Introducing enforcement measures for use of the Mersey Gateway Bridge and Silver Jubilee Bridge on a 'free-flow' tolling basis





Consultation: Proposed Modification Order and Proposed Road User Charging Scheme Order

Mersey Gateway Crossings Board working on behalf of

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EXECUTIVE SUMMARY

What is this consultation about?

This consultation is about the Council's proposals to modify the existing River Mersey (Mersey Gateway Bridge) Order 2011 and make a new Road User Charging Scheme Order relating to use of the Mersey Gateway Bridge and the Silver Jubilee Bridge (the "Bridges"). This is so the Council can enforce collection of tolls/charges incurred by users of the Bridges.

This consultation document explains why the Council is:

- seeking a modification to the River Mersey (Mersey Gateway Bridge) Order 2011[1] by making an application for an Order under the Transport and Works Act 1992[2] (the "proposed Order" modifying the "2011 Order"); and

- proposing a new Road User Charging Scheme Order for the Mersey Gateway Bridge and Silver Jubilee Bridge (the "proposed RUCSO").

What is your role in this consultation?

This consultation is seeking views from statutory consultees, as well as other public bodies, organisations or businesses, and members of the public. This consultation is carried out in line with:

- The Department for Transport's *Guide to TWA Procedures* (2006) and the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006[3]; and

- Section 170(1A) of the Transport Act 2000[4].

A list of parties whom the Council considers to be statutory consultees under that Guidance or legislation is attached in Appendix C - list of statutory consultees.

The Council is seeking your views on:

- the content of the proposed Order (please see Appendix A - the proposed Order, which contains an explanatory memorandum); and

- the content of the proposed RUCSO (please see Appendix B - proposed RUCSO which contains an explanatory note).

In relation to the RUCSO, the Council is particularly interested in receiving your comments on the following matters:

- the introduction of a post-pay period which allows time for road users to comply with the requirements of the RUCSO before enforcement action is taken; and

- the introduction of enforcement measures for the unpaid tolls/charges incurred by users of the Bridges.

[1] River Mersey (Mersey Gateway Bridge) Order 2011: http://www.legislation.gov.uk/uksi/2011/41/contents/made.

[2] Transport and Works Act 1992: http://www.legislation.gov.uk/ukpga/1992/42/contents.

[3] Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006: http://www.legislation.gov.uk/uksi/2006/1466/contents/made.

[4] Transport Act 2000: http://www.legislation.gov.uk/ukpga/2000/38/contents.

Why are the proposed Order and proposed RUCSO required?

These proposals will grant the Council the necessary powers to enforce the collection of unpaid tolls/charges incurred by users of the Bridges in accordance with the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013[5] (the "Enforcement Regulations"). The Council has appointed an operator, Sanef, to collect and enforce the payment of the tolls/charges on behalf of the Council.

The proposed Order will amend the 2011 Order and the proposed RUCSO will replace the existing A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008[6] (the "2008 RUCSO").

Under the proposed Order and the proposed RUCSO, the Council is also intending to make three further changes unrelated to enforcement:

- To extend the classes of vehicles that are exempt from paying the tolls/charges to include local bus services using the Silver Jubilee Bridge;
- To use its discretion to void a vehicle's valid season ticket agreement[7] if the penalty tolls/charges are not paid; and
- enable the Council to make a road user charging order without considering whether it is desirable for the purpose of achieving local transport policies of the Liverpool City Region Combined Authority ("**Combined Authority**").

[5] Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013:http://www.legislation.gov.uk/uksi/2013/1783/made.

[6] A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008: http://www.merseygateway.co.uk/wp-content/uploads/2011/Documents/Road_user_charging/MGRUCODec10.pdf .

[7] In this document, the term 'season ticket agreement' is a general term used to describe the advance payment arrangements for use of the Bridges that can be entered into by users and the Council. These agreements may be entered into for a single journey or a number of journeys; or a period of time - for one day, five or seven days, a month or a year. They are formally known in the 2011 Order and the proposed RUCSO as 'composition agreements'.

What matters fall outside the scope of this consultation?

Please note that this consultation does not seek opinions on the principle of tolling/charging for use of the Bridges. The tolling/charging of the Bridges was settled at the public inquiry held for the Mersey Gateway Project in 2009 and has been incorporated into the 2011 Order.

In addition, certain issues contained within the proposed RUCSO are unchanged from the 2008 RUCSO, which it will replace. These are the:

- vehicle classifications; and
- levels of toll/charges which apply to each class of vehicle.

Duration of this consultation

The consultation period will run for a period of 4 weeks from 9 February 2015 to 11 March 2015 inclusive.

How to respond to this consultation

You are invited to complete the questionnaire section of this document and return via email to consultation@merseygateway.co.uk

The electronic version of this document can be found at http://www.merseygateway.co.uk/consultation-2015/ and any hard copy responses returned to:

Halton Borough Council,
Municipal Building,
Kingsway,
Widnes,
Cheshire
WA8 7QF
c/o Mersey Gateway Crossings Board/Consultation.

If you require alternative formats i.e. braille, audio CD then please contact Mersey Gateway Crossings Board on 0151 511 7849.

When responding please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Freedom of information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 ("FOIA")[8] or the Environmental Information Regulations 2004[9].

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain why you regard the information as confidential. If we receive a request for disclosure of information, we will take full account of your explanation, but we cannot give an assurance that confidentiality will be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself or on its own, be regarded as binding on the Council.

The Council will process your personal data in accordance with the Data Protection Act 1998[10] ("DPA") and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

[8] Freedom of Information Act 2000: http://www.legislation.gov.uk/ukpga/2000/36/contents.

[9] Environmental Information Regulations 2004: http://www.legislation.gov.uk/uksi/2004/3391/contents/made.

[10] Data Protection Act 1998: http://www.legislation.gov.uk/ukpga/1998/29/contents.

1. INTRODUCTION

1.1 Background and location

The Mersey Gateway Bridge has been under construction since May 2014 and will be opening to the public for use in Autumn 2017. It will consist of a new six-lane bridge, carrying traffic between the towns of Runcorn and Widnes.

The Silver Jubilee Bridge is a key part of the existing transport network, connecting the same towns, running approximately 1.5km to the west of the Mersey Gateway Bridge.

The Mersey Gateway Bridge's construction was authorised by the 2011 Order. In contrast, the Silver Jubilee Bridge has been used by traffic since 1961.

The Mersey Gateway Bridge will form the centrepiece of a new and improved high standard link road (9.5km in length) that will connect the national motorway network in north Cheshire with Merseyside. It will form a major new strategic transport route linking Liverpool-city region and the north-west more generally with the rest of the country.

