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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

##### Operation of new bridge

**43.**—(1) The undertaker is authorised to operate the new bridge, subject to the following provisions of this article.

(2) The undertaker must operate the new bridge in accordance with a scheme of operation prepared by the undertaker.

(3) The GYPA, and the master, owner, agent, pilot or operator of any vessel must comply with the provisions of the scheme of operation.

(4) The provisions of the scheme of operation must initially consist of the provisions set out in Schedule 10 (scheme of operation).

(5) At any time after the new bridge opens to public use, the undertaker may, with the agreement of GYPA which must not be unreasonably withheld or delayed, amend the terms of the scheme of operation.

(6) Any amendment of the scheme of operation under paragraph (5) must conform to the following principles—

- (a) the new bridge will be opened as and when required to allow the passage of any vessel except a recreational vessel;
- (b) reasonable measures are to be taken by the GYPA, the undertaker and users of the river Yare to ensure that passages of vessels past the new bridge are co-ordinated and conducted efficiently;
- (c) except when sub-paragraph (f) applies, a recreational opening will be made upon such notice and at such times as the undertaker reasonably determines;
- (d) in determining times under sub-paragraph (c) the undertaker may exclude peak hours;
- (e) recreational vessels are either to use the vessel waiting facilities or depart the port when waiting for the next recreational opening;
- (f) the new bridge will be opened on request when the vessel waiting facilities are full and another recreational vessel requests passage;
- (g) the new bridge will be opened prior to a large vessel entering Great Yarmouth Port if—
  - (i) the harbour master considers that in the event the new bridge does not open to allow the large vessel to transit it, no safe alternative manoeuvre would be practicable; and
  - (ii) GYPA is unable to arrange a suitable emergency berth before the large vessel enters Great Yarmouth Port;

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- (h) when a large vessel transits the new bridge, any recreational vessel using the vessel waiting facilities will transit the new bridge before the large vessel, subject to any direction from the harbour master to the contrary given for safety or navigation purposes;
  - (i) where a specified event occurs and as a result—
    - (i) the new bridge cannot be opened; or
    - (ii) opening the new bridge would be likely to cause danger to—
      - (aa) any person or property, including the new bridge, any vessel and any person using, working on or intending to use or work on the new bridge or aboard any vessel; or
      - (bb) the environment,
- the undertaker is not to be obliged to open the new bridge at the scheduled time but instead at such later time as is reasonable in the circumstances; and
- (j) no amendment of the scheme of operation is to result in any effects on the environment which are materially new or materially different from those assessed in the environmental statement.
- (7) Paragraphs (2) and (3) apply to the scheme of operation as amended under paragraph (5) as they do to the scheme as initially prepared in compliance with paragraph (4).
- (8) The undertaker must publish the initial scheme of operation and any amendments to it on a website maintained by the undertaker.
- (9) In this article—
- (a) “large vessel” means any vessel to which a pilotage direction for Great Yarmouth Port made under section 7 (pilotage directions) of the Pilotage Act 1987<sup>M1</sup> applies;
  - (b) “peak hours” means the periods on any day between—
    - (i) 08:00 to 09:00; and
    - (ii) 16:30 and 17:30;
  - (c) “recreational opening” means the opening of the new bridge to allow the passage of a recreational vessel;
  - (d) “recreational vessel” means any vessel being used solely for leisure purposes at the time the vessel transits through Great Yarmouth Port and includes any commercially operated hire vessel used or rented for leisure use;
  - (e) “the scheduled time” means any time at which the new bridge would be due to open in accordance with the principles in paragraph (6)(a) to (d); and
  - (f) “specified event” means—
    - (i) an emergency;
    - (ii) adverse weather conditions;
    - (iii) a vessel colliding with the new bridge;
    - (iv) a power failure, hydraulic failure or mechanical failure; or
    - (v) any other circumstance beyond the reasonable control of the undertaker.
- (10) In this article and in article 45 (closing the highway comprised in the new bridge and new bridge approaches) “emergency” means any circumstance existing or imminent which the undertaker considers is likely to cause danger to—
- (a) any person or property, including the new bridge, any vessel and any person using, working on, or intending to use or work on, the new bridge or aboard any vessel passing the new bridge; or

(b) the environment.

