
STATUTORY INSTRUMENTS

1999 No. 1664

The Gateshead (Baltic Millennium Bridge) Order 1999

PART II

WORKS PROVISIONS

Principal Powers

Power to construct works

3.—(1) The undertaker may construct and maintain the scheduled works.

(2) Subject to article 4 below, the scheduled works shall be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the deposited sections.

(3) The undertaker shall, within the limits of deviation, carry out and maintain such works for the benefit or protection of maritime traffic as may be necessary or expedient for the purposes of, in connection with, or in consequence of, the construction of the scheduled works.

(4) The undertaker may, within the limits of deviation, carry out such works (of whatever nature) as may be necessary or expedient for the purposes of, or in connection with, or in consequence of, the construction of the scheduled works.

Power to deviate

4. In constructing or maintaining the authorised works, the undertaker may deviate laterally from the lines or situations shown on the deposited plans to any extent within the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards and to any extent downwards.

Supplemental powers

Provisions relating to the opening of the bridge

5.—(1) The undertaker shall open the bridge in accordance with the following provisions of this article for the purpose of facilitating navigation on the River Tyne.

(2) The bridge shall be opened by the undertaker on such occasions and for such period on each such occasion as may be specified in a programme which the undertaker shall agree from time to time in advance with the Authority, the University of Newcastle upon Tyne, the Royal Navy, the Royal Yachting Association and the Territorial, Auxiliary and Volunteer Reserve Association for the North of England (for so long as each of those persons or bodies, their members or any persons whom they represent have an interest in navigating on the River Tyne beneath the bridge).

(3) When agreeing the programme of openings required by paragraph (2) above the parties shall allow for the reasonable requirements of vessels navigating, or seeking to navigate, on the River Tyne and no party shall withhold agreement unreasonably.

(4) Subject to paragraph (5) below, the undertaker shall also open the bridge on the date and at the time specified in a notice (whether written or not) given by the operator of any vessel which is to pass beneath the bridge, if that notice is given at least 24 hours before the day and time specified in that notice and in accordance with the requirements for giving such a notice specified in the arrangements published pursuant to paragraph (7) below.

(5) Where a notice has been served pursuant to paragraph (4) above, the undertaker may delay the time at which the bridge is to be opened for up to half an hour after the time specified in that notice, if the undertaker is of the reasonable opinion that opening the bridge at the time specified in the notice would interfere unreasonably with the passage of pedestrians and cyclists over the bridge and if the undertaker has on forming that opinion forthwith notified the operator of the vessel in question of the time at which the bridge will be opened.

(6) The requirement in paragraph (4) above to give at least 24 hours' notice shall not apply where, in the case of an emergency, it is necessary for a vessel to navigate beneath the bridge; but in such a case the master of the vessel shall give such notice (if any) as is practicable and paragraph (5) above shall not apply.

(7) The undertaker shall publish in notices displayed in a prominent position at each end of the bridge, and in such other positions as the undertaker deems advisable in order to attract the attention of those operating vessels and of pedestrians and cyclists using the bridge, the arrangements made from time to time in relation to the opening of the bridge, including—

- (a) the programme agreed in accordance with paragraph (2) above;
- (b) the procedure for opening the bridge in accordance with paragraphs (4) to (6) above; and
- (c) the address and telephone number of the person to whom the notice required by paragraph (4) above is to be given.

(8) No arrangements shall be published under paragraph (7) above without the consent of the Authority (which consent shall not be unreasonably withheld).

(9) Without prejudice to paragraph (3) above, the arrangements published under paragraph (7) above shall be subject to any bye-laws or general directions made or given by the Authority and to any special directions given by the harbour master.

(10) In this article—

“general direction” means a direction given under section 6 of the Port of Tyne Act 1989(1); and

“special direction” means a direction given under section 8 of that Act.

Provisions relating to public use of the bridge and its maintenance

6. The undertaker shall enter into such arrangements as may be necessary with the appropriate highway authorities for the purpose of ensuring that the bridge is made available for use as a highway over which the public have a right of way on cycles and a right of way on foot.

Provisions in the event of the bridge ceasing to be used by the public

7. In the event of the bridge ceasing to be used by the public (other than for the purpose of maintenance or in an emergency) and any public right of way over it being extinguished, the undertaker shall take such steps as the Authority may reasonably require to ensure the free and uninterrupted passage of maritime traffic.

(1) 1989 c. i.

Power to survey and investigate land

8.—(1) The undertaker may for the purposes of this Order—

- (a) survey or investigate any land within the limits of land to be used shown on the deposited plans;
- (b) without prejudice to the generality of sub-paragraph (a) above, carry out archaeological investigations on the land;
- (c) without prejudice to the generality of sub-paragraph (a) above, make trial holes in such positions as the undertaker thinks fit on the land to investigate the nature of the surface layer and subsoil and remove soil samples;
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes; and
- (e) enter on the land for the purpose of exercising the powers conferred by sub-paragraphs (a) to (d) above.

(2) No land may be entered, or equipment placed or left on or removed from the land under paragraph (1) above, unless at least 7 days' notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the undertaker—

- (a) shall, if so required, before or after entering the land produce written evidence of his authority to do so; and
- (b) may take with him such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) The undertaker shall pay compensation for any damage, occasioned by the exercise of the powers conferred by this article, to the owners and occupiers of the land, such compensation to be determined, in case of dispute, under Part I of the Land Compensation Act 1961(2).

(5) Nothing in this article shall obviate the need to obtain scheduled monument consent under the Ancient Monuments and Archaeological Areas Act 1979(3).

(2) 1961 c. 33.
(3) 1979 c. 46.