



Consultation: Proposed Changes to Road User Charging Scheme Order



Mersey Gateway Crossings Board Ltd working on behalf of



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EXECUTIVE SUMMARY

What is this consultation about?

This consultation is about Halton Borough Council's (the Council) proposals to update The Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Roads User Charging Scheme Order 2017 (the 2017 RUCSO)¹ by revoking it and replacing it with a new order. This is so the Council can address observations received since the Mersey Gateway Bridge opened to traffic on 14 October 2017 and to clarify matters surrounding the toll charging regime that some feel are not clear.

The new order will be called the A533 (Mersey Gateway Bridge) and the A557 (Silver Jubilee Bridge) Road User Charging Scheme Order (the proposed RUCSO).

This consultation document explains why the Council is:

- Seeking to revoke and replace The Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Roads User Charging Scheme Order 2017;
- proposing additional groups to be capable of registering for exemption from toll charges for use of the Mersey Gateway and Silver Jubilee Bridges (the Bridges);
- proposing changes to the current Halton Local User Discount (LUDS) Economic Hardship Scheme;
- proposing a toll classification change for Motor Homes vehicles.

What is your role in this consultation?

¹ The Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Roads User Charging Scheme Order 2017 (the 2017 RUCSO) <http://www.merseygateway.co.uk/wp-content/uploads/2017/03/Roads-User-Charging-Scheme-Order-2017.pdf>

This consultation is seeking views from the general public in the locality and further afield, and bridge users, as well as other public bodies and representatives, organisations and businesses.

This consultation is carried out in line with relevant statutory provisions including Section 170(1A) of the Transport Act 2000².

The Council is seeking your views on:

- the changes that will be made to the 2017 RUCSO (please see Appendix A - which contains an explanatory memorandum);
- the inclusion of additional groups to be capable of registration for exemption from toll charges;
- the amendments to the Halton Local User Discount (LUDS) Economic Hardship Scheme (to be known henceforward as the Halton Local User Discount Support Scheme - HLUSS);
- the inclusion of a special circumstance for Halton residents who have a disability but do not have or do not qualify for a Blue Badge to register a vehicle for exemption from tolls when they are travelling in the vehicle.

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 case for tolling/charging of the Bridges was established following a public inquiry held for the Mersey Gateway Project in 2009.

In addition, certain issues contained within the proposed RUCSO are unchanged from the 2017 RUCSO, which it will replace. These include the:

² Transport Act 2000: <http://www.legislation.gov.uk/ukpga/2000/38/contents>.

- levels of toll/charges which are actually applied to each class of vehicle set out in the proposed RUCSO-

<i>Column 1</i>	<i>Column 2</i>
<i>Class of vehicle</i>	<i>Charge for each vehicle each time it is used or kept on the scheme roads</i>
Class 1 vehicles	Free
Class 2 vehicles	£2.00
Class 3 vehicles	£6.00
Class 4 vehicles	£8.00

- administration fee levels for toll charge discount options;
- the non-inclusion of Council Tax Band G & H properties within the Halton Local User Discount Scheme.

Duration of this consultation

The consultation period will run for a period of 3 weeks from 8 March 2018 to 29 March 2018 inclusive.

How to respond to this consultation

This document contains a questionnaire. The electronic version of this document can be found at www.merseygateway.co.uk/consultation2018.

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

Alternatively, hard copy responses should be returned to:

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

Cheshire
WA8 7QF

If you require alternative formats i.e. braille, audio CD then please contact Mersey Gateway Crossings Board on 0151 511 6157.

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)³ or the Environmental Information Regulations 2004⁴.

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.

³ Freedom of Information Act 2000: <http://www.legislation.gov.uk/ukpga/2000/36/contents>.

⁴ Environmental Information Regulations 2004: <http://www.legislation.gov.uk/uksi/2004/3391/contents/made>.

