

2001 No. 2303

HIGHWAYS, ENGLAND

**The Trunk Road Charging Schemes (Bridges and Tunnels)
(England) Procedure Regulations 2001**

<i>Made</i> - - - - -	<i>25th June 2001</i>
<i>Laid before Parliament</i>	<i>27th June 2001</i>
<i>Coming into force</i> - -	<i>20th July 2001</i>

The Secretary of State for Transport, Local Government and the Regions, in exercise of his powers under section 168(3) of the Transport Act 2000^(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Trunk Road Charging Schemes (Bridges and Tunnels) (England) Procedure Regulations 2001 and shall come into force on 20th July 2001.

Interpretation

2. In these Regulations—

“the Act” means the Transport Act 2000;

“local authority” means a county council, the council of a district or London borough, the Common Council of the City of London or Transport for London;

“order” means an order to which these Regulations apply;

“published”, where a notice must be published in more than one publication, means the last occasion on which the notice is published and references to the date of publication are to be construed accordingly;

“relevant area” means the area of any local authority in which the road to which the order applies is situated;

“retail prices index” means the monthly United Kingdom Index of Retail Prices (for all items) published by the Office for National Statistics;

“written” and “in writing” include electronic communications within the meaning of the Electronic Communications Act 2000^(b) which are capable of being converted by the recipient into a communication in writing.

Application of Regulations

3. These Regulations apply to orders making, varying or revoking trunk road charging schemes under section 167(1)(a) and (2)(a) of the Act and relating only to England.

^(a) 2000 c. 38; see the definition of “the appropriate national authority” in section 198(1).

^(b) 2000 c. 7; section 15(1) contains a definition of electronic communication.

Consultation

4. Before making an order the Secretary of State shall consult:

- (a) the chief constable of every police force for every area any part of which is in the relevant area;
- (b) the chief officer of the fire brigade for every area any part of which is in the relevant area;
- (c) every body providing ambulance services under the National Health Service Act 1977(a) for every area any part of which is in the relevant area;
- (d) every local authority which in the opinion of the Secretary of State is likely to be affected by the order;
- (e) a Regional Development Agency whose region contains any of the relevant area; and
- (f) the Disabled Persons Transport Advisory Committee.

Publication of proposals

5.—(1) Before making an order the Secretary of State shall publish in at least one local newspaper circulating in the relevant area and in the London Gazette a notice specifying at least one place in the relevant area where the documents mentioned in paragraph (3) below may be inspected by any person free of charge and details of the times at which they can be inspected during the period mentioned in paragraph (3).

(2) A notice under paragraph (1) above shall include:

- (a) the title of the draft order;
- (b) the date on which it is proposed that the order shall come into force and its proposed duration;
- (c) a statement of the general nature and effect of the order;
- (d) the name of the road to which the order relates, whether it is carried by a bridge or through a tunnel, and identification of the relevant area;
- (e) a description of the road in relation to which charges are to be imposed under the order and the approximate length of the road;
- (f) the date by and the address (including an electronic mail address) to which objections and representations shall be made; and
- (g) a statement that any such objections or representations must be in writing and specify the grounds on which they are based.

(3) Copies of the following documents shall be available for inspection pursuant to paragraph (1) above at all reasonable hours until the date specified pursuant to paragraph (2)(f) (which must be not less than 84 days after the date of publication of the notice of the draft order):

- (a) the notice under paragraph (1);
- (b) the draft order;
- (c) a map or plan of the location to which the order relates;
- (d) a statement setting out the Secretary of State's reasons for proposing the order; and
- (e) where the draft order varies an order, that order.

Objections and representations

6. Any person wishing to object to or to make representations about a draft order shall send a written statement of the objection or representations specifying the grounds on which they are based to the Secretary of State at the address stated in the notice published under regulation 5 not later than the date specified pursuant to regulation 5(2)(f) (which must be not less than 84 days after the date of publication of that notice).

(a) 1977 c. 49.

Consideration of objections and representations

7. Before making an order the Secretary of State shall consider any objections or representations duly made in accordance with regulation 6 above, any objections or representations made by those consulted under regulation 4 above and, if a public inquiry has been held pursuant to section 170(2) of the Act, the report and recommendations of the person who held the inquiry.

Making the order and modifications

8.—(1) The Secretary of State may make the order either without modification or subject to such modifications as he thinks fit.

(2) Where the Secretary of State proposes to make an order with modifications which appear to him to show a substantial change from the draft order made available under regulation 5(3), he shall before making the order take such steps as appear to him to be appropriate for:

- (a) informing the persons likely to be affected by the modifications, and
- (b) giving to those persons an opportunity to make representations in connection with the modifications,

and he shall consider any such representations which are made to him.

(3) The Secretary of State shall not in any event make an order before the expiration of the period of 84 days mentioned in regulation 6 above.

Commencement date of order

9. An order shall not be made so as to come into force before the notices required by regulation 10(2) have been published.

Notice of the making of the order

10.—(1) When an order has been made the Secretary of State shall give notice in writing of the making of the order to—

- (a) those persons he has consulted pursuant to regulation 4 above,
- (b) all persons who have made objections or representations pursuant to regulation 6 above, and
- (c) any other persons who have been consulted by the Secretary of State about the draft order.

(2) The Secretary of State shall after making an order publish a notice that he has made it in at least one local newspaper circulating in the relevant area and in the London Gazette specifying at least one place in the relevant area where the documents mentioned in paragraph (4) below may be inspected by any person free of charge and details of the times at which they can be inspected during the period mentioned in paragraph (4).

