

SCHEDULES

SCHEDULE 6

THE TOLL PERIOD

PART II

THE PERIOD ALLOWED FOR THE LEVY OF TOLLS BY THE SECRETARY OF STATE

The original maximum toll period

- 5 Subject to the following provisions of this Part of this Schedule, where section 11(6) of this Act applies the period during which the Secretary of State may levy tolls is—
- (a) where the appointment of the person appointed under that section to levy tolls comes to an end after the transfer date, the period beginning immediately after the termination of his appointment and ending at the end of the period of twenty years beginning with the transfer date; or
 - (b) in any other case, that period of twenty years;
- and the period applicable in accordance with this paragraph is referred to below in this Part of this Schedule as the original maximum toll period.

Relevant receipts and assumed interest receipts

- 6 (1) In this Part and in Part III of this Schedule the expressions mentioned below in this paragraph have the meanings there given.
- (2) “Relevant receipts” means—
- (a) any assets transferred to the Secretary of State by virtue of section 14 (2) (b) of this Act on termination of the appointment of the person appointed under section 11 of this Act to levy tolls;
 - (b) any other sums received by the Secretary of State in consequence of or in connection with the termination of the contract under which that person was appointed or in pursuance of any right transferred to him by virtue of section 14 of this Act on termination of that person’s appointment;
 - (c) tolls collected by or on behalf of the Secretary of State; and
 - (d) any other sums received by the Secretary of State in connection with the exercise (whether by him or by a person appointed to collect tolls on his behalf) of—
 - (i) any functions of the Secretary of State under this Act; or
 - (ii) any functions of the Secretary of State under any other enactment with respect to the maintenance or improvement of, or other dealing with, any trunk road or other land comprised in the crossing.
- (3) “Assumed interest receipts” means interest on any surplus which may arise during any period in revenue from relevant receipts and amounts treated as received by way

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of interest on such revenue, as compared with the amounts which would be required during that period for the purposes mentioned in Part III of this Schedule if that revenue and any amounts treated as so received were applied for those purposes.

Extension of the original maximum toll period

- 7 (1) If at any time during the original maximum toll period it appears to the Secretary of State that the aggregate of relevant receipts and assumed interest receipts before the end of that period is likely to fall short of the aggregate of the amounts required during that period for the purposes so mentioned, he may by order direct that that period shall be extended by five years.
- (2) The power to make an order under this paragraph is exercisable on one occasion only.
- (3) No order shall be made under this paragraph unless a draft of the order has been laid before, and approved by a resolution of, the Commons House of Parliament.
- (4) References in this Part and in Part III of this Schedule to the relevant period are references to the original maximum toll period or, if that period has been extended under this paragraph, to that period as so extended.

Early termination of the relevant period

- 8 (1) Subject to sub-paragraph (2) below, if as respects any date before the end of the relevant period it appears to the Secretary of State that the aggregate of relevant receipts and assumed interest receipts up to that date is equal to or greater than the aggregate of the amounts required before that date for the purposes mentioned in Part III of this Schedule, the period during which he may levy tolls shall end on that date.
- (2) Where—
- (a) that date falls before the end of the original maximum toll period; and
 - (b) the Secretary of State considers it expedient that he should continue to levy tolls for an additional period determined by him in accordance with sub-paragraph (3) below;
- the period during which he may levy tolls shall continue until the end of that additional period.
- (3) The additional period shall be such period of not more than twelve months, ending not later than the end of the original maximum toll period, as the Secretary of State may consider appropriate for the purpose of making provision out of revenue produced by the tolls during the additional period for meeting expenses properly chargeable to revenue account which are likely to be incurred in, or in connection with, the maintenance of the crossing after the end of the additional period.

References to interest

- 9 (1) Any reference in paragraph 6(3) above or Part III of this Schedule to interest is a reference to interest at such rate as may be determined to be appropriate in accordance with any directions given by the Treasury.
- (2) Different rates may be so determined in relation to—
- (a) different times;
 - (b) different descriptions of revenue from relevant receipts; and

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- (c) different paragraphs of Part III of this Schedule, and different expenses referred to in any of those paragraphs.

Assumptions as to application of relevant receipts and assumed interest receipts

- 10 (1) For the purpose of determining any question arising under paragraph 7 or 8 above as to the amounts of relevant receipts and assumed interest receipts or the amounts from time to time required for the purposes mentioned in Part III of this Schedule, such assumptions shall be followed by the Secretary of State as to—
 - (a) the manner in which those receipts would from time to time be applied, if they were in fact applied for those purposes;
 - (b) the times at which payments would be made in respect of expenses and interest referred to in any paragraph of that Part of this Schedule, if such payments were in fact made; and
 - (c) the amounts of such payments;as the Treasury may direct.
- (2) A direction given for the purposes of this paragraph may require different assumptions to be followed in relation to different times and in relation to, or to interest on, different expenses referred to in any paragraphs of that Part of this Schedule.