Dartford-Thurrock Crossing Act 1988

1988 CHAPTER 20

PART I

CONSTRUCTION OF NEW BRIDGE OVER RIVER THAMES

1 Construction of the scheduled works.

(1) The Secretary of State may, subject to and in accordance with the provisions of this Act, construct the works specified in Part I of Schedule 1 to this Act (below in this Act referred to as the scheduled works), being works for the construction of a new bridge over the river Thames between the borough of Dartford, in the county of Kent, and the borough of Thurrock, in the county of Essex, and certain associated works.

(2) References below in this Act to the bridge are references to the bridge mentioned in subsection (1) above (Work No.3).

(3) Subject to Part II of that Schedule (which gives the limits of deviation for the scheduled works, permits deviation from the levels shown on the deposited sections and specifies requirements as to the construction of the bridge) 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.

2 Acquisition of land for the scheduled works and other authorised works.

(1) The Secretary of State is authorised by this section to acquire compulsorily—

(a) so much of the land shown on the deposited plans within the limits of deviation for the scheduled works as may be required for or in connection with those works; and

(b) so much of any land specified in columns 1 and 2 of Part I of Schedule 2 to this Act shown on the deposited plans within the limits of land to be acquired as may be required for the purpose specified in relation to the land in column 3 as one for which this Act authorises it to be acquired or used.

(2) Part I of the [M1]Compulsory Purchase Act 1965 (except sections 4 and 27 and paragraph 3(3) of Schedule 3), in so far as it is applicable for the purposes of this Act and is

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not inconsistent with the provisions of this Act, shall apply to the acquisition of land under this section as it applies to a compulsory purchase to which Schedule 1 to the [M2]Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under that Act.

(3) A notice to treat under Part I of the Compulsory Purchase Act 1965 for the purpose of acquiring any land under this section shall not be served after 31st December 1992.

(4) The [M3]Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this section.

(5) Part II of Schedule 2 to this Act shall have effect for making supplementary provision relating to the acquisition of land for or in connection with the works authorised by this Act.

Marginal Citations

M1 1965 c. 56.
M2 1981 c. 67.
M3 1845 c. 18.

3 Supplementary provision as to authorised works.

Schedule 3 to this Act shall have effect for making provision for the purpose of or in connection with the construction of the works authorised by this Act and for making in connection with those works provision with respect to highways and road traffic regulation.

PART II

TRANSFER OF TUNNELS AND TUNNEL APPROACHES

Status of tunnel highway and tunnel approaches, etc.

4 Trunking of tunnel highway and tunnel approaches.

(1) On such date as the Secretary of State may by order appoint the tunnel highway and such parts of the tunnel approaches as immediately before that date are not trunk roads shall become trunk roads as if they had become so by virtue of an order under section 10(2) of the [M4]Highways Act 1980 specifying that date as the date on which they were to become trunk roads.

(2) The date appointed under subsection (1) above is referred to below in this Act as the transfer date.

(3) In this Act—

"the tunnel highway" means the highway over such parts of the A282 as pass through the tunnels or lie within land shown on the deposited plans as forming part of the tunnel crossing, and includes the tunnels themselves;

"the tunnel approaches" means the highways over the approach roads;

"the tunnels" means the tunnel authorised by the enactments repealed by the [M5]Dartford Tunnel Act 1967 and the tunnel authorised by that Act;

"the approach roads" means such parts of the A282 (other than those passing through the tunnels) as lie outside land shown on the deposited plans as forming part of the tunnel crossing, together with any slip roads joining them; and

"the tunnel crossing" means—

(a) the tunnel highway; and

(b) any land not forming part of that highway which is shown on the deposited plans as forming part of the tunnel crossing.

(4) The [M6]Dartford Tunnel Act 1984 shall cease to have effect on the transfer date.

(5) The Highways Act 1980 and the Dartford Tunnel Act 1984 are below in this Act referred to respectively as the 1980 Act and the 1984 Act.

Modifications etc. (not altering text)

C1 Power of appointment conferred by s. 4(1) fully exercised: 31.7.1988 appointed by S.I. 1988/1129

Marginal Citations

M4 1980 c. 66.

M5 1967 c. xxxvii.

M6 1984 c. xvii.

5 Status of roads, etc., other than the tunnel highway.

(1) As from the transfer date any road within the tunnel crossing which was a highway immediately before that date, other than the tunnel highway, shall cease to be a highway.

(2) As from that date, the [M7]Road Traffic Regulation Act 1984 shall have effect in relation to any road within the tunnel crossing which is not a highway as if it were a trunk road.

(3) The Secretary of State may by order make provision for applying any specified enactment relating to highways in relation to any specified part of any road or other land within the tunnel crossing which is not a highway as if that part were a highway, or a highway of any specified description, for which he is the highway authority.

(4) Any such order may provide for modifying any enactment as it applies by virtue of the order.

(5) In this section "specified" means specified by the order.

Marginal Citations

M7 1984 c. 27.

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

Transfers consequential on section 4

6 Transfer of tunnel crossing and tunnel approaches to Secretary of State.

(1) Section 265 of the 1980 Act (transfer of property and liabilities to Secretary of State upon a highway becoming a trunk road) shall not apply by virtue of section 4 of this Act; but, subject to the following provisions of this section and to section 7 of this Act, on the transfer date there are transferred to the Secretary of State by virtue of this section—

(a) the tunnel crossing;

(b) such parts of the tunnel approaches as immediately before that date are not trunk roads;

(c) the property mentioned in subsection (2) below, in so far as, immediately before that date, it was vested in either of the Councils (or in them jointly) for the purposes of any of their functions in relation to the tunnel crossing or the tunnel approaches; and

(d) all liabilities incurred by either of the Councils (or by them jointly) for the purposes of any of those functions and not discharged before that date, other than loans and loan charges;

and the property so transferred vests, by virtue of this section, in the Secretary of State.