Once the Mersey Gateway Bridge is open, the Silver Jubilee Bridge will be closed temporarily so that it can be reconfigured to two traffic lanes. The reconfiguration will encourage pedestrians and cyclists to cross the Mersey using the Silver Jubilee Bridge. The reconfiguration and changes to the road network are expected to result in 80% less traffic using the Silver Jubilee Bridge.

1.2 Operation of the Bridges, imposition of tolls/charges and enforcement

Both the new Mersey Gateway Bridge and the reconfigured Silver Jubilee Bridge will be tolled/charged crossings once open to traffic. The Council has appointed a company called Sanef (the "Operator") to operate the open road tolling system that will be installed on both Bridges. The Operator will be responsible for collecting tolls/charges on behalf of the Council.

The standard toll/charge to cross either Bridge in 2017 has been set at £2 for a one-way trip in a car or a small van. There will be a number of different ways of reducing the cost of using the Bridges, including monthly peak and off-peak passes and discounts for registering a vehicle[11].

In order to deliver an enhanced user experience through reduced journey times and to optimise the operational efficiency of the Bridges, the Council has decided that there will be no toll booths, removing the need for users to stop at a toll booth to pay. Both Bridges will use an 'open road tolling/charging system' where smart technology is used to keep traffic free-flowing along the route, capture vehicle details and ensure that users of the Bridges pay.

To ensure that the Council has sufficient revenues to pay for the new Mersey Gateway Bridge, every toll/charge due needs to be collected. With an open road tolling arrangement it is essential that the Operator can apply enforcement powers to achieve this because without toll booths and barriers there is no physical obstacle to stop a vehicle using the Bridges without pre-payment of the charge/tolls.

[11] You can find out more at www.merseygateway.co.uk/tolls.

The Enforcement Regulations that came into force in September 2013 contain a range of powers that the Operator can use to ensure any tolls/charges imposed that remain unpaid can be recovered. (More details about the methods available to the Operator are contained in section 3.)

The Enforcement Regulations specify that certain steps must be taken by the Council in order that it, through the Operator, can rely on those powers. In particular, the Enforcement Regulations require that penalty charge values must either be specified in a road user charging scheme order or that the road user charging scheme order itself must specify the way in which the penalty charge values must be communicated to road users. This is the principal reason why the Council is required to promote the proposed Order and the proposed RUCSO.

1.3 The need for and purpose of the proposed Order and proposed RUCSO

Accordingly the Council needs to seek modifications to the 2011 Order and to make the proposed RUCSO. The proposed Order and the proposed RUCSO are intended to ensure that the Council and the Operator can rely on the powers contained in the Enforcement Regulations. Section 2 of this consultation document provides useful context to the need for the proposed Order and the proposed RUCSO, whilst section 3 sets out the proposals in detail.

The limited purpose of the proposed Order and the proposed RUCSO mean that it is only these issues on which the Council is seeking consultees' views. As mentioned in the Executive Summary, consultees are not being asked for their views on the principle of tolling/charging for use of the Bridges.



Existing Silver Jubilee Bridge



Artists impression of Mersey Gateway Bridge due to open in autumn 2017

2. CONTEXT

2.1 Level of tolls/charges

The Council has already consulted on its proposed tolls/charges for using the Bridges. It did this in preparing its application for the 2011 Order. Prior to the 2011 Order being made, the Council's approach to tolling/charging - and in particular the appropriate level of tolling/charging - was examined in detail at a public inquiry held into the making of the 2011 Order. Thereafter, the 2011 Order was made, authorising not only the construction of the Mersey Gateway Bridge but also the levying of tolls/charges for use of that Bridge and the Silver Jubilee Bridge.

Therefore the Council is not consulting again on permitted range of toll/charge levels which have already been set by the earlier process.

2.2 Vehicle classifications

There are no proposals to amend the current vehicle classifications which were also approved in the 2011 Order.

2.3 Date from which tolls/charges may be levied for use of the Mersey Gateway Bridge

Under the 2011 Order, tolls/charges may be levied for use of the Mersey Gateway Bridge from the date it first opens to the public. The Council is not seeking to change this.

2.4 Duration

The 2008 RUCSO was stated to remain in force indefinitely (meaning that it would remain in force unless and until it was revoked or replaced by a new road user charging order). The Council is not intending to change its approach on this point in relation to the proposed RUCSO, which would also state that it is to remain in force indefinitely.

2.5 Post-payment periods

Evidence and experience from other 'free-flow' charging schemes demonstrate that a high proportion of scheme users pay after they have incurred the toll/charge. This approach is more flexible than requiring pre-payment and provides further opportunity for road users to comply with the requirements of the charging scheme before they become subject to enforcement.

A post-pay period, combined with a variety of payment methods, helps deliver compliance through maximising the opportunities to pay using the method and time most convenient to the road user. The Council, through the Operator, intends to encourage compliance with the scheme through offering a range of simple and convenient payment channels, including: payment by telephone, website, smartphone app, post, at a customer service centre located in Halton or payment by account.

Requiring pre-payment only could result in enforcement against those who are unintentionally non-compliant (i.e. those who are unaware of the requirement in advance of using the Bridges or simply forget to pre-pay before using the Bridges).

2.6 The need for enforcement measures on a 'free-flow' charging scheme

One of the challenges of using a 'free-flow' charging arrangement is gaining a high level of payment compliance as without toll booths and barriers there is nothing physically to stop a vehicle using the Bridges without payment of the road user toll/charge.

Without provision to enforce through penalty tolls/charges there would be little to ensure that road users comply with the requirements of the charging scheme. Road users would become aware that there is no enforcement for non-payment of the tolls/charges and compliance rates would reduce. The direct result of this would be a loss of toll/charging revenue and the 'free-flow' charging arrangement would fall into disrepute.

The loss of toll/charging revenue could have a very significant effect since it is required to pay for the new crossing. If large numbers of users did not pay tolls/charges, the lost revenue would need to be made up through higher tolls/charges.

Enforcement provisions encourage users to be compliant and enforcement against non-payers acts as a mechanism for increasing awareness of the requirements of the scheme.



Open Road ‘free-flow’ tolling gantry – a move away from tolling booths

3. THE PROPOSAL

3.1 The Council's proposal involves its promotion of:

- an Order under the Transport and Works Act 1992 which, if made, would modify the 2011 Order (known throughout this document as the "proposed Order"); and

- a new Road User Charging Scheme Order (known throughout this document as the "proposed RUCSO") which would replace the existing A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008.

3.2 The proposed Order

The proposed Order is required to amend the 2011 Order. The 2011 Order became law on 1 February 2011 and contained powers that authorised the construction, operation and maintenance of the Mersey Gateway Bridge, as well as the imposition of tolls/charges for its use.

