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STATUTORY INSTRUMENTS

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**2013 No. 2249**

**HIGHWAYS, ENGLAND**

**The A282 Trunk Road (Dartford-Thurrock  
Crossing Charging Scheme) Order 2013**

*Made* - - - - *5th September 2013*

*Coming into force* - - *1st October 2013*

The Secretary of State for Transport makes the following Order in exercise of the powers conferred by sections 163(3)(d), 167(1)(a) and (2)(a), 168(1), 171(1) and 172(2) of the Transport Act 2000<sup>(1)</sup> and by regulations 4, 5, 22, 23, 24, 25 and 27 of the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013<sup>(2)</sup>.

Appropriate persons have been consulted in accordance with section 170(1C) of the Transport Act 2000 and regulation 4 of the Trunk Road Charging Schemes (Bridges and Tunnels) (England) Procedure Regulations 2001<sup>(3)</sup>.

**PART 1**

**PRELIMINARY**

**Citation, commencement and period in force**

1.—(1) This Order may be cited as the A282 Trunk Road (Dartford-Thurrock Crossing Charging Scheme) Order 2013 and comes into force on 1st October 2013.

(2) This Order ceases to have effect at the end of the period of seven years from 1st October 2013.

**Interpretation**

2.—(1) In this Order—

“crossing” means the length of road set out in Schedule 1 and as indicated on the plan;

“custodian” means a person authorised in writing by the Secretary of State to perform the functions of a custodian described in Part 6 of the Enforcement Regulations;

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(1) 2000. c. 38. There are amendments to sections 167, 168, 171 and 172 which are not relevant to this Order. Section 198(1) contains the definition of “motor vehicle”.

(2) S.I. 2013/1783.

(3) S.I. 2001/2303, amended by S.I. 2004/3168.

“Enforcement Regulations” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013(4);

“first charging regime” means the charging regime set out in columns 1, 2 and 3 of Schedule 2;

“free-flow charging” means the collection of charges other than through causing vehicles to stop and pay at fixed barriers at the crossing;

“local resident” means a person who permanently resides in the borough of Dartford or Thurrock;

“plan” means the plan marked “The A282 Trunk Road (Dartford-Thurrock Crossing Charging Scheme) Order 2013 Plan”, signed by authority of the Secretary of State for Transport and deposited at DfT Records Management Branch, Room F13, Ashdown House, Hastings, East Sussex TN37 7GA;

“postal address” means The Highways Agency, Federated House, Dorking, Surrey RH4 1SZ;

“second charging regime” means the charging regime set out in columns 1, 2 and 4 of Schedule 2; and

“website” means the website operated by or on behalf of the Secretary of State containing information about the operation of the Dartford-Thurrock Crossing charging scheme(5).

(2) All measurements of distance are measured along the route of the crossing.

## PART 2

### DESIGNATION OF THE CROSSING AND CHARGES

#### Designation of the crossing

3. The crossing is the road designated by this charging scheme in respect of which charges are imposed by the first or second charging regime as the case may be.

#### Charging regimes

4.—(1) From 1st October 2013 until free-flow charging commences motor vehicles used or kept on the crossing are subject to the first charging regime.

(2) From the commencement of free-flow charging motor vehicles used or kept on the crossing are subject to the second charging regime.

(3) Reference to the class of a motor vehicle in column 2 of Schedule 2 is to the class determined by reference to regulation 2 of, and the Schedule to, the Road User Charging and Workplace Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001(6).

(4) For the purposes of this Order the classes of motor vehicles in column 2 of Schedule 2 include such vehicles when drawing a trailer.

(5) There is no charge under the first charging regime or the second charging regime for any motor vehicle used or kept on the crossing after 2200 hours up to, but not including, 0600 hours the following morning.

(6) Those motor vehicles described in Schedule 3 of this Order are exempt from a charge under the first charging regime or the second charging regime.

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(4) S.I. 2013/1783.

(5) The website is at <http://www.highways.gov.uk/>

(6) S.I. 2001/2793.

### **Imposition and payment of charges**

5.—(1) The use or keeping of a motor vehicle on the crossing causes a charge to be imposed under the first charging regime or the second charging regime as the case may be.