(2) The property referred to in subsection (1)(c) above is—

(a) any easement or right in or over land; and

(b) all other property (including the unexpended balances of any grants paid by the Secretary of State to the Councils or either of them for the purposes of any of their functions in relation to the tunnel crossing or the tunnel approaches), other than—

(i) materials to be used for the maintenance or improvement of the tunnel highway or the tunnel approaches or of any works on land within the tunnel crossing;

(ii) the unexpended balances of any loans raised by either of the Councils (or by them jointly) for the purposes of any of those functions; and

(iii) tolls collected in pursuance of the 1984 Act.

(3) Subject to subsection (4) below, there is not transferred to the Secretary of State by virtue of this section—

(a) any right or liability in respect of—

(i) work done, services rendered, goods delivered, or money due for payment, before the transfer date; or

(ii) damages or compensation for any act or omission before that date; or

(b) any right or liability under any contract of insurance.

(4) Any such right or liability as is mentioned in subsection (3)(a) above is so transferred if—

(a) it was not acquired or incurred solely for the purposes of any of the functions of the Councils in relation to the tunnel approaches; and

(b) any payment received or made in respect of it would have fallen to be taken into account in determining the amount of any expenditure of the Councils which, but for the repeal by this Act of the 1984 Act, would have fallen to be met from county funds of the Councils by virtue of section 30(3) of that

Act (application of sum equivalent to the amount of the tolls collected under that Act).

(5) In this Act—

(a) references to the functions of the Councils in relation to the tunnel crossing or the tunnel approaches are references to—

(i) all their functions under the 1984 Act; and

(ii) any other functions of theirs in relation to that crossing or those approaches; and

(b) "the Councils" means the Essex County Council and the Kent County Council.

7 Transfer of toll undertaking to person appointed under section 11.

(1) This section applies where before the transfer date a person is appointed to levy tolls under section 11 of this Act and his appointment is still effective on that date.

(2) On that date, such of the property and liabilities mentioned in subsection (3) below as would apart from this section fall to be transferred by virtue of section 6 of this Act to the Secretary of State are instead transferred by virtue of this section to the person appointed; and the property so transferred vests in that person by virtue of this section.

(3) The property and liabilities referred to in subsection (2) above are—

(a) all movable property which, immediately before the transfer date, was property which was normally kept anywhere within the tunnel crossing;

(b) any right or liability relating to any such movable property;

(c) any right or liability in respect of the price of, or compensation for, any land within the tunnel crossing purchased, or for which a contract to purchase has been concluded, before the transfer date;

(d) any right or liability under a contract entered into by the Councils under section 26 of the 1984 Act (power to compound for payment of tolls); and

(e) any such right or liability as is mentioned in section 6(3)(a) of this Act.

8 Supplementary provisions and transfers of staff.

(1) Schedule 4 to this Act shall have effect in relation to a transfer by virtue of section 6 or 7 of this Act, and for the purpose of providing for further transfers and for supplementary and transitional matters in connection with the operation of those sections.

(2) Parts I and III of Schedule 5 to this Act shall have effect with respect to the transfer to employment with a new employer, in consequence of the operation of section 6 or 7 of this Act, of persons—

(a) who immediately before the transfer date were employed by Kent County Council for the purposes of or in connection with the exercise by the Councils of any of their functions in relation to the tunnel crossing or the tunnel approaches; and

(b) whose normal place of employment immediately before the transfer date was within the tunnel crossing;

and references in Part I of that Schedule to relevant employees of Kent County Council are references to persons within this subsection.

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Financial provisions

9 Termination of borrowings for tunnels, etc.

(1) The liabilities of the Councils as at the transfer date in respect of the principal of, and interest on, sums borrowed from the Secretary of State in respect of tunnel expenditure shall be extinguished.

(2) The Secretary of State shall, in accordance with the provisions of this section, pay to each of the Councils the amount required to discharge their respective liabilities as at the transfer date in respect of the principal of, and interest on, sums borrowed otherwise than from the Secretary of State in respect of tunnel expenditure less their respective unapplied tolls amounts.

(3) In this section—

(a) "tunnel expenditure" means expenditure incurred for or in respect of the tunnel undertaking (within the meaning of the 1984 Act) or for paying interest on sums borrowed for the purposes of defraying such expenditure; and

(b) "the unapplied tolls amount", in relation to either of the Councils, means the amount which immediately before the transfer date remains to be applied by the Council in accordance with section 30(3) of the 1984 Act.

(4) Not less than fourteen days before the transfer date the Secretary of State shall give notice of that date to the Councils and not less than seven days before that date they shall jointly furnish to him a copy of accounts (the provisional accounts) in such form as he may approve relating to the collection of tolls and the application of money under section 30 of the 1984 Act from the end of the period covered by the last accounts of which a copy was furnished to him under that section to the transfer date; and the provisional accounts may, to the extent necessary, take the form of estimates.

(5) The provisional accounts shall also include estimates of—

(a) the amount falling to be extinguished by virtue of subsection (1) above;

(b) the amount required to discharge the respective liabilities of the Councils as at the transfer date in respect of the principal of, and interest on, sums borrowed otherwise than from the Secretary of State in respect of tunnel expenditure (including details of how that amount relates to the actual amount of those liabilities as at that date); and

(c) the Councils' respective unapplied tolls amounts.

(6) Before the end of the period of ninety days beginning with the transfer date the Councils shall jointly furnish to the Secretary of State a copy of accounts (the final accounts) in such form as he may approve relating to the matters mentioned in subsection (4) above (but not including anything in the form of estimates) and including a final statement of the amounts mentioned in subsection (5)(a) to (c) above.

