

SCHEDULES

SCHEDULE 11

Article 41

LEVEL OF TOLLS

PART 1

INITIAL TOLLS AND REVISION OF TOLLS

Initial toll range

1.—(1) On and from the opening day the tolls chargeable for the use of the new crossing shall be at such level within the toll range specified in sub-paragraph (4) for the class of vehicle specified as the undertaker may determine and shall remain at such level until revised in accordance with the following provisions of this Schedule.

(2) The classification of vehicles or classes of vehicles in respect of which tolls may be charged from the opening day shall be those set out in Part 2 until revised in accordance with the following provisions of this Schedule.

(3) Where any vehicle falls within the definition of more than one classification of vehicles it shall be deemed to fall in the class of vehicles bearing the highest number in Part 2.

(4) In this Schedule “toll range” means the ranges of tolls contained in the table below increased by the same percentage for each whole year between April 2008 and the opening day as referred to in paragraph 2, subject to paragraph 3.

<i>Class of vehicle</i>	<i>Toll range</i>
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 toll range from the opening day for any vehicles to which the Road Vehicles (Authorisation of Special Types) (General) Order 2003(1) applies shall be £15.00 to £220.00 increased by the same percentage for each whole year between April 2008 and the opening day as referred to in paragraph 2, subject to paragraph 3.

Revision of toll ranges

2.—(1) The toll ranges referred to in paragraph 1 shall be recalculated annually on 1 April each year by multiplying the upper and lower limits applying in each toll range by the indexation factor except where a reduction in those limits would result.

(1) [S.I. 2003/1998](#).

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(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 value of the retail prices index for the month of February in the preceding year to produce a percentage and then adding one per cent.

3. Any revision to the toll ranges referred to in paragraph 1 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.

4.—(1) Subject to sub-paragraph (2), the references in this Schedule to the retail prices index means the monthly United Kingdom index of Retail Prices (for all items) published by the Office of National Statistics.

(2) If that index is not published for any month those references shall be references to any substituted index or index figures published by that Office for that month.

Revision of tolls

5.—(1) The tolls payable in respect of any vehicle or class of vehicle may be varied within the toll range in effect from time to time.

(2) Except as paragraph 7 allows, no revision of tolls pursuant to this Schedule shall result in a toll which exceeds, at the date that any revision is proposed, an amount that is equivalent to the higher figure of the toll range increased by the same percentage as is referred to in paragraph 2, subject to paragraph 3.

(3) It shall not be necessary to vary any toll by reason of a revision to a toll range resulting in a toll subsisting that is lower than the lower limit of a toll range.

6.—(1) Whenever the undertaker proposes to revise the toll that applies in respect of any vehicle or class of vehicles pursuant to paragraph 5 the undertaker shall publish in at least one local newspaper circulating in the area in which the new crossing is situated, a notice substantially in the form set out in Part 5.

(2) The undertaker may charge the tolls set out in a notice given under sub-paragraph (1) from the day 28 days after that on which the notice referred to in sub-paragraph (1) is published.

Further provisions as to revision of toll ranges and classification of vehicles

7.—(1) Where a revision of tolls within the toll ranges recalculated pursuant to paragraph 2 would be insufficient—

- (a) to pay the costs and expenses incurred in designing, constructing, managing, operating and maintaining the new 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 new crossing;
- (d) to make payment into any maintenance or reserve fund provided in respect of the new crossing; or
- (e) in providing 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 crossing or securing the maintenance or operation of the Silver Jubilee Bridge (as the case may be) or works to the Silver Jubilee Bridge, the toll ranges or any of them may if the undertaker so determines be increased to enable the purposes set out in this paragraph to be achieved, after complying with the requirements set out in paragraphs 8 to 14.

(2) The undertaker may vary the classification of vehicles or classes of vehicles in respect of which tolls may be charged after complying with the requirements set out in paragraphs 8 to 14.

(3) The toll range in respect of any vehicle or class of vehicles may not be revised pursuant to this paragraph if less than 12 months have passed following the previous exercise by the undertaker of its powers under this paragraph.

8.—(1) Prior to exercising its powers under paragraph 7 the undertaker shall—

- (a) publish in at least one local newspaper in the area in which the new crossing is situated a notice substantially in the form set out in Part 3 of this Schedule;
- (b) take such other steps as it may consider appropriate for ensuring that adequate publicity about the proposed change is given to persons likely to be affected by its provisions and, without limiting the scope of this sub-paragraph, such other steps may include—
 - (i) publication of a notice in the London Gazette;
 - (ii) the display of notices in roads or other places affected by the proposed change; or
 - (iii) the delivery of notices or letters to persons appearing to the undertaker to be likely to be affected by any provision in the proposed change.

