

**2024 No. 630**

**TRANSPORT AND WORKS, ENGLAND**

**TRANSPORT, ENGLAND**

**The Rixton and Warburton Bridge Order 2024**

*Made* - - - -

*9th May 2024*

*Coming into force*

*30th May 2024*

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An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006<sup>(a)</sup> for an Order under sections 3(1)(b) and 5 of the Transport and Works Act 1992<sup>(b)</sup> (“the 1992 Act”).

The Secretary of State caused an inquiry to be held for the purposes of the application under section 11 of the 1992 Act<sup>(c)</sup>.

The Manchester Ship Canal Company Limited as applicant has powers to make the application in accordance with section 20 of the 1992 Act.

The Secretary of State, having considered the objections made and not withdrawn and the report of the person who held the inquiry, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change to the proposals.

The Secretary of State is of the opinion that the primary object of this Order cannot be achieved by means of an Order under the Harbours Act 1964<sup>(d)</sup>.

The Secretary of State having considered representations duly made under section 13 of the 1992 Act, has determined to make the Order applied for with modifications.

Notice of the Secretary of State’s determination was published in the London Gazette on 11th October 2023.

The Secretary of State, in exercise of the powers conferred by sections 3 and 5 of, and paragraphs 1, 2, 5, 7, 8, 12, 13, 15 and 17 of Schedule 1 to, the 1992 Act, makes the following Order—

## PART 1 PRELIMINARY

### **Citation and commencement**

**1.** This Order may be cited as the Rixton and Warburton Bridge Order 2024 and comes into force on 30th May 2024.

### **Interpretation**

**2.** In this Order—

“the 1863 Act” means the Rixton and Warburton Bridge Act 1863<sup>(e)</sup>;

“the 1890 Act” means the Manchester Ship Canal (Various Powers) Act 1890<sup>(f)</sup>;

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(a) S.I. 2006/1466, amended by S.I. 2010/439, S.I. 2011/556, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590, S.I. 2013/755, S.I. 2014/469, S.I. 2015/627, S.I. 2017/979, S.I. 2017/1070 and S.I. 2019/311.  
(b) 1992 c. 42. Section 3 was amended by the Planning Act 2008 (c. 29), paragraph 53 of Schedule 2. Section 5 was amended by S.I. 2012/1659.  
(c) There are amendments to section 11 which are not relevant to this Order.  
(d) 1964 c. 40.  
(e) 1863 c. lxiii.  
(f) 1890 c. ccxxvii.

“the 1984 Act” means the Road Traffic Regulation Act 1984(a);

“the 2000 Act” means the Transport Act 2000(b);

“the 2006 Act” means the Companies Act 2006(c);

“Account” means the account containing a person’s details for the purposes of paying a toll or charge for a vehicle, or registering a discount, in respect of the Rixton and Warburton Bridge which is identified by a unique account number;

“address” includes, except in article 15(3), any number or address used for the purposes of electronic transmission;

“authorised activities” means the operation, use and maintenance of the Rixton and Warburton Bridge and the exercise of any power, authority or discretion for the time being vested in or exercisable by MSCC under this Order or otherwise;

“bridge road” means, except in Schedule 6, the length of the highway commencing from the A57 Manchester Road in the north at national grid reference SJ6915390429 to Warburton Bridge Road at national grid reference SJ6980489711 in the south;

“building” includes any structure or erection or any part of a building, structure or erection;

“the Canal” means the Manchester Ship Canal;

“Change of Control” means the obtaining of Control of the Company by any person or group of connected persons who did not previously hold Control of the Company;

“the Company” means Rixton and Warburton Bridge Company Limited (Company No. 13617881) incorporated under the 2006 Act and having its registered office at Maritime Centre, Port of Liverpool, Liverpool L21 1LA;

“completion of the Improvements” means completion of the Improvements so that the same is complete in accordance with the relevant construction contract or contracts;

“concession agreement” means a legally binding arrangement which may be comprised in one or more documents that makes provision for financing, refinancing, operation, maintenance or any other matter in respect of the Rixton and Warburton Bridge;

“Control” has the meaning given in section 1124(2) of the Corporation Tax Act 2010(d);

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form,

and in this definition “electronic communications network” has the same meaning as in section 32(1)(e) (meaning of electronic communications networks and services) of the Communications Act 2003;

“exemptions register” means the register of vehicles exempt from tolls maintained by MSCC in accordance with article 8 (tolls) and Schedule 2 (register of vehicles exempt from tolls);

“harbour master” means the officer appointed by MSCC from time to time to execute the office of harbour master and includes any assistants and subordinates in so far as such assistants and subordinates are duly authorised to act on behalf the harbour master;

“Improvements” means the works specified in Schedule 6 of this Order;

“local highway authorities” means Warrington Borough Council and Trafford Borough Council in their respective roles as highway authorities in respect of the bridge road under the Highways Act 1980(f);

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(a) 1984 c. 27.  
(b) 2000 c. 38.  
(c) 2006 c. 46.  
(d) 2010 c. 4.  
(e) 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.  
(f) 1980 c. 66.

