

# TRANSPORT ACT 2000

## The Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Roads User Charging Scheme Order 2017

*Made* - - - - 9<sup>th</sup> March 2017  
*Coming into force* - - 1<sup>st</sup> July 2017

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Halton Borough Council (the “Council”) makes the following Order, which contains a road user charging scheme, in exercise of the powers conferred by sections 163(3)(a), 164, 168(1) and (2), 170, 171(1) and 172(2) of the Transport Act 2000(a) and by regulations 4, 5, 22, 23, 24, 25 and 27 of the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013(b).

Appropriate persons have been consulted in accordance with section 170(1A) of the Transport Act 2000.

### *Preliminary*

#### **Citation and commencement**

1.—(1) This Order may be cited as The Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Roads User Charging Scheme Order 2017.

(2) Subject to paragraph (3) below the scheme set out in the Schedules to this Order shall have effect from a day to be appointed by resolution of the Council.

(3) No later than three months before the appointed day the Council shall publish notice of the resolution under paragraph (1) in the London Gazette and in at least one newspaper circulating in the Borough of Halton.

### *Scheme for imposing charges in respect of the use of The Mersey Gateway Bridge and The Silver Jubilee Bridge*

#### **Interpretation**

2.—(1) In this Order

“the 2000 Act” means the Transport Act 2000;

“appointed day” means the day specified in article 1(2) of this Order;

“authorised person” means the Council or any person so authorised by the Council under article 17(1) to exercise any one or more of the powers in articles 18 to 22;

“concession agreement” means a legally binding arrangement which may be comprised within one or more documents that makes provision for the design, construction, financing, refinancing, operation and maintenance of either the Silver Jubilee Bridge and the scheme roads or a new road crossing over the River Mersey or any of them;

“concessionaire” means any person with whom the Council enters into a concession agreement from time to time together with the successors and assigns of any such person;

“Council” means the Council of the Borough of Halton;

“custodian” means a person authorised in writing by the Council to perform the functions of a custodian described in Part 6 of the Enforcement Regulations;

“deposited plans” means the plans numbered 61034234/RUCO/01, 61034234/RUCO/02, 61034234/RUCO/03, 61034234/RUCO/04 and 61034234/RUCO/05 deposited at the offices

(a) 2000 c.38. There are amendments to section 167, 168, 171 and 172 which are not relevant to this Order.

(b) S.I. 2013/1783.

of the Council at Municipal Building, Kingsway, Widnes WA8 7QF signed by the Chief Executive of the Council;

“Enforcement Regulations” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England Regulations) 2013;

“new crossing” means the bridge and other roads and structures built or proposed to be built pursuant to the River Mersey (Mersey Gateway Bridge) Order 2011(a);

“register” means the register of vehicles being exempt from charges pursuant to the scheme maintained by the Council under article 9;

“scheme” means the scheme for imposing charges for the use or keeping of a vehicle on the scheme roads pursuant to this Order;

“scheme roads” means that part of (i) the road that approaches and crosses the new crossing and (ii) the A533 road that approaches and crosses the Silver Jubilee Bridge as are shown on the deposited plans.

“website” means the website maintained by the Mersey Gateway Crossings Board Ltd containing information about the operation of the scheme(b).

### **Revocation**

3. The A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008 is hereby revoked.

### **Duration of the Order**

4. This Order shall remain in force indefinitely.

### *Designation of scheme roads, vehicles and charges*

### **The scheme roads**

5. The roads in respect of which this Order applies are the scheme roads.

### **Imposition of charges**

6.—(1) A charge is to be imposed in respect of a vehicle where—

- (a) the vehicle has been used or kept on the scheme roads; and
- (b) the vehicle falls within a class of vehicles in respect of which a charge is imposed by this Order.

### **Payment of charges**

7.—(1) Subject to paragraphs (7) and (15) a charge imposed by this scheme, the amount of which is specified in article 10 (level of charges), shall be paid by a means and by such method as may be specified by the Council or such other means or method as the Council may in the particular circumstances of the case accept.