(2) The undertaker shall make the following deposited documents available for public inspection, so far as they are relevant, at the principal offices of the undertaker during normal office hours and at such other places (if any) within the area in which the new crossing is situated as it may think fit during such hours as it may determine for each such place—

- (a) details of the changes proposed pursuant to paragraph 7;
- (b) a map which clearly shows the location and effect of the proposals;
- (c) a statement setting out the reasons for the proposals including, where the proposals result from costs associated with financing any matter, an explanation of the need to do so;
- (d) if the proposals vary, revoke, apply or suspend existing provisions, copies of those provisions; and
- (e) a report setting out the steps taken to publicise the changes proposed and the consultation undertaken with persons likely to be affected by any provision in the proposed changes together with a summary of the response to such consultations.

(3) The deposited documents referred to in sub-paragraph (2) shall be made so available at the times and at the places specified in the notice referred to in sub-paragraph (1)(a) throughout the period beginning with the date on which such notice of proposals is first published and ending with the last day of the period of 6 weeks following that date.

Objections

9.—(1) Any person may object to the changes proposed by the undertaker pursuant to paragraph 7 by the date specified in the notice of proposals.

(2) An objection under paragraph (1) shall—

- (a) be made in writing;
- (b) state the grounds on which it is made;
- (c) indicate who is making the objection;

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- (d) provide an address to which any correspondence relating to that objection may be sent;
- (e) be sent to the address specified in the notice of proposals by the date specified in that notice.

10.—(1) Where paragraph 7 applies to a proposed change and following the publication of a notice in accordance with paragraph 8(1)(a) no objections are received in the manner prescribed in paragraph 9 or any objection is withdrawn, the undertaker may, subject to complying with sub-paragraph (2), revise—

- (a) the toll ranges in respect of any vehicles or class of vehicles to a level not exceeding those set out in the notice referred to in paragraph 8(1)(a);
- (b) the classification of vehicles or classes of vehicles in respect of which tolls may be charged to those set out in the notice referred to in paragraph 8(1)(a).

(2) The undertaker shall publish in at least one newspaper circulating in the area in which the new bridge is situated a notice substantially in the form set out in Part 5 of this Schedule stating the toll ranges, classifications of vehicles or classes of vehicles that will then apply.

(3) The undertaker may apply the revised toll ranges or apply the revised vehicle classifications or classes of vehicles (as the case may be) from the day 28 days after the notice referred to in sub-paragraph (2) is published.

11. Where paragraph 7 applies to any proposed change and an objection has been received in the manner prescribed in paragraph 9 and the objection is not withdrawn, the undertaker shall not determine to raise the amount of any tolls or toll ranges or change vehicle classifications or classes of vehicles until it has complied with the provisions of paragraphs 12 and 13.

12.—(1) Where any objections have been made in accordance with paragraph 9 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⁽²⁾ shall apply to an inquiry under this paragraph as they apply to an inquiry under that section.

(4) The Tribunals and Inquiries Act 1992⁽³⁾ 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 the 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 in which case paragraph 10(1) shall apply.

13.—(1) In any case where the undertaker holds a local inquiry in connection with the exercise of its powers under paragraph 7, the undertaker shall—

- (a) publish at least once in a local newspaper circulating in the area in which the new crossing is situated a notice in substantially the form set out in Part 4;
- (b) give notice of the inquiry in writing to each person who has objected to the proposals in accordance with paragraph 9 and who has not withdrawn the objection; and
- (c) take such other steps as it may consider appropriate for ensuring that adequate publicity about the inquiry is given to persons likely to be affected by the proposed changes and, without limiting the scope of this sub-paragraph, such other steps may include—
 - (i) publication of a notice in the London Gazette;

(2) 1972 c. 70.

(3) 1992 c. 53.

- (ii) the display of notices in roads or other places affected by the proposed changes; or
- (iii) the delivery of notices or letters to premises, or premises occupied by persons, appearing to the undertaker to be likely to be affected by the proposed changes.

(2) An inquiry to which sub-paragraph (1) applies shall not begin less than 12 weeks after the notice of the proposed inquiry is given pursuant to sub-paragraph (1)(b).

(3) The person appointed to hold a local inquiry under paragraph 12(2) may require additional publicity to be given to the inquiry for the purpose of encouraging participation by members of the public.

