



Dartford-Thurrock Crossing Act 1988

1988 CHAPTER 20

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 ^{M1}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“the tunnels” means the tunnel authorised by the enactments repealed by the ^{M2}Dartford Tunnel Act 1967 and the tunnel authorised by that Act;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.

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- (4) The ^{M3}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

M1 [1980 c. 66.](#)
M2 [1967 c. xxxvii.](#)
M3 [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 ^{M4}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

M4 [1984 c. 27.](#)

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)

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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.

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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.

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

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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.

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- (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.

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