

Halton Borough Council

Transport Act 2000

The A533 (Silver Jubilee Bridge) Road User Charging Scheme

Order 200[]

Made - - - - - 200[]

Coming into force - - - - - 200[]

ARRANGEMENT OF INSTRUMENT

The Order

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Scheme for imposing charges in respect of the use of the A533 Silver Jubilee Bridge by vehicles.

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Halton Borough Council (the "Council") is a local traffic authority with the meaning of the Road Traffic Regulation Act 1984 and by virtue of the provisions of the Transport Act 2000 (the "2000 Act") has power by order of the Council to make a charging scheme for imposing charges in respect of roads for which the Council, as the charging authority within the meaning of the 2000 Act, is the local traffic authority;

The Council included in the second Local Transport Plan for Halton Borough, published in March 2006, references to its proposals to introduce a road user charging scheme for the A533 Silver Jubilee Bridge as a central element of its strategy to reduce congestion and in the context of measures to support the implementation of the Council's proposals to construct a new road crossing over the River Mersey and it appears expedient to the Council that it should make an Order for the purpose of facilitating the achievement of that proposal and of other policies and proposals in the local Transport Plan;

The Council has consulted about its proposals for the scheme and [[the Secretary of State] has caused an] inquiry to be held in relation to the scheme];

[The Council] has considered the report of the person by whom that inquiry was held;

The Council has determined to make the Order;

[The Secretary of State has confirmed that this Order should be made];

The Council in exercise of the powers conferred on it by sections 168 [and] of the Transport Act 2000 and of all other powers vested in it in that behalf, hereby makes the following Order -

Citation and commencement

1. This Order may be cited as the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 200[] and shall come into force on [].

Duration

2. This Order shall remain in force indefinitely.

Scheme

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

2(2) 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.

Signed by authority of

[◆]

Halton Borough Council

[◆]

Dated []

SCHEDULE 1

SCHEME FOR IMPOSING CHARGES IN RESPECT OF THE USE OF THE SILVER JUBILEE BRIDGE

Interpretation

1. In this scheme—

"2000 Act" means the Transport Act 2000;

"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 or a new road crossing over the River Mersey or both of them;

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

"day" means any day of the year;

"deposited plan" means the plan deposited at the offices of the Council at Municipal Building, Kingsway, Widens WA8 7QF signed by the Chief Executive of the Council;

"register" means the register of vehicles being exempt from charges pursuant to the scheme maintained by the Council under article 6;

"scheme" means the scheme for imposing charges for the use of the scheme road pursuant to this Order;

"scheme road" means that part of the A533 road that approaches and crosses the Silver Jubilee Bridge as shown on the deposited plan;

The scheme road

2.—(1) The road in respect of which charges and penalty charges are imposed by this scheme is the scheme road.

Imposition of charges and penalty charges

3.—(1) A charge shall be imposed in respect of a vehicle where-

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

(2) Penalty charges shall be imposed in respect of a vehicle to which paragraph (1) applies and the charge has not been paid in full in accordance with that sub-paragraph within the time and in the manner in which it is required by this Order to be paid;

(3) A penalty charge payable by virtue of paragraph (3) shall be paid within the period (the "payment period") of 28 days beginning with the date on which a penalty charge notice is served under and shall be payable in a manner specified in the penalty charge notice.

(4) The amount of a penalty charge payable in accordance with paragraph (3) shall be £120.00 but if the penalty charge is paid before the end of the fourteenth day of the payment period, the amount shall be reduced by half.

Payment of charges

4.—(1) Save where the Council elects in accordance with paragraph (2) below charges shall be payable:

- (a) when demanded by a person authorised by the Council or its agent in that behalf at a place designated by the Council for the collection of charges; or
- (b) by inserting the appropriate coin or coins of the denomination required to pay the charge at an appropriate collection point .

(2) The Council may elect that paragraphs (3) to (10) shall apply in addition to or instead of paragraph (1) of this article provided that:

- (a) where the Council elects that those provisions shall apply in addition to the provisions of paragraph (1) they shall constitute an alternative method of payment; and
- (b) where the Council elects that these provisions shall apply instead of the provisions of paragraph (a) they shall apply exclusively.

