200[ ] No.

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The River Mersey (Mersey Gateway Bridge) Order 200[ ]

Made - - - - 200[ ]
Coming into force - - 200[ ]

CONTENTS

PART 1
PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Application of the 1991 Act

PART 2
WORKS PROVISIONS

Principal powers

4. Power to construct and maintain works
5. Power to deviate
6. Restriction on works in the River Mersey and saltmarshes

Streets

7. Power to execute street works
8. Stopping up of streets
9. Temporary stopping up of streets
10. Access to works
11. Construction and maintenance of new or altered streets
12. Agreements with street authorities
13. Use of the Ashtead Busway for the purposes of the construction of the authorised works

Supplemental powers

14. Discharge of water
15. Protective works to buildings
16. Power to survey and investigate land
17. Additional powers
18. Prohibitions within the new crossing area
19. Protection of the new crossing, etc.
20. Restriction on mooring of vessels, etc.

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

21. Power to acquire land
24. Power to acquire new rights
25. Rights under or over streets

Temporary possession of land

26. Temporary use of land for construction of works
27. Temporary use of land for maintenance of works

Compensation

28. Disregard of certain interests and improvements
29. Set-off for enhancement in value of retained land

Supplementary

30. Acquisition of part of certain properties
31. Extinction or suspension of private rights of way
32. Time limit for exercise of powers of acquisition

PART 4

OPERATIONAL

33. Power to operate, use and maintain the new crossing
34. Restriction on use of the new crossing by certain classes of vehicle or person
35. Closing the new crossing
36. No mains or pipes
37. Trespass on the new crossing
38. Offences and power to make byelaws
PART 5

TOLLING, CONCESSION AND FINANCING ARRANGEMENTS

39. Power to charge tolls
40. Payment of tolls
41. Power to enter into concession agreements and lease or transfer the undertaking etc.
42. Application of landlord and tenant law
43. Application of section 2 of the New Roads and Street Works Act 1991
44. Application of the Transport Act 2000

PART 6

MISCELLANEOUS AND GENERAL

45. Planning permission and supplementary matters
46. Power to lop trees overhanging the authorised works
47. Disapplication of the Commons Act 2006
48. Proceedings in respect of statutory nuisance
49. Saving for Trinity House and protection of navigation
50. Removal of vessels
51. Obstruction of construction of authorised works
52. Disclosure of confidential information
53. Statutory undertakers, etc.
54. Protective provisions
55. Disapplication of provisions relating to conservation of the River Mersey
56. Certification of plans, etc.
57. Service of notices
58. No double recovery
59. Arbitration

SCHEDULES

Schedule 1  Scheduled works
Schedule 2  Streets subject to street works
Schedule 3  Streets to be stopped up
  Part 1  Streets for which a substitute is to be provided
  Part 2  Streets for which no substitute is to be provided
Schedule 4  Streets to be temporarily stopped up
Schedule 5  Access to works
Schedule 6  Modification of compensation and compulsory purchase enactments for creation of new rights
Schedule 7  Land of which temporary possession may be taken
Schedule 8  Protection of navigation
Schedule 9  Provisions relating to statutory undertakers, etc.
Schedule 10  Protective provisions
Schedule 11  Level of tolls and charges
Schedule 12  Register of vehicles exempt from tolls
An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(a) for an Order under sections 3 and 5 of the Transport and Works Act 1992(b) ("the 1992 Act").

The Secretary of State caused an inquiry to be held for the purposes of the application pursuant to section 11 of the 1992 Act.

The Secretary of State, having considered the objections made and not withdrawn and the report of the person who held the inquiry, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the Secretary of State's opinion do not make any substantial change to the proposals.

The Secretary of State is of the opinion that the primary object of this Order cannot be achieved by means of an order under the Harbours Act 1964(c).

The Secretary of State is satisfied that the provision of an alternative right of way for each of the streets mentioned in Part 2 of Schedule 3 is not required.

Notice of the Secretary of State's determination was published in the London Gazette on [ ].

Accordingly, the Secretary of State, in exercise of the powers conferred by sections 3 and 5 of, and paragraphs 1 to 5, 7 to 13 and 15 to 17 of Schedule 1 to, the 1992 Act makes the following Order:—

PART 1
PRELIMINARY

Citation and commencement

1. This Order may be cited as the River Mersey (Mersey Gateway Bridge) Order 200[ ] and shall come into force on [ ].

Interpretation

2.—(1) In this Order—

"the 1961 Act" means the Land Compensation Act 1961(d);

"the 1965 Act" means the Compulsory Purchase Act 1965(e);

"the 1980 Act" means the Highways Act 1980(f);

"the 1990 Act" means the Town and Country Planning Act 1990(g);

"the 1991 Act" means the New Roads and Street Works Act 1991(h);

(a) S.I. 2006/1466.
(c) 1964 c. 40.
(d) 1961 c. 33.
(e) 1965 c. 56.
(f) 1980 c. 66.
(g) 1990 c. 8.
(h) 1991 c. 22. As amended by the Traffic Management Act 2004 c. 18.
“the 2000 Act” means the Transport Act 2000 (a);

“address” includes any number or address used for the purposes of electronic transmission;

“authorised activities” means the construction, carrying out and maintenance of the authorised works, the operation, use and maintenance of the new crossing and the exercise of any power, authority or discretion for the time being vested in or exercisable by the undertaker under this Order or otherwise;

“authorised works” means the scheduled works and any other works authorised by this Order;

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“bridge roads” means the roads that cross the new bridge and Work Nos. 1b, 1d, 1e, 1f, 3a, 3b, 4b, 4c, 4e, 4f, 4g, 4h, 4i, 4j and 5a;

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in the 1980 Act;

“concession agreement” means a legally binding arrangement which may be comprised in one or more documents that makes provision for the design, construction, financing, refinancing, operation, maintenance or any other matter in respect of the new crossing;

“concessionnaire” means any person with whom the undertaker enters into a concession agreement from time to time together with the successors and assigns of any such person;

“cycle track” has the same meaning as in the 1980 Act;

“electronic transmission” means a communication transmitted—
(a) by means of an electronic communications network; or
(b) by other means but while in electronic form;

“exemptions register” means the register of vehicles exempt from tolls maintained by the undertaker in accordance with article 39 (power to charge tolls) and Schedule 12 (register of vehicles exempt from tolls);

“footway” has the same meaning as in the 1980 Act;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“the land plans” means the plans certified by the Secretary of State as the land plans for the purpose of this Order;

“the limits of deviation” means the limits of deviation for the scheduled works shown on the works plans;

“the limits of land to be acquired or used” means the limits of land to be acquired or used shown on the land plans;

“local transport plan” means the plan prepared by Halton Borough Council under section 108(3) of the 2000 Act;

(a) 2000 c. 38.
“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” shall be construed accordingly;

“motorcycle” means a mechanically propelled vehicle having less than four wheels and, in a case where a cabin is provided, the cabin of which is not so constructed as to enclose the driver and any passenger;

“navigation work” means so much of any authorised work as is in, on, over, or under—
   (a) tidal waters or tidal land below the level of mean high-water springs; or
   (b) a relevant navigation as the case may be;

“new bridge” means the new bridge comprised in the authorised works together with—
   (c) all bridges, passages, means of access, stagings, buildings, apparatus, plant, machinery and subsidiary and incidental works; and
   (d) all piles, fenders, booms, embankments, abutments, wharves, walls, fences, drains, buildings and any other works in a relevant navigation and the banks, bed and foreshore of the relevant navigation, constructed or provided in connection with the new bridge;

“new crossing” means the new bridge together with—
   (a) the bridge roads; and
   (b) any land not forming part of the bridge roads which comprises operational land of the undertaker for the purposes of the new crossing;

“new crossing area” means so much of the land within the order limits being—
   (a) tidal water or tidal land, below the level of mean high-water springs of the River Mersey; or
   (b) within any other relevant navigation;

“opening day” means the day on which the new crossing is first open for use by the public;

“the Order limits” means any limits of deviation and any limits of land to be acquired or used which are shown on the works plans and the land plans;

“owner”, in relation to land, has the same meaning as in the Acquisition of Land Act 1981(a);

“relevant navigation” means so much of—
   (a) the River Mersey;
   (b) the Manchester Ship Canal;
   (c) the Bridgewater Canal;
   (d) the St Helen's Canal,
as the context requires;

“relevant navigation authority” means—
   (a) in respect of the Manchester Ship Canal, the Manchester Ship Canal Company;
   (b) in respect of the Bridgewater Canal, the Manchester Ship Canal Company;
   (c) in respect of the River Mersey, the Mersey Docks and Harbour Company;

(a) 1981 c. 67.
(d) in respect of the St Helen's Canal, Halton Borough Council,
and references to the relevant navigation authority shall refer to such of the authorities as the context
requires,

"the rights of way plans" means the plans certified by the Secretary of State as the rights of way plans
for the purposes of this Order;

"the scheduled works" means the works specified in Schedule 1 (scheduled works) or any part of
them;

"the sections" means the sections shown on the works plans and certified by the Secretary of State as
the sections for the purposes of this Order;

"Silver Jubilee Bridge" means the Silver Jubilee Bridge constructed pursuant to the Runcorn Widnes
Bridge Act 1955(a) and the A533 road between the Runcorn and Ditton Junction in Widnes;

"street" includes part of a street;

"street authority", in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

"subsoil" means subsoil lying more than 1 metre beneath the level of the surface of the land and for
this purpose “the level of the surface of the land” means—
(a) in the case of any land on which a building is erected, the level of the surface of the ground
adjoining the building;
(b) in the case of a dock, navigation, watercourse or other water area, the level of the surface of
the ground nearest to it which is at all times above water level; or
(c) in any other case, ground surface level;

"tidal work" means so much of any work authorised by this Order as is on, over or under tidal waters
or tidal land below the level of mean high-water springs;

"tribunal" means the Lands Tribunal;

"Trinity House" means the Corporation of Trinity House of Deptford Strond;

"the undertaker" means Halton Borough Council;

"watercourse" includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers
and passages through which water flows except a public sewer or drain; and

"the works plans" means the plans certified by the Secretary of State as the works plans for the
purposes of this Order.

(3) References in this Order to rights over land include references to rights to do, or to place and
maintain, anything in, on or under land or in the air-space over its surface.

(4) All distances, directions and lengths stated in the description of the scheduled works or in any
description of powers or lands shall be construed as if the words "or thereabouts" were inserted after each
such distance, direction and length, and distances between points or a scheduled work shall be taken to be
measured along the scheduled work.
Application of the 1991 Act

3.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway shall be treated for the purposes of Part 3 of the 1991 Act (street works) as major highway works if—

(a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of that Act (which defines what highway authority works are major highway works); or

(b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 of the 1980 Act (dual carriageways and roundabouts) or are such works executed by the highway authority.

(2) The provisions of the 1991 Act mentioned in paragraph (3) which, together with other provisions of that Act, apply in relation to the execution of street works and any regulations made or code of practice issued or approved under those provisions shall apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by this Order whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(3) The provisions of the 1991 Act referred to in paragraph (2) are—

section 54 (advance notice of certain works), subject to paragraph (4);
section 55 (notice of starting date of works), subject to paragraph (4);
section 57 (notice of emergency works);
section 59 (general duty of street authority to co-ordinate works);
section 60 (general duty of undertakers to co-operate);
section 68 (facilities to be afforded to street authority);
section 69 (works likely to affect other apparatus in the street);
section 76 (liability for cost of temporary traffic regulation);
section 77 (liability for cost of use of alternative route); and

all such other provisions as apply for the purposes of the provisions mentioned above.

(4) Sections 54 and 55 of the 1991 Act as applied by paragraph (2) shall have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(5) Nothing in article 11 (construction and maintenance of new or altered streets) shall—

(a) prejudice the operation of section 87 of the 1991 Act (prospectively maintainable highways); and
the undertaker shall not by reason of any duty under that article to maintain a street be taken to be a street authority in relation to that street for the purposes of Part 3 of that Act; or

(b) have effect in relation to street works with regard to which the provisions of Part 3 of the 1991 Act apply.

PART 2
WORKS PROVISIONS

Principal powers

Power to construct and maintain works

4.—(1) The undertaker may construct and maintain the scheduled works.
(2) Subject to article 5 (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the works plans and in accordance with the levels shown on the sections.

(3) Subject to paragraph (5), the undertaker may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works, namely—

(a) works to alter the position of apparatus, including mains, sewers, drains and cables;

(b) works to alter, erect and construct such offices and other buildings, yards, engines, machinery, apparatus, structures and other works, and conveniences as the undertaker thinks fit;

(c) works to construct junctions and communications (including the provision of steps and ramps for the use of persons on foot) with any highway or access way intersected or interfered with by, or contiguous to, any of those works, and to widen or alter any highway or access way for the purposes of connecting it with any of those works or another highway, or of crossing under or over the highway or access way;

(d) all such embankments, aprons, abutments, retaining walls, wing walls, culverts and other such works as the undertaker thinks fit;

(e) works to alter the course of, or otherwise interfere with, a watercourse other than a navigable watercourse;

(f) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the scheduled works; and

(g) works for the benefit or protection of premises affected by the scheduled works.

(4) Subject to paragraph (5), the undertaker may carry out such other works (of whatever nature) as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works, other than works that would interfere with a navigable watercourse.

(5) Paragraphs (3) and (4) shall only authorise the carrying out or maintenance of works outside the limits of deviation if such works are carried out on land shown on the works plans as being within the limits of land to be acquired or used.

Power to deviate

5.—In constructing or maintaining any of the scheduled works, the undertaker may—

(a) deviate laterally from the lines or situations shown on the works plans to the extent of the limits of deviation for that work; and

(b) deviate vertically from the levels shown on the sections—

(i) to any extent not exceeding 3 metres upwards; or

(ii) to any extent downwards as may be found to be necessary or convenient.

Restriction on works in the River Mersey and saltmarshes

6.—Notwithstanding the provisions of article 5 (power to deviate), no permanent work or part of such work shall be constructed in the River Mersey except in those areas shaded grey on the works plans.

Streets

Power to execute street works

7.—(1) The undertaker may, for the purposes of the authorised works, enter upon so much of any of the streets specified in Schedule 2 (streets subject to street works) as is within the Order limits and may—

(a) break up or open the street, or any sewer, drain or tunnel under it, or tunnel or bore under the street;

(b) place apparatus in the street;
(c) maintain apparatus in the street or change its position; and
(d) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b) and (c).