The Council will process your personal data in accordance with the Data Protection Act 1998⁵ and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

⁵ Data Protection Act 1998: <http://www.legislation.gov.uk/ukpga/1998/29/contents>

1. INTRODUCTION

1.1 Background and location

The Mersey Gateway Bridge opened to the public for use on 14th October 2017 and over 8 million vehicles have used the crossing. It consists of a new six-lane tolled 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 and has been used by traffic since 1961.

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

The Silver Jubilee Bridge is currently closed temporarily for essential major maintenance works. Its road deck will be reconfigured to two traffic lanes. Work is also underway to modify the approach roads to the Silver Jubilee Bridge in Widnes. The reconfiguration will allow better provision to be made for 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 an 80% reduction in traffic using the Silver Jubilee Bridge in comparison with the period prior to its closure for the major maintenance works.

1.2 Operation of the Bridges, imposition of toll charges and enforcement

The use of the Mersey Gateway Bridge is subject to toll charges, as the reconfigured Silver Jubilee Bridge will be once it is reopened to traffic – expected to be April 2019. The Council has appointed a company called Emovis (the Operator) to operate the free flow toll charging systems on the Bridges. The Operator is responsible for collecting toll charges on behalf of the Council under the Merseyflow brand.

The standard toll/charge to cross either Bridge is £2 for a one-way trip in a car or a small van. A number of different ways of reducing the amount that a motorist pays for using the Bridges are available, including monthly peak and off-peak passes and discounts for registering a vehicle⁶.

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 a free flow 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.

The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013⁷ contain a range of powers that the Operator can use to ensure any tolls/charges imposed that remain unpaid can be recovered.

⁶ You can find out more at www.merseyflow.co.uk

⁷ The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 <https://www.legislation.gov.uk/uksi/2013/1783/contents/made>

1.3 The need for and purpose of the proposed RUCSO

The Council is considering making the proposed RUCSO to implement a number of modifications to the 2017 RUCSO which are intended to address observations received since the Mersey Gateway Bridge opened to traffic and to clarify matters surrounding the tolling regime that some feel are not clear.

It is only on these limited amendments to the 2017 RUCSO that 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 or the current level of the toll charges.

2. CONTEXT

2.1 Level of toll charges

The Council has already consulted on its proposed toll charges for using the Bridges. The Council made the 2017 RUCSO and published the toll charges to be applied in local newspapers circulating in Runcorn and Widnes in August 2017.

Therefore, the Council is not consulting again on the toll charge levels and the proposed RUCSO will only seek to clarify the current toll charge levels by stating them in the order.

It is not proposed to change the actual tolls charged.

2.2 Vehicle classifications

The only changes proposed in relation to vehicle classification will be:

- in relation to motor homes, it is proposed this vehicle type will fall under Class 2, the same classification as applies to private cars; and
- in relation to certain class 2 vehicles pulling trailers in Class 3, it is proposed that these will fall under Class 2.

2.3 Duration

The 2017 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 will revoke the 2017 RUCSO and state that it is to remain in force indefinitely.

2.4 Halton Local User Discount Scheme – Properties in Council Tax Bands G&H

The legal framework that applies to LUDS excludes Halton residents living in Council Tax Band G and H properties.

It is not proposed to seek to amend the LUDS to provide exemptions for these groups, as it already provides unlimited travel to over 99% of eligible residents for an annual £10 administration fee.

However, it does not meet the Council's aspiration that all Halton residents can have unlimited travel over the Bridges.

It is estimated the annual cost to fund the journeys over the Bridges of Halton residents living in Council Tax Bands G and H is within a range currently estimated to be between £250,000 and £500,000 per annum. This is not a cost the Council can meet from within its budget, which has been significantly reduced by austerity measures.

It is proposed the Council support the lobbying currently under way through Derek Twigg MP and Mike Amesbury MP to invite the Government to meet the annual cost of funding journeys over the Bridges for Halton residents living in Council Tax Bands G and H who are currently excluded from LUDS.