(2) The charge imposed by the first charging regime is determined with reference to column 3 of Schedule 2.

(3) The charge imposed by the second charging regime is determined with reference to column 4 of Schedule 2.

(4) The charge imposed by the first charging regime or the second charging regime (as the case may be) must be paid by such methods or means as may be specified by or on behalf of the Secretary of State on the website or in a document available on application from the postal address.

(5) To enable the collection of charges by a particular method or means of payment the Secretary of State (or a person on the Secretary of State’s behalf) may specify on the website or in a document available on application from the postal address—

- (a) documents required to be displayed by; or
- (b) equipment required to be carried on board,

any motor vehicle in respect of which the charge is to be paid using that method or means of payment.

### **Advance payments**

6.—(1) Subject to paragraph (3), the Secretary of State may enter into an agreement with persons (an “advance payment agreement”) under which, on such terms as may be provided by the agreement, charges for a motor vehicle to be used or kept on the crossing may be paid in advance.

(2) An advance payment agreement may relate to such use or keeping on such number of occasions, or during such period, as may be provided by it, and may provide for a reduction in the charges set out in the applicable charging regime.

(3) An advance payment agreement offered by the Secretary of State must be offered on the same terms to all persons seeking to enter into such an agreement.

### **Advance payments for local residents**

7.—(1) Subject to paragraph (3), the Secretary of State may enter into an agreement with a local resident (a “local resident’s agreement”) under which, on such terms as may be provided by the agreement, charges for a motor vehicle to be used or kept on the crossing may be paid in advance.

(2) A local resident’s agreement may relate to such use or keeping on such number of occasions, or during such period, as may be provided by it, and may provide for a reduction in the charges set out in the applicable charging regime.

(3) A local resident’s agreement offered by the Secretary of State must be offered on the same terms to all local residents seeking to enter into such an agreement.

## **PART 3**

### **PENALTY CHARGES**

#### **Penalty charge for non-payment of charge under the second charging regime**

8.—(1) A penalty charge of the amount shown in Part 1 of Schedule 4 is payable in respect of a motor vehicle upon which a charge under the second charging regime has been imposed and where

such charge has not been paid in full before midnight on the day immediately following the day on which that charge was imposed.

- (2) A penalty charge payable under paragraph (1) is—
- (a) payable in addition to the charge imposed by the second charging regime;
  - (b) to be paid in full within the period of 28 days beginning with the date on which a penalty charge notice relating to the charge that has not been paid in full is served;
  - (c) reduced by one half provided it is paid in full prior to the end of the fourteenth day of the period referred to in paragraph (2);
  - (d) increased by one half if not paid in full before a charge certificate to which it relates is served by the Secretary of State (as the charging authority) in accordance with regulation 17 of the Enforcement Regulations.

#### **Additional penalty charges where powers exercised in respect of vehicles**

**9.**—(1) An additional penalty charge of the amount shown in Part 2 of Schedule 4 will be payable under the second charging regime for the—

- (a) release of a motor vehicle immobilised in accordance with article 14;
- (b) return of a motor vehicle removed in accordance with article 15(1);
- (c) storage of a motor vehicle removed in accordance with article 15(1); and
- (d) disposal of a motor vehicle (in the event that the motor vehicle has been disposed of) in accordance with article 15(2).

(2) Any penalty charge payable under paragraph (1) is payable in addition to the penalty charge imposed by article 8(1).

## **PART 4**

### **POWERS IN RESPECT OF MOTOR VEHICLES**

#### **Exercise of powers and authorised persons**

**10.**—(1) The Secretary of State may authorise in writing a person to exercise any one or more of the powers in articles 11 to 15.

(2) Any person authorised by the Secretary of State in accordance with paragraph (1) is an authorised person within the meaning of regulation 21 of the Enforcement Regulations.

#### **Examination of motor vehicles**

**11.** An authorised person may examine a motor vehicle whilst it is on a road to ascertain if any of the circumstances described in regulation 22 of the Enforcement Regulations exists.

#### **Entering motor vehicles**

**12.** An authorised person may enter a motor vehicle whilst it is on a road where the authorised person has reasonable grounds for suspecting that any of the circumstances described in regulation 23(1) of the Enforcement Regulations exists.

