the scouring in so far as, in either case, it is attributable to a tidal work.
- (2) If any part of the river becomes subjected to silting or scouring within a period specified in sub-paragraph (1) above, and that siltation is removed, or, as the case may be, that scouring is made good, in circumstances in which the Secretary of

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State is liable to make any payment to the Port Authority under that sub-paragraph, the provisions of that sub-paragraph shall apply to any recurrence of such silting or scouring within the remainder of the period ending twenty years from the completion of the construction of the bridge, or, as the case may be, the commencement of the tidal work in connection with the maintenance or improvement of the bridge, as they apply to silting or scouring to which that part of the river is subjected within the period specified in sub-paragraph (1).

- (3) On application made by the Port Authority to the Secretary of State, he shall make payments to them on account of any sum payable under sub-paragraph (1) or (2) above, by one or more interim payments of such amounts, at such times, as may be reasonably required by the Port Authority for defraying expenditure incurred by the Port Authority from time to time in removing the silting or making good the scouring.
- (4) The Secretary of State shall pay to the Port Authority any costs reasonably incurred by them in order to ascertain whether silting or scouring has occurred in respect of which liability may arise under sub-paragraph (1) or (2) above, not being costs which the Port Authority would have incurred for other reasons.
- 13 (1) Except as provided in sub-paragraph (2) below, the Port Authority shall not be liable, in the absence of negligence, for any damage caused to the tunnel highway, or to any temporary or permanent works carried out in connection with the construction, maintenance or improvement of the tunnel highway, by—
- (a) dredging operations of the Port Authority; or
 - (b) 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 of the river.
- (2) The Port Authority shall not be excused from liability under sub-paragraph (1) above in respect of the carrying out of any dredging or other operations or works within 61 metres on each side of either of the centre lines of the tunnels and below the depth of 15.7 metres below ordnance datum (Newlyn) within the part of the river width between a line 130 metres from the line of the existing level of mean high-water springs on the southern bank of the river and a line 355 metres northward of that first-mentioned line or, outside that part, below the dredging line shown on a line mid-way between the two tunnels on the sheet signed by Geoffrey Ennals, Secretary to the Port Authority, and Philip Wood, an Under-Secretary in the Department of Transport, and marked “Diagram referred to in Part I of Schedule 7”, copies of which have been deposited in the Office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons.
- 14 (1) Without prejudice to the provisions of paragraph 15 below, the Secretary of State shall provide, or afford reasonable facilities for the Port Authority to provide, at the bridge such navigational lights, signals, radar or other apparatus for the benefit, control and direction of navigation as the Port Authority may reasonably consider necessary by reason of the construction of the bridge or the carrying out of operations for the construction or maintenance of any tidal work affecting the river.
- (2) The Secretary of State shall pay to the Port Authority the costs reasonably incurred by them in connection with the provision of that apparatus or in connection with any surveillance and regulation of river traffic which becomes reasonably necessary by reason of the construction of the bridge or the carrying out of any such operations.

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- 15 (1) The Secretary of State shall, at or near every tidal work, exhibit such lights, lay down such buoys and take such other steps for preventing danger to navigation as the Port Authority may from time to time reasonably require.
- (2) In case of injury to, or destruction or decay of, any part of a tidal work, the Secretary of State shall, as soon as practicable after he becomes aware of it, notify the Port Authority and take such steps for preventing danger to navigation as the Port Authority may reasonably require.
- 16 (1) If a tidal work is abandoned or falls into decay, the Port Authority may by notice in writing to the Secretary of State require him either to repair and restore the work or any part of it, or to remove the work and restore its site to its former condition, to such extent as the Port Authority think proper.
- (2) If a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of mean high-water springs is abandoned or falls into decay and that part of the work on or over land above the level of mean high-water springs is in such a condition as to interfere with the right of navigation or other public rights over the foreshore, the Port Authority may include that part of the work, or any portion of it, in any notice under this paragraph.
- (3) If after such reasonable period as may be specified in a notice under this paragraph the work specified in the notice has not been done, the Port Authority may do that work and the Secretary of State shall pay the amount of any expenditure reasonably incurred by them in so doing.
- 17 If—
- (a) by reason of the construction of the bridge or of the carrying out of operations for the construction, maintenance or improvement of any tidal work affecting the river, it is reasonably necessary for the Port Authority to incur costs in altering, removing, resiting or reinstating existing moorings owned by the Port Authority, or laying down or removing new moorings, or carrying out dredging operations for any such purpose, not being costs which they would have incurred for any other reason; and
- (b) the Port Authority give to the Secretary of State not less than 56 days' notice of their intention to incur such costs, and take into account any representations which the Secretary of State may make in response to the notice within 28 days of the receipt of the notice;
- the Secretary of State shall pay the costs reasonably so incurred by the Port Authority.
- 18 Any difference arising between the Secretary of State and the Port Authority under this Part of this Schedule shall be determined by arbitration.

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