(2) This article is subject to paragraph 3 of Schedule 9 (provisions relating to statutory undertakers, etc.).
(3) In the article "apparatus" has the same meaning as in Part 3 of the 1991 Act.

Stopping up of streets

8.—(1) Subject to the provisions of this article, the undertaker may, in connection with the construction of the authorised works, stop up each of the streets specified in columns (1) and (2) of Parts 1 and 2 of Schedule 3 (streets to be stopped up) to the extent specified, by reference to the letters and numbers shown on the rights of way plans, in column (3) of those Parts of that Schedule.

(2) No street specified in columns (1) and (2) of Part 1 of Schedule 3 (being a street to be stopped up for which a substitute is to be provided) shall be wholly or partly stopped up under this article unless—
(a) the new street to be substituted for it, which is specified in column (4) of that Part of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or
(b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided and thereafter maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).

(3) No street specified in columns (1) and (2) of Part 2 of Schedule 3 (being a street to be stopped up for which no substitute is to be provided) shall be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street to be stopped up.

(4) The condition referred to in paragraph (3) is that—
(a) the undertaker is in possession of the land; or
(b) there is no right of access to the land from the street concerned; or
(c) there is reasonably convenient access to the land otherwise than from the street concerned; or
(d) the owners and occupiers of the land have agreed to the stopping up.

(5) Where a street has been stopped up under this article—
(a) all rights of way over or along the street so stopped up shall be extinguished; and
(b) the undertaker may appropriate and use for the purposes of its undertaking so much of the site of the street as is bounded on both sides by land owned by the undertaker.

(6) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(7) This article is subject to paragraph 2 of Schedule 9 (provisions relating to statutory undertakers, etc.).

Temporary stopping up of streets

9.—(1) The undertaker, during and for the purposes of the execution of the authorised works, may temporarily stop up, alter or divert any street and may for any reasonable time—
(a) divert the traffic from the street; and
(b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without prejudice to the generality of paragraph (1), the undertaker may use any street stopped up under the powers conferred by this article as a temporary working site.
(3) The undertaker shall provide reasonable access for pedestrians going to or from premises abutting a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access.

(4) Without prejudice to the generality of paragraph (1), the undertaker may exercise the powers conferred by this article in relation to the streets specified in columns (1) and (2) of Schedule 4 (streets to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the rights of way plans, in column (3) of that Schedule.

(5) The undertaker shall not exercise the powers conferred by this article—
(a) in relation to any street specified as mentioned in paragraph (4) without first consulting the street authority; and
(b) in relation to any other street without the consent of the street authority, but such consent shall not be unreasonably withheld.

(6) Any person who suffers loss by the suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

Access to works

10.—The undertaker may, for the purposes of the authorised works—
(a) form and lay out means of access, or improve existing means of access, to the streets specified in columns (1) and (2) of Schedule 5 (access to works); and
(b) with the approval of the highway authority, such approval not to be unreasonably withheld, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised works.

Construction and maintenance of new or altered streets

11.—(1) Subject to the provisions of article 43 (application of section 2 of the New Roads and Street Works Act 1991) the bridge roads shall be a public highway and shall be maintained by and at the expense of the highway authority from the opening day.

(2) Where a street which is not and is not intended to be a public highway is altered or diverted under this Order, the altered or diverted part of the street shall, when completed to the reasonable satisfaction of the street authority, unless otherwise agreed, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(3) In any action against the undertaker in respect of damage resulting from its failure to maintain a street to which paragraph (2) applies, section 58 of the 1980 Act shall apply as if that street were a highway maintainable at the public expense.

Agreements with street authorities

12.—(1) The undertaker may enter into agreements with street authorities with respect to—
(a) the construction of any new street (including any structure carrying the street over or under a railway) under the powers conferred by this Order;
(b) the maintenance of the structure of any bridge or tunnel carrying a street over a railway;
(c) any stopping up, alteration or diversion of a street under the powers conferred by this Order; or
(d) the execution in the street of any of the works referred to in article 7(1) (power to execute street works).

(2) Such an agreement may, without prejudice to the generality of paragraph (1)—
(a) make provision for the street authority to carry out any function under this Order which relates to the street in question; and

(b) contain such terms as to payment and otherwise as the parties consider appropriate.

**Use of the Astmoor Busway for the purposes of the construction of the authorised works**

13. — (1) Subject to the provisions of this article and regardless of the Halton Borough Council (Runcorn Busway) Order 1997 the undertaker may, for the purposes of the authorised works, at any time prior to the expiry of 12 months from the opening day use the busway known as the Astmoor Busway for the length of that busway between its junctions with Chadwick Road and Davey Road for the purposes of the authorised works and, in particular, for the diversion of traffic that would otherwise be precluded from the use of that busway.

(2) The undertaker shall consult the traffic authority and the chief officer of police in whose area the busway is situated before complying with the provisions of paragraph (3).

(3) The undertaker shall not exercise the powers conferred by this article unless it has—

(a) given not less than 6 weeks' notice in writing of its intention so to do to the traffic authority and to the chief officer of police in whose area the road is situated;

(b) advertised its intention to do so in a newspaper circulating in the area in which the new crossing is situated.

**Supplemental powers**

**Discharge of water**

14. — (1) The undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction or maintenance of the authorised works and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the exercise of the powers in paragraph (1) to connect to or use a public sewer or drain shall be determined as if it were a dispute under section 106 of the Water Industry Act 1991 (a).

(3) The undertaker shall not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs and such consent may be given subject to such terms and conditions as that person may reasonably impose, but shall not be unreasonably withheld.

(4) The undertaker shall not make any opening into any public sewer or drain except—

(a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval shall not be unreasonably withheld; and

(b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertaker shall not, in the exercise of the powers conferred by this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(6) The undertaker shall take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers conferred by this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by section 85(1), (2) or (3) of the Water Resources Act 1991(b).

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(a) 1991 c. 56.
(b) 1991 c. 57.
(8) In this article—

(a) "public sewer or drain" means a sewer or drain which belongs to a local authority, the Homes and Communities Agency, the Environment Agency, a harbour authority within the meaning of the Harbours Act 1964(a), an internal drainage board, a joint planning board, or a sewerage undertaking; and

(b) other expressions, except watercourse, used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.

Protective works to buildings

15.—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building lying within the Order limits as the undertaker considers to be necessary or expedient.

(2) Protective works may be carried out—

(a) at any time before or during the construction in the vicinity of the building of any part of the authorised works; or

(b) after the completion of the construction of that part of the authorised works in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised works is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage.

(4) For the purpose of carrying out protective works under this article to a building the undertaker may (subject to paragraphs (5) and (6))—

(a) enter the building and any land within its curtilage; and

(b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

(a) a right under paragraph (1) to carry out protective works to a building;

(b) a right under paragraph (3) to enter a building and land within its curtilage;

(c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or

(d) a right under paragraph (4)(b) to enter land,

the undertaker shall, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days' notice of its intention to exercise that right and, in a case falling within subparagraph (a) or (c), specifying the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 59 (arbitration).

(7) The undertaker shall compensate the owners and occupiers of any building or land in relation to which the powers conferred by this article have been exercised for any loss or damage arising to them by reason of the exercise of those powers.

(8) Where—

(a) protective works are carried out under this article to a building; and

(b) within the period of 5 years beginning with the day on which the part of the authorised works constructed in the vicinity of the building is first opened for use it appears that the protective

(a) 1964 c. 40.
works are inadequate to protect the building against damage caused by the construction or operation of that part of the authorised works,

the undertaker shall compensate the owners and occupiers of the building for any loss or damage sustained by them.

(9) Without prejudice to article 58 (no double recovery) nothing in this article shall relieve the undertaker from any liability to pay compensation under section 10(2) of the 1965 Act.

(10) Any compensation payable under paragraph (7) or (8) shall be determined, in case of dispute, under Part 1 of the 1961 Act.

(11) In this article “protective works” in relation to a building means—

(a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the construction, maintenance or operation of the authorised works; and

(b) any works the purpose of which is to remedy any damage which has been caused to the building by the construction, maintenance or operation of the authorised works.

Power to survey and investigate land

16.—(1) The undertaker may for the purposes of this Order—

(a) survey or investigate any land shown within the Order limits or which may be affected by the authorised works;

(b) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions as the undertaker thinks fit on the land to investigate the nature of the surface layer and subsoil and remove soil samples;

(c) without prejudice to the generality of sub-paragraph (a), carry out ecological or archaeological investigations on such land;

(d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes; and

(e) enter on the land for the purpose of exercising the powers conferred by sub-paragraphs (a) to (d).

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1), unless at least 7 days' notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the undertaker—

(a) shall, if so required, before or after entering the land produce written evidence of authority to do so; and

(b) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes shall be made under this article—

(a) in a carriageway or footway without the consent of the highway authority; or

(b) in a private street without the consent of the street authority, but such consent shall not be unreasonably withheld.

(5) The undertaker shall compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers conferred by this article, such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) Nothing in this article shall obviate the need to obtain scheduled monument consent under the Ancient Monuments and Archaeological Areas Act 1979(a).

(a) 1979 c. 46.
Additional powers

17. — (1) Subject to Schedule 10 (protective provisions) but otherwise without prejudice to the other powers conferred by this Order or otherwise available to it, the undertaker may within the new crossing area for the purpose of or in connection with the carrying out and maintenance of the authorised works to be carried out within the new crossing area and notwithstanding any interference with any public or private rights—

(a) alter, relocate or replace any navigation work;
(b) carry out excavations and clearance, dredging, deepening, dumping and pumping operations;
(c) sell, use, appropriate and dispose of any materials (including liquids) obtained by it in carrying out any such operations;
(d) remove or relocate any mooring;
(e) temporarily moor or anchor vessels and structures;
(f) temporarily alter, interfere with, occupy and use the banks, bed, foreshores, waters and walls of a relevant navigation; and
(g) construct, place, maintain and remove temporary works and structures,
in such manner and to such extent as may appear to it to be necessary or convenient.

(2) Except in the case of urgency, the undertaker will use reasonable endeavours to notify the owner of any mooring affected by the proposal to exercise the powers conferred by sub-paragraph (1)(d) before the exercise of such powers.

(3) The undertaker shall pay compensation, to any person entitled to compensation under the 1961 Act who suffers any loss or damage from the exercise of the powers conferred by paragraph 1(d).

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

Prohibitions within the new crossing area

18. — (1) Regardless of anything in any other enactment or rule of law but subject to the provisions of this article, the relevant navigation authority shall, at the reasonable request of the undertaker and at the undertaker's expense, by direction close the whole or any part of the new crossing area to navigation by all vessels or by any class of vessel.

(2) Subject to paragraph (3), a direction under paragraph (1) shall specify the duration of the closure, the part of the relevant navigation affected and the vessels to which it applies.

(3) The duration of a closure under this article may be extended by the relevant navigation authority until it is satisfied (acting reasonably) that any navigation to be opened following the closure has adequate depth and is free of obstruction.

(4) A person may not, without the written consent of the relevant navigation authority, within any part of the new crossing area, during a period when it is closed to navigation under this article—

(a) navigate any vessel or moor a vessel if the vessel concerned is subject to the closure;
(b) lay down or place any mooring or apparatus, including masts, sewers, drains and cables; or
(c) undertake or cause any other operation or activity,

unless he does so in compliance with any direction which the relevant navigation authority has given either in an emergency or for naval or military operational requirements which the relevant navigation authority is satisfied it is not reasonably practicable to fulfill at any other time.

(5) Any person who contravenes the requirements of paragraph (4) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) Except in an emergency, the relevant navigation authority shall at the undertaker's expense publish notice of any direction given under paragraph (1) in at least one local newspaper circulating in the area in which the works are situated, not less than 14 days before the direction is to take effect.
(7) In making a direction pursuant to paragraph (1), the relevant navigation authority shall ensure that no more of the new crossing area is closed to navigation at any time by all vessels, or by any class of vessel, than is at that time necessary in the circumstances.

(8) If complete closure of the new crossing area to all vessels or to any particular class of vessels is necessary at any time, the undertaker shall secure that any work of construction or maintenance of the new crossing shall be carried out as soon as reasonably practicable to ensure that the minimum obstruction, delay or interference is caused to vessels which may be using or intending to use the new crossing area.

(9) Without prejudice to article 22 (application of Part 1 of the Compulsory Purchase Act 1965), neither the undertaker nor the relevant navigation authority shall be liable for any costs, damages or expenses whatever incurred by any person as a result, directly or indirectly, of any closure of the new crossing area under this article.

(10) A direction given under this article may be varied or revoked by a subsequent direction given under this article.

Protection of the new crossing, etc.

19. —(1) A person may not without the consent of the undertaker use, for any purpose, any part of the authorised works.

(2) A person may not, without the consent in writing of the undertaker—

(a) interfere with any part of the authorised works; or

(b) remove, move or otherwise interfere with any such work or any machinery, apparatus, tools or other things in use or intended for use in connection with the authorised activities,

and to the extent that any activity within sub-paragraph (a) or (b) affects a navigation work the consent in writing of the relevant navigation authority shall also be required, provided that this paragraph shall not require the undertaker to obtain the consent of the relevant navigation authority except in accordance with Schedule 10 (protective provisions).

(3) Any consents required under this article may be given subject to conditions.

(4) A person who without reasonable excuse contravenes paragraph (1) or (2), or fails to comply with any conditions attached to a consent given by the undertaker or the relevant navigation authority under paragraph (3), shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Restriction on mooring of vessels, etc.

20. —(1) During the period of the construction of the new crossing, a person who is not engaged in the construction of the authorised works shall not, without the consent in writing of the relevant navigation authority and the undertaker (which consent may be given subject to conditions), moor any vessel or place any article over or on the bed of any relevant navigation within the new crossing area; and after that period, a person shall not within an exclusion zone—

(a) so moor without the consent of the relevant navigation authority; or

(b) so place without the consent of the relevant navigation authority and the undertaker.

(2) The restrictions in paragraph 1 shall have effect in relation to the relevant navigation from a day 14 days after notice of their imposition on that relevant navigation has been published in at least one local newspaper circulating in the area in which the authorised works are situated or the day on which a plan, chart or map showing the exclusion zone has been deposited at the principal office of any relevant navigation authority whichever is later.

(3) In this article “exclusion zone” means so much of any relevant navigation as is bounded by imaginary parallel lines drawn at a distance of 40 metres on either side of the centre line of the new crossing.
PART 3
ACQUISITION AND POSSESSION OF LAND
Powers of acquisition

Power to acquire land

21.—(1) The undertaker may acquire compulsorily so much of the land shown on the land plans within
the limits of land to be acquired or used and described in the book of reference as may be required for the
purposes of the authorised works and may use any land so acquired for those purposes or for any other
purposes that are ancillary to its undertaking.