## **Seizure**

**13.** An authorised person may seize anything (if necessary by detaching it from a motor vehicle) as provided for in regulation 24 of the Enforcement Regulations.

## **Immobilisation of motor vehicles**

**14.** Provided—

- (a) none of the circumstances in paragraph (2) of regulation 25 of the Enforcement Regulations apply; and
- (b) the conditions in paragraph (3) of that regulation do apply,

an authorised person may immobilise a motor vehicle in accordance with paragraphs (4) and (5) of that regulation.

## **Removal, storage and disposal of motor vehicles**

**15.—**(1) Provided regulation 27(1)(a) or (b) of the Enforcement Regulations is satisfied, an authorised person may remove a motor vehicle and deliver it to a custodian for storage.

(2) The custodian may dispose of the vehicle and its contents in the circumstances described in regulation 28 of the Enforcement Regulations.

# **PART 5**

## **REVIEW AND REVOCATION**

### **Review**

**16.—**(1) Before the end of the review period, the Secretary of State must—

- (a) carry out a review of this Order,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by this Order,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) “review period” means the period of five years from 1st October 2013.

### **Revocation**

**17.** The A282 Trunk Road (Dartford-Thurrock Crossing Charging Scheme) Order 2012(7) is revoked.

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Signed by authority of the Secretary of State for Transport

5th September 2013

*Fiona C Wilson*  
Divisional Manager Strategic Roads Division  
Department for Transport

SCHEDULE 1

Article 2(1)

ROAD IN RESPECT OF WHICH CHARGES ARE IMPOSED

The road is a length of the A282 trunk road starting at a point below the north face of the bridge carrying Crossways Boulevard University Way (A206) over the trunk road at junction 1A at Dartford, in the County of Kent, and extending northwards to a point approximately 300 metres north of where it crosses London Road at West Thurrock, in the County of Essex and is labelled A on the plan and carried through twin tunnels beneath the River Thames and on the Queen Elizabeth II bridge over the River Thames.

SCHEDULE 2

Articles 2(1) and 5(2) and (3)

CHARGES PAYABLE UNDER THE FIRST CHARGING REGIME AND THE SECOND CHARGING REGIME

Column 1 - Item	Column 2 - Class of Motor Vehicle and Description	Column 3 - Charge for each motor vehicle each time it is used or kept on the crossing whilst the First Charging Regime is in force	Column 4 - Charge for each motor vehicle each time it is used or kept on the crossing whilst the Second Charging Regime is in force
A	Classes—  A(a) – mopeds;  B(a) – motorcycles;  C(a) – motor tricycles;  D(a) – light quadricycles; and  E(a) - quadricycles.	Free	Free
B	Classes—  L(a) – motor caravans; and  M1(a) – a motor vehicle with or without a semi-trailer which has at least four wheels, has an unladen mass exceeding 400 kilogrammes or an engine with net power exceeding 15 kilowatts, is used for the carriage of passengers, is not a motor caravan and which comprises no more than eight seats in addition to the driver’s seat.	£2.00	£2.50
C	Classes—	£2.50	£3.00

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Column 1 - Item	Column 2 - Class of Motor Vehicle and Description	Column 3 - Charge for each motor vehicle each time it is used or kept on the crossing whilst the First Charging Regime is in force	Column 4 - Charge for each motor vehicle each time it is used or kept on the crossing whilst the Second Charging Regime is in force
	<p>NAB(1)(a) – a motor vehicle with or without a semi-trailer which has at least four wheels, has an unladen mass exceeding 550 kilogrammes or an engine with power exceeding 15 kilowatts, is used for the carriage of goods and which has two axles; and</p>		
	<p>MAB(1)(a) - a motor vehicle with or without a semi-trailer which has at least four wheels, has an unladen mass exceeding 400 kilogrammes or an engine with net power exceeding 15 kilowatts, is used for the carriage of passengers, is not a motor caravan and which comprises more than eight seats in addition to the driver’s seat and has two axles.</p>		
D	Classes—	£5.00	£6.00
	<p>NAB(2)(a) - a motor vehicle with or without a semi-trailer which has at least four wheels, has an unladen mass exceeding 550 kilogrammes or an engine with power exceeding 15 kilowatts, is used for the carriage of goods and which has three axles;</p>		
	<p>NAB(3)(a) - a motor vehicle with or without a semi-trailer which has at least four wheels, has an unladen mass exceeding 550 kilogrammes or an engine with power exceeding 15 kilowatts, is used for the carriage of goods and which has more than three axles;</p>		
	<p>MAB(2)(a) - a motor vehicle with or without a semi-trailer which has at least four wheels, has an unladen mass exceeding 400 kilogrammes or an engine with net power exceeding 15 kilowatts, is used for the carriage of passengers, is not a motor caravan and which comprises more</p>		