(2) Subject to such regulations as the Secretary of State may make pursuant to section 172(1) of the 2000 Act, the Council may waive charges (or any part of such charges) and may suspend the charging of charges in whole or in part.

(3) The Council or its agent may enter into an agreement (“composition agreement”) under which persons compound, on such terms as may be provided by the agreement, for the payment of charges in respect of the use of the scheme roads by them, by other persons or by any vehicles.

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(a) S.I. 2011/41.

(b) [www.merseygateway.co.uk](http://www.merseygateway.co.uk)

(4) A composition agreement may relate to use on such number of occasions or during such period as may be provided by the agreement.

(5) Any composition agreement entered into prior to the appointed day shall have effect for the purposes of bringing charges into effect from that day and nothing in this scheme shall render a composition agreement entered into other than during the currency of this scheme invalid.

(6) Without prejudice to the generality of paragraph (1) above, save where the Council elects in accordance with paragraph (7) below charges may be payable:

- (a) when demanded by a person authorised by the Council or its agent at a place designated by the Council for the collection of charges; or
- (b) by inserting the appropriate payment for a charge at an appropriate collection point.

(7) Where the condition applies the Council may elect that instead of any other means or method of payment charges shall be payable by means of entering into a composition agreement in which case the Council may require that method to apply exclusively.

(8) Where the Council has elected pursuant to paragraph (7) that the exclusive method of paying charges shall be by means of entering a composition agreement, such a composition agreement may be entered into

- (a) on the day concerned, the first day concerned, or (when it relates to a single journey) the day of the journey concerned;
- (b) on a day falling within the period of 64 days immediately preceding the day concerned, the first day concerned, or (when it relates to a single journey) the day of the journey concerned; or
- (c) on the day after the day concerned, the first day concerned, or (where it relates to a single journey) the day of the journey concerned.

(9) Without prejudice to the generality of paragraph (3), a composition agreement may be entered into for such of the following periods as the Council may agree:

- (a) the duration of a single journey;
- (b) a number of single journeys specified in the composition agreement;
- (c) a single day or any number of single days;
- (d) a period of 5 or 7 consecutive days;
- (e) a period of a single month; or
- (f) a period of one year.

(10) The following provisions shall apply to composition agreements

- (a) a composition agreement shall be specific to a particular vehicle;
- (b) that vehicle shall be identified by its registration mark; and
- (c) a person entering into a composition agreement with the Council shall specify to the Council or its agent the registration mark of the vehicle to which the composition agreement relates.

(11) Where a composition agreement is entered into or purported to be entered into, and payment is to be made to the Council otherwise than in cash, and payment is not received by the Council or its agent (whether because a cheque is dishonoured or otherwise), the charge or charges to which the composition agreement relates shall be treated as not paid and the composition agreement may be voided by the Council.

(12) The Council may require a vehicle that is subject to a composition agreement to display a document in that vehicle or to carry in or fix equipment to that vehicle.

(13) Where a composition agreement provides for a discount or waiver of any charge or part of any charge and is calculated solely by reference to the use of the scheme roads

- (a) for a number of journeys; or
- (b) for any period

a user or prospective user of the scheme roads shall not be prevented from entering into such a composition agreement by reason of their place of residence or business.

(14) Where any scheme of discount or waiver is proposed in respect of charges payable or prospectively payable under this scheme the Council shall have regard to the most appropriate means of providing the benefit of such a scheme to those socio-economic groups within the Borough of Halton least able to afford the full price of charges in deciding to apply any such scheme.

(15) The Council may impose such reasonable conditions upon the making of a composition agreement as it considers appropriate including in relation to the transfer of the benefit of composition agreements or the refund of payments.

(16) The condition referred to in paragraph (7) is fulfilled when the method of payment for use of the scheme roads is not secured by the use of barriers preventing vehicles from proceeding until a charge is paid.

### **Classification of vehicles**

8. Schedule 1 to this Order, which sets out the classification of vehicles in respect of which a charge is imposed by this scheme, shall have effect.

### **Vehicles exempt from charges**

9.—(1) Subject to and to the extent not inconsistent with, such regulations as the Secretary of State may make pursuant to section 172(1), Part 1 of Schedule 2 to this Order which sets out the vehicles exempt from charges, shall have effect.