(3) Subject to the following provisions of this article where the Council so elects under paragraph (2):

- (a) a charge imposed by this scheme shall be paid by the purchase of a licence from the Council or its agent; and
- (b) except where paragraphs (8) and (9) apply, a licence shall be issued for a specified period falling on, or beginning with, a specified date.

(4) A licence shall be purchased for one of the following periods:

- (a) the duration of a single journey;
- (b) a single day;
- (c) a period of 5 or 7 consecutive days;
- (d) a period of a single month; or
- (e) a period of one year.

(5) Except in a case where paragraph (11) applies:

- (a) a licence shall be purchased for a particular vehicle;

- (b) that vehicle shall be identified by its registration mark;
- (c) the purchaser of a licence shall specify to the Council or its agent the registration mark of the vehicle in respect of which the licence is to be issued;
- (d) a licence shall not be valid for any vehicle having a registration mark different from the mark so specified;
- (e) a licence for one charging day may only be purchased:
 - (i) on the day concerned;
 - (ii) on a day falling within the period of three months immediately preceding that day; or
 - (iii) on or before the next consecutive day after the charging day concerned.
- (f) a licence for a period within paragraphs (4)(c) to 4(e) may only be purchased:
 - (i) on the first day of the period concerned;
 - (ii) on a day falling within the period of three months immediately preceding that day.

(6) A charge imposed by this scheme, the amount of which is specified in Article 7, 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.

(7) Where a licence is purchased 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 to which the licence relates shall be treated as not paid and the licence shall be void.

(8) Notwithstanding paragraph (3)(b) a licence may, at the discretion of the Council or its agent be purchased for a day which is to be specified after the grant of the licence in accordance with the conditions subject to which the licence is granted.

(9) Those conditions may in particular include conditions as to the time within which, and the manner in which, a day is to be specified for the licence.

(10) The Council or its agent may enter into agreements ("composition agreements") under which persons compound in advance, on such terms as may be provided by the agreement, the payment of charges in respect of the use of the scheme road by them, by other persons or by any vehicles.

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

Classification of vehicles

5. Annex 1 to this scheme, 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

6.—(1) Part 1 of Annex 2 to this scheme, which sets out the vehicles exempt from charges, shall have effect until such time as the Secretary of State shall make regulations to this effect under section 172 of the 2000 Act.

(2) At such time as the exemptions specified in regulations referred to in article (1) are made they shall have effect in addition to and (where inconsistent with) instead of the exemptions set out in Annex 2.

(3) The exemptions from the charges set out in this scheme shall have effect subject to the particulars of the vehicle in question being entered upon the register.

(4) The Council shall comply with the provisions of Part 2 of Annex 2.

Level of charges

7.—(1) On and from the appointed day the charges for the use of the new crossing shall be at such level within the charge range specified in paragraph 6(3) for the class of vehicle specified as the Council may determine and shall remain at such level unless revised in accordance with the provisions of this Schedule.

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

(3) 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 paragraph 8 (percentage increase)

class of vehicle	Charge
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

(4) 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 8 each year.

(5) 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.

Percentage increase of charge ranges

8.—(1) The charge ranges referred to in article 7 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.

(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 sub-paragraph (4), the references in this Schedule 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 that index is not published for any month these references shall be references to any substituted index or index figures published by that office for that month.

(5) Whenever the Council proposes to revise the charge that applies to any vehicle or class of vehicles pursuant to article 7 the Council shall publish in at least one local newspaper a notice substantially in the form set out in Annex 5.

(6) The charges set out in a notice given under paragraph (5) shall have effect from the date 6 weeks after that on which the notice referred to in paragraph (5) is published.

General provisions as to charges

9.—Any level of charges 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

10. Annex 3 to this scheme constitutes the general plan of the Council under paragraph 10(1)(c) 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 scheme comes into force and ends with the tenth financial year that commences on or after that date.