(2) This article is subject to article 26 (temporary use of land for construction of works).

Application of Part 1 of the Compulsory Purchase Act 1965

22.—(1) Part 1 of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this
Order, shall apply to the acquisition of land under this Order—

(a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(a) applies; and

(b) as if this Order were a compulsory purchase order under that Act.

(2) Part 1 of the 1965 Act, as so applied, shall have effect as if section 4 (which provides a time limit for
compulsory purchase of land) and paragraph 3(3) of Schedule 3 (which makes provision as to the giving of
bonds) were omitted.

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

23.— (1) The Compulsory Purchase (Vesting Declarations) Act 1981(b) shall apply as if this Order were a
compulsory purchase order.

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as so applied by paragraph (1), shall
have effect with the following modifications.

(3) In section 3 (preliminary notices) for subsection (1) there shall be substituted—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a
compulsory purchase order the acquiring authority shall include the particulars specified in
subsection (3) in a notice which is—

(a) given to every person with a relevant interest in the land with respect to which the declaration
is to be made (other than a mortgagee who is not in possession); and

(b) published in a local newspaper circulating in the area in which the land is situated.”.

(4) In that section, in subsection (2), for “(1)(b)” there shall be substituted “(1)” and after “given” there
shall be inserted “and published”.

(5) In that section, for subsections (5) and (6) there shall be substituted—

“(5) For the purposes of this section, a person has a relevant interest in land if—

(a) that person is for the time being entitled to dispose of the fee simple of the land, whether in
possession or in reversion; or

(b) that person holds, or is entitled to the rents and profits of, the land under a lease or
agreement, the unexpired term of which exceeds one month.”.

(6) In section 5 (earliest date for execution of declaration)—

(a) in subsection (1), after “publication” there shall be inserted “in a local newspaper circulating in
the area in which the land is situated”; and

(a) 1981 c. 57.
(b) 1981 c. 66.
(b) subsection (2) shall be omitted.

(7) In section 7 (constructive notice to treat) in subsection (1)(a), the words "(as modified by section 4 of the Acquisition of Land Act 1981)" shall be omitted.

(8) References to the 1965 Act shall be construed as references to that Act as applied to the acquisition of land under article 21 (power to acquire land).

Power to acquire new rights

24.—(1) The undertaker may acquire compulsorily such easements or other rights over any land referred to in paragraph (1) of article 21 (power to acquire land) as may be required for any purpose for which that land may be acquired under that provision, by creating them as well as by acquiring easements or other rights already in existence.

(2) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights)) where the undertaker acquires a right over land under paragraph (1) the undertaker shall not be required to acquire a greater interest in that land.

(3) Schedule 6 shall have effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right.

Rights under or over streets

25.—(1) The undertaker may enter upon and appropriate so much of the subsoil of, or air-space over, any street within the Order limits as may be required for the purposes of the authorised works and may use the subsoil or air-space for those purposes or any other purpose ancillary to its undertaking.

(2) Subject to paragraph (4), the power under paragraph (1) may be exercised in relation to a street without the undertaker being required to acquire any part of the street or any easement or right in the street.

(3) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the undertaker acquiring any part of that person’s interest in the land, and who suffers loss by the exercise of that power, shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) Paragraph (2) shall not apply in relation to—
(a) any subway or underground building; or
(b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(5) Compensation shall not be payable under paragraph (3) to any person who is an undertaker to whom section 85 of the 1991 Act applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary possession of land

Temporary use of land for construction of works

26.—(1) The undertaker may, in connection with the carrying out of the authorised works—
(a) enter upon and take temporary possession of the land specified in columns (1) and (2) of Schedule 7 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the authorised works so specified in column (4) of that Schedule;
(b) remove any buildings and vegetation from that land;
(c) construct temporary works (including the provision of means of access) and buildings on that land; and
(d) use the land for the purposes of a working site with access to the working site for construction purposes in connection with the authorised works.

(2) Not less than 14 days before entering upon and taking temporary possession of land under this article the undertaker shall serve notice of the intended entry on the owners and occupiers of the land.

(3) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the work specified in relation to that land in column (4) of Schedule 7.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker shall not be required to replace a building removed under this article.

(5) The undertaker shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(7) Without prejudice to article 58 (no double recovery), nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

(8) The powers of compulsory acquisition of land conferred by this Order shall not apply in relation to the land referred to in paragraph (1) except that the undertaker shall not be precluded from acquiring new rights over any part of that land under article 24 (power to acquire new rights).

(9) Where the undertaker takes possession of land under this article, it shall not be required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 22(1) (application of Part 1 of the Compulsory Purchase Act 1965).

Temporary use of land for maintenance of works

27.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any of the scheduled works, the undertaker may—

(a) enter upon and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the work or any ancillary works connected with it; and

(b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) shall not authorise the undertaker to take temporary possession of—

(a) any house or garden belonging to a house; or

(b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the undertaker shall serve notice of the intended entry on the owners and occupiers of the land.

(4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of works for which possession of the land was taken.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.
(6) The undertaker shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(8) Without prejudice to article 58 (no double recovery), nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).

(9) Where the undertaker takes possession of land under this article, it shall not be required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 22(1) (application of Part I of the Compulsory Purchase Act 1965).

(11) In this article “the maintenance period”, in relation to a scheduled work, means the period of 5 years beginning with the date on which the work is opened for use.

Compensation

Disregard of certain interests and improvements

[28.—(1) In assessing the compensation payable to any person on the acquisition from that person of any land under this Order, the tribunal shall not take into account—

(a) any interest in land; or

(b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land,

if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) “relevant land” means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned.

Set-off for enhancement in value of retained land

[29.—(1) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any land (including the subsoil) the tribunal shall set off against the value of the land so acquired any increase in value of any contiguous or adjacent land belonging to that person in the same capacity which will accrue to that person by reason of the construction of the authorised works.

(2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil) under article 24 (power to acquire new rights), the tribunal shall set-off against the value of the rights so acquired—

(a) any increase in the value of the land over which the new rights are required; and

(b) any increase in value of any contiguous or adjacent land belonging to that person in the same capacity,

which will accrue to that person by reason of the construction of the authorised works.

(3) The 1961 Act shall have effect, subject to paragraphs (1) and (2), as if this Order were a local enactment for the purposes of that Act.

26
Supplementary

Acquisition of part of certain properties

30.—(1) This article shall apply instead of section 8(1) of the 1965 Act (as applied by article 22 (application of Part I of the Compulsory Purchase Act 1965)) in any case where—

(a) a notice to treat is served on a person ("the owner") under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden ("the land subject to the notice to treat"); and

(b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on the undertaker a counter-notice objecting to the sale of the land subject to the notice to treat which states that the owner is willing and able to sell the whole ("the land subject to the counter-notice").

(3) If no such counter-notice is served within that period, the owner shall be required to sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner shall be required to sell only the land subject to the notice to treat shall, unless the undertaker agrees to take the land subject to the counter-notice, be referred to the tribunal.

(5) If on such a reference the tribunal determine that the land subject to the notice to treat can be taken—

(a) without material detriment to the remainder of the land subject to the counter-notice; or

(b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner shall be required to sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determine that only part of the land subject to the notice to treat can be taken—

(a) without material detriment to the remainder of the land subject to the counter-notice; or

(b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat shall be deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determine that—

(a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but

(b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the undertaker is authorised to acquire compulsorily under this Order.

(8) If the undertaker agrees to take the land subject to the counter-notice, or if the tribunal determine that—

(a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and

(b) the material detriment is not confined to a part of the land subject to the counter-notice,
the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the undertaker is authorised to acquire compulsorily under this Order.

(9) In any case where by virtue of a determination by the tribunal under this article a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the undertaker may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and if it does so shall pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, the undertaker shall pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

Extinction or suspension of private rights of way

31.—(1) All private rights of way over land subject to compulsory acquisition under this Order shall be extinguished—

(a) as from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or

(b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act, whichever is the sooner.

(2) All private rights of way over land owned by the undertaker which, being within the limits of land which may be acquired or used, is required for the purposes of this Order shall be extinguished on the appropriation of the land for any of those purposes by the undertaker.

(3) All private rights of way over land of which the undertaker takes temporary possession under this Order shall be suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right of way to which section 271 or 272 of the 1990 Act (extinguishment of rights of statutory undertakers, etc.) or paragraph 2 of Schedule 9 (provisions relating to statutory undertakers, etc.) applies.

Time limit for exercise of powers of acquisition

32.—(1) After the end of the period of 5 years beginning with the day on which this Order comes into force—

(a) no notice to treat shall be served under Part 1 of the 1965 Act as applied to the acquisition of land by article 22 (application of Part 1 of the Compulsory Purchase Act 1965); and

(b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 as applied by article 23 (application of the Compulsory Purchase (Vesting Declarations) Act 1981).

(2) The powers conferred by article 26 (temporary use of land for construction of works) shall cease at the end of the period referred to in paragraph (1), save that nothing in this paragraph shall prevent the undertaker remaining in possession of land after the end of that period, if the land was entered and possession of it was taken before the end of that period.
PART 4
OPERATIONAL

Power to operate, use and maintain the new crossing

33. The undertaker may operate, use and maintain the new crossing.

Restriction on use of the new crossing by certain classes of vehicle or person

34.—(1) No vehicle shall be permitted to enter upon or use any of the bridge roads unless it is a vehicle within a class of motor vehicles contained or referred to in Classes B(a), B(b), C(a), C(b), E(a) or E(b) Part 2 or Parts 3 to 5 of the Schedule to the Road User Charging and Work Place Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001(a) and no person shall be permitted to enter upon or use those roads unless they are a person carried by or within such a vehicle.

(2) The undertaker may at any time suspend the restriction in paragraph (1)—

(a) in relation to any class of vehicle or a vehicle or person within a vehicle of such a class;

(b) for any length of time; or

(c) in respect of all or any part of the bridge roads,

if at any time it considers it necessary or expedient to do so.

Closing the new crossing

35.—(1) The undertaker may whenever in its opinion it is necessary to do so whether in case of emergency or for the purpose of or in connection with the authorised activities close any of the bridge roads whether wholly or partially.

(2) Where the undertaker proposes to close any of the bridge roads it shall except in an emergency—

(a) give not less than 7 days' notice by advertisement in at least one local newspaper circulating in the area; and

(b) throughout the period of such closure display signs at convenient situations on the roads communicating with any public access road to the new crossing giving warning of the closure.

No mains or pipes

36. —(1) Subject to paragraph (2), regardless of anything contained in the 1980 Act or in any other enactment no person shall enter upon, break up or interfere with any scheduled work or the carriageways and footways of the works authorised by this Order except work No. 2a for the purpose of installing any main, pipe or wire or executing any work in, on or under a work authorised by this Order, except with the consent of the undertaker and in accordance with such terms or conditions and subject to such charges as the undertaker may determine.

(2) The consent of the undertaker to the breaking up of and interference with any of the works or the carriageways and footways of any work for the purposes of installing water mains, water pipes or electric lines in them shall not be withheld unreasonably and any question which may arise as to whether such consent is so withheld or as to whether the terms and conditions subject to which any such consent is given are reasonable shall be resolved by an arbitrator under article 59 (arbitration).

(a) S.I. 2001/2793.
Trespass on the new crossing

37. — (1) Any person who, without reasonable excuse—
(a) enters upon any part of the new crossing which is not a carriageway, cycle track or footway; or
(b) trespasses upon any land of the undertaker in dangerous proximity to the new crossing or to any electrical or other apparatus used for or in connection with the operation of the new crossing,
shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) No person shall be convicted of an offence under paragraph (1) unless it is shown that a notice warning the public not to trespass upon the new crossing was clearly exhibited and maintained near to the place where the offence is alleged to have been committed or the place at which the trespass upon the new crossing or land is alleged to have begun.

(3) If the tolls or charges payable by any person wishing to use the new crossing are demanded of that person before using it, and that person shall, after those tolls have been demanded (whether any collector or other person appointed to receive those tolls), refuse or without reasonable excuse neglect to pay those tolls or any part of any toll, the collector or other person so appointed may refuse to permit that person to use the new crossing and may, alone, or with such assistance as that person shall think necessary, stop the person in default from using the new crossing.

Offences and power to make byelaws

38. — (1) The undertaker may make and enforce byelaws regulating the use and operation of the new crossing, the maintenance of order on and about the new crossing and the conduct of all persons including employees of the undertaker while on and about the new crossing.

(2) Without prejudice to the generality of paragraph (1), byelaws under this article may make provision—
(a) with respect to the payment of tolls and the evasion of payment of tolls;
(b) with respect to requirements for persons in charge of a vehicle that is used on the new crossing to—
   (i) display a document in that vehicle; or
   (ii) carry in or fix equipment to that vehicle,
       and with respect to the failure to do so or the failure to do so in accordance with the undertaker's requirements;
(c) with respect to interference with, or obstruction of, the operation of the new crossing or other facilities provided in connection with the new crossing;
(d) with respect to the prevention of nuisances on the new crossing;
(e) for the recovery, safe custody and re-delivery or disposal of any property or vehicles left on the new crossing and for fixing the charges made in respect of any such property or vehicles;
(f) to prohibit vehicles from stopping or remaining at rest in prescribed places on the bridge roads or elsewhere in or about the new crossing, except in prescribed circumstances;
(g) to require any person in charge of a vehicle which is at rest by reason of breakdown in a prescribed place on any of the bridge roads to take prescribed steps for reporting that fact and the position and circumstances in which the vehicle is at rest;
(h) to prohibit any person, other than a constable or an appointed person—
   (i) from carrying out, or attempting to carry out, a repair, adjustment or refuelling of such a vehicle to which sub-paragraph (2)(g) applies except with permission expressly given by a constable or an appointed person; and
   (ii) from moving, or attempting to move, such a vehicle from the position in which it is at rest;
(i) to prohibit persons from carrying out, or attempting to carry out, a repair, adjustment or refuelling of a vehicle;
(j) to empower a constable or an appointed person to remove from its position to a prescribed area a
vehicle which is for the time being at rest in a prescribed place on any bridge road—

(i) in contravention of the byelaws;
(ii) by reason of breakdown;
(iii) without any person being in charge of it; or
(iv) with the person in charge of it not being present in or on it;

(k) in the case of a vehicle which is so removed or which at the request of the person in charge of it is
repaired, adjusted or refuelled (instead of being removed) by an appointed person, to require the
prescribed person to pay a charge of an amount to be determined in accordance with such scales
and other provisions as may be prescribed;

(l) to prohibit a person from obstructing any action taken by a constable or an appointed person for
the purpose of removing a vehicle in accordance with the byelaws;

(m) to ensure the safety of vehicles passing over the new crossing; and

(n) to restrict and regulate the passage of dangerous goods or traffic on the new crossing.