(7) On the transfer date the Secretary of State shall make a payment to each of the Councils in pursuance of subsection (2) above in accordance with the provisional accounts.

(8) If the final accounts show that there fall to be paid in pursuance of subsection (2) above amounts greater in the aggregate than the aggregate of the payments under subsection (7) above, the Secretary of State shall, within fourteen days of the furnishing to him of the copy of those accounts, pay one-half of the amount of the difference to each of the Councils; and if the converse case occurs each of the Councils

shall pay one-half of the amount of the difference to the Secretary of State within that period.

(9) Any dispute as to an amount falling to be paid under this section shall be determined by arbitration.

10 Payment of transfer expenses.

(1) If either or both of the Councils make to the Secretary of State within twenty-eight days of the transfer date a claim in respect of expenses to which this subsection applies, he shall within twenty-eight days of the date on which he receives the claim make them a payment equal to the amount of those expenses.

(2) Subsection (1) above applies to expenses—

(a) which are incurred on or after 1st January 1986 in connection with the transfer of any property or liability from them under or by virtue of this Act or in providing assistance in the preparation of this Part of the Bill for this Act; and

(b) which are not such as were, or before the transfer date could have been, met from county funds under section 30(3) of the 1984 Act.

(3) Where a claim is made under this section, the Secretary of State may require the production to him of such documents and the furnishing to him of such other information as he considers relevant with respect to the claim and he shall not be required to make any payment in response to the claim until such documents are produced, or other information furnished, to him.

(4) Any dispute as to an amount falling to be paid under this section shall be determined by arbitration, but where the dispute is as to some only of the expenses to which a claim relates nothing in this subsection shall affect any duty of the Secretary of State to make a payment under this section in respect of any other expenses to which it also relates.

PART III

OPERATION OF THE CROSSING

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

11 Power to levy tolls for use of the crossing.

(1) Subject to and in accordance with the following provisions of this Part of this Act, tolls may be levied in respect of vehicles using either of the tunnels or the bridge.

(2) Below in this Act “toll” means a toll leviable under this Part of this Act.

(3) Tolls may be levied by a person appointed by the Secretary of State, if the requirements of subsection (4) below are met in relation to that person’s appointment.

(4) The appointment must be made under a contract between the Secretary of State and the person appointed providing for the construction by that person of the bridge (whether or not together with any other of the scheduled works) and the maintenance by that person—

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(a) as from such date as may be provided by or under the contract, of the tunnels and such other parts of the crossing as may be specified in the contract; and

(b) as from such later date as may be so provided, of the whole of the crossing;

and that contract must not have been preceded by any contract between the Secretary of State and any other person providing for the construction of the bridge.

(5) The appointment shall be subject to such terms and conditions as may be agreed in the contract.

(6) Where the contract comes to an end otherwise than—

(a) on exercise by the person appointed of any right of his to terminate the contract in consequence of any breach by the Secretary of State of his obligations under the contract; or

(b) at the end of the period allowed under section 16 of this Act for the levy of tolls by the person appointed in default of earlier termination of his appointment;

tolls may be levied by the Secretary of State.

(7) Tolls shall be leviable by the person appointed under this section—

(a) as from the transfer date, as respects vehicles using either of the tunnels; and

(b) as from the date on which the bridge is first open for public use, as respects vehicles using the bridge;

until the end of the period so allowed or the termination of his appointment, whichever first occurs.

(8) If subsection (6) above applies, tolls shall be leviable by the Secretary of State as respects vehicles using either of the tunnels or the bridge as from the time when the contract comes to an end or, where it comes to an end before the date applicable in the case of the vehicles in question in accordance with subsection (7)(a) or (b) above, as from that date.

(9) In this Act "the crossing" means—

(a) the tunnel crossing;

(b) the bridge (including the highway carried by it); and

(c) any land which may be acquired by the Secretary of State in exercise of any of his powers under Part XII of the 1980 Act in relation to any trunk road or other land forming part of the crossing by virtue of paragraph (a) or (b) above;

but as respects any time before the bridge is open for public use references below in this Act to the crossing shall be read as referring only to the tunnel crossing and such other parts of the crossing as the context may require.

(10) References in this Act to the toll period are references—

(a) to the period allowed under section 16 of this Act for the levy of tolls by the person appointed under this section in default of earlier termination of his appointment; or

(b) if subsection (6) above applies, to the period beginning with the transfer date and ending at the end of the period allowed under that section for the levy of tolls by the Secretary of State.

12 Delegation of functions of Secretary of State in relation to the crossing and the approach roads.

(1) Subject to the following provisions of this section, the Secretary of State may by agreement with any person delegate to that person all or any of his functions with respect to the maintenance and improvement of, or other dealing with, any trunk road or other land comprised in the crossing.

(2) A delegation under subsection (1) above may only be made—
- (a) if tolls are for the time being leviable by the person appointed under section 11 of this Act, to that person; or
- (b) if tolls are for the time being leviable by the Secretary of State and he appoints any person to collect the tolls as his agent, to that person.

(3) Without prejudice to the application of subsection (1) above and section 6(1) of the 1980 Act (delegation by Secretary of State of trunk road functions to local councils) in relation to functions of the Secretary of State under this Act, each of those provisions shall apply in relation to—
- (a) any functions conferred by or under this Part of this Act on the crossing operator which are for the time being exercisable by the Secretary of State; and
- (b) the power of the Secretary of State under section 23 of this Act to withdraw or suspend the restriction imposed by subsection (1) of that section;

as it applies in relation to functions of his of a description mentioned in subsection (1) above.