Detailed programme for net proceeds

11. Annex 4 to this scheme constitutes the detailed programme of the Council under paragraph 10(1)(b) of Schedule 12 to the Act for applying the net proceeds of this scheme during the period which begins with the date on which this scheme comes into force and ends at the time by which the Councils' local transport plan is next required to be replaced.

Duration of the scheme

12. This scheme shall remain in force indefinitely.

ANNEX 1

CLASSIFICATION OF VEHICLES FOR THE PURPOSES OF CHARGES

- “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 M₁(a) and M₁(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classification N₁(a).
- “class 3 vehicle”** means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M₂(a) and M₂(b); motor caravans falling within classifications L(a) and L(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N₁(b), N₂(a) and N₂(b).
- “class 4 vehicle”** means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M₃(a) and M₃(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N₃(a) and N₃(b).

Reference to "classifications" in this Annex 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).

ANNEX 2

PART 1

VEHICLES EXEMPT FROM CHARGES

1.- Charges may not be charged in respect of—

- (a) a vehicle being used in the discharge of the functions of a fire authority under the Fire and Rescue Services Act 2004 **(a)** or which would otherwise be an exempt vehicle under paragraphs 4 and 5 of Schedule 2 to the Vehicle Excise and Registration Act 1994 **(b)**;
- (b) a vehicle being used for police purposes;
- (c) a vehicle exempt from duty under the Vehicles Excise and Registration Act 1994 under paragraphs 6 to 9 of Schedule 2 to that Act (ambulances);
- (d) a vehicle being driven by a disabled person, or being used for the carriage of one or more disabled persons, which displays a current disabled person's badge issued under-
 - (i) section 21 of the Chronically Sick and Disabled Persons Act 1970 **(c)** or
 - (ii) section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 **(d)**, or
 - (iii) which has been issued with a token or permit to like effect by the undertaker;
- (e) a vehicle being used in connection with-
 - (i) the collection of tolls; or
 - (ii) the maintenance, improvement or renewal of, or other dealing with, the new crossing or any structure, works or apparatus in, on, under or over any of the new crossing;
- (f) a vehicle used for naval, military or air force purposes, while being driven by persons subject to the orders of a member of the armed forces of the Crown; or
- (g) a vehicle which, having broken down on the new crossing while travelling in one direction, is travelling in the opposite direction otherwise than under its own power.

2.- Further and in addition to the provisions of sub-paragraph (9)(a) above the charge payable for the use of the new crossing by any vehicle in respect of which the appropriate national authority has made regulations pursuant to section 172 of the 2000 Act shall be nil where such regulations prescribe an exemption from charges.

PART 2

THE REGISTER OF VEHICLES EXEMPT FROM CHARGES

1. The Council shall maintain a register of exempt vehicles ("the register") for the purposes of the provisions of this Annex 2 (exempt vehicles etc.) which requires particulars of a vehicle to be entered in the register.

(a) 2004 c.21.
(b) 1994 c.22.
(c) 1970 c.44.
(d) 1978 c.53.

2. Particulars of a vehicle shall be removed from the 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 that paragraph;
- (b) in the case of any other vehicle, immediately following the last day of the registration period, unless the Council renews the registration for a further period on application to it;
- (c) in the case of any vehicle at the end of the period of 7 consecutive charging 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.

3. An application to enter particulars of a vehicle on the register or to renew the registration of a vehicle (not being in either case a vehicle specified in relation to the holder of a disabled person's badge)—

- (a) shall include all such information as the Council may reasonably require;
- (b) shall be made by such means as the Council may accept;
- (c) if received later than the fifty-fifth charging day of the application period shall be treated as an application to register the vehicle for a registration period beginning—
 - (i) with the first day of the registration period applied for; or
 - (ii) a subsequent day determined by the Council being not later than the tenth working day falling after the day on which the application was received; and
- (d) if received earlier than the first day of the application period shall not be valid unless the Council decides to treat the application as made on that day.