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly;

“Manchester Ship Canal Acts and Orders 1885 to 2012” means those Acts and Orders set out in Schedule 3 (Manchester Ship Canal Acts and Orders);

“MSCC” means The Manchester Ship Canal Company Limited;

“registered keeper”, in relation to a motor vehicle means the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994(a);

“reserve fund” means a fund to be used exclusively for the maintenance and operation of the Rixton and Warburton Bridge;

“Rixton and Warburton Bridge” means the bridge known as the Rixton and Warburton Bridge authorised by the 1863 Act and the 1890 Act together with the bridge road as shown in the plan in Schedule 5 and all toll booths or other toll collection facilities constructed on the said bridge or the bridge road;

“the transfer date” means the day appointed by MSCC by ordinary resolution which must be a day at least 4 weeks after the day on which this Order comes into force;

“the Undertaking” means the Rixton and Warburton Bridge undertaking and includes—

- (a) all statutory and other powers and duties of MSCC conferred or imposed on MSCC by or under any provision of the Manchester Ship Canal Acts and Orders 1885 to 2012;
- (b) the property, rights, liabilities and obligations, including all lands, works, buildings, machinery, stores and other real and personal property, assets and effects, contractual rights and obligations, and other rights and privileges vested in or enjoyed by MSCC, in respect of the Rixton and Warburton Bridge; and

in relation to the transfer of the Undertaking, means those statutory and other powers and duties, property, rights, liabilities and obligations of MSCC as they exist immediately before the transfer date in respect of the Rixton and Warburton Bridge; and

“vehicle” means a mechanically propelled vehicle intended or adapted for use on roads including a trailer.

## PART 2 OPERATIONAL

### **Offences and power to make byelaws**

**3.—**(1) MSCC may make and enforce byelaws regulating the use and operation of the Rixton and Warburton Bridge, the maintenance of order on and about the Rixton and Warburton Bridge and the conduct of all persons including employees of MSCC while on and about the Rixton and Warburton Bridge.

(2) Without limiting the scope of paragraph (1), byelaws under this article may make provision—

- (a) with respect to the payment of tolls and the evasion of payment of tolls;
- (b) with respect to requirements for persons in charge of a vehicle that is used on the Rixton and Warburton Bridge to—
  - (i) display a document in that vehicle; or
  - (ii) carry in or fix equipment to that vehicle,and with respect to the failure to do so or the failure to do so in accordance with MSCC’s requirements;

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(a) 1994 c. 22.