(4) In this Act "the crossing operator" means the person appointed under section 11 of this Act to levy tolls, in relation to any time when tolls are for the time being leviable by that person, and otherwise means the Secretary of State.

(5) No functions may be delegated under subsection (1) above to any council to whom the Secretary of State may under section 6(1) of the 1980 Act (including that provision as extended by subsection (3) above) delegate any of his functions.

(6) Any person to whom any functions are delegated under this section shall, in the exercise of those functions, act as agent for the Secretary of State and in accordance with such conditions as he may attach to the delegation.

(7) Any agreement made by the Secretary of State for delegating any of his functions under this section shall not prevent him from exercising any function delegated if he considers that it is necessary or expedient for him to do so—
- (a) by reason of any emergency; or
- (b) on the ground that, in his view, the delegate has failed or will be unable to carry out any works, or do any other thing, that appears to the Secretary of State to be necessary for the discharge of that function.

(8) A delegation of any functions under this section may be terminated in such circumstances and in such manner as may be provided under the agreement providing for the delegation.

(9) Nothing in this section limits the power of the Secretary of State to enter into and carry into effect agreements with any person for any purpose connected with the exercise of any function he has power to delegate under subsection (1) above.

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13 Leases of crossing land, etc.: application of landlord and tenant law.

(1) The Secretary of State shall have power to grant to the person appointed under section 11 of this Act a lease—

(a) of any land comprised in the crossing; and

(b) of any easement or right in or over land not so comprised, being an easement or right acquired by him under section 2 of this Act or transferred to him under section 6 of this Act;

if it appears to him to be expedient to do so for the purpose of or in connection with the exercise by that person of any of the functions mentioned in subsection (2) below.

(2) Those functions are—

(a) any functions of the person appointed under the contract under which he was appointed;

(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.

(3) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement between the Secretary of State and the person appointed so far as relates to the terms on which any land which is the subject of a lease granted in pursuance of this section is to be provided for that person's use; and accordingly no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease so granted—

(a) so as to exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;

(b) so as to confer or impose on either party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or

(c) so as to restrict the enforcement (whether by action for damages or otherwise) by either party to the lease of any obligation of the other party under the lease.

14 Termination of appointment under section 11 after the transfer date.

(1) This section applies where the appointment of the person appointed under section 11 of this Act to levy tolls comes to an end after the transfer date.

(2) Subject to the following provisions of this section and section 15 of this Act, on the termination of the appointment there are transferred to the Secretary of State by virtue of this section—

(a) all movable property belonging to the person appointed immediately before termination—

(i) which was transferred to that person under section 7 of this Act; or

(ii) which, immediately before termination, was property which was normally kept anywhere within the crossing;

(b) all assets of the person appointed of a description within subsection (3) below which fall in accordance with the contract under which he was appointed to

be transferred to the Secretary of State on termination of the appointment in the circumstances in which it has in fact terminated; and

(c) all rights and liabilities of the person appointed subsisting immediately before termination which—

(i) were acquired or incurred by that person for the purposes of or in connection with the exercise of any relevant functions; or

(ii) arose from that person's occupation of the crossing;

and the property so transferred vests, by virtue of this section, in the Secretary of State.

(3) The assets referred to in subsection (2)(b) above are—

(a) assets representing revenue produced by the tolls and other revenue of the person appointed; and

(b) the unexpended balances of any loan funds raised by the person appointed for the purposes of or in connection with the exercise of any relevant functions.

In paragraph (b) above "loan funds" means funds raised by borrowing or by the issue of loan stock.

(4) Subsection (2)(c) above does not apply in relation to rights and liabilities in respect of loans, loan stock and loan charges.

(5) Where the appointment terminates at the end of the period allowed under section 16 of this Act for the levy of tolls by the person appointed, any right or liability of that person under any contract (not being a contract of employment) entered into by him for or in connection with the collection of tolls is not transferred by virtue of this section unless it is acquired or incurred in respect of things done or omitted before termination.

(6) Parts II and III of Schedule 5 to this Act shall have effect for making in connection with the operation of this section provision relating to employees and former employees of the person appointed.

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 [M8]Insolvency Act 1986 shall—

(a) affect the validity of anything done by the person appointed or by any other person in discharging that liability;

(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.

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)

Marginal Citations

M8 1986 c. 45.

16 Time limit for levy of tolls.

(1) Tolls shall cease to be leviable at the end of the period allowed under subsection (2) below or, where section 11(6) of this Act applies, at the end of the period allowed under subsection (3) below.

(2) The period allowed for the levy of tolls by the person appointed under section 11 of this Act, in default of earlier termination of his appointment, is the period determined in accordance with Part I of Schedule 6 to this Act.

(3) The period allowed for the levy of tolls by the Secretary of State is the period determined in accordance with Part II of that Schedule.

(4) Where the period allowed for the levy of tolls by the person appointed under section 11 of this Act includes any toll extension period under paragraph 4 of that Schedule, references in section 14 of this Act to relevant functions shall include references to any functions of the person appointed under the contract relating to the levy of tolls by that person during the toll extension period.

Tolls and their administration

17 Classification of vehicles and level of tolls.

(1) The classes of vehicles in respect of which tolls may be levied shall be those established immediately before the transfer date by any classification of vehicles then in force under the 1984 Act.

(2) Subject to the following provisions of this section, the toll leviable on and after the transfer date in respect of a vehicle of any class shall be that in force immediately before that date in respect of vehicles of that class.

(3) Below in this section—

"the base month" means, subject to subsection (10) below, the month of June; and

"the revision date" means the date immediately following the end of the period of two months beginning with the 1st day of the base month.