A number of powers in the 2011 Order (contained in articles 41 and 42) enabled the Council, defined as the undertaker for the purposes of the 2011 Order, amongst other things, to:

1. toll/charge for the use of the Mersey Gateway Bridge or for any other services or facilities provided in connection with it;

2. permit the recovery of costs from a person who has failed to pay a toll/charge and against whom action has been taken to recover that toll/charge;

3. appoint any person to collect tolls or charges as its agent;

4. apply the tolls or charges charged by the Council to 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 those purposes; and

5. enter into a season ticket agreement which provides for the compounding of payment of tolls/charges on terms contained in the agreement. It should be noted that if payments due are not made under this agreement then article 42(9) currently provides that the agreement shall be void.

The need to modify the 2011 Order has been created by the Enforcement Regulations becoming law in September 2013 as the Enforcement Regulations specify certain matters that must be contained in a road user charging scheme order (including penalty tolls/charges, see section 1.2 for more information).

With this in mind, the key modifications required to the 2011 Order by the Council would:

- acknowledge that a single road user charging scheme order may be made to impose tolls/charges for use of both the Mersey Gateway Bridge and the Silver Jubilee Bridge. Such an order is made under the Transport Act 2000 and, if confirmed by the Council, ensures that the enforcement avenues available in the Enforcement Regulations can be relied upon by the Council, through the Operator, provided that the road user charging scheme order meets the requirements set out in the Enforcement Regulations;

- ensure that a road user charging scheme order made in relation to the Mersey Gateway Bridge can:

    - permit tolls/charges to be levied for any services and facilities provided in connection with the Mersey Gateway Bridge and Silver Jubilee Bridge; and

    - contain any other matter that is provided for in articles 41 and 42 of the 2011 Order.

This allows the Council to adopt a uniform approach in charging for use of the Mersey Gateway Bridge and Silver Jubilee Bridge as the Council had these powers in relation to the Silver Jubilee Bridge under the 2008 Order and will continue to do so under the proposed RUCSO. These powers would remain subject to any limitations or constraints contained in those articles of the 2011 Order;

- ensure that if a road user charging scheme order is in force then its provisions apply instead of any powers that would otherwise have been available to the Council in the 2011 Order;

- permit the Council to exercise certain powers (including those specified in section 3.2 points 1 - 4) in relation to tolls/charges levied through a road user charging scheme order that is *already in force* at the date the amended provision comes into force; and

- ensure that if no road user charging scheme is in force in relation to the Mersey Gateway Bridge, then collection, payment and enforcement of tolls and tolls/charges imposed under the 2011 Order shall be through articles 41, 42 and 46 of the 2011 Order. This power is supplemented through the substitution of article 46 of the 2011 Order. The new form of article 46 would enable the Council, through the Operator, to rely on those enforcement measures in the Enforcement Regulations that do not need to be contained in a road user charging scheme order.

In addition, the Council is seeking two further amendments to the 2011 Order which are unrelated to enforcement issues.

It is seeking an ability to use its discretion whether to void a season ticket agreement if payments are not made. This would amend the provision set out in section 3.2 point 5 so that it did not automatically terminate.

It is also seeking to remove the requirement imposed under section 164(3) of the Transport Act 2000. Currently this provision means that the Council may only make a road user charging order if it appears desirable for the purposes of directly or indirectly facilitating the achievement of the Combined Authority's local transport policies. However, the Council does not consider that this test should need to be met for road user charging orders made in relation to the Bridges. This is because powers relating to the levying of tolls over the Bridges lie with the Council, and not the Combined Authority. The Combined Authority was created subject to those powers remaining with the Council[12]. The proposed removal of the requirement in section 164(3) is therefore consistent with that intention.

Appendix A contains a draft of the proposed Order and the draft Explanatory Memorandum that gives a more detailed explanation of the changes.

[12] Article 8(4) of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014: http://www.legislation.gov.uk/uksi/2014/865/article/8/made.

The Council would not be able to rely on any of the new powers unless and until the proposed Order is made.

3.3 The proposed RUCSO

The proposed RUCSO would introduce new provisions to ensure that the Operator can enforce payment of tolls/charges levied for use of the Bridges having regard to the proposed use of the 'free-flow' charging arrangement.

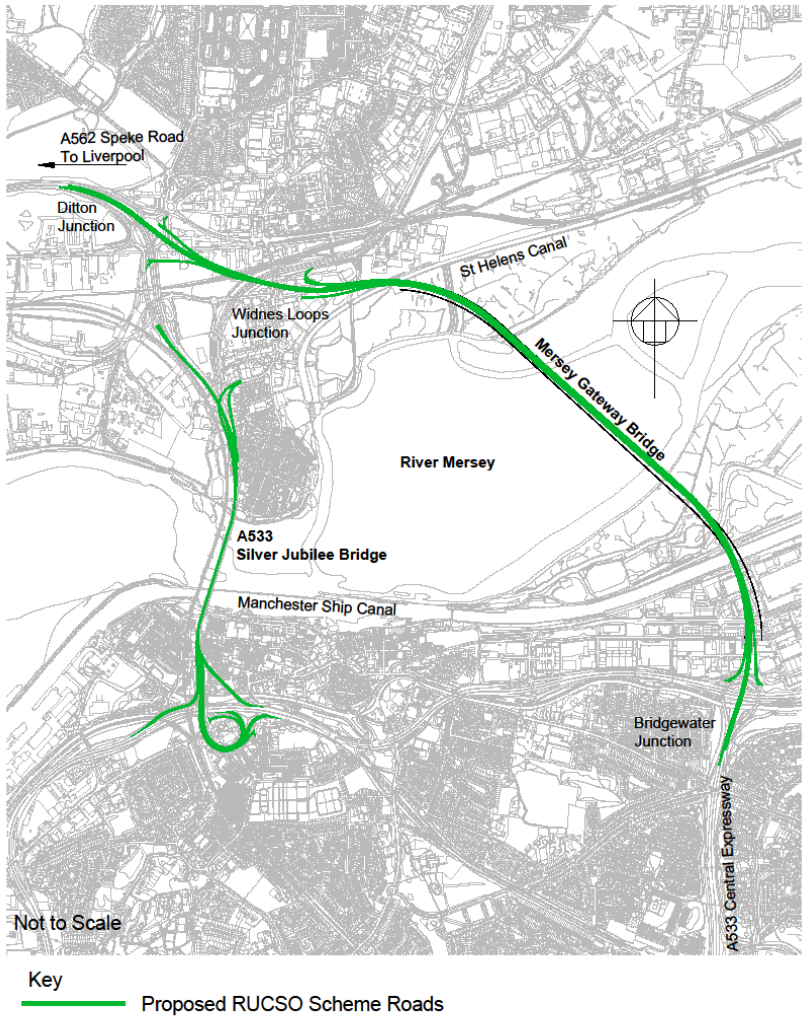
Except as provided below, the content of the proposed RUCSO is in all material respects the same as the content of the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008 which the proposed RUCSO would replace. However, the format of the RUCSO differs from that of its 2008 predecessor as it has been updated in accordance with more recent practice.