**Commencement Information**

**I1** Art. 43 in force at 15.10.2020, see [art. 1](#)

**Marginal Citations**

**M1** 1987 c. 21.

**Extinguishment of right of navigation within the river Yare in connection with authorised development**

**44.**—(1) For the purpose of protecting the new bridge, the public right of navigation within the areas of the river Yare identified in paragraph (2) is extinguished in accordance with the provisions of this article.

(2) The areas referred to in paragraph (1) are shown hatched brown on the rights of navigation plan.

(3) Paragraph (1) does not take effect until the undertaker has, prior to commencement of construction of the new bridge—

- (a) notified the GYPA of the date from which the extinguishment is to have effect;
- (b) published notice of the extinguishment and the date from which the extinguishment is to have effect in Lloyd's List and once in each of 2 successive weeks in a local newspaper published or circulating in the Borough of Great Yarmouth; and
- (c) displayed notice of the extinguishment and the date from which the extinguishment is to have effect in a conspicuous position adjacent to the river Yare from the date of the first notice published under sub-paragraph (b) above, until at least 7 days after the date on which the last notice is published under sub-paragraph (b).

(4) The date that is notified, published and displayed under paragraph (3) as the date from which the extinguishment is to have effect must not be earlier than 14 days after the last date on which a notice is published under paragraph (3)(b).

(5) As soon as possible following receipt by the GYPA of notice given by the undertaker under paragraph (3), the GYPA must issue a notice to mariners giving the commencement date and other particulars of the extinguishment to which the notice relates.

(6) A master of a vessel must not allow a vessel to enter into any part of the areas referred to in paragraph (2) without first obtaining the consent of the undertaker which may attach reasonable conditions to any consent.

(7) Before granting a consent under paragraph (6)(6), the undertaker must consult with the harbour master.

**Commencement Information**

**I2** Art. 44 in force at 15.10.2020, see [art. 1](#)

**Closing the highway comprised in the new bridge and new bridge approaches**

**45.**—(1) The undertaker may close any highway formed by the new bridge or the new bridge approaches, in whole or in part—

- (a) to allow the new bridge to open;

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(b) for the purpose of or in connection with the maintenance of the new bridge or the new bridge approaches; and

(c) in case of any emergency.

(2) The undertaker may provide and operate such barriers across the highway and signs as it considers necessary to secure the closure of the highway under paragraph (1) and alert highway users to the closure.

(3) Where the undertaker intends to close the highway under paragraph (1)(b) it must, except where maintenance is required in an emergency—

(a) give not less than 7 days' notice of such closure by advertisement in at least one newspaper published or circulating in the borough of Great Yarmouth; and

(b) throughout a period of at least 7 days prior to the closure display signs at convenient locations on the new bridge approaches giving warning of the closure.

(4) In this article “emergency” has the meaning assigned by article 43(10).

#### **Commencement Information**

**I3** Art. 45 in force at 15.10.2020, see [art. 1](#)

#### **Removal of vehicles**

**46.**—(1) If a vehicle waiting, loading, unloading or breaking down 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—

(i) to the efficient and effective operation of the new bridge; or

(ii) the environment,

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

(2) Where, in relation to a vehicle to which paragraph (1) applies—

(a) the person in charge of the vehicle has not complied in a timely manner with a direction made under paragraph (1) to remove the vehicle;

(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 it 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 vehicle from the new bridge or (as the case may be) new bridge approaches.

(3) An authorised person who removes a vehicle under paragraph (2) may do so by towing or driving the vehicle or in such other manner as the authorised person considers necessary and may take such measures in relation to the vehicle as the authorised person considers necessary to enable the vehicle to be removed.