3 Byelaws under this article may—

(a) designate places on the new crossing at which tolls (other than tolls with respect to which a
prepayment has been made) are to be paid or become due to be paid;

(b) make provision as to the persons by whom, and the manner in which, such tolls or charges are to
be paid;

(c) make provision for securing that vehicles in respect of which tolls are payable do not use the new
crossing without payment of the tolls; and

(d) make provision for preventing a vehicle which—

(i) having used the new crossing; or

(ii) being about to use the new crossing,

has arrived at the place at which a toll is payable in respect of it from proceeding beyond that place
without a toll having been paid.

4 Byelaws made under this article shall provide for a notice specifying—

(a) the categories of vehicles in respect of which tolls are payable; and

(b) the amount of the tolls in respect of each category,

to be displayed at each place designated in accordance with sub-paragraph (3)(a).

5 Byelaws under this article may provide for it to be an offence for a person to contravene, or to fail to
comply with, a provision of the byelaws and for such a person to be liable on summary conviction to a fine
not exceeding level 3 on the standard scale.

6 Without prejudice to paragraph (5) where the undertaker considers it expedient to do so it may
prosecute legal proceedings in respect of offences under this Order.

7 Without prejudice to paragraph (5) a person who without reasonable excuse—

(a) refuses or fails to pay a toll for which that person is liable; or

(b) attempts to evade payment of such a toll,

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

8 Without prejudice to the taking of proceedings for an offence included in byelaws by virtue of
paragraph (5), if the contravention of, or failure to comply with, any byelaw under this article is attended
with danger or annoyance to the public or the undertaker or hindrance to the undertaker in the operation
of the new crossing, the undertaker may summarily take action to obviate or remove the danger, annoyance
or hindrance.

9 Byelaws under this article shall not come into operation until they have been confirmed by the
Secretary of State.
(10) At least 28 days before applying for any byelaws to be confirmed under this article, the undertaker shall publish in such manner as may be approved by the Secretary of State a notice of its intention to apply for the byelaws to be confirmed and of the place at which and the time during which a copy of the byelaws will be open to public inspection; and any person affected by any of the byelaws may make representations on them to the Secretary of State within a period specified in the notice, being a period of not less than 28 days.

(11) For at least 28 days before an application is made under this article for byelaws to be confirmed, a copy of the byelaws shall be kept at the principal office of the undertaker and shall at all reasonable hours be open to public inspection without payment.

(12) The undertaker shall, at the request of any person, supply that person with a copy of any such byelaws on payment of such reasonable sum as the undertaker may determine.

(13) The Secretary of State may confirm with or without modification, or may refuse to confirm, any of the byelaws submitted under this article for confirmation and, as regards any byelaws so confirmed, may fix a date on which the byelaws shall come into operation; and if no date is so fixed the byelaws shall come into operation after the expiry of 28 days after the date on which they were confirmed.

(14) The Secretary of State may charge the undertaker such fees in respect of any byelaws submitted for confirmation under this article as the Secretary of State may consider appropriate for the purpose of defraying any administrative expenses incurred by the Secretary of State in connection with such confirmation.

(15) A copy of the byelaws when confirmed shall be printed and deposited at the principal office of the undertaker and shall at all reasonable hours be open to public inspection without payment, and the undertaker shall, at the request of any person, supply that person with a copy of any such byelaws on payment of such reasonable sum as the undertaker shall determine.

(16) The production of a printed copy of byelaws confirmed under this article on which is endorsed a certificate purporting to be signed by a person duly authorised by the undertaker stating—

(a) that the byelaws were made by the undertaker;
(b) that the copy is a true copy of the byelaws;
(c) that on a specified date the byelaws were confirmed by the Secretary of State; and
(d) the date when the byelaws came into operation,

shall be rebuttable evidence of the facts stated in the certificate.

(17) The provisions of the Road Traffic Offenders Act 1988(a) in relation to evidence shall apply to the prosecution of offences under this provision.

(18) Byelaws made under this article may be varied or revoked by subsequent byelaws and byelaws made under this article may also vary or revoke any byelaws made under any other provision in respect of the new crossing at any time.

(19) In this article—

"appointed person" means a person appointed by the undertaker who may only act as such when wearing a uniform of a description approved by the undertaker;
"breakdown" in relation to a vehicle, includes mechanical defect, lack of fuel, oil or water 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 crossing; and
"prescribed" means prescribed by byelaws made under this Order.

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(a) 1988 c. 53.
PART 5
TOLLING, CONCESSION AND FINANCING ARRANGEMENTS

Power to charge tolls

39.—(1) The undertaker may charge tolls or charges for the passage of vehicles over the new crossing or for any other services or facilities provided in connection with the new crossing.

(2) The power to charge tolls or charges referred to in paragraph (1) shall include the power to charge, set, demand, take, recover and waive tolls or charges (or any part of such tolls or charges) and the power to suspend the charging of tolls or charges in whole or in part.

(3) The power to charge tolls or charges shall commence with the opening day but this limitation shall not affect the ability to set tolls or charges prior to that date.

(4) Where tolls or charges payable under or by virtue of this Order remain unpaid after they have become due for payment, the person to whom they are payable may recover from the person liable to pay them the amount of the tolls or charges together with all other reasonable costs and expenses including administrative expenses, enforcement expenses and interest arising out of any such failure to pay.

(5) The undertaker may appoint any person to collect tolls or charges as its agent.

(6) Schedule 11 (level of tolls and charges) shall have effect and the tolls or charges chargeable in respect of any vehicle or class of vehicles shall be determined and revised in accordance with Part 1 of that Schedule.

(7) The person by whom tolls and penalty charges imposed by this Order are payable in respect of a motor vehicle is the registered keeper.

(8) The undertaker shall establish and maintain an exemptions register in accordance with Schedule 12 (register of vehicles exempt from tolls).

(9) Tolls and charges may not be charged in respect of vehicles where the particulars of the vehicle in question have been entered upon the exemptions register.

(10) The tolls or charges charged in accordance with this article may be applied by the undertaker—

(a) in paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the new crossing and in managing, operating and maintaining the Silver Jubilee Bridge or any costs associated with financing any of the same;

(b) in providing such funds as are, or are likely to be, necessary to discharge the obligations of the undertaker pursuant to a concession agreement;

(c) in paying the interest on, and repaying the principal of, monies borrowed in respect of the new crossing or the Silver Jubilee Bridge;

(d) in making payment into any maintenance or reserve fund provided in respect of the new crossing and the Silver Jubilee Bridge;

(e) in making payments to the undertaker's general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in its local transport plan, or for other purposes; and

(f) in providing funds for meeting expenses incurred in, or the cost of securing any necessary authority or consent for, and in constructing or in securing the construction, maintenance and operation of, the new crossing or securing the maintenance or operation of the Silver Jubilee Bridge.

(11) The undertaker shall not apply any of the tolls or charges for the purposes mentioned in subparagraphs (e) and (f) of paragraph (10)—

(b) unless it is satisfied that it has applied for the purposes of sub-paragraphs (a) to (d) of that paragraph sufficient funds to ensure the safe, efficient and economic management, operation and maintenance of the new crossing in accordance with all applicable statutory requirements.

Payment of tolls

40. — (1) A toll imposed by this Order, the amount of which is determined in accordance with Schedule 11 (level of tolls and charges), shall be paid by such method as may be specified by the undertaker or such other method as the undertaker may in the particular circumstances of the case accept.

(2) Without prejudice to the generality of paragraph (1), except where the undertaker elects in accordance with paragraph (5), tolls may be payable,

(a) when demanded by a person authorised by the undertaker or its agent in that behalf at a place designated by the undertaker for the collection of tolls; or

(b) by inserting the appropriate payment for a toll at any appropriate collection point.

(3) The undertaker or its agent may enter into an agreement ("composition agreement") 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 new crossing.

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

(5) The undertaker may elect that, instead of any other method of payment, tolls shall be payable by means of entering into a composition agreement in which case the undertaker may require that method to apply exclusively.

(6) Without prejudice to the generality of paragraph (4), a composition agreement may be entered into for one of the following periods:

(a) the duration of a single journey;

(b) a number of single journeys specified in the composition agreement;

(c) a single day or any number of single days;

(d) a period of 5 or 7 consecutive days;

(e) a period of a single month; or

(f) a period of one year.

(7) The following provisions shall apply to composition agreements-

(a) a composition agreement shall be specific to a particular vehicle;

(b) that vehicle shall be identified by its registration mark;

(c) a person entering into a composition agreement with the undertaker shall specify to the undertaker or its agent the registration mark of the vehicle to which the composition agreement relates; and

(d) a composition agreement shall not be valid for any vehicle having a registration mark different from the mark so specified.

(8) Where a composition agreement is entered into or purported to be entered into, and payment is to be made to the undertaker otherwise than in cash, and payment is not received by the undertaker or its agents (whether because a cheque is dishonoured or otherwise), the toll or tolls to which the composition agreement relates shall be treated as not paid and the composition agreement shall be void.

(a) OJ 187, 20.7.1999, p 42.
(9) The undertaker may require a vehicle that is subject to a composition agreement to carry a badge, token or device.

Power to enter into concession agreements and lease or transfer the undertaking etc.

41. —(1) The undertaker may, on such terms as it sees fit, at any time and for any period, enter into one or more concession agreements and for that purpose may provide for the exercise of the powers of the undertaker in respect of the authorised activities or any part of them, together with the rights and obligations of the undertaker in relation to them, by any other person and other matters incidental or subsidiary to them or consequential to them, and the defraying of, or the making of contributions towards the costs of the matters whether by the undertaker or any other person.

(2) The undertaker may, with the consent of the Secretary of State, transfer, sell, lease, charge or otherwise dispose of, on such terms and conditions as it thinks fit, the whole or any part of the new crossing and any land held in connection therewith or the right to operate the authorised works under this Order.

(3) The undertaker may grant on such terms and conditions as it thinks fit to any person or take from any person a lease, licence or any other interest in or right over any land, including land comprising or comprised in the new crossing, if it appears to the undertaker expedient to do so for the purpose of or in connection with the exercise by that person of any or all of the authorised activities.

(4) The exercise of the powers of any enactment by any person in pursuance of any agreement under paragraph (1), or any sale, lease, charge or disposal under paragraph (2), shall be subject to the same restrictions, liabilities and obligations as would apply under this Order if those powers were exercised by the undertaker.

Application of landlord and tenant law

42. —(1) This article applies to

(a) any agreement for leasing to any person the whole or any part of the new crossing or the right to operate the same; and

(b) any agreement entered into by the undertaker with any person for the carrying out of the authorised activities or any part of them,

so far as any such agreement relates to the terms on which any land is subject to a lease granted by or under that agreement.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement to which this article applies.

(3) Accordingly no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to-

(a) 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) confer or impose on any such 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) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Application of section 2 of the New Roads and Street Works Act 1991

43. Section 2 (exercise of highway functions by concessionaire) of the 1991 Act shall apply to any concession agreement under article 41(1) or to any agreement under article 41(2) as if any such agreement were a concession agreement under Part 1 of the 1991 Act.
Application of the Transport Act 2000

44.—(1) Regulations made pursuant to section 173 (penalty charges) of the 2000 Act shall have effect in respect of the new crossing as if the tolls and charges charged pursuant to this Order were charges payable pursuant to a charging scheme made by order under Part 3 of the 2000 Act.

(2) The imposition and payment of penalty charges related to or in connection with this Order shall be in accordance with such regulations as the Secretary of State may make pursuant to section 173 of the 2000 Act.

(3) Sections 174 (examination, entry, search and seizure), 175 (Immobilisation etc.) and 176 (Equipment etc.) of the 2000 Act shall have effect in respect of the new crossing as if Part 5 of this Order was a charging scheme made by order under Part 3 of the 2000 Act.

PART 6
MISCELLANEOUS AND GENERAL

Planning permission and supplementary matters

45.—(1) In relation to the application of paragraph 3(c) of the Second Schedule of the Form of Tree Preservation Order set out in the Schedule to the Town and Country Planning (Tree Preservation Order) Regulations 1969(a) (including that paragraph as applied by regulation 3(ii) of the Town and Country Planning (Tree Preservation Order) (Amendment) and (Trees in Conservation Areas) (Exempted Cases) Regulations 1975(b), or as incorporated in any tree preservation order), any direction under section 90(2A) of the 1990 Act deeming planning permission to have been granted in relation to works authorised by this Order shall be treated as deeming the permission to have been granted on application made under Part 3 of that Act for the purposes of that Part.

(2) In relation to the application of article 5(1)(d) of the Form of Tree Preservation Order set out in the Schedule to the Town and Country Planning (Trees) Regulations 1999(c) as incorporated in any tree preservation order or as having effect by virtue of regulation 10(1)(a) of those Regulations, any direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to works authorised by this Order shall not be treated as an outline planning permission.

(3) Planning permission which is deemed by a direction under section 90(2A) of the 1990 Act to be granted in relation to works authorised by this Order shall be treated as specific planning permission for the purposes of section 264(3)(a) of that Act (cases in which land is to be treated as operational land of the purposes of that Act).

Power to lop trees overhanging the authorised works

46.—(1) The undertaker may fell or lop any tree or shrub near any part of the authorised works, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

(a) from obstructing or interfering with the construction, maintenance or operation of the authorised works or any apparatus used on the authorised works; or

(b) from constituting a danger to persons using the authorised works.

(2) In exercising the powers conferred by paragraph (1), the undertaker shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from the exercise of those powers.

(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.

(a) S.I. 1969/17.
(b) S.I. 1975/148.
(c) S.I. 1999/1852.
Disapplication of the Commons Act 2006

47. No land within the limits of land to be acquired or used may be the subject of an application under section 15 (registration of greens) of, or paragraphs 2 to 4 of Schedule 2 (non-registration or mistaken registration under the 1965 Act) to, the Commons Act 2006(a).