Column 1 - Item	Column 2 - Class of Motor Vehicle and Description	Column 3 - Charge for each motor vehicle each time it is used or kept on the crossing whilst the First Charging Regime is in force	Column 4 - Charge for each motor vehicle each time it is used or kept on the crossing whilst the Second Charging Regime is in force
	<p>than eight seats in addition to the driver's seat and has three axles; and</p> <p>MAB(3)(a) - a motor vehicle with or without a semi-trailer which has at least four wheels, has an unladen mass exceeding 400 kilogrammes or an engine with net power exceeding 15 kilowatts, is used for the carriage of passengers, is not a motor caravan and which comprises more than eight seats in addition to the driver's seat and has more than three axles.</p>		

### SCHEDULE 3

Article 4(6)

#### DESCRIPTIONS OF MOTOR VEHICLES EXEMPT FROM THE FIRST AND SECOND CHARGING REGIMES

**1.** The following descriptions of motor vehicles are exempt from the first and second charging regimes—

- (1) a vehicle which is—
  - (a) being used in the execution of duty; and
  - (b) exempt from vehicle excise duty under—
    - (i) paragraph 3A (police vehicles);
    - (ii) paragraph 4 (fire engines);
    - (iii) paragraph 5 (fire and rescue authority vehicles);
    - (iv) paragraph 6 (ambulances); or
    - (v) paragraph 7 (vehicles being used or kept on a road by a health service body, a National Health Service trust, an NHS foundation trust, a Local Health Board or the Care Quality Commission),

of Schedule 2 to the Vehicle Excise and Registration Act 1994<sup>(8)</sup>.
- (2) a vehicle which is exempt from vehicle excise duty under—
  - (a) paragraph 18 or 19 (vehicles for use by or for purposes of certain disabled people); or
  - (b) paragraph 20 (vehicles used for carriage of disabled people by recognised bodies),

of Schedule 2 to the Vehicle Excise and Registration Act 1994.

<sup>(8)</sup> 1994 c.22

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(3) a military vehicle that is, a vehicle used for army, naval or air force purposes, while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown;

(4) a military vehicle of a visiting force that is, a vehicle used for army, naval or air force purposes, whilst being driven by a person who is part of any unit, contingent or detachment of a visiting force of a country, being present in the United Kingdom on the invitation of Her Majesty's Government in the United Kingdom;

(5) an omnibus being used for a local service as defined by section 2 of the Transport Act 1985<sup>(9)</sup>;

(6) a vehicle being used in connection with—

(a) the collection of charges; or

(b) the inspection, safety, maintenance, improvement or renewal of or other dealing with the length of road described in Schedule 1 or any structure, works or apparatus in, on, under or over that length of road; and

(7) a vehicle used by or escorted by the Vehicle and Operator Service Agency in the execution of duty.

#### SCHEDULE 4

Articles 8(1) and 9(1)

#### PENALTY CHARGE RATES

##### Part 1

Penalty charge payable under article 8(1)	£70
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##### Part 2

Penalty charge payable under article 9(1)(a)	£70
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Penalty charge payable under article 9(1)(b)	£200
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Penalty charge payable under article 9(1)(c)	£40 per day or part of day that the motor vehicle is stored
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Penalty charge payable under article 9(1)(d)	£70
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#### EXPLANATORY NOTE

*(This note is not part of the Order)*

Sections 163(3)(d), 167(1)(a) and (2)(a) of the Transport Act 2000 authorise the Secretary of State to make a trunk road charging scheme in respect of roads for which he is the traffic authority and

<sup>(9)</sup> 1985 c. 67.

which are carried by a bridge or tunnel at least 600 meters in length. The length of road described in Schedule 1 is such a road and charges are currently levied in respect of it under the A282 Trunk Road (Dartford - Thurrock Crossing Charging Scheme) Order 2012 (SI 2012/2387).