2.5 Disability

The majority of Halton residents with a disability who have a Blue Badge can benefit from unlimited usage of the Bridges if they register for an exemption and pay a small registration fee. However, some Halton residents with a disability may not be eligible for a Blue Badge and their disability prevents them from driving. Consequently, these Halton residents are not in a

position to benefit from the LUDS. This is a relatively small number of Halton residents, but also a potentially vulnerable group.

It is proposed to address this anomaly.

3. THE PROPOSAL

3.1 The Council's proposal

The Council propose to promote a new Road User Charging Scheme Order (known throughout this document as the "proposed RUCSO") which would revoke and replace the 2017 RUCSO. A copy of the proposed RUCSO can be found at Appendix A.

3.2 The proposed RUCSO

The proposed RUCSO would respond to the number of comments and observations from elected members, MPs, users, the general public and others, in respect of the operation of Mersey Gateway Bridge and its tolling regime since the bridge opened in October 2017.

The proposed RUCSO will give clarity to some matters surrounding the tolling regime that some feel are not clear.

The proposed RUCSO will include provisions that enable:

- motor home vehicles to fall under Classification 2, the same classification as applies to private cars;
- further vehicles registered by the emergency services when being used for the purpose of delivering these services, whether or not marked and not already covered by exemptions to be entered onto the exemptions register;
- further ambulance vehicles whether carrying patients or not registered by the ambulance service to be entered onto the exemptions register;

- agricultural tractors to be entered onto the exemptions register.

3.3 Restate the charges levied for each classification of vehicle

To clarify any uncertainty that may be considered to exist, the actual toll charges will be specified in the proposed RUCSO and also published in the press and on the Merseyflow and other appropriate websites.

From now on, any change in the toll level will require a revision of the RUCSO in force at the time. Whilst this may entail a consultation each time that it is required, it will provide enhanced certainty and transparency as to the amount of toll payable from time to time.

The Council is not in a position to reduce tolls, because of the arrangements contained in the funding letter from the Department for Transport relating to the Mersey Gateway Bridge project.

3.4 Updates to the LUDS Economic Hardship Scheme

Similarly, it is proposed to update the LUDS, as follows:

- a rename of the Halton Local User Discount Economic Hardship Scheme to Halton Local User Discount Support Scheme (HLUDSS);
- introduction of special circumstances for apprentices and those in full time education living in Council Tax Bands G&H properties otherwise ineligible for the LUDS to apply and;

- an introduction of special circumstances for any disabled person who is a resident of Halton and in receipt of one of the following:
 - the higher rate mobility component of Disability Living Allowance;
 - Attendance Allowance;
 - Enhanced rate of the mobility component of the Personal Independence Allowance, and/or;
 - the War Pensioners Mobility Supplement.

to register a vehicle and that the registered vehicle benefit from exemption from tolls when they are travelling in the vehicle.

3.5 Other matters

Currently, Administration Fees are charged when registering with Merseyflow.

It is proposed the Administration Fee remain unchanged.

4. CONSULTATION QUESTIONS

4.1 Questions

I am 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.

1. Do you agree or disagree with the proposal to amend the classification of motor home vehicles to Class 2, the same classification as applies to private cars?

Agree

Disagree

If you have any other comment about this proposal, please tell us below...

2. Do you agree or disagree with the proposal to allow Class 2 vehicles to remain as Class 2 when pulling a trailer?

Agree Disagree

If you have any other comment about this proposal, please tell us below...

3. Do you agree or disagree with the proposal to allow further vehicles registered by the emergency services when being used for the purpose of delivering these services, whether or not marked and not already covered by exemptions to be entered onto the exemptions register?

Agree Disagree

If you have any other comment about this proposal, please tell us below...

4. Do you agree or disagree with the proposal to allow further ambulance vehicles whether carrying patients or not registered by the ambulance service to be entered onto the exemptions register?

Agree Disagree

If you have any other comment about this proposal, please tell us below...

