

SCHEDULES

SCHEDULE 14

LEVEL OF TOLLS

PART 1

Initial toll level

Local Inquiries

13. Where paragraph 9 applies to any proposed revision and an objection is made by any person in writing and received by the undertaker on or before the expiration of 28 days from the date of the notice published in accordance with paragraph 12(1) and the objection is not withdrawn, the undertaker may not determine to revise the amount of any tolls until it has complied with the provisions of paragraphs 14 and 15.

14.—(1) Where any objections have been made in accordance with paragraph 12 the undertaker shall cause a local inquiry to be held for the purpose of considering the objections.

(2) The local inquiry shall be held by a person appointed by the Secretary of State.

(3) Subsections (2) and (3) of section 250 of the Local Government Act 1972⁽¹⁾ (power to summon and examine witnesses) shall apply to an inquiry held under this paragraph as they apply to an inquiry held under that section.

(4) The Tribunals and Inquiries Act 1992⁽²⁾ shall apply to a local inquiry held under this paragraph as it applies to a statutory inquiry held by the Minister but as if in section 10(1) of that Act (statement of reasons for decision) the reference to any decision taken by the Minister were a reference to a decision taken by the undertaker.

(5) A local inquiry need not be held under this paragraph if all persons who have made objections have withdrawn their objections or if the Secretary of State is satisfied that a local inquiry is not necessary in the special circumstances of the case.

15.—(1) Where the undertaker has caused a local inquiry to be held the undertaker must, after considering the report of the person holding the local inquiry, either—

(a) determine that the amount of tolls shall be revised to a sum not exceeding that set out in the notice referred to in paragraph 12, or

(b) determine not to revise the amount of tolls.

(2) The undertaker may charge the tolls determined pursuant to sub-paragraph (1) from the effective date.

(1) 1972 c. 70.

(2) 1992 c. 53.