



# Severn Bridges Act 1992

## 1992 CHAPTER 3

### PART III

#### MISCELLANEOUS AND GENERAL

##### *Interference with river Severn*

#### **29 Works affecting river Severn.**

- (1) For the purpose of, or in connection with, the construction, maintenance or improvement of the new bridge, the Secretary of State may—
  - (a) temporarily interfere with the river Severn and, at any point in the river within the limits of land to be acquired, construct and maintain such temporary structures, and do such works, as he may consider necessary or expedient,
  - (b) temporarily moor or anchor barges or other vessels or craft in the river, or
  - (c) temporarily close the river, or a part of it, to navigation.
- (2) The power conferred by subsection (1) above shall not be exercised in relation to any part of the river which is—
  - (a) outside the limits within which the Gloucester Harbour Trustees have authority at the passing of this Act, or
  - (b) upstream of the relevant inward limit.
- (3) The Gloucester Harbour Trustees shall be consulted before the power conferred by subsection (1) above is exercised.
- (4) The power conferred by subsection (1)(c) above shall be exercised in a way which secures—
  - (a) that no more of the river is closed to navigation at any time than is at that time necessary in the circumstances, and
  - (b) that, if complete closure of the river to navigation becomes necessary, all reasonable steps are taken to secure that the minimum obstruction, delay or

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interference is caused to vessels or craft which may be using or intending to use the river.

- (5) No liability in respect of any loss suffered, or costs or expenses sustained, as a direct or indirect result of the exercise of the power conferred by subsection (1) above shall be incurred by the person by whom the power is exercised.

### **30 Dredging etc.**

- (1) For the purpose of the construction, maintenance or improvement of the new bridge, the Secretary of State may deepen, widen, dredge, scour, cleanse, alter or improve the bed of the river Severn or blast any rock in it.
- (2) The power conferred by subsection (1) above shall not be exercised in relation to any part of the river which is—
- (a) outside the limits within which the Gloucester Harbour Trustees have authority at the passing of this Act, or
  - (b) upstream of the relevant inward limit.
- (3) The Secretary of State shall not exercise the power conferred by subsection (1) above—
- (a) within the area bounded by planes passing vertically along the length of lines drawn forty metres laterally distant from the longitudinal centre line of the Severn Tunnel, or
  - (b) by blasting within the area bounded by planes passing vertically along the length of lines drawn one hundred metres laterally distant from that centre line,
- without the consent of the British Railways Board; and where the Secretary of State requests the consent of the Board for the purposes of this subsection it shall not be unreasonably withheld or delayed.
- (4) The Secretary of State may use, appropriate or sell or otherwise dispose of anything removed in exercise of the power conferred by subsection (1) above.

### **31 Protection of new bridge.**

- (1) The Secretary of State may make regulations for the purpose of protecting the new bridge (both during construction and once it is completed) from damage which may be caused to it by vessels or craft using the river Severn.
- (2) Regulations under this section shall not be made so as to apply to the use of any part of the river which is—
- (a) outside the limits within which the Gloucester Harbour Trustees have authority at the passing of this Act, or
  - (b) upstream of the relevant inward limit.
- (3) Before making regulations under this section the Secretary of State shall consult the Gloucester Harbour Trustees.
- (4) Without prejudice to the generality of the power conferred by subsection (1) above, regulations under this section may—
- (a) prohibit vessels or craft of descriptions prescribed by the regulations from passing under the new bridge,

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- (b) prohibit vessels or craft of other descriptions so prescribed from passing under the new bridge without the consent of the Secretary of State, and
  - (c) provide for the granting of such consent subject to conditions which appear to the Secretary of State to be appropriate.
- (5) A person who contravenes or fails to comply with a provision of regulations under this section, or a condition imposed under such a provision, shall be guilty of an offence and liable—
- (a) on conviction on indictment, to a fine, or
  - (b) on summary conviction, to a fine not exceeding the statutory maximum.