5. Do you agree or disagree with the proposal to allow agricultural tractors to be able to be entered onto the exemptions register?

Agree Disagree

If you have any other comment about this proposal, please tell us below...

6. Do you agree or disagree with the proposal to introduce special circumstances allowing Halton residents who are apprentices or in full time education living in properties that are in Council Tax Bands G&H who otherwise are ineligible for the Local User Discount Scheme to apply under the newly named Halton Local User Discount Support Scheme?

Agree Disagree

If you have any other comment about this proposal, please tell us below...

7. Do you agree or disagree with the proposal to introduce a special circumstance for any disabled person who is a Halton resident who does not hold a Blue Badge but who is in receipt of the allowances set out in para 3.4 to be able to register a vehicle which will benefit from exemption from toll charges when they are travelling in the vehicle?

Agree Disagree

If you have any other comment about this proposal, please tell us below...

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

4.2 What will happen next?

- After the close of consultation, the output will be reported to the Council at a meeting to be scheduled, but expected to take place in April 2018.
- If the Council is satisfied, it will resolve to make the proposed RUCSO, taking the product of the consultation into account, which will then be sealed.
- Once the proposed RUCSO has been made (whether in its published form or amended), it is intended that it will have immediate effect, since it does not change the toll charges payable, and it will be advertised. The 2017 RUCSO will be revoked by the proposed RUCSO.

Appendix A

Proposed RUCSO

TRANSPORT ACT 2000

The A 533 (Mersey Gateway Bridge) and the A557 (Silver Jubilee Bridge) Road User Charging Scheme Order 2018

Made - - - - [April 2018]
Coming into force - - [April 2018]

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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⁽⁸⁾ 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⁽⁹⁾.

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

Preliminary

Citation and commencement

1.—(1) This Order may be cited as The A533 (Mersey Gateway Bridge) and the A557 (Silver Jubilee Bridge) Road User Charging Scheme Order 2018.

(2) The scheme set out in the Schedules to this Order shall have effect.

(3) The Council shall publish notice of the making of this Order 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 date of this Order;

“authorised person” means the Council or any person so authorised by the Council under article 14(1) to exercise any one or more of the powers in articles 15 to 19;

“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;

⁽⁸⁾ 2000 c.38. There are amendments to section 167, 168, 171 and 172 which are not relevant to this Order.

⁽⁹⁾ S.I. 2013/1783.

“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 pursuant to the River Mersey (Mersey Gateway Bridge) Order 2011⁽¹⁰⁾;

“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⁽¹¹⁾.

Revocation

3. The Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2017 is hereby revoked.

Duration of the Order

4. This Order shall remain in force indefinitely.

Designation of scheme roads, vehicles and charges

The scheme roads

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

Imposition of charges

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

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

⁽¹⁰⁾ S.I. 2011/41.

⁽¹¹⁾ www.merseygateway.co.uk

(2) The charge imposed is determined by reference to column 2 of the table below.

<i>Column 1</i>	<i>Column 2</i>
<i>Class of vehicle</i>	<i>Charge for each vehicle each time it is used or kept on the scheme roads</i>
Class 1 vehicles	Free
Class 2 vehicles	£2.00
Class 3 vehicles	£6.00
Class 4 vehicles	£8.00

(3) The classification of vehicles or classes of vehicles in respect of which charges may be levied under this Order shall be those set out in Schedule 1.

(4) 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.

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 6 paragraph (2) (imposition of charges), shall be paid by a means and by such method as may be specified by the Council on the website or in a document available on application from 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.

10 year plan for net proceeds

10. Schedule 3 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

11. Schedule 4 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

12.—(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

13.—(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 18;
- (b) removal of a motor vehicle in accordance with article 19(1);
- (c) storage and release from storage of a vehicle so removed; and
- (d) disposal of a vehicle in accordance with article 19(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

14.—(1) The Council may authorise in writing a person to exercise any one or more of the powers in articles 15 to 19.