The Council intends that the proposed RUCSO will be made in relation to both Bridges to allow the Council to adopt a uniform approach in charging for both Bridges.

The proposed toll/charge area where users will have to pay a toll/charge is shown in the plan opposite.

The proposed toll/charge area has been defined to enable road users who do not wish to use the Bridges because a toll/charge is payable to exit or turn around and use an alternative route.

Toll/Charge Area



The proposed RUCSO would include provisions that enable:

- introduction of a discretionary post-pay period;
- enforcement of the road user toll/charge in cases of non-compliance with the new payment terms; and
- requirements on how penalty charge values are to be communicated to road users.

3.4 Introduction of a discretionary post-pay period

In order to maximise compliance and align with other successful 'free-flow' charging schemes, it is proposed that a period for post-payment is introduced. Post-payment provides further opportunities for compliance before road users become subject to enforcement measures. Road users who are unintentionally non-compliant would have the opportunity to pay the road user toll/charge after use of the Bridges in order to avoid having a penalty charge imposed.

Accordingly the Council, through the Operator, proposes to require tolls/charges to be paid no later than midnight on the day after the day on which the relevant crossing took place. This means that users who had not pre-paid the toll/charge would have a minimum of 24 hours to pay the outstanding tolls/charges. This proposal would apply to any crossing of either the Mersey Gateway Bridge or the Silver Jubilee Bridge.

Failure to comply with this requirement would entitle the Operator to impose penalty tolls/charges.

3.5 Enforcement measures and proposed penalty charge levels

The enforcement measures that are proposed for use at the Bridges would draw on the Enforcement Regulations.

Enforcement at the Bridges would be by means of penalty charges leading to debt registration or immobilisation, removal, storage and disposal of 'persistent' non-compliant vehicles. It is proposed that the penalty charge levels at the Bridges will be below the maximum rate specified in the Enforcement Regulations of £120 and align instead to those of other civil traffic offences (such as parking contraventions) that apply in the north-west of England.

The initial penalty charge values proposed for non-compliance with the road user toll/charge for using either Bridge are:

- £20 when the penalty charge is paid in full within 14 days of the date on which the penalty charge notice was served.
- £40 when the penalty charge is paid in full after the expiry of such 14 day period but before a charge certificate has been served. A charge certificate may be served 29 days after the date on which the penalty charge notice was first served; and
- £60 when the penalty charge is paid in full after a charge certificate has been served.

The date when a penalty charge notice is served is defined in regulation 3(4) of the Enforcement Regulations and, in the UK, is on the second working day after the day on which it is posted.

It is proposed that the same penalty charge rate would apply to all classes of vehicles using the Bridges.

It is proposed that the original road user toll/charge would be payable in addition to the penalty charges set out in the bullet points above.

The penalty charge values proposed are lower than the maximum penalty charge values that would be permissible under the Enforcement Regulations. The values proposed for the Bridges are considered to be both fair and proportionate when compared to the penalty charge values used for the enforcement of other civil traffic offences (parking contraventions) in Liverpool and the north-west.

3.6 How proposed penalty charge levels will be communicated

The Enforcement Regulations require that penalty charge values must either be specified in a road user charging scheme order or that the road user charging scheme order specify the way in which the penalty charge values must be communicated to road users. This is the principal reason why the Council is required to promote the proposed Order and the proposed RUCSO.

The proposed RUCSO would not specify the proposed penalty charge values for use of the Bridges, but would specify the way in which the penalty charge values must be communicated to road users.

It is proposed that this would be by way of publication on the Project website, which would be the statutory requirement.

The information may be made available by additional means.

3.7 Other matters

There are two further matters that the Council has decided it is appropriate to address in the RUCSO. The Council intends that:

- it should be able to exercise discretion when deciding whether to void season ticket agreements due to a failure to pay a toll/charge; and

- a provision be included that would permit buses providing local bus services to be exempt from payment of any toll/charge for use of the Silver Jubilee Bridge provided it is entered on the exemptions register.

Appendix B contains a draft of the proposed RUCSO which includes an explanatory note that gives a more detailed explanation of the changes.

3.8 Development of the proposals outlined

In developing these proposals, a number of factors have been taken into account:

- the Enforcement Regulations are now in force but require the Council to take the steps outlined in section 3.1 for the reasons given in section 1.2 to ensure that the Council and the Operator can rely on the enforcement options available;

- the Enforcement Regulations specify the maximum penalty charge values permissible in a charging scheme which have been considered by the Council in setting the values that are set out in section 3.5;

- the Enforcement Regulations allow enforcement actions such as the examination of vehicles and equipment, and immobilisation, removal and storage and disposal of vehicles. The Enforcement Regulations also include arrangements for recovery of costs in specified circumstances, adjudication of appeals and for pursuing debt. The proposed RUCSO would draw on all these provisions;

- a road user toll/charge is necessary to ensure that the Mersey Gateway Bridge can be funded;

- a 'free-flow' charging scheme (in both directions) would be implemented for use of the Mersey Gateway Bridge and the Silver Jubilee Bridge; and

- new technology such as automatic number plate recognition (ANPR) and new infrastructure would be used to support a 'free-flow' charging arrangement.



Artists impression of driver view on Mersey Gateway Bridge



Artists impression of driver view on improved Silver Jubilee Bridge optimised for pedestrians and cyclists

4. CONSULTATION QUESTIONS

Responding on behalf of:

☐ Individual

☐ Company

If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Question 1

Do you agree with the proposal to introduce a post-pay period that would allow road users to pay a toll/charge following use of either of the Bridges and prior to being subject to enforcement?

Question 2

Do you agree with the proposal to introduce provisions to enforce payment of the road user toll/charge for use of either Bridge?

Question 3

Do you agree that the levels of penalty charge should be at the levels specified, which are lower than the maximum allowed under the Enforcement Regulations?

Question 4

Do you agree with the proposal to set the same penalty charge rate for all vehicles?

Question 5

Do you agree with the proposal that the original road user toll/charge (at each level) would be payable in addition to the penalty charge?

Question 6

Do you agree with the proposal to include a statutory requirement to publish the penalty charge rates on the Project website?

Question 7

Do you agree the Council should have an ability to use its discretion whether to void a season ticket agreement if payments due under such an agreement are not made?

Question 8

Do you agree that local bus services should be exempt from paying the toll/charge for using the Silver Jubilee Bridge?

Question 9

Do you agree that road user charging orders relating to the Bridges should not have to facilitate the achievement of the Combined Authority's local transport policies?

Question 10

Do you have any other comments on the proposed Order?

Question 11

Do you have any other comments on the proposed RUCSO?