### *Miscellaneous*

## **32 Toll plaza areas and vehicle pounds.**

- (1) The Secretary of State may—
- (a) maintain, improve and extend the toll plaza areas by carrying out such works as may be expedient for the purpose of or in connection with the collection of tolls, and
  - (b) provide, maintain and improve areas for accommodating vehicles removed in accordance with regulations under section 21(1)(e) above.
- (2) Any work done or to be done in pursuance of the power conferred by subsection (1) above—
- (a) if it is done or to be done by virtue of paragraph (a), shall be treated as an improvement of a special road under Part V of the <sup>M1</sup>Highways Act 1980, and
  - (b) if it is done or to be done by virtue of paragraph (b), shall be treated as the provision, maintenance or improvement of a service station for use in connection with a special road;
- and section 239(3) and (4)(c) of that Act (power to acquire land) shall apply accordingly.

#### **Marginal Citations**

**M1** 1980 c. 66.

## **33 Consent of National Rivers Authority etc.**

- (1) The Secretary of State shall not use or interfere with any watercourse (including the banks of a watercourse), or any drainage or other works, vested in or under the control of the National Rivers Authority or any other drainage body within the meaning of the <sup>M2</sup>Land Drainage Act 1991 in the exercise of any of the powers conferred by this Act without the consent of the National Rivers Authority or that body.
- (2) A consent required for the purposes of subsection (1) above shall not be unreasonably withheld; and if any question arises whether the withholding of consent is unreasonable either party may require it to be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

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**Marginal Citations**

**M2** 1991 c. 59.

**34 Rates.**

The bridges and the premises situated within the toll plaza areas shall be exempt from non-domestic rating.

**Commencement Information**

**II** S. 34 wholly in force at 26.4.1992 see ss. 39, 42(1) and S.I. 1992/578, art. 2

**35 Planning permission.**

The carrying out on any land of works required or permitted to be carried out by the concession agreement shall not be taken for the purposes of the <sup>M3</sup>Town and Country Planning Act 1990 to involve development of the land.

**Marginal Citations**

**M3** 1990 c. 8.

*General*

**36 Offences by bodies corporate.**

- (1) Where a body corporate is guilty of an offence under this Act and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in such a capacity, he (as well as the body corporate) shall be guilty of that offence and liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

**37 Orders and regulations.**

- (1) Any power conferred by this Act to make an order or regulations shall be exercisable by statutory instrument.
- (2) A statutory instrument containing an order under subsection (5) of section 9 above which substitutes a higher amount for an amount which would otherwise be specified in the table in subsection (3) of that section shall not be made unless a draft of it has been laid before Parliament and approved by a resolution of each House.
- (3) A statutory instrument containing—
  - (a) an order under section 8(4) or (5)(h), 10(4), 11(1) or 18(2)(b) above,

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- (b) an order under section 9(5) above to which subsection (2) above does not apply, or
  - (c) regulations under section 14, 21, 24, 25 or 31 above,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) If it appears to the Secretary of State that at the time when an order under section 8(4) or (5)(h) or 11(1) above is to come into force the power to levy tolls will be exercisable by the concessionaire, the order shall not be made except with the concessionaire's consent.
- (5) Regulations under this Act may make different provision for different cases or classes of case to which they apply.

**Subordinate Legislation Made**

P1 S. 37: ss. 37, 39 power exercised (9.3.1992) by S.I.1992/578

**38 Financial provisions.**

- (1) There shall be paid out of money provided by Parliament—
- (a) expenditure of the Secretary of State under this Act, and
  - (b) increases attributable to this Act in the sums payable out of such money under any other enactment.
- (2) Sums received by the Secretary of State under or by virtue of this Act shall be paid into the Consolidated Fund.

**39 Interpretation.**

- (1) In this Act, except where the context otherwise requires—
- “the appointed day” means such day as the Secretary of State may by order appoint,
  - “appointed person” has the meaning given by section 23(1),
  - “the bridges” means the existing bridge and the new bridge,
  - “bridleway” has the same meaning as in the <sup>M4</sup>Highways Act 1980,
  - “concession agreement” has the meaning given by section 4(2)(b),
  - “the concessionaire” has the meaning given by section 4(2)(a),
  - “the concession period” has the meaning given by section 6,
  - “cycle track” has the same meaning as in the Highways Act 1980,
  - “the deposited plans” and “the deposited sections” mean respectively the plans and sections deposited in November 1990 in connection with the Severn Bridges Bill in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons,
  - “exercise” includes performance and related expressions shall be construed accordingly,
  - “the existing bridge” means the bridges and viaduct shown as the existing bridge on the explanatory map,
  - “the existing toll plaza area” means the area shown as such on the explanatory map (including extensions to it),

