

## SCHEDULES

### SCHEDULE 14

#### LEVEL OF TOLLS

##### PART 1

###### *Initial toll level*

###### *Toll levels on and from the concession toll date*

- 4.—(1) The undertaker may at any time within a period of 7 years from the appointed day—
- determine the level of tolls to be chargeable from the concession toll date in respect of any vehicle or class of vehicles; and
  - determine the classification of vehicles or classes of vehicles in respect of which tolls may be charged from the concession toll date.

(2) The undertaker shall publish in at least one local newspaper circulating in the area in which the tunnel is situated, a notice substantially in the form set out in Part 2 of this Schedule stating the level of tolls and any classification of vehicles or classes of vehicles determined in accordance with sub-paragraph (1).

(3) The undertaker may charge the tolls set out in a notice given under sub-paragraph (2) in respect of the vehicles or classes of vehicles set out in that notice from the concession toll date.

5. The undertaker may exercise its powers under paragraph 4(1) on one occasion only.

6.—(1) The tolls chargeable in respect of any vehicle or class of vehicles following the concession toll date shall remain at the levels determined by the undertaker pursuant to paragraph 4 unless revised in accordance with paragraph 7 or 9 or section 13 of the 1976 Act as amended by this Order.

(2) The classification of vehicles or classes of vehicles in respect of which tolls may be charged shall remain as determined by the undertaker pursuant to paragraph 4 unless revised in accordance with section 13 of the 1976 Act as amended by this Order.

7.—(1) Subject to sub-paragraph (2), the amount of tolls to be charged in respect of any vehicle or class of vehicles following the concession toll date may if the undertaker so determines be revised to an amount arrived at by increasing the amount chargeable in the case of that vehicle or class of vehicles at that time by the same percentage as the percentage increase referred to in paragraph 8.

(2) Where a toll level is to be revised in accordance with sub-paragraph (1) the amount which shall be revised is the toll level which would have been chargeable following the last revision of such toll level but for the operation of paragraph 18.

(3) Following the revision of the toll level pursuant to sub-paragraph (1) the amount shall be further revised in accordance with paragraph 18.

8. The percentage increase referred to in paragraph 7 shall be the percentage increase between—

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- (a) the retail prices index for August 2001 or, following a revision in tolls in accordance with this Schedule or section 13 of the 1976 Act as amended by this Order, the month which is 2 months before the month in which falls the date upon which the last revision in tolls took effect; and
- (b) the retail prices index for the month 2 months prior to the month in which the change in the level of tolls is to have effect, or if no such index is available, the most recent month in respect of which the retail prices index has been published.

**9.** Where a revision of the level of tolls pursuant to paragraph 7 would be insufficient for the purposes set out in this paragraph the amount of tolls chargeable in respect of any vehicle or class of vehicles may if the undertaker so determines be increased to an amount required—

- (a) to pay the costs and expenses incurred in designing, constructing, managing, operating and maintaining the tunnel crossing or any costs associated with financing any of the same;
- (b) to provide such funds as are or are likely to be necessary to discharge the obligations of the undertaker pursuant to a concession agreement;
- (c) to pay the interest on, and repay the principal of monies borrowed in respect of, the existing tunnels;
- (d) to make payment into any maintenance or reserve fund provided in respect of the tunnel crossing; and
- (e) to provide funds for, to meet expenses incurred in or the cost of securing any necessary authority or consent for, and in constructing or in securing, the construction, maintenance and operation of, the new tunnel.

**10.** The amount of tolls to be charged in respect of any vehicle or class of vehicles may not be revised pursuant to paragraph 7 or 9 more than once in any period of 12 months.

**11.** The provisions of paragraphs 13 to 15 shall apply to any such revision as is referred to in paragraph 9.

**12.—(1)** Whenever the undertaker proposes to make a determination that the amount of tolls to be charged in respect of any vehicle or class of vehicles pursuant to paragraph 7 or 9 should be revised the undertaker shall publish in at least one local newspaper circulating in the area in which the tunnel is situated, a notice substantially in the form set out in Part 2 of this Schedule.

(2) Where paragraph 7 applies to any revision of tolls or paragraph 9 applies and no objections are received in the manner prescribed in paragraph 13, the undertaker may charge the tolls set out in a notice given under sub-paragraph (1) from the effective date.