This Order revokes the 2012 Order. It maintains the existing charges at the Crossing until free-flow charging commences, when revised charges and procedures will take effect. Free-flow charging means the collection of charges without requiring vehicles to stop and pay at the fixed barriers at the crossing.

Part 1 (articles 1 and 2) deals with preliminary matters. Article 1 provides that the Order ceases to have effect seven years after it comes into force. Article 2 contains interpretation provisions including definitions of the “first charging regime” and the “second charging regime”. It also refers to the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (SI 2013/1783) (the “Enforcement Regulations”) which make provision for or in connection with the imposition and payment of charging scheme penalty charges.

Part 2 (articles 3 to 7) deals with the designation of the crossing and the charges payable under the two charging regimes. Article 3 designates the crossing (as described in Schedule 1 and indicated on the plan) as the road in respect of which charges are imposed. Articles 4(1) and (2) explain that the first charging regime comes into effect immediately and lasts until free-flow charging commences and that the second charging regime commences simultaneously with the introduction of free-flow charging. Article 4(3) specifies the classes of motor vehicle in respect of which charges are imposed with reference to the Road User Charging and Workplace Parking Levy (Classes of Motor Vehicles) (England) Regulations 2001 (SI 2001/2793) and article 4(4) says that these classifications include vehicles that are drawing trailers. Article 4(5) provides that there will be no charge for a motor vehicle used or kept on the crossing after 2200 hours up to, but not including, 0600 hours the following day. Article 4(6) exempts the vehicles described in Schedule 3 from the charge under either charging regime.

Article 5(1) describes the event by reference to the happening of which a charge is imposed, namely a motor vehicle being used or kept on the crossing. Articles 5(2) and (3) explain that the charges payable under the first charging regime are as set out in column 3 of Schedule 2 and those payable under the second charging regime are as set out in column 4 of Schedule 2. Articles 5(4) and (5) allow the Secretary of State to specify the method or means by which the charge is to be paid, including any equipment that may be provided for carrying on board vehicles using the crossing.

Articles 6 and 7 continue the existing provisions enabling the payment in advance of charges, both generally, and specifically by residents local to the crossing. Agreements for payment in advance may provide for the payment of charges at a reduced rate.

Part 3 (articles 8 and 9) deals with the civil enforcement of unpaid charges under the second charging regime through the imposition of penalty charges. Article 8(1) imposes a penalty charge of the amount shown in Part 1 of Schedule 4 where the charge for using the crossing is not paid in full by midnight on the day after it is imposed. Article 8(2)(a) explains that the penalty charge is payable in addition to the charge imposed under the second charging regime. Articles 8(2)(b)-(d) explain that the penalty charge is payable within 28 days of the penalty charge notice relating to it being served, that the amount of the charge is reduced by half if paid within 14 days or is increased by half if not paid before a charge certificate is served in accordance with regulation 17 of the Enforcement Regulations.

Article 9(1) imposes additional penalty charges of the amounts shown in Part 2 of Schedule 4 where the powers in respect of vehicles described in articles 14 and 15 are exercised.

Part 4 (articles 10 to 15) contain powers that can be exercised in respect of motor vehicles. These powers are to examine vehicles (article 11), enter vehicles (article 12), seize items (article 13), immobilise vehicles (article 14) and remove, store and dispose of vehicles (article 15). The exercise of those powers must be in accordance with the Enforcement Regulations. In particular the power to immobilise a vehicle or remove a vehicle that has not been immobilised can only be exercised

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where none of the circumstances in regulation 25(2) of the Enforcement Regulations apply and the conditions in paragraph 25(3) of those regulations do apply.

Part 5 (articles 16 and 17) deals with review and revocation. Article 16 explains that the Order will be reviewed by the Secretary of State within five years of it coming into force. Article 17 revokes the previous 2012 charging scheme Order (SI 2012/2387) applying to the crossing.

An impact assessment of the effect that this instrument will have on business and the voluntary sector is available on [www.legislation.gov.uk](http://www.legislation.gov.uk).