

Halton Borough Council

Transport Act 2000

The A533 (Silver Jubilee Bridge) Road User Charging Scheme

Order 2008

Made - - - - 5 December 2008

ARRANGEMENT OF INSTRUMENT

The Order

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Halton Borough Council (the "Council") is a local traffic authority within the meaning of the Road Traffic Regulation Act 1984^(a) and by virtue of the provisions of the Transport Act 2000^(b) (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 has determined to make the Order in respect of the A533 Silver Jubilee Bridge.

The Council in exercise of the powers conferred on it by sections 168 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 2008 and shall come into force on the day following the day on which the Secretary of State confirms it.

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) 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.

(a) 1984 c.27
(b) 2000 c. 38

THE COMMON SEAL of **THE COUNCIL OF THE
BOROUGH OF HALTON** was hereunto affixed
the **FIFTH** day of **DECEMBER 2008**
in the presence of:-

Authorised signatory

SCHEDULE

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 and the scheme road 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;

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

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

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

"Secretary of State" means the Secretary of State for Transport.

The scheme road

2. 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) The imposition and payment of penalty charges related to or in connection with this scheme shall be in accordance with such regulations as the Secretary of State may make pursuant to section 173 of the 2000 Act.

Payment of charges

4.— (1) Subject to sub-paragraphs (6) and (14) a charge imposed by this scheme, the amount of which is specified in paragraph 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.

(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 road by them, by other persons or by any vehicles.

(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) Without prejudice to the generality of sub-paragraph (1) above, save where the Council elects in accordance with sub-paragraph (6) below charges may 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 payment for a charge at an appropriate collection point.

(6) 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.

(7) Where the Council has elected pursuant to sub-paragraph (6) 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.

(8) Without prejudice to the generality of sub-paragraph (3), a composition agreement may be entered into 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.

(9) 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.

(10) 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 shall be void.

(11) 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.

(12) 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 road—

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

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

(13) 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.

(14) 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.

(15) The condition referred to in sub-paragraph (6) is fulfilled when the method of payment for use of the scheme road is not secured by the use of barriers preventing vehicles from proceeding until a charge is paid.

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) 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 Annex 2 to this scheme 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 Annex 2 shall apply.

Level of charges

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

(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) 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 Annex 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 paragraph 8 subject to paragraph 9.

class of vehicle	Charge range
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 8 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 sub-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 Annex 5.

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

Percentage increase of charge ranges

8.—(1) The charge ranges referred to in paragraph 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 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 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 the index referred to in sub-paragraph (3) is not published for any month the references in this Schedule 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

9.—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

10. Annex 3 to this scheme 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 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 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 at the time by which the Council's 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 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 M₂(a) and M₂(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).

(a) S.I. 2001/2793

ANNEX 2

REGISTER OF VEHICLES EXEMPT FROM CHARGES

PART 1

1. Charges may not be levied in respect of—

- (a) a vehicle whose details have been recorded on the exemptions register in accordance with Part 2 of this Annex and, in the case of those listed in sub-paragraphs 2(a) to (d) of Part 2 of this Annex, 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

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

2. 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 owned by or 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).

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

3. 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.

4. 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.

5. 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.

6. 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 paragraph 2(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.

7. 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.

8. 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.

9. Nothing in this paragraph shall prevent the making of a fresh application under Annex 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 Annex 2.

ANNEX 3

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

1. The road user charging scheme is due to start in 2014 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.

2. 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 road 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 road 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 road.

ANNEX 4

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

1. The road 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. Accordingly, 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) tackling congestion;
- (b) delivering accessibility;
- (c) securing safer roads; and
- (d) achieving 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 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 road 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 LTP2 and 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 road.

ANNEX 5

FORM OF NOTICE

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

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.