Proceedings in respect of statutory nuisance

48.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990(b) (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraph (g) of section 76(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order shall be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows—

(a) that the nuisance relates to premises used by the undertaker for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to the construction or maintenance of the authorised works and that the nuisance is attributable to the carrying out of works which are being carried out in accordance with a notice served under section 60, or a consent given under section 61 or 65, of the Control of Pollution Act 1974(c); or

(b) that the nuisance is a consequence of the construction, maintenance or use of the authorised works and that it cannot reasonably be avoided.

(2) The following provisions of the Control of Pollution Act 1974, namely—

(a) section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990); and

(b) section 65(3) (corresponding provision in relation to consent for registered noise level to be exceeded),

shall not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to construction or maintenance of the authorised works.

Saving for Trinity House and protection of navigation

49.—(1) Nothing in this Order shall prejudice or derogate from any of the powers, rights or privileges, or the jurisdiction or authority of Trinity House.

(2) Schedule 8 (protection of navigation) shall have effect.

Removal of vessels

50.—(1) If it appears to the undertaker necessary or convenient to do so for the purposes of the construction or maintenance of the authorised works it may remove from within the new crossing area any vessel or structure that is—

(a) sunk, stranded or abandoned; or

(b) moored or laid up (whether lawfully or not),

either to another place within the new crossing area or to a place outside the new crossing area where it may without injury to the vessel be moored or laid.

(2) Before exercising the powers conferred by paragraph (1) the undertaker shall—

(a) 2006 c. 25.
(b) 1990 c. 43.
(c) 1974 c. 40.
(a) publish a notice of its intention to do so in Lloyd's List and once in each of two successive weeks in a local newspaper published or circulating in the borough of Halton, with an interval between the dates of publication of not less than 6 clear days; and
(b) display notice of this in a conspicuous position adjacent to that part of the new crossing area in which a vessel to which paragraph (1) applies is located.

(3) Each of the notices shall—
(a) state the reason for requiring removal of any vessel from within that part of the new crossing area specified in the notice; and
(b) specify a date, which shall be a date not earlier than one month after the last date on which a notice is published pursuant to paragraph (2)(a), by which all vessels must be removed from within that part of the new crossing area specified in the notice.

(4) If the owner or master of any vessel within the new crossing area does not remove that vessel from within the new crossing area before the date specified in accordance with paragraph (3)(b), the undertaker may, having first consulted the relevant navigation authority, cause that vessel to be removed.

(5) The undertaker may recover as a debt from the owner of any vessel removed pursuant to paragraph (4) all expenses incurred by the undertaker in respect of its removal.

Obstruction of construction of authorised works

51. Any person who, without reasonable excuse—
(a) obstructs any person acting under the authority of the undertaker in setting out the lines of the scheduled works, or in constructing any authorised work; or
(b) interferes with, moves or removes any apparatus belonging to any person acting under the authority of the undertaker,

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

Disclosure of confidential information

52. A person who—
(a) enters a factory, workshop or workplace in pursuance of the provisions of article 15 (protective works to buildings) or article 16 (power to survey and investigate land); and
(b) discloses to any person any information obtained pursuant to sub-paragraph (a) and relating to any manufacturing process or trade secret,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale unless the disclosure is made in the course of that person's performance of a duty in connection with the purposes for which that person was authorised to enter the land.

Statutory undertakers, etc.

53. The provisions of Schedule 9 (provisions relating to statutory undertakers, etc.) shall have effect.

Protective provisions

54. The provisions of Schedule 10 (protective provisions) shall have effect.
Disapplication of provisions relating to the conservation of the River Mersey

55. The provisions of the Act passed in the fifth and sixth years of the reign of Queen Victoria titled "An Act for better preserving the navigation of the River Mersey" (a) shall not apply in relation to the construction of any authorised works in the River Mersey.

Certification of plans, etc.

56. The undertaker shall, as soon as practicable after the making of this Order, submit copies of the book of reference, the sections, the works plans, the land plans and the rights of way plans to the Secretary of State for certification that they are, respectively, true copies of the book of reference, sections, works plans, land plans and rights of way plans referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Service of notices

57.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

(a) by post; or

(b) with the consent of the recipient and subject to paragraphs (6) to (8), by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978 (b) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

(a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and

(b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

(a) addressing it to that person by name or by the description of "owner", or as the case may be "occupier", of the land (describing it); and

(b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement shall be taken to be fulfilled where the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission either in writing or by electronic transmission.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or any part of that notice or other document the sender shall provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic transmission given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

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(a) 1842 c.50.
(b) 1978 c. 30.
(a) that person shall give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and
(b) such revocation shall be final and shall take effect on a date specified by the person in the notice but that date shall not be less than 7 days after the date on which the notice is given.

(9) This article shall not be taken to exclude the employment of any method of service not expressly provided for by it.

No double recovery

58. Compensation shall not be payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law.

Arbitration

59. Any difference under any provision of this Order, unless otherwise provided for, shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

Signed by the authority of the Secretary of State for Transport

Ellis Harvey
Head of the Transport and Works Act Orders Unit
Department for Transport

200[ ]

SCHEDULES

SCHEDULE 1

SCHEDULED WORKS

Borough of Halton

Work No. 1a An improvement of the eastbound carriageway of Speke Road (920 metres in length) commencing at a point 460 metres to the east of the underbridge crossing St Michael’s Road and terminating at Ditton Junction and construction of part of a signalised junction (Ditton Junction).

Work No. 1b A new toll plaza on embankment (1140 metres in length) commencing at the underbridge above St Michael’s Road and terminating at the eastern end of the toll plaza area.

Work No. 1c A new road (1045 metres in length) commencing 300 metres to the east of the underbridge above St Michael’s Road and terminating at Ditton Junction and construction of part of a signalised junction (Ditton Junction).

Work No. 1d A new road (1300 metres in length) part on embankment commencing at the termination of Work No. 1b and terminating at the commencement of Work Nos. 4b and 4c including a new bridge crossing Ditton Junction, a new bridge crossing the Garsten to Timperley Freight Railway, a viaduct crossing Victoria Road, bridges crossing the Widnes Loops slip roads (Work Nos. 3a and 3b) and a new bridge crossing the St Helens Canal.
Work No. 1e A new road (400 metres in length) forming the eastbound slip onto the main carriageway from Ditton Junction commencing at Moor Lane South and terminating at the merge with the main carriageway forming Work 1d and incorporating a toll plaza.

Work No. 1f A new road (390 metres in length) incorporating a toll plaza commencing at Queensway (Work No. 2b) and terminating at the merge with the main carriageway forming Work No. 1d.

Work No. 2a A new road (585 metres in length) commencing at Ditton Road passing in a northeast direction below Work No. 1d and terminating at Moor Lane South.

Work No. 2b A new road (170 metres in length) commencing at Ditton Junction (Work No. 2a) and terminating at a point 210 metres north of the junction of Queensway and Desoto Road West.

Work No. 3a A new road (995 metres in length) incorporating a toll plaza commencing at the Garston to Timperley Freight Railway Bridge over the A557 Widnes Eastern Bypass and terminating at Work No. 1d.

Work No. 3b A new road (1055 metres in length) incorporating a toll plaza and a new bridge crossing the Widnes Loops onslip commencing at the Garston to Timperley Freight Railway Bridge over the A557 and terminating at Work No. 1d.

Work No. 4a The temporary infilling of the St Helens Canal (290 metres in length).

Work No. 4b A new road and viaduct supporting the southbound carriageway of the Mersey Gateway Bridge (530 metres in length) commencing at the termination of Work No. 1d and terminating at Work No. 4e.

Work No. 4c A new road and viaduct supporting the northbound carriageway of the Mersey Gateway Bridge (567 metres in length) commencing at the termination of Work No. 1d and terminating at Work No. 4e.

Work No. 4d Temporary jetty structure commencing on the North bank of the River Mersey and extending southwards to the South bank of the River (1000 metres in length).

Work No. 4e A new road and cable stay bridge with a maximum of three towers and two carriageways (1000 metres in length).

Work No. 4f A new southbound road and viaduct (500 metres in length) with supporting structures commencing at the southernmost end of Work No. 4e and terminating at the northernmost end of Work No. 4h.

Work No. 4g A new northbound road and viaduct with supporting structures (500 metres in length) commencing at the southernmost end of Work No. 4e and terminating at the northernmost end of Work No. 4h.

Work No. 4h A new road and viaduct with supporting structures (500 metres in length) commencing at the southernmost end of Work Nos. 4f and 4g and terminating at the northernmost end of Work No. 5a.

Work No. 4i A new road and viaduct (464 metres in length) commencing at the southernmost end of the approach viaduct to the cable stay bridge (Works 4f and 4g) and terminating at Work No. 5h.
Work No. 4j A new road and viaduct (433 metres in length), commencing at Work Nos. 4f and 4g and terminating at Work No. 5h.

Work No. 5a A new road (525 metres in length) commencing at the southernmost end of Work No. 4h and terminating at Halton Brow comprising a new road on viaduct spanning the Bridgewater Junction and Bridgewater Canal and a new road on embankment.

Work No. 5b A new road (395 metres in length) commencing on Bridgewater Expressway 530 metres east of the junction with Astmoor Road and terminating at Work No. 5h.

Work No. 5c A new road (265 metres in length) commencing at Work No. 5h and terminating on Bridgewater Expressway 630 metres east of the junction with Astmoor Road.

Work No. 5d A new road (370 metres in length) commencing on Daresbury Expressway 450 metres west of the Astmoor Interchange overbridge and terminating at Work No. 5h.

Work No. 5e A new road (410 metres in length) commencing at Work No. 5h and terminating on Daresbury Expressway 450 metres west of the Astmoor Interchange overbridge.

Work No. 5f A new road (400 metres in length) commencing at Work No. 5h and terminating at Halton Brow comprising a bridge crossing of the Bridgewater Canal and embankment.

Work No. 5g A new road (400 metres in length) commencing at Work No. 5h and terminating at Halton Brow comprising a bridge crossing of the Bridgewater Canal and embankment.

Work No. 5h A new road comprising a gyratory road junction commencing at Ordnance Survey Reference Point [ ] and proceeding in a clockwise direction to the same point.

Work No. 6a Temporary work (110 metres in length) comprising a temporary dock and jetties abutting the River Mersey and the Manchester Ship Canal.

SCHEDULE 2

STREETS SUBJECT TO STREET WORKS

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2) Streets subject to street works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td></td>
</tr>
<tr>
<td>Borough of Halton</td>
<td>Speke Road - eastbound carriageway between St Michael's Road and Ditton Roundabout; carriageway surface improvements</td>
</tr>
<tr>
<td></td>
<td>Speke Road - westbound carriageway between Ditton Roundabout and St Michael's Road; realigned to enable construction of new toll plaza</td>
</tr>
<tr>
<td></td>
<td>Ditton Road - between Ditton Roundabout and a point approximately 280 metres to the west; widening and improvements associated with new Ditton junction and carriageway surface</td>
</tr>
</tbody>
</table>
improvements

Queensway - between Ditton Roundabout and a point approximately 130 metres to the south; widening and improvements associated with new Ditton junction and carriageway surface improvements

Moor Lane South - from Ditton Roundabout to a point approximately 300 metres from Ditton Roundabout; improvements relating to Ditton Junction and new signalised crossroads with Ashley Way West and Lower House Lane and carriageway surface improvements

Lower House Lane - between roundabout with Moor Lane South and a point approximately 30 metres to the north; improvement works relating to new signalised crossroads with Moor Lane South and carriageway improvements

Ashley Way West - between roundabout with Moor Lane South and a point approximately 45 metres to south east; improvement works relating to new signalised crossroads with Moor Lane South and carriageway improvements

Dock Road - from Queensway viaduct to junction with Wandsworth Way; carriageway widening and surface improvements

Wandsworth Way - from Dock Road to a point approximately 12 metres to the north; junction improvements and carriageway surface improvements

Queensway Link - from Waterloo Road to point approximately 130 metres to the south; carriageway widening and surface improvements

Daresbury Expressway - improvement works associated with Bridgewater Junction

Central Expressway - from Bridgewater Junction to a point approximately 275 metres to south; realignment of carriageway and surface improvements

Castlefields Avenue North - from Warrington Road to a point approximately 85 metres to the north; carriageway realigned
SCHEDULE 3

STREETS TO BE STOPPED UP

PART 1

STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<table>
<thead>
<tr>
<th>(1) Area</th>
<th>(2) Street or part of street to be stopped up</th>
<th>(3) Extent of stopping up</th>
<th>(4) New street to be substituted for it</th>
</tr>
</thead>
<tbody>
<tr>
<td>Borough of Halton</td>
<td>Surfaced paths to the south of A557 Widnes Eastern Bypass</td>
<td>Between point PS7 and points PS11, PS12 and PS13</td>
<td>Between point PD1 and points PD2 and PD3</td>
</tr>
</tbody>
</table>

PART 2

STREETS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<table>
<thead>
<tr>
<th>(1) Area</th>
<th>(2) Street or part of street to be stopped up</th>
<th>(3) Extent of stopping up</th>
</tr>
</thead>
<tbody>
<tr>
<td>Borough of Halton</td>
<td>Footpath Widnes 58 Informal paths, (not on definitive map) within the closed St Michael's Golf Course A553 Queensway Ditton Roundabout</td>
<td>Between points PS1 and PS2 Between points PS3, PS4, PS5 and PS6 Between HS1 and HS2 the entire street comprising the roundabout commencing and concluding in a clockwise direction at point HS3</td>
</tr>
<tr>
<td>Ditton Road Lower House Lane A557 Widnes Eastern Bypass Catalyst Trade Park Private Roads Dock Road</td>
<td>Between points HS4 to HS5 Between points HS6 to HS7 Between the junction with A553 Queensway at points HS8 and HS9 and the junction with A562 Ashley Way at HS10 All those streets covered by grey shading at HS11 Part of that length of Dock Road between the existing limit of Queensway and the junction of Dock Road and Widnes Eastern Bypass at or</td>
<td>38</td>
</tr>
</tbody>
</table>
about point HS12.

Footpath Widnes 60 (definitive right of way not currently accessible) Between points PS8 and PS10

Footpath Widnes 61 (definitive right of way not currently accessible) Between points PS8 and PS9

Footpath Widnes 62 (definitive right of way not currently accessible) Between points PS7 and PS8

Surfaced path on Astmoor Industrial Estate (not on definitive map) Between points PS14, PS15, PS16 and PS17

Surfaced path on Astmoor Industrial Estate (not on definitive map) Between points PS18, PS19, PS20 and PS21.

Surfaced path on Astmoor Industrial Estate (not on definitive map) Between points PS22, PS23

Goddard Road Between points HS13 and HS14 and HS15 and HS16.

