STATUTORY INSTRUMENTS

1965 No. 869

HIGHWAYS, ENGLAND AND WALES

The Bridges Orders (Procedure) Regulations 1965

Made - - - -	*7th April* 1965
Laid before Parliament	*14th April* 1965
Coming into Operation	*15th April* 1965

The Minister of Transport in exercise of his powers under paragraph 11 of Schedule 11 to the Highways Act 1959(**a**), and of all other powers him enabling in that behalf hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the 15th April 1965, and may be cited as " The Bridges Orders (Procedure) Regulations 1965 ".

(2) The Bridges Orders (Procedure) Regulations and Rules 1961(**b**) are hereby revoked.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

" the Act " means the Highways Act 1959;

" the Minister " means the Minister of Transport;

" order " means an order under section 99 of the Act.

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. For the purposes of an application for an order in respect of a bridge in relation to which the functions of the Minister under the Act have been transferred to the Secretary of State by the Secretary of State for Wales and the Minister of Land and Natural Resources Order 1965(**d**), these Regulations shall have effect with the substitution for references therein to the Minister of references to the Secretary of State.

4. Every application to the Minister for an order shall be signed by the applicants, and shall be accompanied—

(*a*) in the case of an application relating to a bridge which is not vested in the applicants by a notification stating in whom the bridge is vested;

(*b*) in the case of an application for an order which requires or authorises the owners of a bridge or a highway authority to execute or construct any works—

(i) by a map showing the land on or over which the works referred to in the application are proposed to be executed or constructed;

(ii) by such plans, sections and specifications as may be necessary to indicate the position and dimensions of the bridge to which the application relates and by particulars of the works proposed to be executed or constructed;

(**a**) 7 & 8 Eliz. 2. c. 25.
(**b**) S.I. 1961/635 (1961 I, p. 1383).
(**c**) 52 & 53 Vict. c. 63.
(**d**) S.I. 1965/319 (1965 I, p.785).

(iii) by a notification stating the names and addresses of any statutory undertakers likely to be affected by the proposed works;

(*c*) in the case of an application for an order which does not require or authorise the owners of a bridge or a highway authority to execute or construct any works—

(i) by a map showing the situation of the bridge to which the application relates and by such plans and specifications (if any) of the said bridge as may be necessary for the purposes of the application;

(ii) by a notification stating the names and addresses of any statutory undertakers likely to be affected by the proposed order.

5. At the same time as application is made to the Minister, notice in writing of the application (accompanied by copies of any plans, sections and specifications and particulars of any proposed works furnished to the Minister under paragraph (*b*) of Regulation 4 of these Regulations) shall be given by the applicants, in the case of an application relating to or affecting—

(*a*) a bridge which is vested in the applicants, to every highway authority entitled to exercise with respect thereto the powers conferred by section 99 of the Act;

(*b*) a bridge which is not vested in the applicants, to the person in whom the bridge is vested;

(*c*) foreshore or tidal lands within the ordinary spring tides, or tidal waters, to the Minister of Defence for the Royal Navy;

(*d*) the banks, bed or foreshore of any river, to every navigation authority and river board concerned with or having jurisdiction over the waters affected or the area comprising those waters;

(*e*) any watercourse (including the banks thereof), or any drainage or other works, vested in or under the control of a river board or other drainage authority within the meaning of the Land Drainage Act 1930(a), as amended by any subsequent enactment, to that board or authority;

(*f*) common or commonable land, to the Minister of Land and Natural Resources;

(*g*) any churchyard burial ground or cemetery, to the Secretary of State for the Home Department;

(*h*) land an interest in which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, to the Crown Estate Commissioners;

(*i*) land an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, to that department;

(*j*) the Duchies of Lancaster or Cornwall, to the Duchy affected.

6. The applicants shall furnish the Minister with a list of the authorities or persons to whom notice has been given in accordance with the foregoing Regulation, and with such further information relating to the application, including further plans, sections and specifications and particulars of any proposed works, as he may require.

7. The three next following Regulations shall apply only to orders to which paragraph 7 of Schedule 11 to the Act does not apply.

(a) 20 & 21 Geo. 5. c. 44.

8. Before making an order to which this Regulation and the two next following Regulations apply, the Minister shall—

(*a*) prepare a draft of the proposed order;

(*b*) in two successive weeks publish in one or more local newspapers circulating in the area in which the bridge to which the proposed order relates is situated a notice—

(i) stating the general effect of the proposed order;

(ii) naming a place in the said area where a copy of the draft order and of any map or plan referred to therein may be inspected free of charge at all reasonable hours; and

(iii) specifying the time (not being less than twenty-one days from the date of the first publication of the notice) within which and the manner in which objections to the draft order may be made;

(*c*) serve on all statutory undertakers appearing to him to be affected by the proposed order a notice stating the general effect of the order and that it is proposed to be made, and specifying the time (not being less than twenty-one days from the date of the service of the notice) within which and the manner in which objections to the draft order may be made.

9.—(1) If no objection is duly made by any person who will be affected by the proposed order, or if all objections so made are withdrawn, the Minister, on being satisfied that the proper notices have been published and served, may, if he thinks fit, make the order with or without modifications.

(2) If an objection duly made as aforesaid is not withdrawn, the Minister shall, before making the order, either cause a local inquiry to be held or afford to any person by whom any objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, may make the order either with or without modifications.

(3) If any person by whom an objection has been made avails himself of the opportunity of being heard, the Minister shall afford to the local highway authority or to the owners of the bridge, and to any other person to whom it appears to him expedient to afford it, an opportunity of being heard on the same occasion.

(4) Notwithstanding anything in the two last foregoing paragraphs, the Minister may require any person who has made an objection to state in writing the grounds thereof.

10. As soon as may be after the order has been made the Minister shall publish in one or more local newspapers circulating in the area in which the bridge to which the order relates is situated a notice stating that the order has been made and naming the place where a copy of the order and of any map or plan referred to therein may be inspected free of charge at all reasonable hours, and shall serve a like notice and a copy of the order on any statutory undertakers on whom a notice was required to be served under Regulation 8 of these Regulations.

Given under the Official Seal of the Minister of Transport the 7th April 1965.

(L.S.)

Tom Fraser,
The Minister of Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Bridges Orders (Procedure) Regulations and Rules 1961 prescribe the procedure to be followed in connection with applications for, and the making of, orders under section 3 of the Bridges Act 1929 (reconstruction, maintenance, etc., of certain bridges) as respects London, and under section 99 of the Highways Act 1959 (the like) as respects the rest of England and Wales. On the coming into force of Part II of the London Government Act 1963, under which the Highways Act 1959 is extended to London, the Bridges Act 1929 was repealed. These Regulations revoke the 1961 Regulations and Rules and re-enact them under the 1959 Act without amendment for the whole of England and Wales, including London.