- (c) with respect to interference with, or obstruction of, the operation of the Rixton and Warburton Bridge or other facilities provided in connection with the Rixton and Warburton Bridge;
  - (d) with respect to the prevention of nuisances on the Rixton and Warburton Bridge;
  - (e) with respect to the safeguarding of the operation, navigation and use of the Canal arising from the operation of the Rixton and Warburton Bridge
  - (f) for the recovery, safe custody and re-delivery or disposal of any property or vehicles left on the Rixton and Warburton Bridge and for fixing the charges made in respect of any such property or vehicles;
  - (g) to prohibit vehicles from stopping or remaining at rest in prescribed places on the bridge road or elsewhere in or about the Rixton and Warburton Bridge, except in prescribed circumstances;
  - (h) to require any person in charge of a vehicle which is at rest by reason of breakdown in a prescribed place on the bridge road to take prescribed steps for reporting that fact and the position and circumstances in which the vehicle is at rest;
  - (i) to prohibit any person, other than a constable or an appointed person—
    - (i) from carrying out, or attempting to carry out, a repair, adjustment or refuelling of a vehicle to which a byelaw-making provision under sub-paragraph (g) applies, except with permission expressly given by a constable or an appointed person; and
    - (ii) from moving, or attempting to move, such a vehicle from the position in which it is at rest;
  - (j) to empower a constable or an appointed person to remove from its position to a prescribed area a vehicle which is for the time being at rest in a prescribed place on the bridge road—
    - (i) in contravention of the byelaws;
    - (ii) by reason of breakdown;
    - (iii) without any person being in charge of it; or
    - (iv) with the person in charge of it not being present in or on it;
  - (k) in the case of a vehicle which is so removed or which at the request of the person in charge of it is repaired, adjusted or refuelled (instead of being removed) by an appointed person, to require the prescribed person to pay a charge of an amount to be determined in accordance with such scales and other provisions as may be prescribed;
  - (l) to prohibit a person from obstructing any action taken by a constable or an appointed person for the purpose of removing a vehicle in accordance with the byelaws;
  - (m) to ensure the safety of vehicles passing over the Rixton and Warburton Bridge;
  - (n) to regulate the traffic on the Rixton and Warburton Bridge; and
  - (o) to restrict and regulate the passage of dangerous goods or traffic on the Rixton and Warburton Bridge.
- (3) Byelaws under this article may—
- (a) designate places on the Rixton and Warburton Bridge at which tolls (other than tolls with respect to which a prepayment has been made) are to be paid or become due to be paid;
  - (b) make provision as to the persons by whom, and the manner in which, such tolls or other charges are to be paid;
  - (c) make provision for securing that vehicles in respect of which tolls are payable do not use the Rixton and Warburton Bridge without payment of the tolls; and
  - (d) make provision for preventing a vehicle which—
    - (i) having used the Rixton and Warburton Bridge; or
    - (ii) being about to use the Rixton and Warburton Bridge,

has arrived at the place at which a toll is payable in respect of it from proceeding beyond that place without a toll having been paid.

(4) Byelaws made under this article may provide for a notice specifying—

- (a) the categories of vehicles in respect of which tolls are payable; and
- (b) the amount of the tolls in respect of each category,

to be displayed at each place designated in accordance with paragraph (3)(a).

(5) Byelaws under this article may provide for it to be an offence for a person to contravene, or to fail to comply with, a provision of the byelaws and for such a person to be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) Without prejudice to paragraph (5), where MSCC considers it expedient to do so it may prosecute legal proceedings in respect of offences under this Order.

(7) Without prejudice to paragraph (5), a person who without reasonable excuse—

- (a) refuses or fails to pay a toll for which that person is liable; or
- (b) attempts to evade payment of such a toll,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) Without prejudice to the taking of proceedings for an offence included in byelaws by virtue of paragraph (5), if the contravention of, or failure to comply with, any byelaw under this article is attended with danger or annoyance to the public or MSCC or hindrance to MSCC in the operation of the Rixton and Warburton Bridge or safety of the operation and navigation of the Canal, MSCC may summarily take action to obviate or remove the danger, annoyance or hindrance.

(9) Byelaws under this article may not come into operation until they have been confirmed by the Secretary of State.

(10) At least 28 days before applying for any byelaws to be confirmed under this article, MSCC must publish in such manner as may be approved by the Secretary of State a notice of its intention to apply for the byelaws to be confirmed and of the place at which and the time during which a copy of the byelaws will be open to public inspection; and any person affected by any of the byelaws may make representations on them to the Secretary of State within a period specified in the notice, being a period of not less than 28 days.

(11) For at least 28 days before an application is made under this article for byelaws to be confirmed, a copy of the byelaws will be kept at the principal office of MSCC and will at all reasonable hours be open to public inspection without payment.

(12) MSCC must, at the request of any person, supply that person with a copy of any such byelaws on payment of such reasonable sum as MSCC may determine.

(13) The Secretary of State may charge MSCC such fees in respect of any byelaws submitted for confirmation under this article as the Secretary of State may consider appropriate for the purpose of defraying any administrative expenses incurred by the Secretary of State in connection with such confirmation.

(14) A copy of the byelaws when confirmed must be printed and deposited at the principal office of MSCC and must at all reasonable hours be open to public inspection without payment, and MSCC must, at the request of any person, supply that person with a copy of any such byelaws on payment of such reasonable sum as MSCC determines.

(15) The production of a printed copy of byelaws confirmed under this article on which is endorsed a certificate purporting to be signed by a person duly authorised by MSCC stating—

- (a) that the byelaws were made by MSCC;
- (b) that the copy is a true copy of the byelaws;
- (c) that on a specified date the byelaws were confirmed by the Secretary of State; and
- (d) the date when the byelaws came into operation,

will be rebuttable evidence of the facts stated in the certificate.