(2) The exemptions from the charges set out in this scheme shall have effect subject to the particulars of the vehicle in respect of which an exemption is claimed being entered upon the register.

(3) The Council may require a vehicle exempt from charges to display a document in that vehicle or to carry in or fix equipment to that vehicle.

(4) The provisions of Part 2 of Schedule 2 shall apply.

### **Level of charges**

10.—(1) On and from the appointed day the charges for the use of the scheme roads shall be at such level within the charge range specified in paragraph (4) for the class of vehicle specified as the Council may determine and shall remain at such level unless revised in accordance with paragraph (5) or (6) below.

(2) The classification of vehicles or classes of vehicles in respect of which charges may be levied from the appointed day shall be those set out in Schedule 1.

(3) Where any vehicle would fall within the definition of more than one classification of vehicles or class of vehicles it shall be deemed to fall in the class of vehicles bearing the highest number in Schedule 1.

(4) In this paragraph

“charge range” means the level of charge contained in the table below increased by the same percentage for each whole year between April 2008 and the appointed day as referred to in article 11 (percentage increase of charge ranges) subject to article 12 (general provisions as to charge ranges).

<i>Class of vehicle</i>	<i>Charge range</i>
Class 1 vehicles	£0.00 to £2.50
Class 2 vehicles	£1.00 to £2.50
Class 3 vehicles	£2.00 to £5.00
Class 4 vehicles	£4.00 to 10.00

(5) The charge range applicable in respect of any vehicle or class of vehicles as provided for in this scheme shall be revised by the Council in accordance with article 11 (percentage increase of charge ranges) each year.

(6) The charge payable in respect of any vehicle or class of vehicle may be varied within the charge range in effect from time to time.

(7) Whenever the Council proposes to revise the charge that applies to any vehicle or class of vehicles pursuant to paragraph (6) the Council shall publish in at least one newspaper circulating in the Borough of Halton a notice substantially in the form set out in Schedule 3.

(8) The charges set out in a notice given under paragraph (7) shall have effect from the date 4 weeks after the date on which the notice referred to in paragraph (7) is published.

#### **Percentage increase of charge ranges**

11.—(1) The charge ranges referred to in article 10(4) (level of charges) shall be recalculated annually on 1 April each year by multiplying the upper and lower limits applying to each charge range by the indexation factor except where a reduction in those limits will result.

(2) The indexation factor shall be derived by dividing the value of the retail prices index for the month of February in the relevant year by the retail prices index for the month of February in the preceding year to produce a percentage and then adding one per cent.

(3) Subject to paragraph (4), the references in this article to the retail prices index means the monthly United Kingdom Index of Retail Prices (for all items) published by the Office of National Statistics.

(4) If the index referred to in paragraph (3) is not published for any month the references in this article shall be references to any substituted index or index figures published by the Office of National Statistics for that month.

(5) It shall not be necessary to vary any charge by reason of a revision to a charge range resulting in a charge subsisting that is lower than the lower limit of a charge range.

#### **General provisions as to charge ranges**

12. Any level of charge ranges to be set pursuant to the provisions of this Order

- (a) if it is neither a multiple of ten pence nor an amount which on division by ten produces a remainder of five pence shall be rounded to the nearest ten pence; and
- (b) if it is an amount which on division by ten produces a remainder of five pence shall be increased by five pence.

#### **10 year plan for net proceeds**

13. Schedule 4 to this Order constitutes the general plan of the Council under paragraph 10(1)(a) of Schedule 12 to the 2000 Act for applying the net proceeds of this scheme during the period which begins with the date on which this Order comes into force and ends with the tenth financial year that commences on or after that date.

#### **Detailed programme for net proceeds**

14. Schedule 5 to this Order constitutes the detailed programme of the Council under paragraph 10(1)(b) of Schedule 12 to the 2000 Act for applying the net proceeds of this scheme during the period which begins with the date on which this Order comes into force and ends at the time by which the Council's local transport plan is next required to be replaced.

