
STATUTORY INSTRUMENTS

2011 No. 41

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The River Mersey (Mersey Gateway Bridge) Order 2011

Made - - - - *11th January 2011*

Coming into force *1st February 2011*

THE RIVER MERSEY (MERSEY GATEWAY BRIDGE) ORDER 2011

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

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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, etc.
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
22. Application of Part 1 of the 1965 Act
23. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
24. Power to acquire new rights
25. Rights under or over streets
26. Open Space at Widnes
27. Open Space on Wigg Island

Temporary possession of land

28. Temporary use of land for construction of works
29. Temporary use of land for maintenance of works

Compensation

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

Supplementary

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

PART 4

OPERATIONAL

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

PART 5

TOLLING, CONCESSION AND FINANCING ARRANGEMENTS

41. Power to charge tolls
42. Payment of tolls

43. Power to enter into concession agreements and lease or transfer the undertaking, etc.
44. Application of landlord and tenant law
45. Application of section 2 of the 1991 Act
46. Application of the 2000 Act

PART 6

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

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

Compensation enactments

1. The enactments for the time being in force with respect...
2. (1) Without limiting the scope of paragraph 1, the Land...

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Application of the 1965 Act

3. (1) The 1965 Act shall have effect with the modifications...
4. For section 7 of the 1965 Act (measure of compensation...
5. For section 8 of the 1965 Act (other provisions as...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 of the 1965 Act (powers of entry) shall...
8. Section 20 of the 1965 Act (protection for interests of...
9. Section 22 of the 1965 Act (interests omitted from purchase)...

SCHEDULE 7 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 8 — PROTECTION OF NAVIGATION

1. In this Schedule—“construction” includes execution, placing, alteration and reconstruction...

Tidal works

2. (1) Unless its construction has commenced within 5 years of...

Provision against danger to navigation

3. (1) In case of damage to or destruction of a...

Abandonment, etc. of structure

4. (1) Where a tidal work is abandoned, or allowed to...

Surveys, etc.

5. Having concluded that it is expedient to do so the...

Lights on tidal works during construction

6. (1) The undertaker shall, at or near to a tidal...

Permanent lights on tidal works

7. (1) After completion of a tidal work the undertaker shall...

Defence of due diligence

8. (1) In proceedings for an offence under paragraphs 3, 6...

Trinity House

9. (1) Where the undertaker is required to give notice of...

Expenses

10. The Secretary of State shall be entitled to recover from...

SCHEDULE 9 — PROVISIONS RELATING TO STATUTORY UNDERTAKERS, ETC.

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Apparatus of statutory undertakers, etc., on land acquired

1. (1) Sections 271 to 274 of the 1990 Act (power...

Apparatus of statutory undertakers, etc., in stopped up streets

2. (1) Where a street is stopped up under article 8...

Railway and navigation undertakings

3. (1) Subject to the following provisions of this paragraph, the...

SCHEDULE 10 — PROTECTIVE PROVISIONS

PART 1 — PROTECTION OF THE MANCHESTER SHIP CANAL COMPANY

1. (1) For the protection of the Manchester Ship Canal Company...
2. The undertaker shall not under the powers conferred by this...
3. The undertaker shall not under the powers conferred by this...
4. Where so required by the engineer for the purpose of...
5. (1) The undertaker shall, before commencing construction of any specified...
6. The undertaker shall not impede, obstruct or interfere with, as...
7. The undertaker shall provide and maintain at its own expense...
8. (1) Any specified work shall, when commenced, be constructed—
9. (1) The undertaker shall not in the course of constructing...
10. (1) The undertaker shall at all reasonable times on being...
11. (1) If any reasonable alterations or additions, either permanent or...
12. (1) The undertaker shall, upon completion of any part of...
13. (1) Following the completion of any specified work and any...
14. If as a result of the construction of any specified...
15. If at any time after the completion of a specified...
16. Any reasonable and proper additional expenses not otherwise provided for...
17. Before providing any illumination or illuminated traffic sign on or...
18. (1) If any canal work is abandoned, and is in...
19. The undertaker shall repay to MSCC all costs, charges and...
20. (1) If any detriment to the Canals or any interference...
21. Where under any provision of this Part of this Schedule...
22. Except as provided by this Order, nothing in this Order...
23. Any differences arising between the undertaker and MSCC under this...

PART 2 — PROTECTION OF THE MERSEY DOCKS AND HARBOUR COMPANY

24. (1) For the protection of the Mersey Docks and Harbour...
25. Before commencing construction or maintenance of any specified work associated...
26. (1) The undertaker shall ensure, during the whole period of...
27. (1) If any specified work is abandoned or falls into...
28. Any differences arising between the undertaker and MDHC under this...

PART 3 — PROTECTION FOR THE ENVIRONMENT AGENCY

General

29. For the protection of the Agency, the following provisions of...

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Interpretation

30. In this Part of this Schedule— “accumulation” means any accumulation...

Plan approval

31. (1) Before beginning to construct any specified work other than...
32. Without limiting the scope of paragraph 31, the requirements which...

Construction of works

33. (1) Subject to sub-paragraph (2), any specified work other than...

Liability for damage to tidal and fluvial regimes

34. (1) If, during the construction of any specified work, or...