Lancer Court All that street shaded grey comprising Lancer Court at point HS17

Dalton Court Between points HS18 and HS19

Davy Road Between points HS20 and HS21

Chadwick Road Between points HS22 and HS23

Surfaced path (not on definitive map) on the southbound verge of the Central Expressway Between points PS24 and PS25

Bridgewater Expressway Between points HS24 and HS25

Central Expressway Between points HS26 and HS27, HS27 and HS28, HS29 and HS30, HS31 and HS32, and HS27 and HS33
### SCHEDULE 4

**STREETS TO BE TEMPORARILY STOPPED UP**

<table>
<thead>
<tr>
<th>(1) Area</th>
<th>(2) Street to be stopped up</th>
<th>(3) Extent of temporary stopping up</th>
</tr>
</thead>
<tbody>
<tr>
<td>Borough of Halton</td>
<td>Cycle track to the south of St Helen's Canal (TransPennine Way)</td>
<td>Between TS1 and TS2 and to be temporarily diverted between points TD1, TD2, TD3 and TD4</td>
</tr>
<tr>
<td></td>
<td>Surfaced path in Wigg Island Community Park (not on definitive map)</td>
<td>Between points TS3 and TS4 and to be temporarily diverted via points TD5, TD6 and TD7</td>
</tr>
<tr>
<td></td>
<td>Surfaced path to the north of Manchester Ship Canal (not on definitive map)</td>
<td>Between points TS5 and TS6</td>
</tr>
<tr>
<td></td>
<td>Surfaced path to the south of Manchester Ship Canal (not on definitive map)</td>
<td>Between points TS7 and TS8</td>
</tr>
<tr>
<td>Astmoor Road</td>
<td></td>
<td>Between points TS9 and TS10</td>
</tr>
<tr>
<td>Astmoor Busway</td>
<td></td>
<td>Between points TS11 and TS12</td>
</tr>
<tr>
<td>Footpath Runcorn 16 (to the north of Bridgewater Canal)</td>
<td></td>
<td>Between points TS13 and TS14</td>
</tr>
</tbody>
</table>

### SCHEDULE 5

**ACCESS TO WORKS**

<table>
<thead>
<tr>
<th>(1) Area</th>
<th>(2) Description of access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Borough of Halton</td>
<td>Access No. A1 from Speke Road</td>
</tr>
<tr>
<td></td>
<td>Access No. A2 from Ditton Road</td>
</tr>
<tr>
<td></td>
<td>Access No. A3 from Ditton Road</td>
</tr>
<tr>
<td></td>
<td>Access No. A4 from Queensway</td>
</tr>
<tr>
<td></td>
<td>Access No. A5 from Hutchison Street</td>
</tr>
<tr>
<td></td>
<td>Access No. A6 from Lower House Lane</td>
</tr>
<tr>
<td></td>
<td>Access No. A7 from Moor Lane (south)</td>
</tr>
<tr>
<td></td>
<td>Access No. A8 from Ashley Way</td>
</tr>
<tr>
<td></td>
<td>Access No. A9 from Ditton Road</td>
</tr>
<tr>
<td></td>
<td>Access No. A10 from Victoria Road (north)</td>
</tr>
</tbody>
</table>
SCHEDULE 6

Article 24

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

Compensation enactments

2. The enactments for the time being in force with respect to compensation for the compulsory purchase of land shall apply with the necessary modifications as respects compensation in the case of a compulsory acquisition under this Order of a right by the creation of a new right as they apply as respects compensation on the compulsory purchase land and interests in land.

3.—(1) Without prejudice to the generality of paragraph 1, the Land Compensation Act 1973(a) shall have effect subject to the modifications set out in sub-paragraphs (2) and (3).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 4—

(a) 1973 c. 26.
(a) for the words "land is acquired or taken" there shall be substituted the words "a right over land is purchased"; and

(b) for the words "acquired or taken from him" there shall be substituted the words "over which the right is exercisable".

(3) In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5—

(a) for the word "part" in paragraphs (a) and (b) there shall be substituted the words "a right over land consisting";

(b) for the word "severance" there shall be substituted the words "right over the whole of the house, building or manufactory or of the house and the park or garden";

(c) for the words "part proposed" there shall be substituted the words "right proposed"; and

(d) for the words "part is" there shall be substituted the words "right is".

Application of the 1965 Act

4.—(1) The 1965 Act shall have effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are to be read (according to the requirements of the particular context) as referring to, or as including references to—

(a) the right acquired or to be acquired, or

(b) the land over which the right is or is to be exercisable.

(2) Without prejudice to the generality of sub-paragraph (1), Part 1 of the 1965 Act shall apply in relation to the compulsory acquisition under this Order of a right by the creation of a new right with the modifications specified in the following provisions of this Schedule.

5. For section 7 of the 1965 Act (measure of compensation) there shall be substituted the following section—

"7. In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.".

6. For section 8 of the 1965 Act (provisions as to divided land) there shall be substituted the following—

"8.—(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house ("the relevant land")—

(a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal ("the tribunal"); and

(b) before the tribunal has determined that question the tribunal is satisfied that the person has an interest in the whole of the relevant land and is able and willing to sell that interest and—

(i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or

(ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs,"
the River Mersey (Mersey Gateway Bridge) Order 2001[ ](a) ("the Order") shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person's interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) of this section shall be determined by the tribunal.

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) of this section the Order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of 5 weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice."

7. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say---

(a) section 9(4) (failure by owners to convey);
(b) paragraph 10(3) of Schedule 1 (owners under incapacity);
(c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
(d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is so to be compulsorily acquired is vested absolutely in the acquiring authority.

8. Section 11 of the 1965 Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, it has power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on warrant in the event of obstruction) of the 1965 Act shall be modified correspondingly.

9. Section 20 of the 1965 Act (protection for interests of tenants at will etc.) shall apply with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.

10. Section 22 of the 1965 Act (protection of acquiring authority's possession where by inadvertence an estate, right or interest has not been got in) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

SCHEDULE 7

Article 26

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

(a) S.I. 2001[ ](a).
<table>
<thead>
<tr>
<th>(1) Area</th>
<th>(2) Number of land shown on land plans</th>
<th>(3) Purpose for which temporary possession may be taken</th>
<th>(4) Authorised work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Borough of Halton</td>
<td>2</td>
<td>Provision of access, for the purposes of constructing the authorised works</td>
<td>Work No. 1b</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>Provision of access for the purposes of constructing the authorised works and the provision of a temporary worksite</td>
<td>Work Nos. 1a, 1b, 1c</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 1a, 1b, 1c</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>Provision of access, for the purposes of constructing the authorised works</td>
<td>Work Nos. 1a, 1b, 1c</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>Provision of access for the purposes of constructing the authorised works and the provision of a temporary worksite</td>
<td>Work Nos. 1a, 1b, 1c</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>Construction of authorised works</td>
<td>Work Nos. 1a, 1b, 1c</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td>Construction of authorised works</td>
<td>Work Nos. 1a, 1b, 1c</td>
</tr>
<tr>
<td></td>
<td>16</td>
<td>Provision of access, for the purposes of constructing the authorised works</td>
<td>Work Nos. 1c, 1d, 2a, 2b</td>
</tr>
<tr>
<td></td>
<td>18</td>
<td>Provision of access, for the purposes of constructing the authorised works</td>
<td>Work Nos. 1c, 1d, 2a, 2b</td>
</tr>
<tr>
<td></td>
<td>22</td>
<td>Provision of access, for the purposes of constructing the authorised works</td>
<td>Work No. 2a</td>
</tr>
<tr>
<td></td>
<td>23</td>
<td>Provision of access, for the purposes of constructing the authorised works</td>
<td>Work No. 2a</td>
</tr>
<tr>
<td>Area</td>
<td>Number of land shown on land plans</td>
<td>Purpose for which temporary possession may be taken</td>
<td>Authorised work</td>
</tr>
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<tr>
<td>24</td>
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<td>Provision of access, for the purposes of constructing the authorised works</td>
<td>Work No. 2a</td>
</tr>
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<td>25</td>
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<td>Provision of access, for the purposes of constructing the authorised works</td>
<td>Work No. 2a</td>
</tr>
<tr>
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<td>Provision of access, for the purposes of constructing the authorised works</td>
<td>Work No. 2a</td>
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<td>Provision of access, for the purposes of constructing the authorised works</td>
<td>Work No. 2a</td>
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<td>35</td>
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<td>Provision of access, for the purposes of constructing the authorised works</td>
<td>Work No. 2a</td>
</tr>
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<td>55</td>
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<td>Provision of access, for the purposes of constructing the authorised works</td>
<td>Work No. 2a, 2b</td>
</tr>
<tr>
<td>56</td>
<td></td>
<td>Provision of access for the purposes of constructing the authorised works and the provision of a temporary worksite</td>
<td>Work No. 2a, 2b</td>
</tr>
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<td>57</td>
<td></td>
<td>Provision of access, for the purposes of constructing the authorised works</td>
<td>Work No. 2b</td>
</tr>
<tr>
<td>63</td>
<td></td>
<td>For the purposes of a temporary worksite</td>
<td>Work No. 2b and works to Queensway</td>
</tr>
<tr>
<td>64</td>
<td></td>
<td>For the purposes of a temporary worksite</td>
<td>Work No. 2b and works to Queensway</td>
</tr>
<tr>
<td>65</td>
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<td>For the purposes of a temporary worksite</td>
<td>Work No. 2b and works to Queensway</td>
</tr>
<tr>
<td>Area</td>
<td>Number of land shown on land plans</td>
<td>Purpose for which temporary possession may be taken</td>
<td>Authorised work</td>
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<tr>
<td>------</td>
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</tr>
<tr>
<td>66</td>
<td>Construction of authorised works</td>
<td>Work No. 2b and works to Queensway</td>
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<td>67</td>
<td>Construction of authorised works</td>
<td>Work No. 2b and works to Queensway</td>
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<td>68</td>
<td>For the purposes of a temporary worksite</td>
<td>Work No. 2b and works to Queensway</td>
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</tr>
<tr>
<td>76</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 1d, 1e</td>
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<tr>
<td>77</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 1d, 1e</td>
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<td>78</td>
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<td>Work Nos. 1d, 1e</td>
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<tr>
<td>85</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 1d, 1f</td>
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<tr>
<td>86</td>
<td>For the purposes of a temporary worksite and a construction compound</td>
<td>Work Nos. 1d, 1f</td>
<td></td>
</tr>
<tr>
<td>87</td>
<td>For the purposes of a temporary worksite and a construction compound</td>
<td>Work Nos. 1d, 1f</td>
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</tr>
<tr>
<td>153</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 1d, 3a, 3b</td>
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<tr>
<td>154</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 1d, 3a, 3b</td>
<td></td>
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<td>158</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 1d, 3a, 3b</td>
<td></td>
</tr>
<tr>
<td>159</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 1d, 3a, 3b</td>
<td></td>
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<td>166</td>
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<td>168</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 1d, 3a, 3b</td>
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<td>171</td>
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<td>Work Nos. 1d, 3a, 3b</td>
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<td>172</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 1d, 3a, 3b</td>
<td></td>
</tr>
<tr>
<td>(1) Area</td>
<td>(2) Number of land shown on land plans</td>
<td>(3) Purpose for which temporary possession may be taken</td>
<td>(4) Authorised work</td>
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<td>temporary worksite</td>
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<td>Work Nos. 1d, 3a, 3b</td>
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<td>Work Nos. 1d, 3a, 3b</td>
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<td>Construction of authorised works</td>
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<td>Work Nos. 3a, 3b</td>
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<td>Construction of authorised works</td>
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<td>Work Nos. 3a, 3b</td>
</tr>
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<td>192</td>
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<td>Work Nos. 3a, 3b</td>
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<td>For the purposes of a temporary worksite</td>
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<td>Work Nos. 1d, 4a, 4b, 4c</td>
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<td>For the purposes of a temporary worksite</td>
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<td>Work Nos. 4a, 4b, 4c</td>
</tr>
<tr>
<td>225</td>
<td>For the purposes of a temporary worksite</td>
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<td>Work Nos. 4b, 4e, 4d</td>
</tr>
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<td>226</td>
<td>For the purposes of a temporary worksite</td>
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<td>Work Nos. 4b, 4e, 4d, 4e</td>
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<td>228</td>
<td>For the purposes of a temporary worksite</td>
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<td>Work Nos. 4d, 4e</td>
</tr>
<tr>
<td>229</td>
<td>For the purposes of a temporary worksite</td>
<td></td>
<td>Work Nos. 4d, 4e</td>
</tr>
<tr>
<td>231</td>
<td>For the purposes of a temporary worksite</td>
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<td>Work Nos. 4d, 4e</td>
</tr>
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<td>232</td>
<td>For the purposes of a temporary worksite</td>
<td></td>
<td>Work Nos. 4d, 4e, 4f, 4g</td>
</tr>
<tr>
<td>234</td>
<td>For the purposes of a temporary worksite</td>
<td></td>
<td>Work Nos. 4d, 4e, 4f, 4g</td>
</tr>
<tr>
<td>240</td>
<td>Provision of access for the purposes of constructing the authorised works and the provision of a temporary worksite</td>
<td></td>
<td>Work Nos. 4f, 4g</td>
</tr>
<tr>
<td>255</td>
<td>For the purposes of a temporary worksite and a construction compound</td>
<td></td>
<td>Work Nos. 4h, 4i, 4j</td>
</tr>
<tr>
<td>(1) Area</td>
<td>(2) Number of land shown on land plans</td>
<td>(3) Purpose for which temporary possession may be taken</td>
<td>(4) Authorised work</td>
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<tr>
<td>257</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 4h, 4i, 4j</td>
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</tr>
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<td>258</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 4h, 4i, 4j</td>
<td></td>
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<td>260</td>
<td>For the purposes of a temporary worksite and a construction compound</td>
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<td>266</td>
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<td>270</td>
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<td>276</td>
<td>For the purposes of a temporary worksite and a construction compound</td>
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<td></td>
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<td>277</td>
<td>For the purposes of a temporary worksite and a construction compound</td>
<td>Work Nos. 4h, 4i, 4j</td>
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<td>278</td>
<td>For the purposes of a temporary worksite and a construction compound</td>
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<td>282</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 4h, 4i, 4j</td>
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<td>283</td>
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<td>Work Nos. 4h, 4i, 4j</td>
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<td>285</td>
<td>For the purposes of a temporary worksite and a construction compound</td>
<td>Work Nos. 4h, 4i, 4j</td>
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<tr>
<td>286</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 4h, 4i, 4j</td>
<td></td>
</tr>
<tr>
<td>(1) Area</td>
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<td>(3) Purpose for which temporary possession may be taken</td>
<td>(4) Authorised work</td>
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<tr>
<td>290</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 4h, 4i, 4j</td>
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<td>291</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 4h, 4i, 4j</td>
<td></td>
</tr>
<tr>
<td>293</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 4h, 4i, 4j, 5a, 5b, 5h</td>
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</tr>
<tr>
<td>298</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 4h, 4i, 4j</td>
<td></td>
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<tr>
<td>299</td>
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<td>Work Nos. 4h, 4i, 4j</td>
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<td>319</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 4j, 5a, 5b, 5c</td>
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<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 4j, 5a, 5b, 5c</td>
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<td>322</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 5b, 5c</td>
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<td>323</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 5b, 5c, 5h</td>
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<td>324</td>
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<td>Work Nos. 5b, 5c, 5h</td>
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<td>328</td>
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<td>Work Nos. 5a, 5e, 5f, 5h</td>
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<td>329</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 5a, 5e, 5f, 5h</td>
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<td>334</td>
<td>For the purposes of a temporary worksite</td>
<td>Work Nos. 5a, 5f, 5g</td>
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<td>335</td>
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<td>336</td>
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<td>Work Nos. 5a, 5f, 5g</td>
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<tr>
<td>341</td>
<td>Provision of access for the purposes of constructing the authorised works and the provision of a temporary worksite</td>
<td>Work Nos. 5a, 5f, 5g</td>
<td></td>
</tr>
</tbody>
</table>

**SCHEDULE 8**

**PROTECTION OF NAVIGATION**

1. In this Schedule—

   “construction” includes execution, placing, alteration and reconstruction and “constructed” has a corresponding meaning; and

   “plans” includes sections, drawings, particulars and schedules of construction.