(4) The person holding any local inquiry to which this provision applies shall have regard to the representations of members of the public and the responses to consultation in the report referred to at paragraph 8(2)(e).

14.—(1) Where a local inquiry has been held the undertaker must first consider the report of the person it has appointed to hold the local inquiry before making any determination under this paragraph.

(2) Having considered the report of the person who held the inquiry the undertaker must—

- (a) determine that the classification of vehicles or classes of vehicles in respect of which tolls may be charged shall be revised to those set out in the notice referred to in paragraph 8(1)(a); or
- (b) determine that the toll ranges in respect of any vehicles or class of vehicles shall be revised to levels not exceeding those set out in the notice referred to in paragraph 8(1)(a); or
- (c) determine not to make any such revision.

(3) The undertaker shall publish in at least one local newspaper circulating in the area in which the new crossing is situated, a notice substantially in the form set out in Part 5 of this Schedule stating the toll ranges and any classification of vehicles or classes of vehicles determined in accordance with sub-paragraph (2).

(4) The undertaker may apply the toll ranges or classifications of vehicles or classes of vehicles (as the case may be) determined pursuant to sub-paragraph (2) from the day 28 days after which the notice referred to in sub-paragraph (3) is published.

PART 2

CLASSIFICATION OF VEHICLES

15. In this Schedule—

“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

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of passengers falling within classifications M₂(a) and M₂(b); and motor vehicles with at least four wheels used for the carriage of goods, falling within classifications N₁(b), N₂(a) and N₂(b).

“class 4 vehicle”

means motor vehicles with at least four wheels, used for the carriage of passengers falling within classifications M₃(a) and M₃(b); and motor vehicles with at least four wheels used for the carriage of goods, falling within classifications N₃(a) and N₃(b).

Reference to “classifications” in this Part are references to the classes of motor vehicles contained or referred to in Parts 2 to 5 of the Schedule to the Road User Charging and Work Place Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001(4).

PART 3

FORM OF NOTICE
THE RIVER MERSEY (MERSEY GATEWAY BRIDGE) ORDER 2011
 (“THE ORDER”)
NOTICE OF PROPOSED REVISION OF
 [TOLL RANGES]
 [VEHICLE CLASSIFICATIONS]

The undertaker pursuant to the Order proposes to revise the [toll ranges/vehicle classifications] applicable to the Mersey Gateway Bridge in accordance with the terms of Schedule 11 to the Order. The revisions proposed are [insert a brief statement of the general nature and effect of the revisions]. Any objections to, or other representations about, the proposals should be sent to [name], [address] on or before [expiry date for objections being not less than 42 days after the date of the notice]. An objection or representation MUST (i) be received by the undertaker [details] on or before [expiry date for objections], (ii) be made in writing which may include email, (iii) state the grounds of the objection or representation, (iv) indicate who is making the objection or representation, and (v) give a postal address to which correspondence relating to the objection may be sent. (If you are sending your objection or other representation by email, please provide a postal address.)

Signed:

*On behalf of:

Date:

Name and status of signatory:

*Delete or amend as appropriate

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PART 4
FORM OF NOTICE
THE RIVER MERSEY (MERSEY GATEWAY BRIDGE) ORDER 2011
(“THE ORDER”)
NOTICE OF INQUIRY INTO PROPOSED REVISION OF
[TOLL RANGES]
[VEHICLE CLASSIFICATIONS]

The undertaker intends to hold a local inquiry into its proposals to revise the [toll ranges/vehicle classifications] applicable to the Mersey Gateway Bridge in accordance with the terms of Schedule 11 to the Order. The revisions proposed are:

[Insert a brief outline of the general nature and effect of the revisions].

The local inquiry will open on [date] at [location].

For the period from the date of this notice until the close of the inquiry details of the revisions proposed, copies of existing provisions and a statement setting out the reasons for the revisions will be available at [location] during normal office hours.

Signed:

*On behalf of:

Date:

Name and status of signatory:

*Delete or amend as appropriate

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PART 5

FORM OF NOTICE
THE RIVER MERSEY (MERSEY GATEWAY BRIDGE) ORDER 2011
NOTICE OF REVISION OF
[TOLLS]
[TOLL RANGES]
[VEHICLE CLASSIFICATIONS]

The [tolls/toll ranges/vehicle classifications] applicable to the Mersey Gateway Bridge shall be: [state revised tolls/toll ranges/vehicle classifications].

The revisions set out above shall take effect [on a date not less than 28 days after the date of the notice].

Signed:

*On behalf of:

Date:

Name and status of signatory:

*Delete or amend as appropriate