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STATUTORY INSTRUMENTS

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**2020 No. 1075**

**The Great Yarmouth Third River Crossing  
Development Consent Order 2020**

**PART 6**

**OPERATIONAL PROVISIONS**

**Removal of falling loads and objects**

**47.**—(1) If a load or other object falling from a vehicle on the new bridge or the new bridge approaches—

- (a) causes any obstruction or hazard;
- (b) prevents the opening of the new bridge; or
- (c) causes, or is likely to cause, material detriment to—
  - (i) the efficient and effective operation of the new bridge; or
  - (ii) the environment,

the person in charge of the vehicle must immediately remove the load or object if directed to do so by an authorised person.

(2) Where, in relation to a load or other object to which paragraph (1) applies—

- (a) the person in charge of the vehicle has not complied with a direction made under paragraph (1) to remove the load or object;
- (b) the person in charge of the vehicle proposes to comply with a direction made under paragraph (1) in a manner which an authorised person reasonably determines would be detrimental to the safety of that person or other persons using the highway;
- (c) an authorised person reasonably determines that directing the person in charge of the vehicle to remove the load or object would be detrimental to the safety of that person or other persons using the highway; or
- (d) no person in charge of the vehicle is present,

an authorised person may take all reasonable steps to remove the load or object from the new bridge or (as the case may be) new bridge approaches.

(3) An authorised person—

- (a) may return a load or object which the authorised person has removed immediately to the person in charge of the vehicle from which it has fallen; or
- (b) where a return of the load or object which the authorised person has removed to the person in charge of the vehicle from which it has fallen is not practicable or appropriate, must deliver the load to the undertaker or to a person authorised by the undertaker to keep loads and objects so removed (“the custodian” in either case).

(4) Unless it appears to the custodian that the load or object has no monetary value, the custodian must take reasonable steps to ascertain the name and address of the owner of the load or object.

(5) Where the custodian has been unable to ascertain the name and address of the owner of the load or object, or is not obliged to do so under paragraph (4), the custodian may dispose of or sell the load or object as the custodian thinks fit.

(6) Where the custodian has ascertained the name and address of the owner of the load or object, the custodian must notify such person that—

- (a) the load or object is in the possession of the custodian;
- (b) the owner must take possession of the load or object within 5 weeks of the date of the notice (“the claim period”);
- (c) the owner may only take possession of the load or object on the payment of the custodian's expenses in removing and storing the load or object; and
- (d) if the owner fails to act in accordance with the requirements in the notice, title in the load or object will vest in the custodian immediately upon the expiry of the claim period.

(7) The custodian may recover, as a simple contract debt in any court of competent jurisdiction, any expenses reasonably incurred in the removal and storage of a load or object from the owner of that load or object.

(8) Unless the owner of the load acts in accordance with the notice requirements, title in the load vests in the custodian on the date specified in the notice.

(9) Where a load or object falling from a vehicle consists of, or includes, liquids or semi-liquids or items which are loose or an aggregate, or noxious, perishable or otherwise hazardous or difficult to collect up or remove, and the driver of the vehicle fails to remove it in accordance with a direction given under paragraph (1) or the fallen load or object poses a hazard to highway users—

- (a) paragraphs (2) to (8) do not apply; and
- (b) an authorised person may, as they see fit, arrange for the load or object—
  - (i) to be immediately washed, cleaned, cleared away or removed; and
  - (ii) thereafter disposed of or sold by or behalf of the undertaker.

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**Commencement Information**

**II** Art. 47 in force at 15.10.2020, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020, Section 47.