

SCHEDULES

SCHEDULE 11

PROVISIONS AS TO ORDERS UNDER SECTION 93 OF THIS ACT

Apportionment of expenses

- 15 (1) Subject to sub-paragraph (2) below, where an order has been made with respect to a bridge other than a trunk road bridge—
- (a) requiring the reconstruction or improvement of the bridge, or of the highway carried by the bridge, or of the approaches to the bridge, or
 - (b) relating to the maintenance of the bridge, or of any such highway or approaches, or
 - (c) relating to the operation of the bridge, being a swing bridge,
- the expense of such reconstruction, improvement, maintenance or operation shall be defrayed either by the owners of the bridge or by one or more of the highway authorities entitled to make application with respect thereto by virtue of section 95 of this Act, or partly by the owners of the bridge and partly by one or more of those highway authorities, as, in default of agreement, may be determined by arbitration.
- (2) Sub-paragraph (1) above is subject to the following, namely that, unless otherwise agreed,—
- (a) where the bridge is a bridge crossing a railway of railway undertakers, or a canal of canal undertakers, or a railway, lock, passage or other work of dock undertakers or of harbour undertakers, any additional expense incurred by the owners of that railway, canal, lock, passage or work by reason of any alteration thereof due to the provisions of the order (other than provisions applied for by the undertakers for the improvement of their undertaking) shall be defrayed by one or more of the highway authorities;
 - (b) where the bridge is a swing bridge, any additional expense incurred by the owners in relation to the operation of the bridge due to the provisions of the order (other than provisions applied for by the owners for the improvement of their undertaking) shall be defrayed by one or more of the highway authorities; and
 - (c) except so far as any additional expense is due to works executed at the instance of the owners of the bridge for the improvement of their undertaking, the owners' share of the expense of the reconstruction, improvement, maintenance or operation shall be an amount equivalent to what would have been the amount of the owners' liability if no such order had been made.
- 16 Where the reconstruction or improvement of a bridge crossing—
- (a) a railway of railway undertakers, or
 - (b) a canal of canal undertakers, or
 - (c) a railway, lock, passage or other work of dock undertakers or of harbour undertakers,

Status: This is the original version (as it was originally enacted).

effected in pursuance of an order made otherwise than upon the application of the owners of the bridge, has caused the width between the parapets of the bridge, or the width of the approaches to it, to be increased, any additional expense thereafter incurred in consequence of the increase by the owners of that railway, canal, lock, passage or work in connection with the widening or alteration thereof under the bridge or the approaches to it shall be defrayed by one or more of the highway authorities referred to in paragraph 15 above, and any question whether any such additional expense has been so incurred or as to the amount thereof shall, in default of agreement, be determined by arbitration.

17 Where an order providing for a matter referred to in any of sub-paragraphs (a), (b) and (c) of paragraph 15(1) above relates to a trunk road bridge the provisions of paragraphs 15 and 16 above have effect as if, for references to the highway authorities entitled to make application with respect to a bridge by virtue of section 95 of this Act, there were substituted references to the Minister.

18 Where it is determined by agreement or an award that the whole or part of the expenses of reconstruction, improvement, maintenance or operation is to be borne by two or more highway authorities, the expenses or part thereof shall be apportioned between them in such manner as, in default of agreement, may be determined by arbitration.

19 Where it is determined by agreement or an award that the owners of a bridge are to contribute to the expense of a highway authority, the contribution shall, at the option of the owners of the bridge, be paid—

- (a) as a lump sum, or
- (b) by annual payments of such amount, and continuing for such number of years, as may be agreed between the owners and the authority or, in default of agreement, as may be determined by arbitration, or
- (c) by perpetual annual payments of such amount as may be so agreed or determined.