- (4) A vehicle removed by an authorised person under this article—
- (a) may be returned immediately to the person in charge of that motor vehicle; or
  - (b) where immediate return of that vehicle to the person in charge of it is not practicable or appropriate, must be delivered to the undertaker or to a person authorised by the undertaker to keep vehicles so removed (“the custodian” in either case).
- (5) In a case where the owner of the vehicle has disclaimed all rights of ownership of the vehicle and its contents and fittings, the custodian may dispose of them in such manner as it sees fit at any time.
- (6) In any case not falling within paragraph (5), a vehicle or its contents or fittings must not be disposed of before the end of the period of 5 weeks beginning with the date on which the vehicle was removed and until the custodian has, for the purpose of ascertaining the owner of the vehicle, taken such steps as are specified in paragraph (7) and either—
- (a) the custodian has failed to ascertain the name and address of the owner; or
  - (b) the owner has failed to comply with a notice complying with paragraph (8) served on the owner by post.
- (7) The steps referred to in paragraph (6) are—
- (a) if the vehicle carries a United Kingdom registration mark, the custodian must ascertain from the records kept by the Secretary of State under the Vehicle Excise and Registration Act 1994 <sup>M2</sup> the name and address of the person by whom the vehicle is kept (“the registered keeper”); and
  - (b) if the vehicle does not carry such a registration mark, the custodian must make such inquiries (if any) as appear to the custodian reasonably practicable to ascertain the owner of the vehicle.
- (8) A notice under paragraph (6)(b) must be addressed to the owner which—
- (a) states—
    - (i) the reasons for the removal of the vehicle;
    - (ii) the place to which the vehicle has been removed;
    - (iii) the registration mark and make of the vehicle;
    - (iv) the steps required to be taken to obtain possession of the vehicle;
    - (v) the RSD charges which the custodian will be entitled to recover from the owner in accordance with this article; and
    - (vi) that unless the vehicle is removed by the owner on or before the date specified in sub-paragraph (b), the custodian intends to dispose of it; and
  - (b) requires the owner to remove the vehicle from the custody of the custodian within 21 days of the date on which the notice was served.
- (9) The custodian is entitled to treat the registered keeper of the vehicle as the person entitled to its contents and fittings unless and to the extent that some other person satisfies the custodian of their claim to all or part of them.
- (10) Where it appears to the custodian that more than one person is the owner of the vehicle—
- (a) the notice under paragraph (6)(b) must be sent to all persons appearing to be the owner of the vehicle; and
  - (b) the vehicle may not be disposed of in accordance with paragraph (5) unless all persons appearing to be the owners have disclaimed all rights of ownership.
- (11) Where a vehicle has been removed and delivered into the custody of a custodian in accordance with paragraph (4), the custodian is entitled to (whether or not any claim is made under

paragraph (21) of this article) recover the RSD charges from the person who is or (as the case may be) was the owner of the vehicle in relation to—

- (a) the removal and storage of the vehicle; and
- (b) if the vehicle has been disposed of, its disposal.

(12) Where any RSD charges are recoverable in respect of a vehicle by a custodian by virtue of paragraph (11)—

- (a) the RSD charges are recoverable as a simple contract debt in any court of competent jurisdiction;
- (b) the custodian is entitled to retain custody of the vehicle until the RSD charges recoverable by virtue of paragraph (11)(a) are paid.

(13) Where—

- (a) it appears to the custodian that more than one person is the owner of the vehicle; and
- (b) one of those owners, or a person authorised by one of those owners, has gained possession of the vehicle under paragraph (16),

then the owner who gained possession of the vehicle under paragraph (16) is to be treated as the owner from whom the RSD charges are recoverable.

(14) Where—

- (a) it appears to the custodian that more than one person is the owner of the vehicle; and
- (b) one of those owners has made a claim under paragraph (19) that satisfies the conditions in paragraph (20),

then the owner who made the claim under paragraph (19) is to be treated as the owner from whom the RSD charges is recoverable.

(15) Where—

- (a) it appears to the custodian that more than one person is the owner of the vehicle; and
- (b) neither paragraph (13) nor paragraph (14) applies,

then those persons are to be treated as jointly and severally liable for the RSD charges.

(16) A person (“the claimant”) may take possession of a vehicle (with its contents and fittings) which has been removed and delivered to a custodian and has not been disposed of under this article, if the conditions specified in paragraph (17) are satisfied.

(17) The conditions are that—

- (a) the claimant satisfies the custodian that the claimant is the owner of the vehicle or that the claimant is authorised by the owner to take possession of the vehicle; and
- (b) all outstanding RSD charges are paid to the custodian.

(18) Where it appears to the custodian that more than one person is the owner of the vehicle, the custodian must give possession of the vehicle to the first claimant who satisfies the conditions set out in paragraph (17).

(19) If, after a vehicle has been disposed of by a custodian under this article, a person claims to have been the owner of the vehicle at the time when it was disposed of and the conditions specified in paragraph (20) are fulfilled, a sum calculated in accordance with paragraph (21) is payable by the custodian to the owner.