(4) Subject to subsection (9) below, on or within the period of seven days next following—

(a) the first revision date after the transfer date; and

(b) each succeeding revision date falling within the toll period;

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

the Secretary of State shall make an order fixing the amounts of the tolls in respect of all classes of vehicles in respect of which tolls are leviable.

(5) Subject to the following provisions of this section, the amount of the toll to be fixed by the order in respect of each class of vehicles shall be an amount arrived at by increasing the amount applicable in the case of that class on 1st January 1986 by the same percentage as the percentage increase between the retail prices index for December 1985 and the retail prices index for the month which is the base month in relation to the revision date in question.

(6) Any amount which falls in accordance with subsection (5) above to be fixed by an order under this section—

(a) if it is neither a multiple of ten nor an amount which on division by ten produces a remainder of five, shall be rounded to the nearest ten pence; and

(b) if it is an amount which on division by ten produces a remainder of five, shall be increased by five pence.

(7) Subject to subsection (8) below, where the amount of any toll which, in accordance with the preceding provisions of this section, falls to be fixed by an order made under this section in respect of any class of vehicles exceeds that in force under the last previous order so made, the new order may fix an amount which does not implement the increase or implements it only in part.

(8) Where tolls are for the time being leviable by the person appointed under section 11 of this Act, an order under this section may not by virtue of subsection (7) above fix an amount for any toll which does not implement, or implements only in part, any increase in the amount of that toll which would otherwise fall to be made under this section, except at the request of that person.

(9) Where, on any occasion when an order fixing the amounts of tolls falls to be made in accordance with subsection (4) above, in the case of the toll leviable in respect of each class of vehicles in respect of which tolls are leviable either—

(a) the amount which, in accordance with the preceding provisions of this section, would fall to be fixed by the order does not exceed that in force under the last previous order so made; or

(b) any increase which would fall to be made in the amount of that toll is one which by virtue of subsection (7) above need not be implemented by the order and the Secretary of State proposes not to implement it;

an order under subsection (4) above need not be made on that occasion.

(10) Where the retail prices index for any month during the toll period which is not for the time being the base month for the purposes of this section shows an increase of twelve per cent. or more over that for the last preceding base month, the month first mentioned above shall become the base month for the purposes of this section.

(11) An order made under this section shall come into force on the 1st day of the month next following that in which it is made.

(12) References in this section to the retail prices index are references to the general index of retail prices (for all items) published by the **[**[F4]Statistics Board**]**; and if that index is not published for any month those references shall be read as references to any substituted index or index figures published by **[**[F5]the Board**]** for that month.

(13) Subsection (8) above shall not apply in relation to any order made under this section during any toll extension period under paragraph 4 of Schedule 6 to this Act.

Subordinate Legislation Made

P1 S. 17: power previously exercised by S.I. 1988/1364, 1989/1402 and 1990/1597

P2 S. 17(4): s. 17(4) power exercised by S.I. 1991/1808

Textual Amendments

F4 Words in s. 17(12) substituted (1.4.2008) by Statistics and Registration Service Act 2007 (c. 18), s. 74(1), **Sch. 3 para. 4(a)**; S.I. 2008/839, art. 2

F5 Words in s. 17(12) substituted (1.4.2008) by Statistics and Registration Service Act 2007 (c. 18), s. 74(1), **Sch. 3 para. 4(b)**; S.I. 2008/839, art. 2

18 Temporary suspension of tolls.

(1) Subject to the following provisions of this section, tolls may be suspended by the crossing operator.

(2) A suspension may relate to all vehicles using the crossing, or only to all such vehicles travelling from north to south, or from south to north.

(3) Where the person appointed under section 11 of this Act to levy tolls is the crossing operator, his power to suspend tolls under this section shall be subject to any conditions in the contract under which he was appointed.

19 Exemption from tolls.

Nothing in this Act shall authorise the levying of tolls in respect of—

(a) a vehicle identifiable by writing or markings on it or otherwise by its appearance as being the property of—

[[F6](i) a local policing body;**]**

[[F7](ia) the **[**[F8]National Crime Agency**]**;**]**

[[F9](ii) a fire and rescue authority under the Fire and Rescue Services Act 2004; or**]**

(iii) one of the civil defence forces or the civil defence services as respectively defined in the [M9]Civil Defence Act 1948;

being used in the execution of duty;

(b) an ambulance or other vehicle if it is being used by [F10]**[**[F11]... a Special Health Authority established under section 28 of **[**[F12]the National Health Service Act 2006**]** or section 22 of the National Health Service (Wales) Act 2006, [F13]... **[**[F14]a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006**]** or a voluntary organisation or other person under an arrangement made under either of those Acts;**]**

(c) any other ambulance if it is being used for the purpose of or in connection with the transport of persons requiring or receiving medical treatment or for the carriage in an emergency of medical apparatus or supplies;

(d) a vehicle exempted from duty under **[**[F15]paragraph 18 of Schedule 2 to the Vehicle Excise and Registration Act 1994**]**if it is being used for the purposes of an invalid; or

(e) a vehicle so exempted under **[**[F16]paragraph 19 of that Schedule**]** if it is being used by or for the purposes of a person suffering from a physical defect or disability.