## *Penalty charges*

### **Penalty charges**

15.—(1) A penalty charge is payable in respect of a vehicle upon which a charge has been imposed under this Order and where such charge has not been paid in full at or before 23:59 hours on the day immediately following the day on which the charge was incurred.

(2) Where a penalty charge has become payable in respect of a vehicle under paragraph (1), the penalty charge rate applicable shall be the rate corresponding to the class of vehicle into which the vehicle falls, in accordance with the table of penalty charge rates displayed on the website.

(3) A penalty charge payable under paragraph (1) is

- (a) payable in addition to the charge imposed under article 6;
- (b) to be paid in full within the period of 28 days beginning with the date on which a penalty charge notice relating to the charge that has not been paid in full is served;
- (c) reduced by one half provided it is paid in full prior to the end of the fourteenth day of the period referred to in sub-paragraph (3)(b);
- (d) increased by one half if not paid in full before a charge certificate to which it relates is served by or on behalf of the Council (as the charging authority) in accordance with regulation 17 of the Enforcement Regulations.

### **Additional penalty charges where powers exercised in respect of vehicles**

16.—(1) An additional penalty charge in accordance with the table of penalty charge rates displayed on the website will be payable under the charging scheme for the

- (a) release of a motor vehicle immobilised in accordance with article 21;
- (b) removal of a motor vehicle in accordance with article 22(1);
- (c) storage and release from storage of a vehicle so removed; and
- (d) disposal of a vehicle in accordance with article 22(2).

(2) Any penalty charge payable under paragraph (1) is payable in addition to the charge imposed under article 6.

## *Powers in respect of motor vehicles*

### **Powers in respect of motor vehicles**

17.—(1) The Council may authorise in writing a person to exercise any one or more of the powers in articles 18 to 22.

(2) An authorised person under this Order is an authorised person within the meaning of regulation 21 of the Enforcement Regulations.

### **Examination of vehicles**

18. An authorised person may examine a motor vehicle whilst it is on a road to ascertain if any of the circumstances described in regulation 22 of the Enforcement Regulations exists.

### **Entering vehicles**

19. An authorised person may enter a vehicle whilst it is on a road where the authorised person has reasonable grounds for suspecting that any of the circumstances described in regulation 23(1) of the Enforcement Regulations exists provided that the condition referred to in regulation 23(2) of those Regulations is met.

**Seizure**

20. An authorised person may seize anything (if necessary by detaching it from a vehicle) as provided for in regulation 24 of the Enforcement Regulations provided that the condition referred to in regulation 24(2) of those Regulations is met.

**Immobilisation of vehicles**

21. Provided—

- (a) none of the circumstances in paragraph (2) of regulation 25 of the Enforcement Regulations apply; and
- (b) the conditions in paragraph (3) of that regulation do apply,

an authorised person may immobilise a vehicle in accordance with paragraphs (4) and (5) of that regulation.

**Removal, storage and disposal of vehicles**

22.—(1) Provided regulation 27(1)(a) or (b) of the Enforcement Regulations is satisfied, an authorised person may remove a vehicle and deliver it to a custodian for storage.

(2) The custodian may dispose of the vehicle and its contents in the circumstances described in regulation 28 of the Enforcement Regulations.

**THE COMMON SEAL** of the **COUNCIL OF  
THE BOROUGH OF HALTON** was hereunto  
affixed the 9 day of March 2017

*ME Reaney*  
Authorised Signatory





## SCHEDULES

### SCHEDULE 1

Article 8

#### Classification of Vehicles for the Purposes of Charges

<i>Class of Vehicle</i>	<i>Classification</i>
“class 1 vehicle”	means a moped falling within classifications A(a) and A(b); motorcycles falling within classifications B(a) and B(b); motor tricycles falling within classifications C(a) and C(b); and quadricycles falling within classifications D(a), D(b), E(a) and E(b).
“class 2 vehicle”	means motor vehicles with at least four wheels, used for the carriage of passengers falling within classifications M <sub>1</sub> (a) and M <sub>1</sub> (b); and motor vehicles with at least four wheels used for the carriage of goods falling within classification N <sub>1</sub> (a).
“class 3 vehicle”	means motor caravans falling within classifications L(a) and L(b); motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M <sub>2</sub> (a) and M <sub>2</sub> (b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N <sub>1</sub> (b), N <sub>2</sub> (a) and N <sub>2</sub> (b).
“class 4 vehicle”	means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M <sub>3</sub> (a) and M <sub>3</sub> (b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N <sub>3</sub> (a) and N <sub>3</sub> (b).