Please provide as much supporting evidence as possible with each of your responses to the above questions before emailing to consultation@merseygateway.co.uk

However, if you are responding using a hard copy then please return the completed questionnaire to Halton Borough Council, Municipal Building, Kingsway, Widnes, Cheshire WA8 7QF c/o Mersey Gateway Crossings Board/Consultation.

4.2 What will happen next?

- A summary of responses, including the next steps, will be published on the Council's website.

- Having taken account of the responses the Council will consider whether and in what form to promote the proposed Order and the proposed RUCSO. After doing so, it may decide to promote one or both such Orders

Appendix A

Proposed Order

STATUTORY INSTRUMENTS

2015 No.

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The River Mersey (Mersey Gateway Bridge) (Modification) Order 201[ ]

Made - - - - ***

Coming into force - - ***

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(**a**) for an Order under sections 3, 4 and 5 of the Transport and Works Act 1992(**b**) ("the 1992 Act").

The Secretary of State, [having considered the objections made and not withdrawn], has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

(**a**) S.I. 2006/1466.
(**b**) 1992 c.42. Part 1 of this Act is amended by S.I. 1995/1541, S.I. 1998/2226, S.I. 2000/3199 and S.I. 2006/958.

[The Secretary of State is of the opinion that the primary object of this Order cannot be achieved by means of an Order under the Harbours Act 1964(**c**).]

Notice of the Secretary of State's determination was published in the London Gazette on [ ] 201[ ]

The Secretary of State in exercise of the powers conferred by sections 3, 4 and 5 of, and paragraph 12 of Schedule 1 to, the 1992 Act and article 2 of the Transport and Works (Description of Works Interfering with Navigation) Order 1992(**d**), makes the following Order:

Citation and commencement

1. This Order may be cited as The River Mersey (Mersey Gateway Bridge) (Modification) Order 201[] and comes into force on [ ].

Interpretation

2.—(1) In this Order—

"the 2000 Act" means the Transport Act 2000(**e**);

"The 2013 Regulations" mean the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013(**f**) or such other equivalent regulations made under section 173 of the 2000 Act as may be in force from time to time.

Modifications to the River Mersey (Mersey Gateway Bridge) Order 2011

3.—(1) The River Mersey (Mersey Gateway Bridge) Order 2011(**g**) is modified as follows—

(2) In article 2(1) insert the following definitions in alphabetical order—

(**c**) 1964 c.40.
(**d**) S.I. 1992/3230.
(**e**) 2000 c.38.
(**f**) S.I. 2013/1783.
(**g**) S.I. 2011/41.

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

""charging scheme" means a charging scheme made by order under Part 3 of the 2000 Act;".

(3) After article 42, insert new article 42A—

"**Power to make road user charging schemes**

42A.—(1) The undertaker may make charging schemes and charging orders in respect of either or both of the bridge roads and the Silver Jubilee Bridge.

(2) The charges imposed under any charging scheme to which paragraph (1) applies are to have effect as tolls for the purposes of this Order.

(3) A charging scheme to which this provision relates may make provision for—

(a) charges to be levied for any services or facilities provided in connection with the new crossing and the Silver Jubilee Bridge; and

(b) any other matter that is provided for in articles 41 and 42.

(4) Without prejudice to paragraph 3(b) when there is a charging scheme in force in respect of the bridge roads the powers in the charging scheme are to have effect in substitution for the provisions of articles 41 and 42.

(5) Where a charging scheme is already in force prior to the date upon which this article comes into force or where a charging scheme does not make express provision for such matters, the following is to apply in addition to the charging scheme—

(a) the undertaker may levy charges for any other services or facilities provided in connection with the new crossing or the Silver Jubilee Bridge;

(b) where any charge including a penalty charge under a charging scheme or to which sub-paragraph (a) applies remains unpaid after it has become due for payment the person to whom it is payable may recover from the person liable to pay it the amount of the toll or charge together with all other reasonable costs and expenses including administrative expenses, enforcement expenses and interest arising out of such failure to pay;

(c) the undertaker may appoint any person to collect charges and other sums as provided for within sub-paragraph (b) as its agent; and

(d) any charge may be applied by the undertaker to the purposes specified in article 41(10) but the undertaker may not apply any charges for the purposes mentioned in sub-paragraphs (e) or (f) of that article:

(i) in a manner that would contravene Directive 1999/62/EC of the European Parliament and of the Council of 17th June 1999(**a**) on the charging of heavy goods vehicles for the use of certain infrastructure as amended by Directive 2006/38/EC of the European Parliament and of the Council of 17th May 2006(**b**) and Council Directive 2006/103/EC of 20th November 2006(**c**); or

(ii) unless it is satisfied that it has applied for the purposes of sub-paragraphs (a) to (d) of article 41(10) sufficient funds to ensure the safe, efficient and economic management, operation and maintenance of the new crossing in accordance with all applicable statutory requirements.

(6) When there is no charging scheme in force in respect of the bridge roads the imposition, payment and enforcement of payment of tolls and charges imposed under this Order is to be under the powers under articles 41, 42 and 46.

(7) Section 164(3) of the 2000 Act shall not apply to a charging scheme made under this Order."

(4) In paragraph (9) of article 42 substitute the works "shall be void" in the last line with the words "may be voided by the undertaker".

(**a**) OJL 187, 20. 7. 1999, p 42.
(**b**) OJL 157, 9. 6. 2006, p8.
(**c**) OJL 363, 20. 12. 2006, p344.

(5) Substitute article 46 as follows—

“Enforcement

46.—(1) The undertaker may authorise in writing a person to exercise any one or more of the powers in paragraphs (3) to (5).

(2) The undertaker or any person authorised by it in accordance with paragraph (1) is an authorised person within the meaning of regulation 21 of the 2013 Regulations.

(3) The undertaker or a person authorised by it may examine a motor vehicle whilst it is on a road to ascertain if any of the circumstances described in regulation 22 of the 2013 Regulations exists.

(4) The undertaker or a person authorised by it may enter a motor vehicle whilst it is on a road where the undertaker or person authorised by it has reasonable grounds for suspecting that any of the circumstances described in regulation 23(1) of the 2013 Regulations exists.

(5) The undertaker or a person authorised by it may seize anything (if necessary by detaching it from a motor vehicle) as provided for in regulation 24 of the 2013 Regulations.”

Signed by authority of the Secretary of State

Martin Woods
Head of the Transport and Works Act Orders Unit
Date Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies the River Mersey (Mersey Gateway Bridge) Order 2011. This Order applies the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 ("Enforcement Regulations") to tolls collected by Halton Borough Council under the 2011 Order using an 'open road' (not barrier) charging system. This Order also permits tolls and charges to be imposed by Halton Borough Council for use of the Silver Jubilee Bridge and Mersey Gateway Bridge through a charging scheme made by order under Part 3 of the Transport Act 2000 (i.e. by making a "road user charging order") and extends the powers available to Halton Borough Council in making a road user charging order to include powers available under the 2011 Order. If no road user charging order is in effect, the Order permits Halton Borough Council to impose tolls and charges for use of the Mersey Gateway Bridge under the 2011 Order relying on powers in the Enforcement Regulations.