Textual Amendments

F6 S. 19(a)(i) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 177**; S.I. 2011/3019, art. 3, Sch. 1

F7 S. 19(a)(ia) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 51**; S.I. 2006/378, art. 4(1), Sch. para. 10

F8 Words in s. 19(a)(ia) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 186**; S.I. 2013/1682, art. 3(v)

F9 S. 19(a)(ii) substituted (7.9.2004 for E. for specified purposes, 1.10.2004 for E. in so far as not already in force, 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), s. 61, **Sch. 1 para. 66**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

F10 Words in s. 19(b) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 43(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F11 Words in s. 19(b) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 105** (with Sch. 3 Pt. 1)

F12 Words in s. 19(b) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 43(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F13 Words in s. 19(b) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 43(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F14 Words in s. 19(b) inserted (1.4.2007) by References to Health Authorities Order 2007 (S.I. 2007/961), art. 1(1), **Sch. para. 18**

F15 S. 19(d) words substituted (1.9.1994) by 1994 c. 22, ss. 63, 66, **Sch. 3 para. 23(a)** (with s. 57(4))

F16 S. 19(e) words substituted (1.9.1994) by 1994 c. 22, ss. 63, 66, **Sch. 3 para. 23(b)** (with s. 57(4))

Modifications etc. (not altering text)

C2 S. 19(a)(i) applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 1 para. 6(2)**

C3 S. 19(a)(i) modified (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 33(2), **Sch. 5 para. 6(2)**

Marginal Citations

M9 1948 c. 5. (12, 13 & 14 Geo 6)

20 Composition agreements.

(1) The crossing operator may enter into agreements ("composition agreements") under which persons compound in advance, on such terms as may be provided by the agreement, for the payment of tolls in respect of the use of the crossing by them, by other persons or by any vehicles.

(2) A composition agreement may relate to use on such number of occasions or during such period as may be provided by the agreement.

(3) Composition agreements offered by the crossing operator to persons seeking to compound in advance for the payment of tolls must be offered on the same terms with respect to the same description of use of the crossing to all persons seeking so to compound in respect of use of that description.

21 List of tolls to be exhibited.

A list of the tolls for the time being leviable shall at all times be exhibited in a conspicuous position within a reasonable distance of any place at which tolls are payable.

22 Refusal to pay tolls.

(1) Any person who, without reasonable excuse, refuses or fails to pay any toll for which he is liable or attempts to evade payment of any such toll shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) The powers mentioned in subsection (3) below are exercisable in relation to any such person (referred to in that subsection as the person in default) by any traffic officer or by any person employed at the crossing for the purpose of the collection of tolls.

(3) Those powers are—
- (a) to refuse to permit the person in default to pass through any place at which tolls are payable;
- (b) whether by himself or with such assistance as he thinks necessary, to prevent the person in default from passing through any such place; and
- (c) to require the person in default to leave the crossing by such route as a traffic officer may direct.

Regulation of traffic using crossing or approach roads

23 Restriction on use by certain classes of traffic.

(1) Subject to subsections (2) and (4) below, so much of the A282 as passes through the tunnels or is carried by the bridge and such other parts of the crossing and such parts of the approach roads as may be prescribed shall not be available for use by any of the following classes of traffic—
- (a) pedestrians;
- (b) animals;
- (c) pedal cycles; and
- (d) other vehicles which are not mechanically powered (unless drawn by a mechanically powered vehicle).

(2) The Secretary of State may at any time by such notice in writing as he thinks appropriate withdraw or suspend (either permanently or temporarily and either as respects particular traffic or as respects traffic of all or any of the classes mentioned in subsection (1) above) the restriction imposed by that subsection.

(3) Such a withdrawal or suspension may be made on and subject to such terms and conditions as the Secretary of State may determine, including conditions imposing tolls at such of the levels at which tolls are for the time being levied as the Secretary of State considers appropriate.

(4) The restriction imposed by subsection (1) above shall not apply to—
- (a) any person performing work, duties or services relating to the crossing or the approach roads;
- (b) any constable acting in the execution of his duty;

(c) any member of the naval, military or air forces while on duty in the service of the Crown; or

(d) any inspector appointed under section 19 of the [M10]Health and Safety at Work etc. Act 1974 acting in the execution of his duty;

or to any vehicle of which any such person is in charge or to any person to whom it would otherwise apply only in consequence of a breakdown of a vehicle or other emergency.

(5) A person who contravenes the restriction imposed by subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) Any such person may be stopped by any traffic officer or by any person employed at the crossing for the purpose of the collection of tolls.

(7) Any person who is about to contravene the restriction imposed by subsection (1) above may be prevented from doing so by any traffic officer or by any person so employed.

(8) For the purposes of this section a person contravenes the restriction imposed by subsection (1) above if he uses any part of the crossing or of the approach roads contrary to the restriction or if he is in charge of an animal or vehicle which does so; and where he does so by being in charge of an animal or vehicle a traffic officer or person so employed may move the animal or vehicle to a place where the restriction does not apply.

(9) A traffic officer or person so employed may exercise the powers conferred by subsections (6) to (8) above with such assistance as he thinks necessary.

Marginal Citations

M10 1974 c. 37.

24 Special traffic restrictions.

(1) In relation to roads within the crossing and the approach roads the power conferred by **[**[F17]subsection (2)**]** of section 14 of the [M11]Road Traffic Regulation Act 1984 (temporary restriction or prohibition of traffic on roads) shall be exercisable—

(a) by a constable or traffic officer (as well as by the Secretary of State as the highway authority) on a ground on which it is exercisable by that authority; and

(b) by the Secretary of State or a traffic officer where a restriction or prohibition appears necessary or expedient for the purpose of maintaining or improving any part of the crossing.

(2) Where that power is exercised by a constable or traffic officer it may be exercised either by notice or by an appropriate means of communication; and subsections (4) and (7) of that section shall apply in relation to an appropriate means of communication as they apply in relation to a notice under **[**[F17]subsection (2)**]**of that section.