Reference to “classifications” in this Schedule 1 are references to the classes of motor vehicles contained or referred to in Part II of the Schedule to the Road User Charging and Work Place Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001(a).

### SCHEDULE 2

Article 9

#### PART 1

#### Vehicles Exempt from Charges

1. Charges may not be levied in respect of—

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(a) S.I. 2001/2793.

- (a) a vehicle whose details have been recorded on the exemptions register in accordance with Part 2 of this Schedule and, in the case of those listed in sub-paragraphs 3(a) to (d) of Part 2 of this Schedule, being used in the execution of duty; or
- (b) a vehicle being used in connection with—
  - (i) the collection of charges; or
  - (ii) the maintenance, improvement or renewal of, or other dealings with, the Silver Jubilee Bridge or the new crossing or any structure, works or apparatus in, on, under or over any part of the new crossing or Silver Jubilee Bridge; or
- (c) a vehicle which, having broken down on the Silver Jubilee Bridge or the new crossing while travelling in one direction, is travelling in the opposite direction otherwise than under its own power; or
- (d) a military vehicle, that is, a vehicle used for army, naval or air force purposes, while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.

## PART 2

### The Register of Vehicles Exempt from Charges

2. The Council shall maintain the register in respect of exempt vehicles for the purposes of the provisions of this Schedule which requires particulars of a vehicle to be entered in the register.

3. Vehicles falling within the following descriptions of motor vehicles shall be eligible to be entered upon the exemptions register—

- (a) a police vehicle, identifiable as such by writing or markings on it or otherwise by its appearance, or being the property of the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;
- (b) a fire engine as defined by paragraph 4(2) of Schedule 2 to the Vehicle Excise and Registration Act 1994(a);
- (c) a vehicle which is kept by a fire authority as defined by paragraph 5 of that Schedule;
- (d) an ambulance as defined by paragraph 6(2) of that Schedule; or
- (e) a vehicle being used for the transport of a person who has a disabled person's badge and which displays a current disabled person's badge issued under—
  - (i) section 21 of the Chronically Sick and Disabled Persons Act 1970(b), or
  - (ii) section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(c); or
- (f) an omnibus being used for a local service as defined by section 2 of the Transport Act 1985 crossing the Silver Jubilee Bridge(d).

4. Registration of a vehicle upon the exemptions register, and the use to which that vehicle must be put to qualify as exempt from charges, shall be subject to the imposition of such further conditions as the Council may reasonably impose.

5. The Council may require that an application to enter particulars of a vehicle on the exemptions register or to renew the registration of a vehicle—

- (a) shall include all such information as the Council may reasonably require; and
- (b) shall be made by such means as the Council may accept.

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(a) 1994 c.22.  
 (b) 1970 c.44.  
 (c) 1978 c.53.  
 (d) 1985 c.67.

6. Where the Council receives an application that complies with paragraph 4 to enter particulars of a vehicle on the exemptions register, or to renew the registration of a vehicle and the vehicle falls within the descriptions set out in paragraph 2 of this Part it shall enter the particulars of that vehicle upon the exemptions register within twenty working days of receiving such an application.

7. The Council shall remove particulars of a vehicle from the exemptions register—

- (a) in the case of a vehicle registered in relation to the holder of a disabled person's badge, when that person ceases to be an eligible person for the purposes of sub-paragraph 3(e) of this Part;
- (b) in the case of any vehicle at the end of the period of 7 consecutive days beginning with the day on which a change in the keeper of the vehicle occurred, unless the Council renews the registration for a further period on application to it by or on behalf of the new keeper.

