



Dartford-Thurrock Crossing Act 1988

1988 CHAPTER 20

PART III

OPERATION OF THE CROSSING

*Power to levy tolls and management and maintenance,
etc., of the crossing and the approach roads*

15 Termination: supplementary provisions.

- (1) Any property vested in the Secretary of State by virtue of section 14 of this Act on termination of the appointment of the person appointed under section 11 of this Act to levy tolls shall vest free from any security to which it was subject immediately before termination.
- (2) Where before termination possession of any such property has been taken by any person in pursuance of any legal process or distress [^{F1}or any power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods)], the Secretary of State shall be entitled to recover that property from any person in possession of it without being required, as a condition of doing so, to meet any liability in respect of which that process or distress was issued or levied [^{F2}or that power was exercised].
- (3) Subsection (1) above is without prejudice to any liability secured by any security from which any such property is released by virtue of that subsection, and subsection (2) above is without prejudice to any liability in respect of which the process or distress there mentioned was issued or levied [^{F3}or the power there mentioned was exercisable].
- (4) Where any liability which, if it had subsisted immediately before termination, would have fallen to be transferred to the Secretary of State by virtue of section 14 of this Act has been discharged before termination, nothing in the ^{M1}Insolvency Act 1986 shall—
 - (a) affect the validity of anything done by the person appointed or by any other person in discharging that liability;

Changes to legislation: There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988, Section 15. (See end of Document for details)

- (b) authorise a court to make any order affecting the property of, or imposing any obligation on, any person in consequence of or in connection with the receipt by that person or by any other person of any payment made, property transferred or other benefit provided by the person appointed or by any other person in discharging that liability; or
 - (c) be treated as giving rise to any trust affecting any money or property so transferred.
- (5) Subject to subsection (1) above, any property vested in the Secretary of State by virtue of section 14 of this Act shall be held by him subject to all covenants, conditions and restrictions subject to which the property was held by the person appointed.
- (6) Any dispute between the Secretary of State and any person as to the property or liabilities transferred by virtue of section 14 of this Act shall be determined by arbitration; and, where any such dispute is one between the Secretary of State and the person appointed, the arbitration shall be subject to the provisions relating to arbitration of the contract under which that person was appointed.
- (7) Subject to subsection (1) above, all agreements or other transactions entered into or effected by the person appointed and subsisting immediately before termination, in so far as they relate to property or liabilities transferred by virtue of section 14 of this Act to the Secretary of State, shall have effect with the substitution of the Secretary of State for the person appointed; and accordingly—
 - (a) any such agreement or transaction may be enforced by or against the Secretary of State; and
 - (b) references to the person appointed—
 - (i) in any agreement (whether or not in writing) and in any deed, bond or instrument, so far as relating to any such property or liabilities; and
 - (ii) in any other document whatsoever relating to or affecting any such property or liabilities;shall be taken after termination as referring to the Secretary of State.
- (8) All proceedings, legal or other, begun before termination and relating to any such property or liabilities, other than proceedings for enforcing any security from which any such property is released by virtue of subsection (1) above, may be carried on with the substitution of the Secretary of State in lieu of the person appointed, and any such proceedings may be amended in such manner as may be necessary for that purpose.
- (9) In this section “security” means any mortgage, charge, lien or other security.
- (10) References in this Act, in relation to the person appointed, to relevant functions are references to—
 - (a) any functions of the person appointed under the contract under which he was appointed or under any lease granted under section 13 of this Act;
 - (b) any functions conferred or imposed by or under this Part of this Act on the crossing operator which are for the time being exercisable by the person appointed; and
 - (c) any functions of the Secretary of State delegated to him under section 12 of this Act.

Changes to legislation: There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988, Section 15. (See end of Document for details)

Textual Amendments

- F1** Words in s. 15(2) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 86\(2\)\(a\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F2** Words in s. 15(2) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 86\(2\)\(b\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F3** Words in s. 15(3) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 86\(3\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
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Marginal Citations

- M1** 1986 c. 45.

Changes to legislation:

There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988, Section 15.