(3) Where that power is exercised in relation to any road within the crossing a traffic officer may, either by notice or by an appropriate means of communication, make as respects any other road within the crossing—

(a) any such provision as is described in section 2(2)(a) to (c) of the [M12]Road Traffic Regulation Act 1984 (direction of traffic, waiting, etc.); or

(b) any provision restricting the speed of vehicles;

and any restriction or prohibition imposed under this subsection shall be treated for the purposes of section 16(1) of that Act (offence of contravention) as if imposed under section 14 of that Act.

(4) A notice or an appropriate means of communication under subsection (3) above may suspend any statutory provision of a description which could have been contained in it and any such provision shall have effect subject to it.

(5) In this section "an appropriate means of communication" means any reasonable means for communicating the restriction or prohibition to persons affected by it, other than a notice.

Textual Amendments

F17 Words in s. 24(1)(2) substituted (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), **s. 2(6)(7)**; S.I. 1992/1218, **arts.2**, 3

Marginal Citations

M11 1984 c. 27.

M12 1984 c. 27.

25 Large vehicles and safety.

(1) Regulations may make provision—

(a) for the regulation by the crossing operator of the use of the crossing by vehicles exceeding such dimensions or weight as may be prescribed;

(b) for the prohibition or regulation by the crossing operator of the conveyance through the tunnels of any goods, substances or other things capable of being conveyed which are dangerous, including provision for searching vehicles suspected of conveying any such things; and

(c) for eliminating or reducing the risk of fire in the tunnels.

(2) The regulations may include provision requiring the prescribed person to pay to the crossing operator in respect of the use of the crossing by vehicles such as are mentioned in subsection (1)(a) above a charge of an amount determined in accordance with such scales and other provisions as may be prescribed.

(3) Any person who contravenes or fails to comply with any regulations made under subsection (1)(b) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) In proceedings brought against any person for an offence under subsection (3) above it shall be a defence for him to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Subordinate Legislation Made

P3 S. 25: power previously exercised by S.I. 1989/2372 and 1990/1598

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

26 Removal of stationary vehicles.

(1) For the purpose of preventing obstruction of the crossing and the approach roads, regulations may—

(a) prohibit vehicles from stopping or remaining at rest in prescribed parts of the crossing or of the approach roads except in prescribed circumstances; and

(b) make such provision as is mentioned in subsection (3) below with respect to vehicles which, either in contravention of the regulations or in such circumstances to which subsection (2) below applies as may be prescribed, are for the time being at rest in any prescribed part of the crossing or of the approach roads.

(2) The circumstances to which this subsection applies, in relation to any vehicle, are any circumstances in which—

(a) it is necessary for the vehicle to remain at rest by reason of breakdown; or

(b) no person is for the time being in charge of the vehicle or the person in charge of it is not present in or on the vehicle.

(3) The regulations may—

(a) require the person (if any) in charge of any vehicle which is at rest by reason of breakdown in any prescribed part of the crossing or of the approach roads to take prescribed steps for reporting that fact and the position and circumstances in which the vehicle is at rest;

(b) prohibit any person, other than a constable or traffic officer—

(i) from carrying out, or attempting to carry out, any repair, adjustment or refuelling of any such vehicle except with permission expressly given by a constable or traffic officer;

(ii) from moving, or attempting to move, any such vehicle from the position in which it is at rest;

(c) include provision for empowering a constable or traffic officer to remove any vehicle which is at rest in any prescribed part of the crossing or of the approach roads from its position to a place within the crossing or the approach roads where the regulations do not prohibit vehicles stopping or remaining at rest; and

(d) include provision, in the case of any vehicle which is so removed by a traffic officer or which at the request of the person in charge of it is repaired, adjusted or refuelled (instead of being removed) by a traffic officer, for requiring the prescribed person to pay to the crossing operator a charge of an amount determined in accordance with such scales and other provisions as may be prescribed.

Subordinate Legislation Made

P5 S. 26: power previously exercised by S.I. 1989/2372 and 1990/1598

P6 S. 26(1)(3)(d): s. 25(1)(with ss. 25(2), 26(1)(3)(d), 44(3) and 46(1)) power exercised by S.I.1991/1805

27 Services for transporting cycles and cyclists through crossing.

(1) The Secretary of State shall either provide, maintain and operate vehicles for the purpose of carrying pedal cycles and cyclists through the crossing or make such arrangements as he considers appropriate with any other person for securing the provision, maintenance and operation of vehicles for that purpose.

(2) No charge shall be made in respect of the carriage of any cycle or cyclist on any vehicle provided by, or in pursuance of arrangements made by, the Secretary of State under subsection (1) above.

28 Traffic officers.

(1) The crossing operator shall appoint persons to act as traffic officers.

(2) It shall be the duty of every traffic officer to secure the observance and enforcement of the provisions of this Part of this Act and of regulations made under it, in particular by exercising functions conferred on traffic officers by any such provision.

(3) It shall also be the duty of every traffic officer to secure the observance and enforcement of—

(a) any traffic regulation order made under section 1 of the [M13]Road Traffic Regulation Act 1984 and any prohibition or restriction imposed under section 14 of that Act or section 24 of this Act as respects any road within the crossing or the approach roads; and

(b) any byelaws made or treated as made under the 1984 Act as they have effect by virtue of this Act.

(4) Every traffic officer may stop and direct traffic within the crossing and, so far as is necessary for the performance of any of his duties under subsections (2) and (3) above, on the approach roads.

(5) A traffic officer shall not act as such unless in uniform.

(6) Every officer who immediately before the transfer date was acting as a traffic officer under section 36 of the 1984 Act shall be treated as if he was appointed to act as a traffic officer under this section on that date.

Marginal Citations

M13 1984 c. 27.