Appendix B

Proposed RUCSO

STATUTORY INSTRUMENTS

201X No.

HIGHWAYS, ENGLAND

The Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Roads User Charging Scheme Order 201[X]

Made - - - - *[201X]*

Coming into force - - ***

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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 201[X].

(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.

(**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.

(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 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.

(**a**) S.I. 2011/41.
(**b**) www.merseygateway.co.uk

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.

(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).

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 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 [**] day of [***]
201[X] in the



Authorised Signatory

SCHEDULES

SCHEDULE 1 Article 8

Classification of Vehicles for the Purposes of Charges

Class of Vehicle	*Classification*
"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_1(a) and M_1(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classification N_1(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_2(a) and M_2(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N_1(b), N_2(a) and N_2(b).
"class 4 vehicle"	means motor vehicles with at least four wheels used for the carriage of passengers falling within classifications M_3(a) and M_3(b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N_3(a) and N_3(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—

(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.

(**a**) S.I. 2001/2793.

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 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**); or

(f) an omnibus being used for a local service as defined by section 2 of the Transport Act 1985(**d**).

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

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.

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 201[X] 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 201[X] 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.

14. 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.

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 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 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.

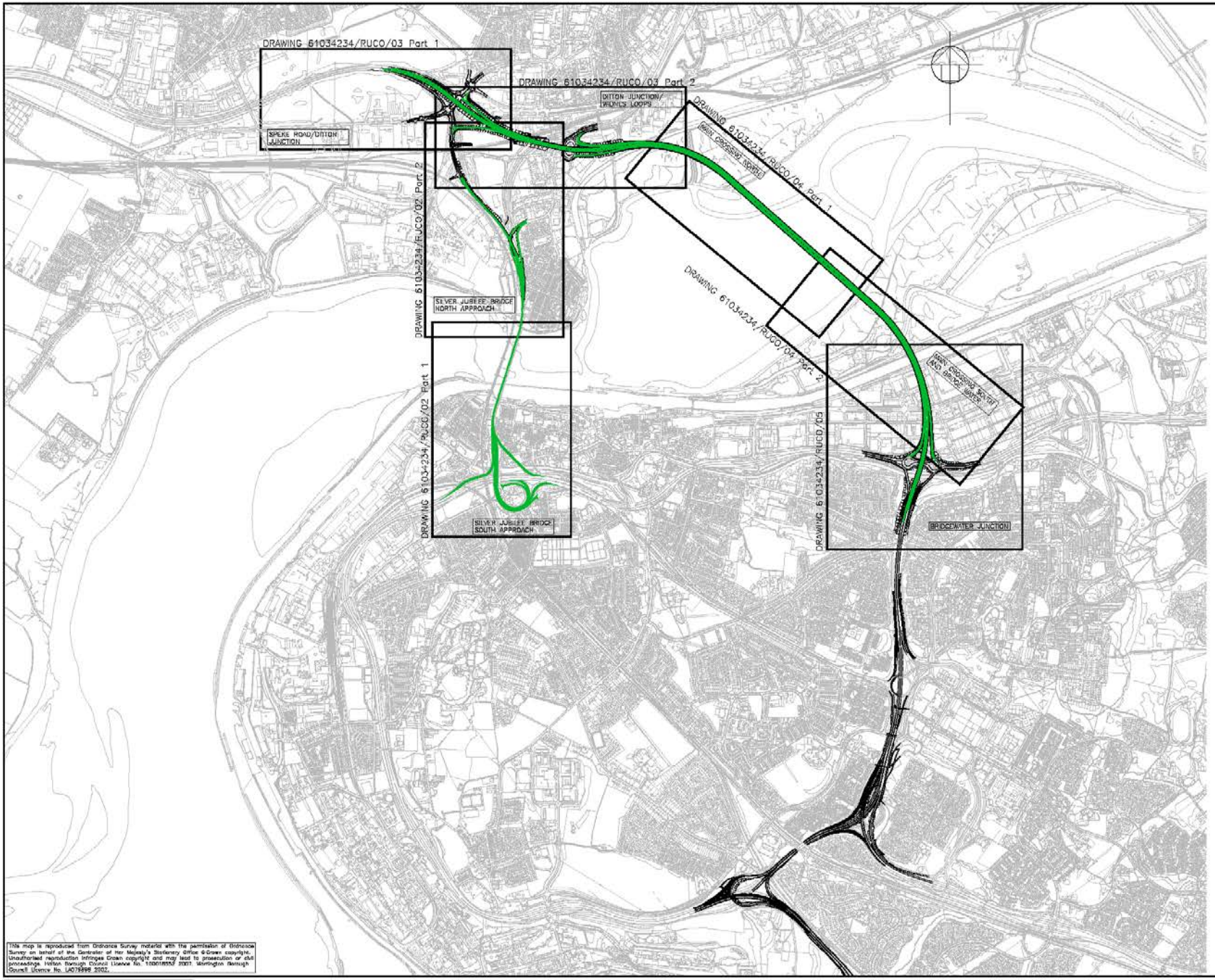
Article 10 (level of charges) specifies the level of charges for use of the scheme roads, depending on the class of vehicle. Levels must be set within the range authorised under article 10 and are subject to an annual recalculation under article 11 and subject to article 12.

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.