2. —(1) Unless its construction has commenced within five years of this order coming into force no tidal work shall be constructed, altered, replaced or re-laid except in accordance with plans approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work is begun.

2. —(2) If a tidal work is constructed, altered, replaced or re-laid in contravention of this paragraph or of any condition or restriction imposed under this paragraph—

   (a) the Secretary of State may by notice in writing require the undertaker at its own expense to take whatever steps the Secretary of State considers necessary to remedy the contravention;

   (b) without prejudice to the generality of sub-paragraph (a), the steps in question may include steps to—

      (i) alter, replace or re-lay any tidal work; or

      (ii) remove the tidal work or any part of it, or restore the site to its former condition or as near to its former condition as is acceptable to the Secretary of State;

   (c) any notice served by the Secretary of State under sub-paragraph (a) shall specify the period within which the undertaker shall comply with the requirements of that notice and may specify different periods for the taking of different steps; and

   (d) where the undertaker fails to comply with the requirements of a notice served under sub-paragraph (a) within the period specified in that notice, the Secretary of State may execute the works required by the notice.

(3) Where it appears to the Secretary of State to be urgently necessary to do so, the Secretary of State may remove the tidal work, or any part of it, or restore the site to its former condition or as near to its former condition as the Secretary of State considers appropriate.

(4) The Secretary of State may, if the Secretary of State considers it expedient, order a survey and examination of any site on which it is proposed to execute a tidal work.
3.—(1) In case of damage to or destruction or decay of a tidal work, or any part of a tidal work, the undertaker shall as soon as reasonably practicable—

(a) give notice to Trinity House and the Mersey Docks and Harbour Company; and

(b) lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House may direct.

(2) If the undertaker fails to notify Trinity House and the Mersey Docks and Harbour Company as required by this paragraph or to comply in any respect with a direction given under this paragraph it shall be guilty of any offence.

Abandonment etc. of structures

4.—(1) Where a tidal work is abandoned, or allowed to fall into decay, the Secretary of State may by notice in writing require the undertaker at its own expense—

(a) to repair and restore the work, or any part of it; or

(b) to remove the work and restore the site to its former condition or so near its former condition as is acceptable to the Secretary of State.

(2) Where—

(c) a work erected under this Order part of which is a tidal work is abandoned or allowed to fall into decay; and

(d) the part of the work on or over land above the level of mean high-water springs is in such a condition as to interfere, or cause reasonable apprehension that it may interfere, with the right of navigation or any public rights over the foreshore,

the Secretary of State may include that part of the work, or any portion of it, in any notice under sub-paragraph (1).

(3) If at the end of the period of 28 days from the date when notice is served on the undertaker under sub-paragraph (1) it has failed to begin taking steps to comply with the requirements of the notice or, after beginning, has failed to make reasonably expeditious progress towards their implementation, the Secretary of State may execute the works specified in the notice.

Surveys etc.

5. Having concluded that it is expedient to do so the Secretary of State may order a survey and examination of any tidal work.

Lights on tidal works

6.—(1) The undertaker shall, at or near to a tidal work during the whole time of the construction, alteration, replacement or relaying of it, exhibit every night from sunset to sunrise, such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State or Trinity House or, failing agreement between them, as the Secretary of State shall from time to time direct.

(2) After completion of a tidal work the undertaker shall exhibit, at the outer extremity of that work, every night from sunset to sunrise such lights, if any, for the prevention of danger to navigation as Trinity House may from time to time direct.

(2) If the undertaker fails to comply in any respect with a direction given under this paragraph it shall be guilty of an offence.
Offences

7.—(1) Where the undertaker is guilty of an offence under paragraph 3 or paragraph 6 it shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) In proceedings for any such offence it shall be a defence for the undertaker to show that it took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(3) If in any case the defence provided by sub-paragraph (2) involves the allegation that the commission of the offence was due to the act or default of another person, the undertaker shall not, without the leave of the court, be entitled to rely on the defence unless, not later than 7 days before the hearing of the proceedings, it has served on the prosecution a notice in writing giving such information as was then in its possession identifying or assisting in the identification of the other person.

Expenses

8. The Secretary of State shall be entitled to recover from the undertaker any expenditure incurred by the Secretary of State under paragraphs 2(2)(d) or 2(3) or 4(3) or on a survey and examination under paragraphs 2(4) or 5.

SCHEDULE 9

PROVISIONS RELATING TO STATUTORY UNDERTAKERS, ETC.

Apparatus of statutory undertakers etc. or land acquired

1.—(1) Sections 271 to 274 of the 1990 Act (power to extinguish rights of statutory undertakers etc. and power of statutory undertakers etc. to remove or re-site apparatus) shall apply in relation to any land acquired or appropriated by the undertaker under this Order subject to the following provisions of this paragraph; and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential on the extinguishment of any rights under sections 271 and 272, and sections 279(2) to (4), 280 and 282, which provide for the payment of compensation) shall have effect accordingly.

(2) In the provisions of the 1990 Act, as applied by sub-paragraph (1), references to the appropriate Minister are references to the Secretary of State.

(3) Where any apparatus of public utility undertakers or of a public communications provider is removed in pursuance of a notice or order given or made under section 271, 272 or 273 of the 1990 Act, as applied by sub-paragraph (1), any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(4) Sub-paragraph (3) shall not apply in the case of the removal of a public sewer but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that paragraph, any person who is—

(a) the owner or occupier of premises the drains of which communicated with that sewer; or

(b) the owner of a private sewer which communicated with that sewer,

shall be entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(5) The provisions of the 1990 Act mentioned in sub-paragraph (1), as applied by that sub-paragraph, shall not have effect in relation to apparatus as respects which paragraph 2 or Part 3 of the 1991 Act applies.
(6) In this paragraph—

"public communications provider" has the same meaning as in section 151(1) of the Communications Act 2003(a); and

"public utility undertakers" has the same meaning as in the Highways Act 1980(b).

Apparatus of statutory undertakers etc. in stopped up streets

2.—(1) Where a street is stopped up under article 8 (stopping up of streets), any statutory utility whose apparatus is under, in, upon, along or across the street shall have the same powers and rights in respect of that apparatus, subject to the provisions of this paragraph, as if this Order had not been made.

(2) Where a street is stopped up under article 8 (stopping up of streets), any statutory utility whose apparatus is under, in, upon, over, along or across the street may, and if reasonably requested to do so by the undertaker shall—

(a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or

(b) provide other apparatus in substitution for the existing apparatus and place it in such position as aforesaid.

(3) Subject to the following provisions of this paragraph, the undertaker shall pay to any statutory utility an amount equal to the cost reasonably incurred by the utility in or in connection with—

(a) the execution of the relocation works required in consequence of the stopping up of the street; and

(b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

(4) If in the course of the execution of relocation works under sub-paragraph (2)—

(a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this paragraph would be payable to the statutory utility by virtue of sub-paragraph (3) shall be reduced by the amount of that excess.

(5) For the purposes of sub-paragraph (4)—

(a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and

(b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined.

(6) An amount which apart from this sub-paragraph would be payable to a statutory utility in respect of works by virtue of sub-paragraph (3) (and having regard, where relevant, to sub-paragraph (4)) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(7) Sub-paragraphs (3) to (6) shall not apply where the authorised works constitute major highway works for the purposes of Part 3 of the 1991 Act, but instead—

(a) 2003 c. 21
(b) 1980 c. 66.
(a) the allowable costs of the relocation works shall be determined in accordance with section 85 of that Act (sharing of cost of necessary measures) and any regulations for the time being having effect under that section; and

(b) the allowable costs shall be borne by the undertaker and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this paragraph—

"apparatus" has the same meaning as in Part 3 of the 1991 Act,
"relocation works" means work executed, or apparatus provided, under sub-paragraph (2), and
"statutory utility" means a statutory undertaker for the purposes of the Highways Act 1980 or a public communications provider as defined in paragraph 1(6).

Railway and navigation undertakings

9.—(1) Subject to the following provisions of this paragraph, the powers under article 7 (power to execute street works) to break up or open a street shall not be exercisable where the street, not being a highway maintainable at public expense (within the meaning of the Highways Act 1980) is under the control or management of, or is maintainable by, railway or tramway undertakers or a navigation authority except with the consent of the undertakers or authority.

(2) Sub-paragraph (1) shall not apply to the carrying out under this Order of emergency works, within the meaning of Part 3 of the 1991 Act.

(3) A consent given for the purpose of sub-paragraph (1) may be made subject to such reasonable conditions as may be specified by the person giving it but shall not be unreasonably withheld.

(4) In this paragraph "navigation authority" means any person who has a duty or power under any enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock.

SCHEDULE 10

PROTECTIVE PROVISIONS
SCHEDULE 11
LEVEL OF TOLLS AND CHARGES

PART 1

Initial toll range

1. —(1) On and from the opening day the tolls chargeable for the use of the new crossing shall be at such level within the toll range specified in sub-paragraph (3) for the class of vehicle specified as the undertaker may determine and shall remain at such level until revised in accordance with the following provisions of this Schedule.

(2) The classification of vehicles or classes of vehicles in respect of which tolls may be charged from the opening day shall be those set out in Part 2 until revised in accordance with the following provisions of this Schedule.

(3) In this Schedule "toll range" means the ranges of tolls contained in the table below increased by the same percentage for each whole year between April 2008 and the opening day as referred to in paragraph 2, subject to paragraph 3.

<table>
<thead>
<tr>
<th>Class of vehicle</th>
<th>Toll range</th>
</tr>
</thead>
<tbody>
<tr>
<td>class 1 vehicles</td>
<td>£0.00 to £2.50</td>
</tr>
<tr>
<td>class 2 vehicles</td>
<td>£1.00 to £2.50</td>
</tr>
<tr>
<td>class 3 vehicles</td>
<td>£2.00 to £5.00</td>
</tr>
<tr>
<td>class 4 vehicles</td>
<td>£4.00 to £10.00</td>
</tr>
</tbody>
</table>

(4) The toll range from the opening day for any vehicles to which the Road Vehicles (Authorisation of Special Types) (General) Order 2003(a) applies shall be £15.00 to £220.00 increased by the same percentage for each whole year between April 2008 and the opening day as referred to in paragraph 2, subject to paragraph 3.

Revision of toll ranges

2. —(1) The toll ranges referred to in paragraph 1 shall be recalculated annually on 1 April each year by multiplying the upper and lower limits applying in each toll range by the indexation factor.

(2) The indexation factor shall be derived by dividing the value of the retail prices index for the month of February in the relevant year by the value of the retail prices index for the month of February in the preceding year to produce a percentage and then adding one per cent.

3. —Any revision to the toll ranges referred to in paragraph 1 pursuant to the provisions of this Order-

(a) if it is neither a multiple of ten pence nor an amount which on division by ten produces a remainder of five pence 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 pence shall be increased by five pence.

4.—(1) Subject to sub-paragraph (2), the references in this Schedule to the retail prices index means the monthly United Kingdom index of Retail Prices (for all items) published by the Office of National Statistics.

(2) If that index is not published for any month those references shall be references to any substituted index or index figures published by that office for that month.

Revision of tolls

5.—(1) The tolls payable in respect of any vehicle or class of vehicle may be varied within the toll range in effect from time to time.

(2) Except as paragraph 7 allows, no revision of tolls pursuant to this Schedule shall result in a toll which exceeds, at the date that any revision is proposed, an amount that is equivalent to the higher figure of the toll range increased by the same percentage as is referred to in paragraph 2, subject to paragraph 3.

6.—(1) Whenever the undertaker proposes to revise the toll that applies in respect of any vehicle or class of vehicles pursuant to paragraph 5 the undertaker shall publish in at least one local newspaper circulating in the area in which the new crossing is situated, a notice substantially in the form set out in Part 5.

(2) The undertaker may charge the tolls set out in a notice given under sub-paragraph (1) from the day 28 days after that on which the notice referred to in sub-paragraph (1) is published.

Further provisions as to revision of toll ranges and classification of vehicles

7.—(1) Where a revision of tolls within the toll ranges recalculated pursuant to paragraph 2 would be insufficient—

(a) to pay the costs and expenses incurred in designing, constructing, managing, operating and maintaining the new crossing or any costs associated with financing any of the same;

(b) to provide such funds as are or are likely to be necessary to discharge the obligations of the undertaker pursuant to a concession agreement;

(c) to pay the interest on, and repay the principal of, monies borrowed in respect of, the new crossing;

(d) to make payment into any maintenance or reserve fund provided in respect of the new crossing; or

(e) to provide funds for, to meet expenses incurred in or the cost of securing any necessary authority or consent for, and in constructing or in securing, the construction, maintenance and operation of, the new crossing or the Silver Jubilee Bridge.

the toll ranges or any of them may if the undertaker so determines be increased to enable the purposes set out in this paragraph to be achieved, after complying with the requirements set out in paragraphs 8 to 14.

