



Tamar Bridge Act 1998

1998 CHAPTER iv

PART V

MISCELLANEOUS

34 Amendments to Act of 1957

(1) In section 4 (Interpretation) of the Act of 1957—

(a) there are hereby inserted the following definitions:—

“the Act of 1998” means the Tamar Bridge Act 1998;

“tidal work” means so much of any work authorised by this Act or the Act of 1998 as is on, under or over tidal waters or tidal lands below the level of mean high-water springs;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;” and

(b) for the definition of “the bridge” there is hereby substituted the following definition:—

“the bridge” has the meaning given by section 2 (Interpretation) of the Act of 1998”.

(2) For section 27 (Laying out and repair of carriageways and footways) of the Act of 1957 there is hereby substituted—

“27 Laying out of bridge and works to carriageways, cycleways and footways

(1) The Authorities may from time to time lay out the bridge or any part thereof, for carriageways, cycletracks and footways or alter the layout of the bridge, as they think fit.

(2) The Authorities may by any such layout or alteration of layout vary the class of traffic which may use any part of the bridge.

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- (3) The Authorities may sewer, level, pave, metal, flag and channel any carriageways, cycletracks and footways on the bridge and may from time to time execute all such works and do all such acts in, under or on any such carriageways, cycletracks and footways as they may think fit in exercise of their powers and in performance of their functions under this Act or the Act of 1998 including breaking open the soil and pavement of such carriageways, cycletracks and footways and any sewers, drains or tunnels within or under the same.
- (4) In the exercise of their powers under this section the Authorities shall cause as little inconvenience as circumstances allow.”.
- (3) In section 33 (As to closing of bridge) of the Act of 1957—
- (a) for subsection (1) there is hereby substituted the following subsection:—
- “(1) The Authorities may whenever in their opinion it is necessary so to do for the purposes of the maintenance, repair, strengthening, widening, improvement, alteration, extension, renewal, reconstruction or replacement of the bridge, or because of the likelihood of danger to the public or of serious damage to the bridge or in case of emergency, wholly or partially close the bridge or any portion thereof to traffic, or to traffic of any class, or divert traffic from one part of the bridge to any other part of the bridge:
- Provided that (except in cases of emergency or when the likelihood of danger to the public or serious damage to the bridge is imminent) the Authorities shall not less than 7 days before closing the bridge publish a notice stating the day and time when the bridge will be closed and the period during which it is estimated it will remain closed in—
- (a) a newspaper circulating in the city;
- (b) a newspaper circulating in the county; and
- (c) a conspicuous place at or near to the approaches to the bridge; and in such other manner (if any) as the Authorities consider desirable.”; and
- (b) the following subsection is hereby added after subsection (2):—
- “(3) A person who uses any part of the bridge for the time being closed, or from which traffic has been diverted, under this section, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.
- (4) In section 36 (Works below high-water mark to be subject to approval of Secretary of State) of the Act of 1957—
- (a) in subsection (1) for the words “Subject to the provisions of this Act any work authorised by this Act so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides” there are hereby substituted the words “A tidal work”;
- (b) in subsection (2) for the words “or extension of any such” there are hereby substituted the words “extension, reconstruction or replacement of a tidal”;
- and
- (c) for subsection (3) there is hereby substituted the following subsection:—

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“(3) If a tidal work is constructed, altered, extended, reconstructed or replaced in contravention of this section—

- (a) the Secretary of State may by notice in writing require the Authorities at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition or so near to its former condition as is acceptable to him, and if, on the expiration of 30 days beginning with the date when the notice is served upon the Authorities, they have failed to comply with the requirements of the notice the Secretary of State may execute the works specified in the notice; or
- (b) if it appears to the Secretary of State urgently necessary to do so, he may himself remove the tidal work or part of it and restore the site to its former condition or so near to its former condition as is acceptable to him;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Authorities.”.