NOTES

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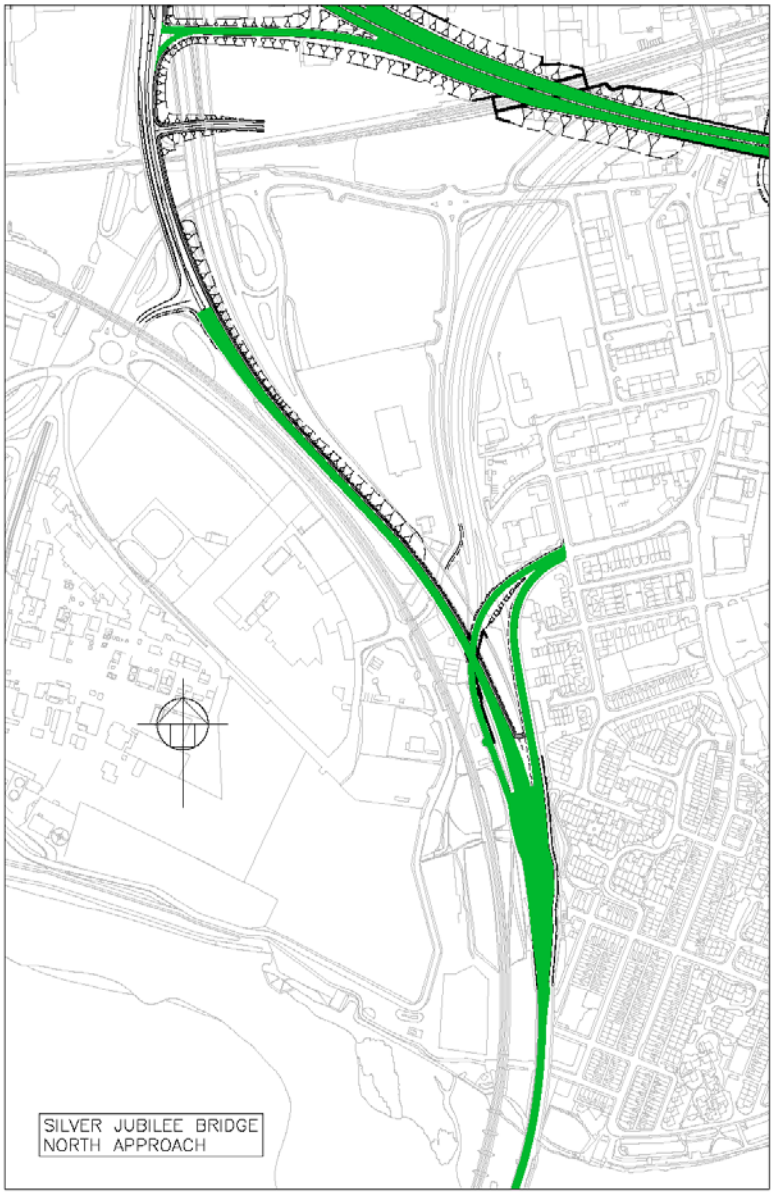
Project: PROPOSED ROAD USER CHARGING SCHEME ORDER (RUCSO)

Drawing Title: SCHEME ROADS LOCATION PLAN

Scale	Date	Drawn
1:10,000	Jan 2015	DJ

Drg. no.: 61034234/RUCO/01 — Rev.: -

ORIGINAL DRAWING SIZE A1 x 594



PART 1



PART 2

NOTES



Site Plan

KEY

RUCO Scheme Road

Rev.	Drawn	Dsn	Chkd	Date	Description
1			CSH	04.02.15	FOR INFORMATION

Client

the mersey gateway
A BRIDGE TO PROSPERITY

Project

PROPOSED
ROAD USER CHARGING
SCHEME ORDER
(RUCSO)

Drawing Title

SCHEME ROADS
SHEET 2 of 5

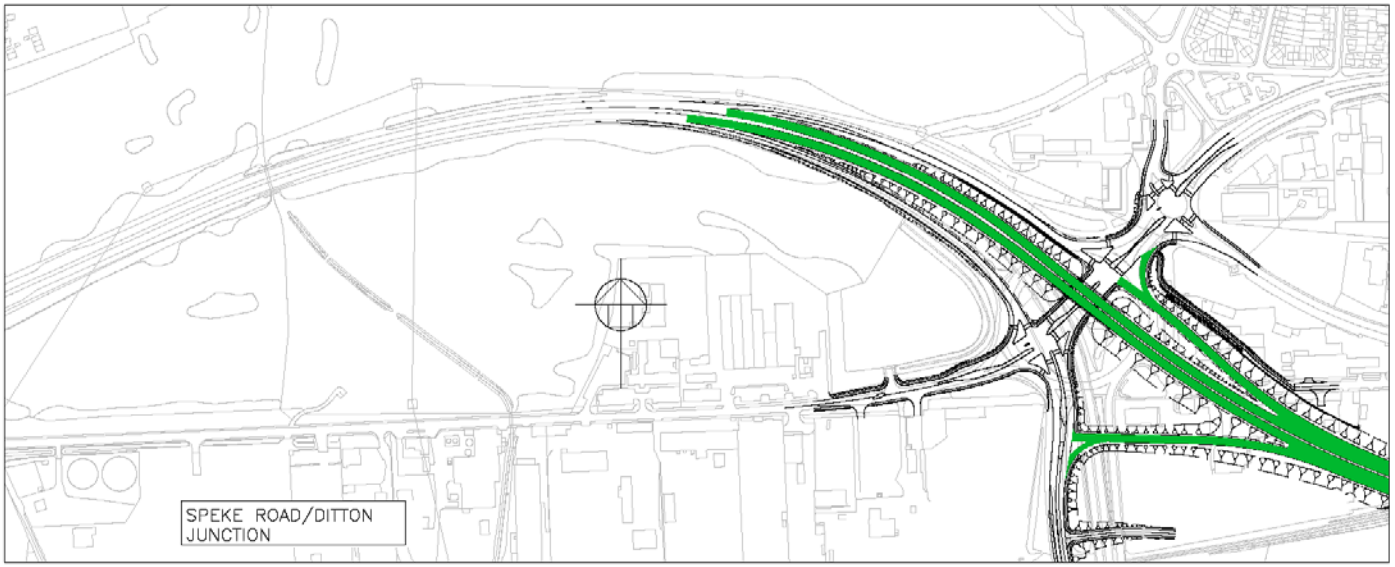
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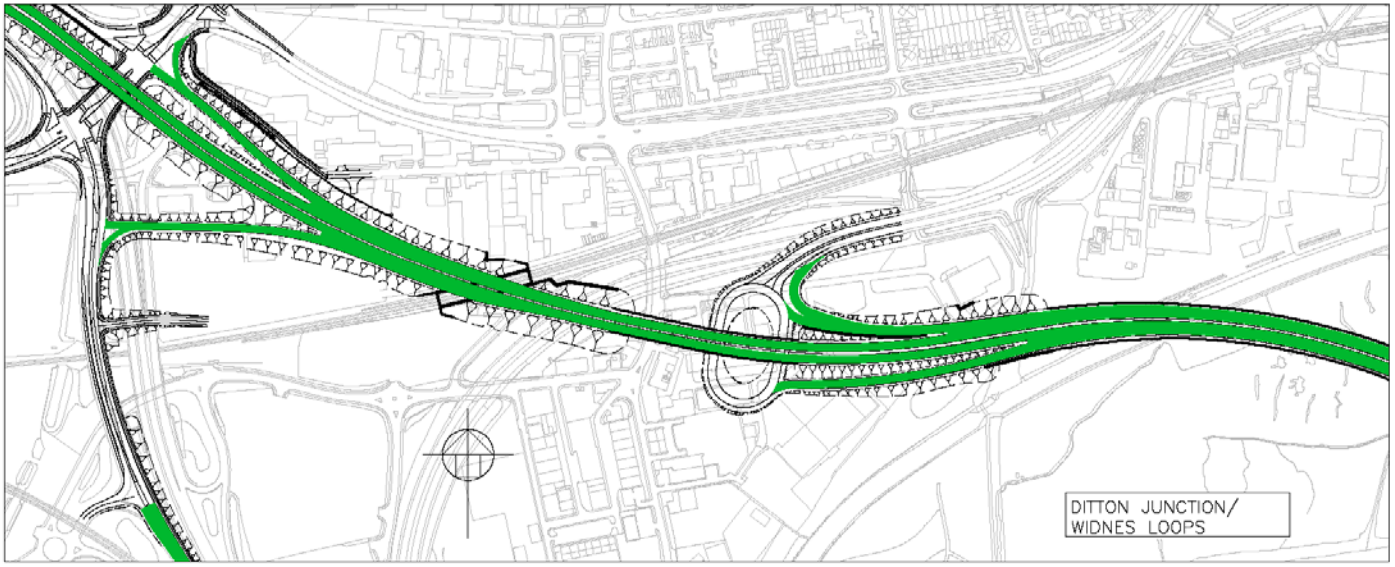
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10 0 10 20 50 100mm NATURAL SCALE