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“the explanatory map” means the map marked “Existing bridge and toll plaza area” deposited in November 1990 in connection with the Severn Bridges Bill in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons,

“footpath” has the same meaning as in the Highways Act 1980,

“functions” includes powers, duties and obligations,

“highway” has the same meaning it has for the purposes of the Highways Act 1980,

“the limits of deviation” mean the limits of deviation which are shown on the deposited plans,

“the limits of land for temporary occupation” means the limits of land of which temporary possession may be taken which are so shown,

“the limits of land to be acquired” means the limits of land to be acquired which are so shown,

“local authority” means a district council or a county council, [<sup>F1</sup>but, in relation to Wales, means a county council or a county borough council]

“maintenance” includes repair and related expressions shall be construed accordingly,

“modifications” includes omissions, additions and alterations and related expressions shall be construed accordingly,

“the new bridge” means the bridge mentioned in section 1(1) (Work No. 3),

“the new toll plaza area” means so much of Work No. 2 as lies within the area marked as such on the deposited plans (including extensions to it),

“owner” has the same meaning as in the <sup>M5</sup>Acquisition of Land Act 1981,

“relevant functions” has the meaning given by section 4(3),

“the relevant inward limit” means an imaginary straight line drawn from east to west through the Inward Rocks on the western bank of the river Severn at Ordnance Survey National Grid reference ST 56895 95270,

“retail prices index” shall be construed in accordance with section 10(3) and (4),

“the scheduled works” shall be construed in accordance with section 1(1),

“special road” has the same meaning as in the <sup>M6</sup>Highways Act 1980,

“toll” means a toll leviable under this Act,

“the toll plaza areas” means the existing toll plaza area and the new toll plaza area, and

“trunk road” has the same meaning as in the Highways Act 1980.

(2) In this Act—

- (a) a reference to a highway or any other place identified by letters and numbers or a real name is a reference to the highway or place shown as such on the deposited plans,
- (b) a reference to a work identified by a number (or a number and a letter) is a reference to the scheduled work of that number (or number and letter),
- (c) references to specified distances shall be construed as if the words “or thereabouts” were inserted after each such distance, and
- (d) distances between points on a highway shall be measured along the centre line of the highway.

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#### Subordinate Legislation Made

**P2** [S. 39](#): ss. 37, 39 power exercised (9.3.1992) by [S.I. 1992/578](#)

#### Textual Amendments

**F1** [S. 39\(1\)](#) words inserted (1.4.1996) by 1994 c. 19, s. 22(1), [Sch. 7 Pt. I para. 33\(1\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396](#), art. 3, [Sch. 1](#)

#### Marginal Citations

**M4** [1980 c. 66](#).

**M5** [1981 c. 67](#).

**M6** [1980 c. 66](#).

## 40 Repeals.

The enactments specified in Schedule 5 to this Act are repealed to the extent specified in the third column of that Schedule.

#### Commencement Information

**I2** [S. 40](#) wholly in force at 26.4.1992 see [ss. 39, 42\(1\)](#) and [S.I. 1992/578](#), [art. 2](#)

## 41 Short title.

This Act may be cited as the Severn Bridges Act 1992.

## 42 Commencement.

- (1) Sections 16, 22(1) and (2), 34 and 40 above shall not come into force until the appointed day.
- (2) No regulations made under section 21, 24 or 25 above, or by virtue of section 22(3) above, shall come into force before the appointed day.
- (3) Regulations made under section 5, 7, 9 or 18(3), or by virtue of section 8(3), of the <sup>M7</sup>Severn Bridge Tolls Act 1965 and in force immediately before the appointed day shall (unless revoked) have effect on and after that day, with any necessary modifications, as if made (respectively) under section 14, 21(1), 24 or 21(4), or by virtue of section 22(3), of this Act.

#### Marginal Citations

**M7** [1965 c. 24](#).

**Changes to legislation:**

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