4. Where the registered keeper of a vehicle is aware that the vehicle has ceased or will cease to be an exempt vehicle the keeper shall notify the Council of the fact and the Council shall remove the particulars of the vehicle from the register forthwith or from the date notified to the Council as the date on which it will cease to be such a vehicle.

5. 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 register; and
- (b) notify the registered keeper.

6. In this Part of this annex —

- (a) "application period" means, subject to paragraph (7), the period of 65 consecutive working days ending—

- (i) in the case of an application to renew a registration, with the working day following the last day of the registration period; or
 - (ii) in the case of any other application with the first day of the registration period applied for; and
- (b) "registration period" means the period of 12 months (or such longer period not exceeding 15 months as the Council may in any class of case determine for the purpose of staggering the renewal of registrations) beginning with the day on which particulars of a vehicle are entered in the register or, as the case may be, the registration is renewed.

7. The first day of a registration period shall be a working day.

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

ANNEX 3

HALTON BOROUGH COUNCIL'S GENERAL PLAN FOR APPLYING THE NET PROCEEDS OF THIS SCHEME DURING THE OPENING 10 YEAR PERIOD

1. The proposed road user charging scheme is due to start in 2014 to coincide with 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 concerned partly by the current Local Transport Plan that fully supports the implementation of the scheme.

2. The net proceeds in the opening ten year period will be applied, in such proportions to be decided, towards:

- (a) in paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the Mersey Gateway Bridge and in managing, operating and maintaining the Silver Jubilee Bridge or any costs associated with financing any or both;
- (b) in 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) in paying the interest on, and repaying the principal of, monies borrowed in respect of the new crossing;
- (d) in making payment into any maintenance or reserve fund provided in respect of the Silver Jubilee Bridge or the Mersey Gateway Bridge;
- (e) in 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, or for other purposes; and
- (f) in providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, and in the constructing or in securing the construction, maintenance and operation of the Mersey Gateway Bridge or in securing the maintenance and operation of the Silver Jubilee Bridge.

ANNEX 4

HALTON BOROUGH COUNCIL'S DETAILED PLAN FOR APPLYING THE NET PROCEEDS OF THIS SCHEME

1. The proposed user charging scheme is due to start in 2014 to coincide with the opening of the proposed Mersey Gateway Bridge for use by the public. The existing second Local Transport Plan (LTP) runs from 2006/07 to 2010/11. Therefore, paragraph 10(1)(b) of Schedule 12 to the Transport Act 2000 relates to the second LTP ("LTP2") in part because the scheme is being brought forward as part of proposals to facilitate the achievement of proposals in LTP2 and its construction will be commenced. However, the scheme will not be in operation until 2014 at the earliest. Therefore, the relevant LTP will be the third LTP - assuming the process is retained beyond 2011. It is anticipated that LTP3 will have to be submitted to the Secretary of State for Transport for approval in due course. However, as the scheme is a central element of the Council's strategy to reduce congestion and is a component measure to support the implementation of the Council's proposals to construct a new road crossing over the River Mersey - the Mersey Gateway Project - it is expected that the objectives in LTP3 will remain broadly in line with those in LTP2 that relate to the Silver Jubilee Bridge and the Mersey Gateway Project.

2. The expenditure plans for receipts from the scheme will complement the current LTP2 programme and contribute towards achieving the following LTP objectives:

- (a) tackle congestion;
- (b) deliver accessibility;
- (c) safer roads; and
- (d) better air quality.

3. 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 in managing, operating and maintaining the Silver Jubilee Bridge or any costs associated with financing any of 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 or the Mersey Gateway Bridge;
- (e) in 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 LTP2 and LTP3; and
- (f) providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, and in the constructing or in securing the construction, maintenance and operation of the Mersey Gateway Bridge or in securing the maintenance and operation of the Silver Jubilee Bridge.

ANNEX 5

FORM OF NOTICE

THE A533 (SILVER JUBILEE BRIDGE) ROAD USER CHARGING SCHEME ORDER 200[]

NOTICE OF REVISION OF TOLLS

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.