PART 1



PART 2

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10 0 10 20 50 100mm NATURAL SCALE

NOTES



Site Plan

KEY

RUCO Scheme Road

Rev.	Drwn	Chkd	Dsnd	Date	Description
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Client: the mersey gateway — A BRIDGE TO PROSPERITY

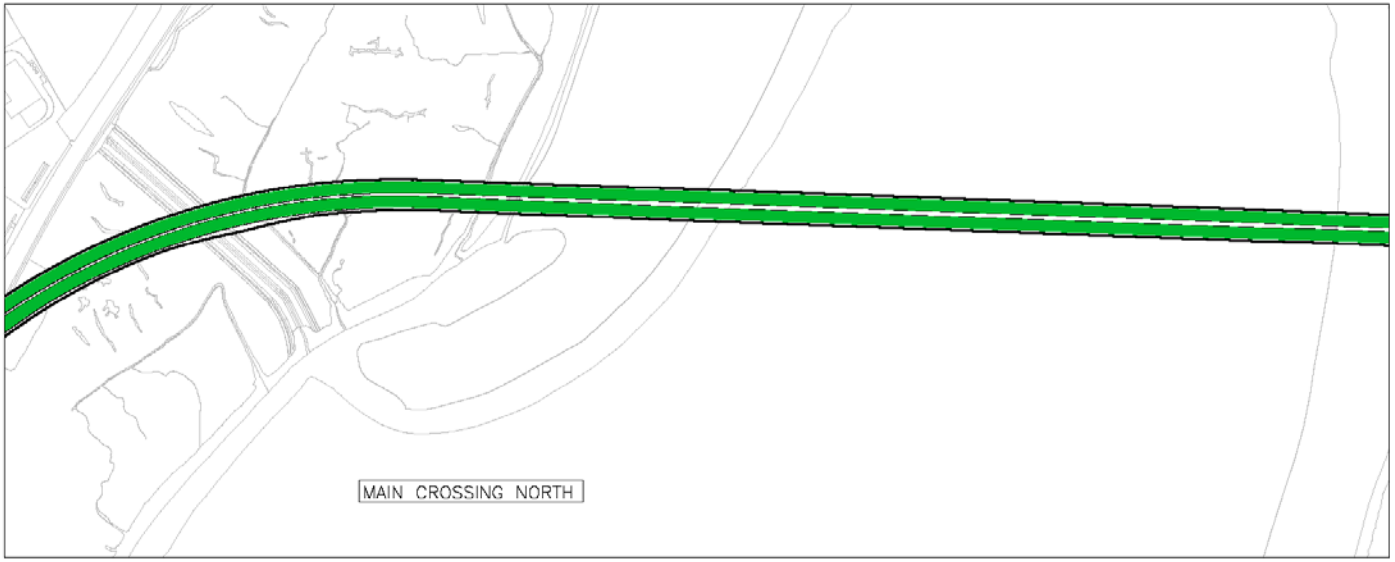
Project: PROPOSED ROAD USER CHARGING SCHEME ORDER (RUCSO)

Drawing Title: SCHEME ROADS SHEET 3 of 5

Scale	Date	Drawn
1:2500	Jan 2015	DJ

Drg. no. 61034234/RUCO/03 Rev. -

ORIGINAL DRAWING SIZE A1 x 594



PART 1



PART 2

NOTES



Site Plan

KEY

RUCO Scheme Road

Rev.	Drawn	Chkd	Checked	Date	Description
-	DJ	BW	CG	01.12.15	FOR INFORMATION

Client: the mersey gateway — A BRIDGE TO PROSPERITY

Project: PROPOSED ROAD USER CHARGING SCHEME ORDER (RUCSO)

Drawing Title: SCHEME ROADS SHEET 4 of 5

Scale	Date	Drawn
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Drg. no: 61034234/RUCO/04 — Rev. -

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10 0 10 20 50 100mm NATURAL SCALE



NOTES



Site Plan

KEY

RUCO Scheme Road

Rev.	Drawn	Chkd.	Apprvd.	Date	
a	DJ	BW	CEF	04.02.15	FOR INFORMATION

Description

Client

the mersey gateway
A BRIDGE TO PROSPERITY

Project

PROPOSED
ROAD USER CHARGING
SCHEME ORDER
(RUCSO)

Drawing Title

SCHEME ROADS
SHEET 5 of 5

Scale	Date	Drawn
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Drg. no.

61034234/RUCO/05

Rev.

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Appendix C

List of statutory consultees

AA (Automobile Association)

Arriva North West & Wales

Cheshire and Warrington LEP

Cheshire Constabulary

Cheshire East Local Access Forum

Cheshire Fire and Rescue Service

Cheshire West and Chester Council

Department for Transport

Driver and Vehicle Licensing Agency

Freight Transport Association

Halton Borough Council

Halton Borough Council ward Councillors

Halton Chamber of Commerce

Highways Agency

Knowsley Metropolitan Borough Council

Liverpool Chamber of Commerce

Liverpool City Council

Liverpool City Region Combined Authority

Liverpool City Region LEP

Liverpool John Lennon Airport

Mersey Fire and Rescue Service

Merseyside Police Service

Mersey Regional Ambulance Service

Merseytravel

Mersey Tunnels

National Alliance Against Tolls

North West Ambulance Service

North West Transport Roundtable

North West MPs

Peel PortsParish Councillors

RAC

Royal Mail

Road Haulage Association

Sefton Metropolitan Borough Council

St Helens Metropolitan Borough Council

Taxi associations

Warrington Borough Council

Wirral Metropolitan Borough Council