(20) The conditions are that—

- (a) the person claiming satisfies the custodian that the person so claiming was the owner of the vehicle at the time it was disposed of;

(b) the claim is made before the end of the period of 1 year beginning with the date on which the vehicle was disposed of; and

(c) no previous claim in respect of the vehicle has been made.

(21) The sum payable under paragraph (20) is calculated by deducting from the proceeds of disposal of the vehicle the RSD charges that would have been payable under paragraph (17)(b) had the vehicle been claimed by the owner immediately before its disposal together with such RSD charges as may be due in respect of the disposal of the vehicle.

(22) Where it appears to the custodian of a vehicle that more than one person is the owner of that vehicle, the custodian must treat the first person who makes a claim that satisfies the conditions set out in paragraph (20) as the owner for the purposes of this article.

(23) in this article “the RSD charges” means such reasonable charges determined from time to time by the undertaker in accordance with paragraph (24) in respect of the removal, storage and disposal of vehicles under this article.

(24) The RSD charges—

(a) must not exceed the charges prescribed, in relation to England, by the Secretary of State under sections 101A(3), 101A(4)<sup>M3</sup> or 102(2)<sup>M4</sup> of the 1984 Act in respect of the removal, storage and disposal of vehicles under the 1984 Act; and

(b) must be published by the undertaker in such manner as the undertaker considers appropriate.

(25) For the purposes of this article the owner of a vehicle is taken to be the person by whom the vehicle is kept; and in determining for those purposes who was the owner of the vehicle at any time, it is presumed (unless the contrary appears) that the owner was the person in whose name the motor vehicle was at the relevant time registered under the Vehicle Excise and Registration Act 1994.

(26) For the purposes of this article “breaking down”, in relation to a vehicle which is a motor vehicle, includes by way of a mechanical defect, lack of fuel, oil, water or power required for the motor vehicle or any other circumstances in which a person in charge of the vehicle could not immediately, safely and without damage to the motor vehicle or its accessories drive it under its own power away from the new bridge and the new bridge approaches.

#### Commencement Information

**I4** Art. 46 in force at 15.10.2020, see [art. 1](#)

#### Marginal Citations

**M2** 1994 c. 22.

**M3** Section 101A was inserted by paragraph 3(2) of Schedule 11 to the 2004 Act. Charges have been prescribed (under, inter alia, sections 101A(3), 101A(4) and 102(2) of the 1984 Act) by [S.I. 2008/2095](#).

**M4** Section 102(2) was inserted by paragraph 4(2) of Schedule 9 to the 2004 Act.

### 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

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(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.

#### Commencement Information

**I5** Art. 47 in force at 15.10.2020, see [art. 1](#)

### No apparatus in the new bridge or new bridge approaches without consent

**48.** Regardless of anything contained in any enactment, no person is to enter upon, break up or interfere with the new bridge or the new bridge approaches, or any part of them, for the purpose of placing or doing anything in or in relation to any sewer, drain, main, pipe, wire or other apparatus or executing any work except with the written consent of the undertaker and in accordance with such terms and conditions as the undertaker may determine, including as to payment, such consent not to be unreasonably withheld and any disputes as to the withholding of consent or over terms and conditions to be subject to the arbitration provisions in article 67 (arbitration).

#### Commencement Information

**I6** Art. 48 in force at 15.10.2020, see [art. 1](#)

### Subsidiary works and operations in the river Yare

**49.—(1)** Subject to the provisions of this Order the undertaker may within the Order limits—

- (a) carry out and maintain works for the accommodation or convenience of vessels within the river Yare (including but not limited to berthing and mooring facilities, ladders, buoys, bollards, dolphins, fenders, rubbing strips and fender panels, fender units and pontoons) as may be necessary or convenient for the purposes of, or in connection with or in consequence of, the operation or maintenance of the authorised development; and
- (b) deepen, dredge, scour, cleanse, alter and improve the bed of the river Yare for the purposes of maintaining the authorised development.

(2) Except in the case of emergency, before exercising the powers of paragraph (1), the undertaker must use reasonable endeavours to notify the owner of any mooring and the owner or master of any vessel that may be affected by works undertaken in the exercise of the powers under this article.

(3) The undertaker must pay compensation to any person entitled to compensation under Part 1 (determination of questions of disputed compensation) of the 1961 Act who suffers any loss or damage from the exercise of the powers conferred by paragraph (1).