- (5) For section 37 (Provision against danger to navigation) of the Act of 1957 there is hereby substituted—

“37 Provision against danger to navigation

- (1) In case of injury to or destruction or decay of a tidal work, or any part thereof, the Authorities shall as soon as reasonably practicable notify Trinity House and the Queen’s Harbour Master and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House, after consulting the Queen’s Harbour Master, shall from time to time direct.
- (2) If the Authorities fail to notify Trinity House as required by this section or to comply in any respect with a direction given under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine. ”.

- (6) For section 38 (Abatement of work abandoned or decayed) of the Act of 1957 there is hereby substituted—

“38 Abatement of work abandoned or decayed

- (1) Where a tidal work is abandoned, or allowed to fall into decay, the Secretary of State may by notice in writing require the Authorities at their own expense either to repair and restore the work, or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.
- (2) Where a work authorised by this Act or the Act of 1998 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 allowed to fall into decay and that part of the work on or over land above the level of mean high-water springs is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore,

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the Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of 30 days from the date when a notice under this section is served upon the Authorities, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Authorities.”.

(7) For section 39 (Survey of works by Secretary of State) of the Act of 1957 there is hereby substituted—

“39 Survey of tidal works

The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work or of the site upon which it is proposed to construct a tidal work and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Authorities.”.

(8) In section 40 (Permanent lights on works) of the Act of 1957—

- (a) in subsection (1) for the words “the corporation of Trinity House of Deptford Strond” there are hereby inserted the words “Trinity House, after consulting the Queen's' Harbour Master,”; and
- (b) for subsection (2) there is hereby substituted the following subsection:—

“(2) If the Authorities fail to comply in any respect with a direction given under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.”.

(9) For section 41 (Lights on works during construction) of the Act of 1957 there is hereby substituted—

“41 Lights on works during construction

- (1) The Authorities shall at or near a tidal work during the whole time of the construction, alteration, extension, reconstruction or replacement of the same exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation, as the Secretary of State, after consulting the Queen’s Harbour Master, shall from time to time direct.
- (2) If the Authorities fail to comply in any respect with a direction given under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.”.

(10) After section 46 (Regulations as to payment of tolls and charges) of the Act of 1957 there is hereby added the following section:—

“46A Offences

- (1) A person who, without reasonable excuse, refuses to pay any toll for which he is liable or attempts to evade payment of any such toll shall be guilty of

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an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Any person who contravenes or fails to comply with a provision of regulations under section 46 (Regulations as to payment of tolls and charges) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(11) In section 60 (Accounts and deficiencies) of the Act of 1957, at the end of paragraph (e) of subsection (1) there are hereby inserted the words “and for the purposes of the Act of 1998”.

(12) In section 67 (For further protection of certain statutory undertakers) of the Act of 1957—

(a) for subsection (1) there are hereby substituted the following subsections:—

“(1) Nothing in this section shall apply in relation to apparatus in respect of which the relations between the Authorities and the undertakers are regulated by the provisions of Part III of the Act of 1991 as having effect with the modifications made by section 3 (Application of Act of 1991) of the Act of 1998.

(1A) In this section unless the subject or context otherwise requires—

“apparatus” means—

- (a) in the case of electricity undertakers, electric lines or electrical plant (as defined in the Electricity Act 1989) belonging to or maintained by such undertakers; or
- (b) in the case of gas undertakers, mains, pipes or other apparatus belonging to, or maintained by, such undertakers for the purposes of the transportation of gas; or
- (c) in the case of water undertakers, mains, pipes or other apparatus belonging to, or maintained by, such undertakers for the purposes of water supply; or
- (d) in the case of sewerage undertakers, any sewer vested in a sewerage undertaker under the Water Industry Act 1991 including any manholes, ventilating shafts, pumps or other accessories belonging to or forming part of any such sewer;

and includes any structure for the lodging therein of apparatus or for giving access to apparatus;

“adequate alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner no less efficiently than previously;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon land;

“undertakers” means any of the following, namely, a licence holder within the meaning of Part I of the Electricity Act 1989, a public gas transporter within the meaning of section 7 of the Gas Act 1986, a water undertaker and a sewerage undertaker; and in relation to any apparatus, means the undertakers to whom it belongs or by whom it is maintained.”;