29 Offences.

Any person who—

(a) without reasonable excuse refuses or fails to pay any charge which he is liable to pay under regulations made under section 25 or 26 of this Act;

(b) resists or intentionally obstructs a traffic officer in uniform acting in the execution of his duty; or

(c) contravenes or fails to comply with any regulations made under this Part of this Act, other than regulations made under section 25(1)(b) 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.

Miscellaneous and supplementary

30 Planning permission.

If any works for or in connection with the exercise of any functions under this Part of this Act or the maintenance or improvement of any part of the crossing are carried out on any land otherwise than by or on behalf of the Secretary of State, they shall not be taken for the purposes of **[**[F18]the Town and Country Planning Act 1990**]** to involve development of the land.

Textual Amendments

F18 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 77**

31 Pollution controls, etc.

(1) If any operation for or in connection with the maintenance or improvement of any part of the crossing is carried out otherwise than by or on behalf of the Secretary of State, a prohibition or restriction to which this section applies shall not have effect in relation to the operation if it would not have effect in relation to the operation if the operation were carried out by the Secretary of State.

(2) This section applies to—

(a) any prohibition on the carrying out of operations or on carrying them out without the consent of any person;

(b) any restriction on the level of noise which may be emitted in the course of carrying out operations;

(c) any prohibition or restriction on the times when or the period of time for which operations may be carried out; and

(d) any prohibition or restriction on depositing materials in or discharging materials into any waters;

imposed by or under any enactment other than this Act, other than any prohibition or restriction imposed by or under the relevant statutory provisions (within the meaning of Part I of the [M14]Health and Safety at Work etc. Act 1974).

(3) In this section "operation" means any works or action.

Marginal Citations

M14 1974 c. 37.

32 Recovery of tolls and charges.

Where any tolls or any charges payable under regulations made under section 25 or 26 of this Act remain unpaid after they have become due for payment the crossing operator may recover from the person liable to pay them the amount of the tolls or charges together with a reasonable sum to cover administrative expenses.

33 Accounts of person appointed under section 11.

(1) Copies of any accounts of the person appointed to levy tolls under section 11 of this Act which are provided to the Secretary of State in pursuance of—

(a) the contract under which that person was appointed; or

(b) any contract relating to the levy of tolls by that person during any toll extension period under paragraph 4 of Schedule 6 to this Act;

shall be laid before Parliament by the Secretary of State.

[[F19](2) In relation to a company " accounts " in subsection (1) means the company's annual accounts for a financial year, together with the relevant **[**[F20] strategic report and **]** directors' report and the auditors' report on those accounts.

Expressions used in this subsection have the same meaning as in **[**[F21]Part 15 of the Companies Act 2006**].]**

Textual Amendments

F19 S. 33(2) substituted by Companies Act 1989 (c. 40, SIF 27), s. 23, **Sch. 10 para. 39** (subject to savings in S.I. 1990/355, art. 8, **Sch. 3 para. 1**)

F20 Words in s. 33(2) inserted (with effect in accordance with reg. 1(4) of the amending S.I.) by The Companies Act 2006 (Strategic Report and Directors' Report) Regulations 2013 (S.I. 2013/1970), reg. 1(2)(3), **Sch. para. 28**

F21 Words in s. 33(2) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), **Sch. 1 para. 152** (with arts. 6, 11, 12)

34 Accounts of Secretary of State.

(1) Where section 11(6) of this Act applies, the Secretary of State shall prepare a statement of accounts under this section in respect of each financial year falling wholly or partly within the period allowed under section 16 of this Act for the levy of tolls by him.

(2) Any statement of accounts prepared under this section shall be in such form and contain such particulars, compiled in such manner, as the Treasury may from time to time direct.

(3) Any such statement shall be sent by the Secretary of State to the Comptroller and Auditor General not later than the end of the month of November following the end of the financial year to which the statement relates.

(4) The Comptroller and Auditor General shall examine and certify any statement sent to him under this section and shall lay copies of it, together with his report on it, before Parliament.

35 Offences by bodies corporate.

(1) Where a body corporate is guilty of an offence under this Part of this Act and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and liable to be proceeded against and punished accordingly.

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

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

36 Application of Part III to Crown.

(1) Subject to the preceding provisions of this Part of this Act and to subsection (2) below, this Part of this Act and any regulations made under it shall have effect in relation to persons in the public service of the Crown, vehicles belonging to, or used for the purposes of, a Minister of the Crown or Government department and things done, or omitted to be done, in connection with such vehicles by such persons as they have effect in relation to other persons or vehicles.

(2) Regulations made under section 25 or 26 of this Act may provide that, in their application in relation to—

(a) vehicles belonging to the Crown and used for naval, military or air force purposes; and

(b) vehicles used for the purposes of any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the [M15]Visiting Forces Act 1952, or used for the purposes of any headquarters or organisation designated by an Order in Council under section 1 of the [M16]International Headquarters and Defence Organisations Act 1964;

the regulations shall have effect subject to such modifications as may be prescribed.

Marginal Citations

M15 1952 c. 67.

M16 1964 c. 5.

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 [M17]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 [M18]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.

(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.

Marginal Citations
M17 1967 c. xxxvii.
M18 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 [M19]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.

Marginal Citations
M19 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 [M20]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.

Marginal Citations

M20 1950 c. 39.

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.

(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

P7 S. 44: power previoulsy exercised by S.I. 1989/2372 and 1990/1598

P8 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;

"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 [M21]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 [M22]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 [M23]Road Traffic Act 1972 and section 140 of the [M24]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

(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

P9 S. 46: power previously exercised by S.I. 1989/2372 and 1990/1598

P10 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

M21 1978 c. 30.

M22 1981 c. 67.

M23 1972 c. 20.

M24 1984 c. 27.

[F22 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

F22 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)

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