8. Where the registered keeper of a vehicle is aware that the vehicle has ceased or will cease to be a vehicle eligible to be entered on the exemptions register, the keeper shall notify the Council of the fact and the Council shall remove the particulars of the vehicle from the exemptions register as soon as reasonably practicable or from the date notified to the Council as the date on which it will cease to be a vehicle eligible to be entered on the exemptions register.

9. If the Council is no longer satisfied that a vehicle is an exempt vehicle it shall—

- (a) remove the particulars of a vehicle from the exemptions register; and
- (b) notify the registered keeper.

10. Nothing in this paragraph shall prevent the making of a fresh application under Schedule 2 for particulars of a vehicle to be entered in the exemptions register after they have been removed from it in accordance with any provision of this Part of this Schedule 2.

### SCHEDULE 3

Article 10

#### Form of Notice

#### THE A533 (SILVER JUBILEE BRIDGE) ROAD USER CHARGING SCHEME ORDER 201[X]

#### NOTICE OF REVISION OF CHARGES

The charges applicable to use of the Silver Jubilee Bridge by vehicles shall be:

Class of vehicle	Charge
Class 1 vehicles	
Class 2 vehicles	
Class 3 vehicles	
Class 4 vehicles	

The revisions set out above shall take effect upon [effective date being a date not less than 28 days after the date of this notice.]

Signed .....

\*On behalf of.....

Date .....

Name and status of Signatory

\* Delete or amend as appropriate.

### SCHEDULE 4

Article 13

#### Halton Borough Council's General Plan for Applying the Net Proceeds of this Scheme During the Opening 10 Year Period

11. The road user charging scheme is due to start in 201[X] to coincide with or follow the date that the proposed Mersey Gateway Bridge is opened for use by the public. Paragraph 10(1)(a) of Schedule 12 to the Transport Act 2000 applies to the period that is covered partly by the current Local Transport Plan that fully supports the implementation of the scheme.

12. The net proceeds of the road user charging scheme in the opening ten year period will be applied, in such proportions to be decided, towards:

- (a) paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the new crossing and in managing, operating and maintaining the Silver Jubilee Bridge and the scheme roads or any costs associated with financing any or both;
- (b) providing such funds as are or are likely to be necessary to discharge the obligations of the Council or a concessionaire pursuant to a concession agreement;
- (c) paying the interest on, and repaying the principal of, monies borrowed in respect of the new crossing;
- (d) making payment into any maintenance or reserve fund provided in respect of the Silver Jubilee Bridge and the scheme roads or the new crossing;

- (e) making payments to the Council's general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in its local transport plan; and
- (f) providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, constructing or securing the construction, maintenance and operation of the new crossing or securing the maintenance and operation of the Silver Jubilee Bridge and the scheme roads.

## SCHEDULE 5

Article 14

### Halton Borough Council's Detailed Programme for Applying the Net Proceeds of this Scheme

13. The road user charging scheme is due to start in 2017 to coincide with the opening of the Mersey Gateway Bridge for use by the public. The existing third Local Transport Plan (LTP3) runs from 2011/12 to 2025/26. Therefore, paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000 relates to the second LTP3. The Mersey Gateway Bridge is a key element of the LTP3 as it addresses—

- (a) the worst congestion in Halton - on the approaches to the Silver Jubilee Bridge and on the Weston Point Expressway approach to M56 Junction 12;
- (b) demand management to establish and maintain free flow traffic conditions on the Mersey Gateway Bridge and the Silver Jubilee Bridge; and
- (c) transport resilience to enhance cross-Mersey linkages.

14. The expenditure plans for receipts from the scheme will complement the current LTP3 programme and contribute towards achieving the following LTP3 objectives—

- (a) tackling congestion;
- (b) delivering accessibility;
- (c) securing safer roads; and
- (d) achieving better air quality.

