STATUTORY INSTRUMENTS

1961 No. 635

HIGHWAYS, ENGLAND AND WALES

The Bridges Orders (Procedure) Regulations and Rules, 1961

Made - - - -	29*th March*, 1961
Laid before Parliament	12*th April*, 1961
Coming into Operation	13*th April*, 1961

The Minister of Transport in exercise of his powers under paragraph 11 of the Eleventh Schedule and paragraph 13 of the Twenty-fourth Schedule to the Highways Act, 1959(a), and under section 10 of the Bridges Act, 1929(b), and of all other powers him enabling in that behalf hereby makes the following Regulations and Rules:—

General

1.—(1) These Regulations and Rules shall come into operation on the thirteenth day of April, 1961, and may be cited as "The Bridges Orders (Procedure) Regulations and Rules, 1961".

(2) The Ministry of Transport (Bridges Procedure) Rules, 1930(c), are hereby revoked.

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

"the Act of 1959" means the Highways Act, 1959;

"the Act of 1929" means the Bridges Act, 1929;

"the Minister" means the Minister of Transport.

(2) The Interpretation Act, 1889(d), shall apply to the interpretation of these Regulations and Rules as it applies to the interpretation of an Act of Parliament.

Regulations under the Highways Act, 1959

3. The procedure to be followed in connection with the making of orders under section 99 of the Act of 1959 shall be as set out in the Schedule hereto.

Rules under the Bridges Act, 1929

4. The procedure to be followed in relation to matters preliminary to the making of orders under the Act of 1929 and the manner in which and the time within which representations or objections are to be made and in relation to the holding of inquiries shall be as set out in paragraphs 1 to 6 of the Schedule hereto but subject to the following modifications:—

(i) in paragraph 3 the reference to every highway authority entitled to exercise the powers conferred by section 99 of the Act of 1959 shall be a reference to every highway authority entitled to exercise the powers conferred by the Act of 1929;

(a) 7 & 8 Eliz. 2. c. 25. (b) 19 & 20 Geo. 5. c. 33. (c) S.R. & O. 1930/756 (Rev. III, p. 169 : 1930, p. 130). (d) 52 & 53 Vict. c. 63.

(ii) paragraph 4 shall be omitted;

(iii) in paragraph 5 the words "to which this paragraph and the two next following paragraphs apply" shall be omitted, in the case of an order not requiring or authorising the execution or construction of works sub-paragraph (*b*) shall be omitted, and in the case of an order requiring or authorising the execution or construction of works the reference in sub-paragraph (*b*) to any map or plan referred to in the draft order shall include a reference to plans and sections of the proposed works.

Given under the Official Seal of the Minister of Transport this twenty-ninth day of March, 1961.

(L.S.)

Ernest Marples,
The Minister of Transport.

THE SCHEDULE

Procedure for making Orders

1. 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;

(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.

2. 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 sub-paragraph (*b*) of paragraph 1 of this Schedule) 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 of 1959;

(*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 Admiralty;

(*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 Agriculture, Fisheries and Food;

(*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.

3. 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 paragraph, 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.

4. The three next following paragraphs shall apply only to orders to which paragraph 7 of the Eleventh Schedule to the Act of 1959 does not apply.

5. Before making an order to which this paragraph and the two next following paragraphs 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.

6.—(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

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

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 sub-paragraphs, the Minister may require any person who has made an objection to state in writing the grounds thereof.

7. 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 paragraph 5 of this Schedule.

EXPLANATORY NOTE

(This Note is not part of the Regulations and Rules, but is intended to indicate their general purport.)

These Regulations and Rules, which replace the Ministry of Transport (Bridges Procedure) Rules, 1930, prescribe the procedure to be followed in connection with applications for, and the making of, orders under Bridges Act, 1929, s. 3, as respects London, and under Highways Act, 1959, s. 99, which has replaced that section, as respects the rest of England and Wales. In relation to the rest of England and Wales, part of the Minister's procedure for making orders which require or authorise the execution or construction of works is specified in Highways Act, 1959, sch. 11, and certain provisions of this instrument therefore apply only in the case of orders not requiring or authorising the execution or construction of works.