(4) Any dispute as to a person's entitlement to compensation under paragraph (3) or as to the amount of the compensation must be determined under Part 1 of the 1961 Act.

(5) All materials dredged up or removed by the undertaker in exercise of the powers of this article are the property of the undertaker and may be used, sold, deposited or otherwise disposed of by the undertaker.

(6) The powers conferred by this article must not be exercised without the agreement of the GYPA, which must not be unreasonably withheld or delayed but which may be given subject to reasonable conditions.

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#### Commencement Information

**17** Art. 49 in force at 15.10.2020, see [art. 1](#)

#### Protection against dredging

**50.**—(1) No person is to dredge within the area shown hatched yellow on the limits of dredging plan.

(2) No person is to dredge within the area shown hatched blue on the limits of dredging plan without the prior consent of the undertaker, such consent not to be unreasonably withheld.

#### Commencement Information

**18** Art. 50 in force at 15.10.2020, see [art. 1](#)

#### Byelaws

**51.**—(1) The undertaker may make, amend, revoke and enforce byelaws regulating the use and operation of the new bridge, the maintenance of order and the conduct of persons in the new bridge area, the mooring of vessels to the new bridge and vessel waiting facilities, and the passage of vessels past the new bridge.

(2) Without limiting the scope of paragraph (1), byelaws under this article may make provision—

- (a) preventing interference with, or obstruction of, the operation of the new bridge, the new bridge control tower, the new bridge plant room, the vessel waiting facilities or other facilities, machinery, apparatus, tools or other things provided in connection with the operation of the new bridge;
- (b) preventing interference with, or obstruction of, the new bridge infrastructure;
- (c) preventing trespass in the new bridge area;
- (d) preventing nuisances in the new bridge area;
- (e) requiring any person in charge of a motor vehicle which is at rest by reason of breakdown or accident in a prescribed place on the new bridge or the new bridge approaches to take prescribed steps for reporting that fact and the position and circumstances in which the vehicle is at rest;
- (f) prohibiting any person, other than an authorised person—
  - (i) from carrying out, or attempting to carry out a repair, adjustment or refuelling of such a vehicle to which sub-paragraph (e) applies except with permission expressly given by an authorised person; and
  - (ii) from moving, or attempting to move, such a vehicle from the position in which it is at rest unless so directed by an authorised person;
- (g) prohibiting a person from obstructing any action taken by an authorised person under the powers conferred by articles 46 (removal of vehicles) and 47 (removal of falling loads and objects);
- (h) ensuring the safety of vehicles passing over the new bridge; and
- (i) placing controls on the mooring and passage of vessels.

(3) The undertaker must obtain the agreement of the GYPA, such agreement not to be unreasonably withheld, before making byelaws under paragraph (1)(1) the purpose of which is to control the navigation or mooring of vessels.

(4) The byelaws contained in Schedule 11 (the Great Yarmouth Third River Crossing Byelaws 2020)—

- (a) are to be treated for all purposes as byelaws made by the undertaker under paragraph (1) save that, for the purposes of paragraph (7) and the provisions of the Local Government Act 1972 <sup>M5</sup>, mentioned in that paragraph, they are to be treated as having been confirmed by the Secretary of State on the date this Order comes into force;
- (b) take effect upon commencement of construction of the new bridge; and
- (c) continue to have effect until such time as they are amended or revoked by further byelaws made under paragraph (1).

(5) From the date that this Order comes into force, the Great Yarmouth Port Authority Navigation (Haven) Byelaws 1997 <sup>M6</sup> are amended as follows—

- (a) in Byelaw 3 (interpretation) insert the following definitions in the appropriate places alphabetically—

““the new bridge” means the bridge comprised in Work No. 8B together with the vessel impact protection systems and supporting works comprised in Work Nos. 6A and 6B, as set out in Schedule 1 (authorised development) to the Order”;

““the new bridge control tower” means Work No. 7A as set out in Schedule 1 to the Order”;

““the new bridge infrastructure” means the vessel waiting facilities together with all infrastructure which is required for or facilitates the construction, maintenance inspection or operation of the new bridge including (without limitation) cables, pipes and other apparatus relating to the provision of drainage, electricity, water, and other services, fenders and other protective or ancillary works relating to the new bridge, tools and any emergency, safety or communications apparatus”;

““new bridge undertaker” means Norfolk County Council or a person to whom the benefit of the relevant provisions of the Order has been transferred under article 8 (consent to transfer benefit of the Order) of the Order”;

““the Order” means the Great Yarmouth Third River Crossing Development Consent Order 2020”;

““the vessel waiting facilities” means the vessel waiting facilities comprised in Work No. 6A as set out in Schedule 1 to the Order”;

- (b) after Part V (Haven Bridge) insert—

## **“PART VA**

### **NEW BRIDGE CONTROLS ON VESSELS**

#### **Mooring of vessels**

**44A.** A master of a vessel must not moor the vessel to any part of the new bridge or the new bridge infrastructure without the prior consent of the harbour master and the new bridge undertaker.