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- (b) in paragraphs (3) and (4) after each reference to “this Act” there are hereby inserted the words “or the Act of 1998”;
- (c) in paragraph (7) after the words “made under section 71 (Byelaws) of this Act” there are hereby inserted the words “or the temporary stopping up or diversion of any street under section 24 (Temporary interference with highways) of the Act of 1998”;
- (d) for paragraph (8) there are hereby substituted the following paragraphs:—

“(8) Subject to paragraph (8A) below, the Authorities shall pay to the undertakers the costs and expenses reasonably incurred by the undertakers in or in connection with the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph (4) above, less the value of any apparatus removed under the provisions of this section (that value being calculated after removal) and shall also make compensation to the undertakers—

- (a) for any damage caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal in accordance with the provisions of this section); and
- (b) for any other expenses, loss, damages, penalty or costs incurred by the undertakers;

by reason or in consequence of the execution, maintenance, use or failure of any such works:

(8A) If in pursuance of the provisions of this section—

- (a) alternative apparatus of better type, or greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, or of smaller capacity or of smaller dimensions, except where this has been solely due to using the nearest currently available type, capacity or dimension; or
- (b) apparatus (whether existing apparatus or alternative apparatus) is placed at a depth greater than the depth at which the existing apparatus was;

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the Authorities, or, in default of agreement, is not determined by arbitration to be necessary, then—

- (i) if it involves cost in the execution of works under paragraph (5) above exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this paragraph would be payable to the undertakers by virtue of paragraph (8) above shall be reduced by the amount of that excess; and
- (ii) if it involves cost in the execution of the Authorities' works exceeding that which would have been involved in that case, the undertakers shall pay to the Authorities an amount equal to that excess:

(8B) For the purposes of paragraph (8A) above—

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- (a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus, and
 - (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or a manhole shall be treated as if it also had been agreed or had been so determined:
 - (8C) An amount which apart from this paragraph would be payable to the undertakers in respect of works by virtue of paragraph (8) above (and having regard, where relevant, to paragraph (8A) above) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7½ years earlier so as to confer on the undertakers any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit as calculated in accordance with the Code of Practice entitled “Measures Necessary Where Apparatus is Affected by Major Works (Diversionary Works)” and dated June 1992, and approved by the Secretary of State on 30th June 1992 as revised and reissued from time to time.”
- (13) In section 70 (Appointment and powers of joint committee) of the Act of 1957 there are hereby inserted—
- (a) in subsection (1)(a) after the words “of this Act” the words “and under the Act of 1998”;
 - (b) in subsection (1)(b) after the words “all the powers of this Act” the words “and of the Act of 1998”;
 - (c) in subsection(1)(b)(iii) after the words “of this Act” the words “and those contained in Part IV (Finance) of the Act of 1998”;
 - (d) after subsection (5) the following subsection:—
 - “(5A) (a) If a member appointed to the joint committee is not present at a meeting of the joint committee, and prior to the start of that meeting he has nominated a substitute member for that meeting in accordance with paragraph (b) below, the substitute member may attend and vote at that meeting in his place as if the substitute member were the member appointed to the joint committee.
 - (b) A nomination of a substitute member shall be made—
 - (i) from the members of the relevant authority who are not appointed to the joint committee; and
 - (ii) to the clerk of the joint committee.
 - (c) For the purposes of this subsection “the relevant authority” means such one of the Authorities as appointed the member who is making the nomination.”
- (14) In section 72 (Bridge to be exempt from rates) of the Act of 1957 for the words “local rate” there are hereby substituted the words “non-domestic rate”.
- (15) In section 73 (Settlement of questions between Authorities) of the Act of 1957 after the words “of this Act” there are hereby inserted the words “or the Act of 1998”.

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- (16) In section 78 (Application of general provisions of Act of 1936) of the Act of 1957 for the words “a reference to this Act” there are hereby substituted the words “references to this Act and the Act of 1998”.