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

Examination of vehicles

15. 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

16. 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

17. 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

18. 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

19.—(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 April 2018 in the
presence of

Authorised Signatory

SCHEDULES

SCHEDULE 1

Article 6

Classification of Vehicles for the Purposes of Charges

<i>Class of Vehicle</i>	<i>Classification</i>
“class 1 vehicle”	means a moped falling within classifications A(a) and A(b); motorcycles falling within classifications B(a) and B(b); motor tricycles falling within classifications C(a) and C(b); and quadricycles falling within classifications D(a), D(b), E(a) and E(b).
“class 2 vehicle”	means motor 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 ₁ (a) and M ₁ (b); and motor vehicles with at least four wheels used for the carriage of goods falling within classifications N ₁ (a) and N ₁ (b).
“class 3 vehicle”	means 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 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 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⁽¹²⁾.

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 subparagraphs 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

⁽¹²⁾ S.I. 2001/2793.

- (c) a vehicle which, having broken down on the Silver Jubilee Bridge or the new crossing while travelling in one direction, is travelling in the opposite direction otherwise than under its own power; or
- (d) a military vehicle, that is, a vehicle used for army, naval or air force purposes, while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.

PART 2

The Register of Vehicles Exempt from Charges

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

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

- (a) a police vehicle, identifiable as such by writing or markings on it or otherwise by its appearance, or being the property of the Service Authority for the Serious Organised Crime Agency or notified to the Council by reference to its registration mark;
- (b) a fire engine as defined by paragraph 4(2) of Schedule 2 to the Vehicle Excise and Registration Act 1994⁽¹³⁾;
- (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) or a vehicle falling within paragraph 7 of that Schedule and shall also include vehicles used for the transport of blood, plasma or human organs;
- (e) a vehicle being used for the transport of a person who has a disabled person's badge and which displays a current disabled person's badge issued under—
 - (i) section 21 of the Chronically Sick and Disabled Persons Act 1970⁽¹⁴⁾, or
 - (ii) section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978⁽¹⁵⁾; or
- (f) an omnibus being used for a local service as defined by section 2 of the Transport Act 1985 crossing the Silver Jubilee Bridge⁽¹⁶⁾; or
- (g) an agricultural tractor as defined by paragraph 20B of Schedule 2 to the Vehicle Excise Registration Act 1994.

⁽¹³⁾ 1994 c.22.

⁽¹⁴⁾ 1970 c.44.

⁽¹⁵⁾ 1978 c.53.

⁽¹⁶⁾ 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

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 2018. 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 ten year period following opening 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 4

Article 11

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

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

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

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

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

15. Priorities for the scheme revenue expenditure are—

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

EXPLANATORY NOTE

(This note is not part of the Order)

Sections 163(3)(a) and 164 of the Transport Act 2000 authorise the Council of the Borough of Halton to make a charging scheme in respect of roads for which it is the traffic authority. The scheme roads described in paragraph (1) of Schedule 1 comprises the Mersey Gateway Bridge and the Silver Jubilee Bridge. Charges are currently levied in respect of the latter under the Mersey Gateway Bridge and the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2017.

This Order revokes the 2017 Order. It imposes charges for use of either the Mersey Gateway Bridge or the Silver Jubilee Bridge, and contains 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 2017 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. It also contains the charges imposed upon using or keeping a vehicle 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.

Articles 10 and 11 explain to what purposes the charges recovered may be applied.

Article 12 deals with the civil enforcement of unpaid charges through the imposition of penalty charges. Paragraph 12(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 12(3)(a) explains that the penalty charge is payable in addition to the charge imposed. Paragraphs 12(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 13 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 14 to 19 contain powers that can be exercised in respect of motor vehicles. These powers are to examine vehicles (article 15), enter vehicles (article 16), seize items (article 17), immobilise vehicles (article 18) and remove, store and dispose of vehicles (article 19). 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.

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