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### **Observation of signals and communications**

**44B.** A master of a vessel must observe and comply with all river traffic control signal lights exhibited from the new bridge and follow any instructions issued by the harbour master.

**44C.** A master of a vessel approaching or departing the new bridge must make every reasonable effort to maintain continuous contact with the harbour master.

**44D.** A master of a vessel awaiting passage under the new bridge must—

- (a) give transiting vessels sufficient room to manoeuvre; and
- (b) ensure that that the vessel does not advance beyond the outer edge of the vessel impact protection systems comprised in the new bridge until allowed to proceed by the harbour master.

### **Passage of vessels under the new bridge**

**44E.** A master of a vessel must not direct the vessel to pass under the new bridge without prior consent from the harbour master.

**44F.—(1)** A master of a vessel must ensure that the vessel does not exceed a speed over the ground of seven knots when approaching and passing under the new bridge.

(2) This byelaw does not apply to any vessel when it is being used for a rescue operation, fire-fighting or for police or port operations.

### **Collision with the new bridge**

**44G.** A master of a vessel which has been involved in a collision with the new bridge or any element of the new bridge infrastructure must, as soon as reasonably practicable, report the occurrence to the new bridge undertaker and the harbour master and as soon as reasonably practicable thereafter provide the new bridge undertaker and the harbour master with details of the collision in writing.”.

(6) The GYPA must not—

- (a) amend or revoke the byelaws inserted into the Great Yarmouth Port Authority Navigation (Haven) Byelaws 1997 by paragraph (5); or
- (b) make byelaws which affect the new bridge, the new bridge infrastructure, or the passage of vessels within the limits of dredging,

without first obtaining the consent of the undertaker, such consent not to be unreasonably withheld.

(7) Subject to paragraph (8), the provisions of subsections 236(3) to (8) and (11) (procedure, etc., for byelaws) and section 238 (evidence of byelaws) of the Local Government Act 1972 <sup>M7</sup> apply in relation to byelaws made by the undertaker under paragraph (1) and for that purpose references in those provisions of the Local Government Act 1972 to “the authority” are to be read as references to the undertaker.

(8) Subject to paragraph (3), the undertaker may make, amend and revoke byelaws under paragraph (1) in accordance with the procedure in the Byelaws (Alternative Procedure) (England) Regulations 2016 <sup>M8</sup> as if those regulations applied to the making and revoking of byelaws under this article (and accordingly section 236 of the Local Government Act 1972 did not apply).

(9) Byelaws made under this article are enforceable as follows—

- (a) in the case of byelaws made under paragraph (1), by an authorised person; or
- (b) in the case of vessel byelaws, by an authorised person or the GYPA.

(10) A person who contravenes a byelaw made under paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(11) Where damage to the new bridge or new bridge infrastructure is attributable to a person in charge of a vessel being in breach of a byelaw made under paragraph (1) or a vessel byelaw, the undertaker may recover from that person all expenses reasonably incurred in repairing the damage as a debt.

(12) The undertaker must provide to the harbour master all information reasonably requested by the harbour master where the harbour master reasonably suspects that a breach of the byelaws made under paragraph (1) or the vessel byelaws has been committed by a person in charge of a vessel.

(13) The undertaker must comply with a request made by the harbour master under paragraph (12) within 10 days of the date the request was made.

(14) In this article “breakdown” in relation to a motor vehicle, includes mechanical defect, lack of fuel, oil, water or power required 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 away from the new bridge.

(15) In this article and in article 52 (fixed penalty notices) “vessel byelaws” means—

- (a) the byelaws inserted into the Great Yarmouth Port Authority Navigation (Haven) Byelaws 1997 by paragraph (5), as from time to time amended or revoked by the GYPA in accordance with paragraph (6); and
- (b) the byelaws made by the GYPA in accordance with paragraph (6) which affect the new bridge, the new bridge infrastructure, or the passage of vessels within the areas shown hatched yellow and blue on the limits of dredging plan.