(2) The undertaker may vary the classification of vehicles or classes of vehicles in respect of which tolls may be charged after complying with the requirements set out in paragraphs 8 to 14.

(3) The toll range in respect of any vehicle or class of vehicles may not be revised pursuant to paragraph 7 if less than 12 months have passed following the previous exercise by the undertaker of its powers under that paragraph.

8.—(1) Prior to exercising its powers under paragraph 7 the undertaker shall—

(a) publish in at least one local newspaper in the area in which the new crossing is situated a notice substantially in the form set out in Part 3 of this Schedule;
(b) take such other steps as it may consider appropriate for ensuring that adequate publicity about the proposed change is given to persons likely to be affected by its provisions and, without prejudice to the generality of this sub-paragraph, such other steps may include—

(i) publication of a notice in the London Gazette;
(ii) the display of notices in roads or other places affected by the proposed change; or
(iii) the delivery of notices or letters to persons appearing to the undertaker to be likely to be affected by any provision in the proposed change.

(2) The undertaker shall make the following deposited documents available for public inspection, so far as they are relevant, at the principal offices of the undertaker during normal office hours and at such other places (if any) within the area in which the new crossing is situated as it may think fit during such hours as it may determine for each such place -

(a) details of the changes proposed pursuant to paragraph 7;
(b) a map which clearly shows the location and effect of the proposals;
(c) a statement setting out the reasons for the proposals; and
(d) if the proposals vary, revoke, apply or suspend existing provisions, copies of those provisions.

(3) The deposited documents referred to in sub-paragraph (2) shall be made so available at the times and at the places specified in the notice referred to in sub-paragraph (1)(a) throughout the period beginning with the date on which such notice of proposals is first published and ending with the last day of the period of 6 weeks following that date.

Objections

9. — (1) Any person may object to the changes proposed by the undertaker pursuant to paragraph 7 by the date specified in the notice of proposals.

(2) An objection under paragraph (1) shall—

(a) be made in writing;
(b) state the grounds on which it is made;
(c) indicate who is making the objection;
(d) provide an address to which any correspondence relating to that objection may be sent;
(e) be sent to the address specified in the notice of proposals by the date specified in that notice.

10.—(1) Where paragraph 7 applies to a proposed change and following the publication of a notice in accordance with paragraph 8 no objections are received in the manner prescribed in paragraph 9 or any objection is withdrawn, the undertaker may, subject to complying with sub-paragraph (2), revise —

(a) the toll ranges in respect of any vehicles or class of vehicles to a level not exceeding those set out in the notice referred to in paragraph 8;
(b) the classification of vehicles or classes of vehicles in respect of which tolls may be charged.

(2) The undertaker shall publish in at least one newspaper circulating in the area in which the new bridge is situated a notice substantially in the form set out in Part 5 of this Schedule stating the toll ranges, classifications of vehicles or classes of vehicles that will then apply.

(3) The undertaker may apply the revised toll ranges or apply the revised vehicle classifications or classes of vehicles (as the case may be) from the day 28 days after the notice referred to in sub-paragraph (2) is published.

11. Where paragraph 7 applies to any proposed change and an objection has been received in the manner prescribed in paragraph 9 and the objection is not withdrawn, the undertaker shall not determine to raise the amount of any tolls or toll ranges or change vehicle classifications or classes of vehicles until it has complied with the provisions of paragraphs 12 and 13.
12.—(1) Where any objections have been made in accordance with paragraph 9 the undertaker shall cause a local inquiry to be held for the purpose of considering the objections.

(2) The local inquiry shall be held by a person appointed by the Secretary of State.

(3) Subsections (2) and (3) of section 250 of the Local Government Act 1972(a) shall apply to an inquiry under this paragraph as they apply to an inquiry under that section.

(4) The Tribunals and Inquiries Act 1992(b) shall apply to a local inquiry held under this paragraph as it applies to a statutory inquiry held by the Minister but as if in section 10(1) of that Act (statement of reasons for decision) the reference to any decision taken by the Minister were a reference to the decision taken by the undertaker.

(5) A local inquiry need not be held under this paragraph if all persons who have made objections have withdrawn their objections in which case paragraph 10(1) shall apply.

13.—(1) In any case where the undertaker holds a local inquiry in connection with the exercise of its powers under paragraph 7, the undertaker shall—

(a) publish at least once in a local newspaper circulating in the area in which the new crossing is situated a notice in substantially the form set out in Part 4;

(b) give notice of the inquiry in writing to each person who has objected to the proposals in accordance with paragraph 9 and who has not withdrawn the objection; and

(c) take such other steps as it may consider appropriate for ensuring that adequate publicity about the inquiry is given to persons likely to be affected by the proposed changes and, without prejudice to the generality of this sub-paragraph, such other steps may include—

(i) publication of a notice in the London Gazette;

(ii) the display of notices in roads or other places affected by the proposed changes; or

(iii) the delivery of notices or letters to premises, or premises occupied by persons, appearing to the undertaker to be likely to be affected by the proposed changes.

(2) An inquiry to which sub-paragraph (1) applies shall not begin less than 12 weeks after the notice of the proposed inquiry is given pursuant to sub-paragraph (1)(b).

14.—(1) Where a local inquiry has been held the undertaker must first consider the report of the person it has appointed to hold the local inquiry before making any determination under this paragraph.

(2) Having considered the report of the person who held the inquiry the undertaker must—

(a) determine that the classification of vehicles or classes of vehicles in respect of which tolls may be charged shall be revised to that set out in the notice referred to in paragraph 8; or

(b) determine that the toll range in respect of any vehicles or class of vehicles shall be revised to levels not exceeding that set out in the notice referred to in paragraph 7; or

(c) determine not to make any such revision.

(3) The undertaker shall publish in at least one local newspaper circulating in the area in which the new crossing is situated, a notice substantially in the form set out in Part 5 of this Schedule stating the toll ranges and any classification of vehicles or classes of vehicles determined in accordance with sub-paragraph (2).

(4) The undertaker may apply the toll ranges or classifications of vehicles or classes of vehicles (as the case may be) determined pursuant to sub-paragraph (2) from the day 28 days after which the notice referred to in sub-paragraph (3) is published.
PART 2

CLASSIFICATION OF VEHICLES

15. In this Schedule—

"class 1 vehicle" means a moped falling within classifications A(a) and A(b); motorcycles falling within classifications B(a) and B(b); motor tricycles falling within classifications C(a) and C(b); and quadricycles falling within classifications D(a), D(b), E(a) and E(b).

"class 2 vehicle" means motor vehicles with at least four wheels, used for the carriage of passengers, falling within classifications M1(a) and M1(b); and motor vehicles with at least four wheels, used for the carriage of goods falling within classification N1(a).

"class 3 vehicle" means motor caravans falling within classifications L(a) and L(b); motor vehicles with at least four wheels, used for the carriage of passengers falling within classifications M2(a) and M2(b); and motor vehicles with at least four wheels used for the carriage of goods, falling within classifications N2(b), N2(a) and N2(b).

"class 4 vehicle" means motor vehicles with at least four wheels, used for the carriage of passengers falling within classifications M3(a) and M3(b); and motor vehicles with at least four wheels used for the carriage of goods, falling within classifications N3(a) and N3(b).

Reference to "classifications" in this Part are references to the classes of motor vehicles contained or referred to in Part 2 of the Schedule to the Road User Charging and Work Place Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001(a).

PART 3

FORM OF NOTICE

THE RIVER MERSEY (MERSEY GATEWAY BRIDGE) ORDER [ ] ("THE ORDER")

NOTICE OF PROPOSED REVISION OF

[TOLL RANGES]

[VEHICLE CLASSIFICATION]

The undertaker pursuant to the Order proposes to revise the [toll ranges/vehicle classifications] applicable to the Mersey Gateway Bridge in accordance with the terms of Schedule 11 to the Order. The revisions proposed are [insert a brief statement of the general nature and effect of the revisions].

Any objections to, or other representations about, the proposals should be sent to [name], [address] on or before [expiry date for objections being not less than 42 days after the date of the notice]. An objection or representation MUST (i) be received by the undertaker [details] on or before [expiry date for objections], (ii) be made in writing which may include email, (iii) state the grounds of the objection or representation, (iv) indicate who is making the objection or representation, and (v) give a postal address to which correspondence relating to the objection may be sent. (If you are sending your objection or other representation by email, please provide a postal address.)

(n) 5.I. 2001/2793.
PART 4
FORM OF NOTICE
THE RIVER MERSEY (MERSEY GATEWAY BRIDGE) ORDER 200[ ]
("THE ORDER")
NOTICE OF INQUIRY INTO PROPOSED REVISION OF
[TOLL RANGES]
[VEHICLE CLASSIFICATIONS]

The undertaker intends to hold a public inquiry into its proposals to revise the [toll ranges/vehicle classifications] applicable to the Mersey Gateway Bridge in accordance with the terms of Schedule 11 to the Order. The revisions proposed are:

[Insert a brief outline of the general nature and effect of the revisions].

The public inquiry will open on [date] at [location].

For the period from the date of this notice until the close of the inquiry details of the revisions proposed, copies of existing provisions and a statement setting out the reasons for the revisions will be available at [location] during normal office hours.

Signed: ..............................................

*On behalf of: ..............................................

Date: ..............................................

Name and status of signatory: ...........................

*Delete or amend as appropriate
PART 5
FORM OF NOTICE
THE RIVER MERSEY (MERSEY GATEWAY BRIDGE) ORDER
("THE ORDER")
NOTICE OF REVISION OF
[TOLLS]
[TOLL RANGES]
[VEHICLE CLASSIFICATIONS]

The [tolls/toll ranges/vehicle classifications] applicable to the Mersey Gateway Bridge shall be: [state revised tolls/toll ranges/vehicle classifications].

The revisions set out above shall take effect [on a date not less than 28 days after the date of the notice].

Signed: .................................................................

*On behalf of: ............................................................

Date: .................................................................

Name and status of signatory: .........................

*Delete or amend as appropriate

SCHEDULE 12

REGISTER OF VEHICLES EXEMPT FROM TOLLS

PART 1

1. Tolls or charges may not be levied in respect of—
   (a) a vehicle whose details have been recorded on the exemptions register in accordance with Part 2 of this Schedule; or
   (b) a vehicle being in connection with-
      (i) the collection of tolls; or
      (ii) the maintenance, improvement or renewal of, or other dealing with, the Silver Jubilee Bridge or the new crossing or any structure, works or apparatus in, on, under or over any of the new crossing; or
(c) a vehicle which, having broken down on the Silver Jubilee Bridge or the new crossing while travelling in one direction, is travelling in the opposite direction otherwise than under its own power; or
(d) a vehicle used for naval, military or air force purposes, while being driven by persons subject to the orders of a member of the armed forces of the Crown.

PART 2

2. Vehicles falling within the following descriptions of motor vehicles shall be eligible to be entered upon the exemptions register—

(a) a police vehicle, identifiable as such by writing or markings on it or otherwise by its appearance, or being the property of the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad and issued with a Registration Certificate, being used in the execution of duty;
(b) a vehicle which belongs to any of Her Majesty's Forces;
(c) a fire engine as defined by paragraph 4(2) of Schedule 2 to the Vehicle Excise and Registration Act 1994;
(d) a vehicle which is kept by a fire authority as defined by paragraph 5 of that Schedule;
(e) an ambulance as defined by paragraph 6(2) of that Schedule being used in the execution of duty; or
(f) a vehicle owned by or being used for the transport of a person who has a disabled person's badge and which displays a current disabled person's badge issued under—
   (i) section 21 of the Chronically Sick and Disabled Persons Act 1970 (a), or
   (ii) section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (b).

3. The undertaker may require that an application to enter particulars of a vehicle on the exemptions register to renew the registration of a vehicle—

(a) shall include all such information as the undertaker may reasonably require; and
(b) shall be made by such means as the undertaker may accept.

4. Where the undertaker receives an application that complies with paragraph 3 to enter particulars of a vehicle on the exemptions register, or to renew the registration of a vehicle and the vehicle falls within the descriptions set out in paragraph 2 it shall enter the particulars of that vehicle on the exemptions register within twenty working days of receiving such an application.

5. The undertaker shall remove particulars of a vehicle from the exemptions register—

(a) in the case of a vehicle registered in relation to the holder of a disabled person's badge, when that person ceases to be an eligible person for a disabled person's badge as set out in paragraph 2(f) of this part;
(b) in the case of any vehicle at the end of the period of 7 consecutive charging days beginning with the day on which a change in the keeper of the vehicle occurred, unless the undertaker renews the registration for a further period on application to it.

(a) 1970 c. 44.
(b) 1978 c. 53.
6. Where the registered keeper of a vehicle is aware that the vehicle has ceased or will cease to be a vehicle eligible to be entered on the exemptions register, the keeper shall notify the undertaker of the fact and the undertaker shall remove the particulars of the vehicle from the exemptions register as soon as reasonably possible or from the date notified to the undertaker as the date on which it will cease to be a vehicle eligible to be recorded on the exemptions register.

7. If the undertaker is no longer satisfied that a vehicle is an exempt vehicle it shall—

(a) remove the particulars of a vehicle from the exemptions register; and

(b) notify the registered keeper.

8. Nothing in this article shall prevent the making of a fresh application for particulars of a vehicle to be entered in the exemptions register after they have been removed from it in accordance with any provision of this Part of this Schedule.
EXPLANATORY NOTE
(This note is not part of the Order)

This Order authorises Halton Borough Council to construct, operate and maintain a bridge between Runcorn and Widnes for vehicles over and in the River Mersey and St Helen's Canal and over the Manchester Ship Canal and Bridgewater Canal together with all the necessary related and ancillary works. For that purpose of the new bridge the Order authorises Halton Borough Council, compulsorily or by agreement to purchase land and rights in land and to use lands. It provides for the new bridge over the River Mersey to be subject to tolls payable by those who use the new bridge in vehicles, and for enforcement powers in respect of non-payment of such tolls. The Order also authorises the making of alterations to the highway network, the power temporarily to close the River Mersey, St Helen's Canal, Manchester Ship Canal and Bridgewater Canal, to remove vessels and to make byelaws.

A copy of the works plans and the land plans and book of reference mentioned in this Order and certified in accordance with article 57 (certification of plans, etc.) of this Order may be inspected free of charge at the offices of Halton Borough Council, Municipal Building, Kingsway, Widnes WA8 7QF.