(16) The provisions of Part 1 of the Road Traffic Offenders Act 1988(a) in relation to evidence will apply to the prosecution of offences under this provision.

(17) Byelaws made under this article may be varied or revoked by subsequent byelaws and byelaws made under this article may also vary or revoke any byelaws made under any other provision in respect of the Rixton and Warburton Bridge at any time.

(18) The byelaws in Schedule 4 (the Rixton and Warburton Bridge Byelaws 2024)—

- (a) are to be treated as byelaws made by MSCC under paragraph (1) and subsequently confirmed by the Secretary of State on the date this Order comes into force; and
- (b) continue to have effect until such time as they are amended or revoked by further byelaws made under paragraph (1).

(19) In this article—

“appointed person” means a person appointed by MSCC who may only act as such when wearing a uniform of a description approved by MSCC;

“breakdown”, in relation to a vehicle, includes mechanical defect, lack of fuel, oil or water required for the vehicle, and any other circumstances in which a person in charge of the vehicle could not immediately, safely and without damage to the vehicle or its accessories, drive it under its own power away from the Rixton and Warburton Bridge; and

“prescribed” means prescribed by byelaws made under this Order.

### **Closing the Rixton and Warburton Bridge**

4.—(1) MSCC may whenever in its opinion it is necessary to do so whether in case of emergency or for the purpose of or in connection with the authorised activities close all or any part of the Rixton and Warburton Bridge whether wholly or partially.

(2) Where MSCC proposes to close any of the Rixton and Warburton Bridge it must except in an emergency—

- (a) consult with the local highway authorities not less than 28 days before any such closure;
- (b) give not less than 28 days’ notice by advertisement in at least one local newspaper circulating in the area; and
- (c) display signs throughout the period of such closure at convenient situations on the roads communicating with any public access road to the Rixton and Warburton Bridge giving visible warning of the closure.

(3) MSCC must reopen the Rixton and Warburton Bridge following closure under paragraph (1), without unnecessary delay, and at the earliest appropriate opportunity having regard to safety.

## **PART 3**

### **TRANSFER OF THE UNDERTAKING**

#### **Transfer of the Undertaking**

5.—(1) Provided that MSCC has Control of the Company on the transfer date, all statutory and other powers and duties comprised in the Undertaking (including under the provisions of this Order) except for article 11 (protection of the Canal) of this Order are transferred from MSCC to the Company on the transfer date, and from that date MSCC ceases to have any such duties or powers in respect of the Undertaking.

(2) On the transfer date, the Undertaking is transferred to and vests in the Company and from that date MSCC ceases to have any property, rights, liabilities and obligations in respect of the Undertaking.

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(a) 1988 c. 53.



(3) On and after the transfer date any statutory provision of local application or document (other than a document referred to in article 6 (saving of agreements, etc)) has, so far as it relates to the Rixton and Warburton Bridge, effect (except where the context otherwise requires and subject to any necessary modifications) as if any reference however worded and whether express or implied—

- (a) to MSCC, were construed as a reference to the Company; and
- (b) to any officer or employee of MSCC, were construed as a reference to an officer or employee of the Company who corresponds as nearly as may be to the first-mentioned officer or employee.

(4) MSCC must not appoint the transfer date before the Improvements have been completed and MSCC has served a notice on the local highway authorities confirming the date on which the completion of the Improvements occurred.

(5) Any Change of Control of the Company may only occur with consent of the Secretary of State on such terms and conditions as it thinks fit.

### **Saving of agreements, etc.**

6. All sales, conveyances, leases, grants, assurances, deeds, contracts, bonds, agreements, notices and demands entered into or made by MSCC in relation to the Undertaking and in force immediately before the transfer date are, on and after that date, as binding and of as full force and effect in every respect against or in favour of the Company as they have previously been against or in favour of MSCC and may be enforced as fully and effectively as if instead of MSCC the Company had been a party, or otherwise bound by it or entitled to the benefit of it.

### **Continuance of proceedings**

7. Nothing in this Order releases, discharges or suspends any action, arbitration or other proceeding, or any cause of action, arbitration or other proceeding, pending or existing immediately before the transfer date—

- (a) by or in favour of or against MSCC; or
- (b) by or in favour of or against the Company as agent for MSCC,

in relation to the Undertaking, and any such action, arbitration or other proceeding or cause of action, arbitration or other proceeding may be maintained, prosecuted or continued by or in favour of or against MSCC or, in the case of sub-paragraph (b), the Company and may be amended in such manner as may be necessary for that purpose.