#### **Commencement Information**

**I9** Art. 51 in force at 15.10.2020, see [art. 1](#)

#### **Marginal Citations**

**M5** 1972 c. 70.

**M6** Made by the Great Yarmouth Port Authority in exercise of powers conferred by section 83 of the Harbours, Docks and Pier Clauses Act 1847 and other enabling powers.

**M7** 1972 c. 70. There are amendments to subsections 236(3) to (8) and (11) and section 238 but none are relevant to this Order.

**M8** S.I. 2016/165.

#### **Fixed penalty notices**

**52.**—(1) This article applies where it appears to an authorised person that a person has committed an offence under byelaws made under paragraph (1) of article 51 (byelaws) or vessel byelaws.

(2) The authorised person may serve on that person a fixed penalty notice in respect of the offence.

(3) Where a person is given a fixed penalty notice under this article in respect of an offence—

- (a) no proceedings may be instituted for that offence before the expiration of 14 days after the date of the notice; and

*Status: Point in time view as at 15/10/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020, PART 6. (See end of Document for details)*

- (b) that person may not be convicted of the offence if the fixed penalty is paid before the expiration of 14 days after the date of the notice.
- (4) A fixed penalty notice must state—
- (a) the amount of the fixed penalty;
  - (b) particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence;
  - (c) the time by which and the manner in which the fixed penalty must be paid, including any telephone number to be used for payments by credit or debit card and details of any electronic payment facility; and
  - (d) that proceedings may be instituted if payment is not made within the time specified in the fixed penalty notice.
- (5) The amount of the fixed penalty is—
- (a) one fifth of the maximum amount of the fine to which the person to whom the fixed penalty notice is issued would be liable on summary conviction provided that person pays the fixed penalty in full within 7 days of issue of the fixed penalty notice; or
  - (b) one half of the maximum amount of the fine to which the person to whom the fixed penalty notice is issued would be liable on summary conviction.
- (6) An authorised person may require a person to whom this article applies to pay a deposit of one tenth of the maximum amount of the fine to which a person may be liable under level 3 on the standard scale on accepting a fixed penalty notice if that person fails to provide, when requested, evidence of a residential address in the United Kingdom.
- (7) Payment of the deposit must be made—
- (a) in person to the authorised person by cash, credit card, debit card or other means by which the undertaker accepts payments, if the authorised person has the necessary means to accept payment in that manner;
  - (b) by telephone by credit card, debit card or other means by which the undertaker accepts payments by telephone to the number stipulated in the fixed penalty notice for making payments; or
  - (c) by an electronic payment facility.
- (8) The undertaker must apply the deposit towards payment of the fixed penalty.
- (9) In any proceedings a certificate which—
- (a) purports to be signed on behalf an officer of the undertaker appointed under section 151 (financial administration) of the Local Government Act 1972; and
  - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,
- is evidence of the facts stated.
- (10) In this article—
- “app” means a software application for use on an electronic device which—
- (a) enables payments to be made by credit card, debit card or other means by which the undertaker accepts electronic payments; and
  - (b) which is provided to the public by the undertaker for that purpose;
- “credit card” means a card or similar thing issued to any person, use of which enables the holder to defer payment by the holder of a sum due under this article;

“debit card” means a card or similar thing issued by any person, use of which enables the holder to cause a sum due under this article to be paid by the electronic transfer of funds from any account of the holder at a bank or other institution providing banking facilities;

“electronic payment facility” means an app, an internet payment facility and any other means by which the undertaker accepts payments due under this article by electronic means;

“fixed penalty notice” means a notice offering the opportunity of the discharge of liability to conviction of an offence under byelaws made under article 51(1) or vessel byelaws;

“internet payment facility” means a facility provided by a website maintained by the undertaker or on its behalf which enables payments to be made by credit card, debit card or other means by which the undertaker accepts electronic payments; and

“vessel byelaws” has the meaning assigned to it by article 51(15).

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**Commencement Information**

**I10** Art. 52 in force at 15.10.2020, see [art. 1](#)

**Status:**

Point in time view as at 15/10/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Great Yarmouth Third River Crossing Development Consent Order 2020, PART 6.