(3) The notice under paragraph (2) above shall include:

- (a) the title of the order;
- (b) the date on which the order comes into force and its duration;
- (c) a statement of the general nature and effect of the order;
- (d) the name of the road to which the order relates, whether it is carried by a bridge or passes through a tunnel, and identification of the relevant area; and
- (e) a description of the road in relation to which charges are to be imposed under the order and the approximate length of the road.

(4) Copies of the following documents shall be available for inspection pursuant to paragraph (2) above at all reasonable hours for a period of not less than 42 days after the date of publication of the notice of the making of the order:

- (a) the notice under paragraph (2);
- (b) the order;
- (c) a map or plan of the location to which the order relates;
- (d) a statement setting out the Secretary of State's reasons for making the order;
- (e) where the order varies an order, that order;

- (f) the Secretary of State's response to the objections, representations and consultation; and
- (g) where a public inquiry has been held, of the report of the person who held the inquiry.

Variation of an Order

11.—(1) The procedure set out in the preceding provisions of these Regulations applies equally to any order varying an order ("a variation order") except where paragraph (2) or paragraphs (3) to (11) below apply.

(2) Where the variation order is to have the sole effect of varying charges in accordance with changes in the retail price index the Secretary of State shall give not less than 7 days notice of his intention to implement the variation by publishing a notice thereof in at least one local newspaper circulating in the relevant area and in the London Gazette.

(3) Where he considers the proposed variation of an order to be a minor one (except where paragraph (2) applies) the Secretary of State shall:

- (a) give notice of the proposed variation to those persons mentioned in regulation 4 above;
 - (b) publish in at least one local newspaper circulating in the relevant area and in the London Gazette, a notice specifying at least one place in the relevant area where the documents mentioned in paragraph (5) below may be inspected by any person free of charge and details of the times at which they can be inspected during the period mentioned in paragraph (5).
- (4) A notice under sub-paragraph (3)(b) above shall include:
- (a) the title of the draft variation order;
 - (b) the date on which it is proposed that the variation order shall come into force;
 - (c) a statement of the general nature and effect of the variation order;
 - (d) the name of the road to which the variation order relates;
 - (e) the date by, and the address (including an electronic mail address) to which, objections and representations shall be made; and
 - (f) a statement that any such objections or representations must be in writing and specify the grounds on which they are made.

(5) Copies of the following documents shall be available for inspection pursuant to paragraph (3)(b) above at all reasonable hours until the date specified pursuant to paragraph (4)(e) (which must be not less than 42 days after the date of publication of the notice of the draft order):

- (a) the order proposed to be varied;
- (b) the draft variation order; and
- (c) a statement setting out the Secretary of State's reasons for proposing the variation order.

(6) The Secretary of State shall allow a period of not less than 42 days for the making of written objections to or representations (specifying the grounds on which they are based) on the proposed variation order.

(7) The Secretary of State must consider any objections and representations and, if he decides to make the variation order, make it with or without modifications after notifying his decision in writing to the persons mentioned in regulation 4 above and to those who have made written objections or representations.

(8) The Secretary of State shall publish a notice that he has made it in at least one newspaper circulating in the relevant area and in the London Gazette specifying at least one place in the relevant area where the documents mentioned in paragraph (10) below may be inspected by a person free of charge and details of the times at which they can be inspected during the period mentioned in paragraph (10).

- (9) A notice under paragraph (8) shall include:
- (a) the title of the variation order;
 - (b) the date on which it comes into force and its duration;
 - (c) a statement of the general nature and effect of the variation order; and

(d) a description of the road in relation to which charges are to be imposed under the variation order and the approximate length of the road.

(10) Copies of the order that has been varied and the variation order shall be available for inspection pursuant to paragraph (8) above at all reasonable hours for a period of not less than 21 days after publication of the notice of the making of the variation order.

(11) A variation order shall not be made so as to come into force before the notices required by paragraph (8) above have been published.

Revocation of an Order

12.—(1) Before revoking an order, the Secretary of State shall give not less than 7 days notice of his intention to do so by publishing a notice thereof in at least one local newspaper circulating in the relevant area and in the London Gazette.

(2) Not later than the date of the publication of a notice under paragraph (1) above the Secretary of State shall send a copy of the notice to the persons mentioned in regulation 4.

(3) A notice under this regulation shall state the title of the order that is to be revoked, the date of publication of the notice of making the order, the date on which it came into force and the general nature and effect of the order.

(4) A revocation order shall not come into force until after the expiry of 7 days from the date of publication of the notice under paragraph (1) above.

Signed by the authority of the Secretary of State for
Transport, Local Government and the Regions.

David Jamieson

Parliamentary Under-Secretary of State,

Department of Transport, Local Government and the Regions

25th June 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the procedures for the making, variation and revocation of orders under section 168(3) of the Transport Act 2000 for trunk road charging schemes under that Act in respect of roads carried by a bridge or passing through a tunnel of at least 600 metres in length.

The Disabled Persons Transport Advisory Committee (“DPTAC”) was established under section 125 of the Transport Act 1985^(a) to advise the Secretary of State in connection with the needs of disabled people in relation to public passenger transport. Further information about DPTAC, its working groups and publications can be obtained from:

DPTAC Secretariat, Zone 1/14, Great Minster House, 76 Marsham Street, London SW1P 4DR.

Tel: 020 7944 8011/8013.

Fax: 020 7944 6998.

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^(a) 1985 c.67.

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