## **PART 4**

### **TOLLING, CONCESSION AND FINANCING ARRANGEMENTS**

#### **Tolls**

8.—(1) Once the Improvements have been completed and MSCC has served a notice on the local highway authorities confirming the date on which the completion of the Improvements occurred, the tolls recoverable from users of Rixton and Warburton Bridge under the 1863 Act are to be those specified in Schedule 1 of this Order and must be paid in accordance with the provisions of this Order.

(2) Where tolls or charges payable under or by virtue of this Order remain unpaid after they have become due for payment, the person to whom they are payable may recover from the person liable to pay them the amount of the tolls or charges together with all other reasonable costs and expenses including administrative expenses, enforcement expenses and interest arising out of any such failure to pay.

(3) MSCC may appoint any person to collect tolls or charges as its agent.

(4) The person by whom tolls under this Order and penalty charges imposed in connection with this Order are payable in respect of a motor vehicle is the registered keeper.

(5) MSCC must establish and maintain an exemptions register in accordance with Schedule 2 (register of exemption from tolls).

(6) Tolls may not be charged in respect of vehicles where the particulars of the vehicle have been entered upon the exemptions register.

(7) The tolls or charges charged in accordance with this article may be applied by MSCC for any purposes in connection with the safe efficient and economic management, operation and maintenance of the Rixton and Warburton Bridge, including but not limited to—

- (a) paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the Rixton and Warburton Bridge or any costs associated with financing any of the same;
- (b) providing such funds as are, or are likely to be, necessary to discharge the obligations of MSCC pursuant to a concession agreement;
- (c) paying the interest on, and repaying the principal of, monies borrowed in respect of the Rixton and Warburton Bridge;
- (d) making payment into any reserve fund provided in respect of the Rixton and Warburton Bridge;
- (e) providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority for maintenance and operation of, the Rixton and Warburton Bridge or works to the Rixton and Warburton Bridge; and
- (f) providing a reasonable rate of return on investment in the Undertaking.

### **Payment of tolls**

**9.**—(1) Subject to paragraphs (5) and (11), a toll recoverable under the 1863 Act and paid in accordance with the provisions of this Order and any byelaws made under this Order, must be paid by such method as may be specified by MSCC or such other method as MSCC may in the particular circumstances of the case accept.

(2) Without limiting the scope of paragraph (1), except where MSCC elects in accordance with paragraph (5), tolls may be payable—

- (a) when demanded by a person authorised by MSCC or its agent in that behalf at a place designated by MSCC for the collection of tolls; or
- (b) by inserting the appropriate payment for a toll at any appropriate collection point.

(3) MSCC or its agent may enter into an agreement (“composition agreement”) under which persons compound, on such terms as may be provided by the agreement, for the payment of tolls in respect of the use of the Rixton and Warburton Bridge.

(4) A composition agreement may relate to use on such number of occasions or during such period as may be provided by the agreement.

(5) Where the condition described in paragraph (12) applies MSCC may elect that, instead of any other method of payment, tolls may be payable by means of entering into a composition agreement in which case MSCC may require that method to apply exclusively.

(6) Where MSCC has elected pursuant to paragraph (5) that the exclusive method of paying tolls is to be by means of entering into a composition agreement, such a composition agreement may be entered into—

- (a) on the day concerned, the first day concerned or (where it relates to a single journey) the day of the journey concerned;
- (b) on a day falling within the period of 64 days immediately preceding the day concerned, the first day concerned, or (where it relates to a single journey) the day of the journey concerned; or