Prior survey of drainage works

35. Before commencing the construction of a specified work the undertaker...

Maintenance by undertaker of drainage works

36. (1) Subject to sub-paragraph (2), the undertaker shall, from the...

Impairment of efficiency of and damage to drainage works

37. (1) If, by reason of the construction of any specified...

Protection of the fishery

38. (1) The undertaker shall take all such measures as may...

Indemnity in respect of particular expenses incurred by Agency under this Part of this Schedule

39. The undertaker shall indemnify the Agency in respect of all...

General indemnity by the undertaker

40. (1) Without prejudice to the other provisions of this Part...

Dispute resolution

41. (1) For the purposes of Chapter 2 of Part 2...
42. Any dispute arising between the undertaker and the Agency under...
43. Nothing in paragraphs 37(1) and 40(1) shall impose any liability...

PART 4 — PROTECTION OF THE MERSEY CONSERVANCY

General

44. For the protection of the Mersey Conservancy and the users...

Interpretation

45. In this Part of this Schedule— “ACRM” means the Acting...

Tidal work

46. (1) The undertaker shall not commence any tidal work until—...
47. (1) The undertaker must at all times comply with the...

48. When giving any notice required by this Order to Trinity...
49. (1) The undertaker must reimburse to the ACRM all costs,...
50. Any difference arising between the undertaker and the ACRM under...
PART 5 — PROTECTION OF NETWORK RAIL INFRASTRUCTURE LIMITED
51. For the protection of Network Rail the following provisions of...
52. In this Part of this Schedule— “construction” includes execution, placing,...
53. (1) Where under this Part of this Schedule Network Rail...
54. (1) The undertaker shall not exercise the powers conferred by...
55. (1) The undertaker shall before commencing construction of any specified...
56. (1) Any specified work and any protective works to be...
57. The undertaker shall— (a) at all times afford reasonable facilities...
58. Network Rail shall at all times afford reasonable facilities to...
59. (1) If any permanent or temporary alterations or additions to...
60. The undertaker shall repay to Network Rail all reasonable fees,...
61. If at any time after the completion of a specified...
62. The undertaker shall not provide any illumination or illuminated sign...
63. Any additional expenses which Network Rail may reasonably incur in...
64. (1) The undertaker shall pay to Network Rail all reasonable...
65. Network Rail shall, on receipt of a request from the...
66. In the assessment of any sums payable to Network Rail...
67. The undertaker and Network Rail may, subject in the case...
68. Nothing in this Order, or in any enactment incorporated with...
69. The undertaker shall give written notice to Network Rail if...
70. The undertaker shall, no later than 28 days from the...
PART 6 — PROTECTION OF UNITED UTILITIES WATER PLC
71. Interpretation
72. No application where street works code applies
73. Disapplication of Schedule 9 in part
74. Acquisition of apparatus, etc.
75. Exercise of powers respecting trial holes
76. Access
77. Plan approval
78. (1) The specified works shall be constructed and, in the...
79. (1) Subject to the following provisions of this Part of...
80. (1) An officer of the company duly appointed for the...
81. As soon as reasonably practicable after the completion of the...
PART 7 — PROTECTION OF CABLE AND WIRELESS UK
82. (1) For the protection of C&W, the following provisions of...
83. The temporary stopping up or diversion of any street under...
84. If C&W suffers damage by reason or in consequence of...
85. Nothing in this Order shall affect any right of a...

SCHEDULE 11 — LEVEL OF TOLLS

PART 1 — INITIAL TOLLS AND REVISION OF TOLLS

1. Initial toll range
2. Revision of toll ranges
3. Any revision to the toll ranges referred to in paragraph...
4. (1) Subject to sub-paragraph (2), the references in this Schedule...
5. Revision of tolls
6. (1) Whenever the undertaker proposes to revise the toll that...
7. Further provisions as to revision of toll ranges and classification of vehicles
8. (1) Prior to exercising its powers under paragraph 7 the...

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Objections

9. (1) Any person may object to the changes proposed by...
10. (1) Where paragraph 7 applies to a proposed change and...
11. Where paragraph 7 applies to any proposed change and an...
12. (1) Where any objections have been made in accordance with...
13. (1) In any case where the undertaker holds a local...
14. (1) Where a local inquiry has been held the undertaker...
PART 2 — CLASSIFICATION OF VEHICLES
15. In this Schedule— “class 1 vehicle” means a moped falling...

SCHEDULE 12 — REGISTER OF VEHICLES EXEMPT FROM TOLLS

PART 1

1. Tolls may not be levied in respect of—

PART 2

2. Vehicles falling within the following descriptions of motor vehicles shall...
3. The undertaker may require that an application to enter particulars...
4. Registration of a vehicle upon the exemptions register, and the...
5. Where the undertaker receives an application that complies with paragraph...
6. The undertaker shall remove particulars of a vehicle from the...
7. Where the registered keeper of a vehicle is aware that...
8. If the undertaker is no longer satisfied that a vehicle...
9. Nothing in this Schedule shall prevent the making of a...

SCHEDULE 13 — MANCHESTER SHIP CANAL ACTS AND ORDERS

Explanatory Note