15. Priorities for the scheme revenue expenditure are—

- (a) paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the Mersey Gateway Bridge and the new crossing and in managing, operating and maintaining the Silver Jubilee Bridge and the scheme roads or any costs associated with financing any or both of them;
- (b) providing such funds as are or are likely to be necessary to discharge the obligations of the Council or a concessionaire pursuant to a concession agreement;
- (c) paying the interest on, and repaying the principal of, monies borrowed in respect of the new crossing;
- (d) making payment into any maintenance or reserve fund provided in respect of the Silver Jubilee Bridge and the scheme roads or the Mersey Gateway Bridge and the new crossing;
- (e) making payments to the Council's general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in LTP3; and
- (f) providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, the constructing or securing the construction, maintenance and operation of the Mersey Gateway Bridge and the new crossing or securing the maintenance and operation of the Silver Jubilee Bridge and the scheme roads.

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

Sections 163(3)(a) and 164 of the Transport Act 2000 authorise the Council of the Borough of Halton to make a charging scheme in respect of roads for which it is the traffic authority. The scheme roads described in paragraph (1) of Schedule 1 comprises the Mersey Gateway Bridge and the Silver Jubilee Bridge. Charges are currently levied in respect of the latter under the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008.

This Order revokes the 2008 Order. It imposes charges for use of either the Mersey Gateway Bridge or the Silver Jubilee Bridge, and brings into effect new enforcement provisions.

Article 1 (citation and commencement) deals with preliminary matters.

Article 2 (interpretation) contains interpretation provisions including definitions of the “scheme roads”. It also refers to the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (SI 2013/1783) (the “Enforcement Regulations”) which make provision for or in connection with the imposition and payment of charging scheme penalty charges.

Article 3 (revocation) revokes the 2008 Order.

Article 4 (duration of the Order) provides that the Order remains in force indefinitely.

Article 5 (the scheme roads) contains that the scheme roads are the roads to which charges, penalty charges and enforcement provisions apply.

Article 6 (imposition of charges) describes the event by reference to the happening of which a charge is imposed, namely, a vehicle being used or kept on the scheme roads.

Article 7 (payment of charges) provides that the Council may specify how a charge should be paid. It also provides that payments may be under an agreement relating to a number of journeys or a number of days. It also provides that payment under such an agreement may be mandatory if “open road” tolling is used and that displaying a permit may be required. Paragraph (14) of article 7 continues the existing arrangement relating to scheme discounts.

Article 8 (classification of vehicles) specifies classes of vehicles to which the scheme applies, set out in Schedule 1 of this Order.

Article 9 (vehicles exempt from charges) provides for the exemption of certain vehicles from paying the charge provided conditions are met, set out in Schedule 2.

Article 10 (level of charges) specifies the level of charges for use of the scheme roads, depending on the class of vehicle. Levels must be set within the range authorised under article 10 and are subject to an annual recalculation under article 11 and subject to article 12.

Articles 13 and 14 explain to what purposes the charges recovered may be applied.

Article 15 deals with the civil enforcement of unpaid charges through the imposition of penalty charges. Paragraph 15(1) imposes a penalty charge where the charge for using the crossing is not paid in full by midnight on the day after it is imposed. The penalty charge rates are displayed on the project website. Paragraph 15(3)(a) explains that the penalty charge is payable in addition to the charge imposed. Paragraphs 15(3)(b) to (d) explain that the penalty charge is payable within 28 days of the penalty charge notice relating to it being served, that the amount of the charge is reduced by half if paid within 14 days or is increased by half if not paid before a charge certificate is served in accordance with regulation 17 of the Enforcement Regulations.

Article 16 imposes additional penalty charges of the amounts set out on the project website where the powers in respect of vehicles described in paragraphs 18 and 19 are exercised.

Articles 17 to 22 contain powers that can be exercised in respect of motor vehicles. These powers are to examine vehicles (article 18), enter vehicles (article 19), seize items (article 20), immobilise vehicles (article 21) and remove, store and dispose of vehicles (article 22). The exercise of those

powers must be in accordance with the Enforcement Regulations. In particular the power to immobilise a vehicle or remove a vehicle that has not been immobilised can only be exercised where none of the circumstances in regulation 25(2) of the Enforcement Regulations apply and the conditions in paragraph 25(3) of those regulations do apply.