- (c) on the day after the day concerned, the first day concerned, or (where it relates to a single journey) the day of the journey concerned.
- (7) The following provisions apply to composition agreements—
- (a) a composition agreement must be specific to a particular vehicle;
  - (b) that vehicle must be identified by its registration mark; and
  - (c) a person entering into a composition agreement with MSCC must specify to MSCC or its agent the registration mark of the vehicle to which the composition agreement relates.
- (8) Where a composition agreement is entered into or purported to be entered into, and payment is to be made to MSCC otherwise than in cash, and payment is not received by MSCC or its agents (whether because a cheque is dishonoured or otherwise), the toll or tolls to which the composition agreement relates is to be treated as not paid and the composition agreement will be void.
- (9) MSCC may require a vehicle that is subject to a composition agreement to display a document in that vehicle or carry in or fix equipment to that vehicle.
- (10) MSCC may impose such reasonable conditions upon the making of a composition agreement as it considers appropriate including in relation to the transfer of the benefit of composition agreements or refund of payments.
- (11) A composition agreement may provide for a discount or waiver of any toll or part of any toll in respect of the use of the Rixton and Warburton Bridge.
- (12) The condition referred to in paragraph (5) is fulfilled when the method of payment for use of the Rixton and Warburton Bridge is not secured by the use of barriers preventing vehicles from proceeding until a toll is paid.
- (13) Methods of payments of the tolls under this Order may include but are not limited to payments made in person, by phone, using a credit card or debit card, or by App.
- (14) In this article—
- “App” means a software application for use on an electronic device which provides for payment by credit card or debit card and which is provided by MSCC for that purpose;
  - “credit card” means a card or similar thing issued to any person, use of which enables the holder to defer payment; and
  - “debit card” means a card or similar thing issued by any person, use of which causes a payment to be made by the electronic transfer of funds from any current account of the holder at a bank or other institution providing banking facilities.

**Power to enter into concession agreements and lease or transfer the Undertaking, etc.**

**10.**—(1) MSCC may, on such terms as it sees fit, at any time and for any period, enter into one or more concession agreements and for that purpose may provide for the exercise of the powers of MSCC in respect of the authorised activities or any part of them, together with the rights and obligations of MSCC in relation to them, by any other person and other matters incidental or subsidiary to them or consequential to them, and the defraying of, or the making of contributions towards the costs of the matters whether by MSCC or any other person.

(2) MSCC may charge the whole or any part of the Undertaking on such terms and conditions as it thinks fit.

(3) MSCC may, with the consent of the Secretary of State, transfer, lease, or sell or dispose of the whole or any part of the Undertaking, on such terms and conditions as it thinks fit.

(4) Subject to paragraph (3), MSCC may grant on such terms and conditions as it thinks fit to any person or take from any person a lease, licence or any other interest in or right over any land, including land comprising or comprised in the Rixton and Warburton Bridge, if it appears to MSCC expedient to do so for the purpose of or in connection with the exercise by that person of any or all of the authorised activities.

(5) The exercise of the powers of any enactment by any person in accordance with any agreement under paragraph (1), or any sale, lease, charge or disposal under paragraphs (2) and (3), is to be subject to the same restrictions, liabilities and obligations as would apply under this Order if those powers were exercised by MSCC.

(6) For the purposes of the transfer of the Undertaking from MSCC to the Company under article 5 (transfer of the Undertaking), the making of this Order constitutes confirmation of the consent of the Secretary of State required under paragraph (3).

### **Protection of the Canal**

**11.**—(1) The exercise of the powers under article 5(4) (transfer of the Undertaking) and under article 10 (power to enter into concession agreements and lease or transfer the Undertaking, etc.) are subject to such requirements as may be imposed by MSCC so as to ensure the safe operation, navigation and use of the Canal.

(2) The exercise of any powers conferred by this Order or by the provisions of the 1863 Act and the 1890 Act for the purpose of, or in connection with operation, maintenance or improvement of the Rixton and Warburton Bridge must not interfere with the operation, navigation or use of the Canal without prior written approval of MSCC which may be granted subject to such conditions as may be imposed by MSCC so as to ensure the safe operation, navigation and use of the Canal.

(3) Except as expressly provided, nothing in this Order is to prejudice the rights, powers and duties of the harbour master and MSCC under the Manchester Ship Canal Acts and Orders 1885 to 2012 in relation to the operation, navigation and use of the Canal.

### **Application of landlord and tenant law**

**12.**—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the Rixton and Warburton Bridge or the right to operate the same; and
- (b) any agreement entered into by MSCC with any person for the carrying out of the authorised activities or any part of them,

so far as any such agreement relates to the terms on which any land is subject to a lease granted by or under that agreement.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies.

(3) Accordingly, no such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

### **Application of the 2000 Act**

**13.**—(1) Regulations made pursuant to section 173 (penalty charges) of the 2000 Act will have effect in respect of the Rixton and Warburton Bridge as if the tolls and charges charged in accordance with the Order were charges payable pursuant to a charging scheme made by order

under Part 3 of the 2000 Act and will apply to MSCC as if MSCC were an authority listed in section 163(a) of the 2000 Act.

(2) The imposition and payment of penalty charges in connection with the Order will be in accordance with such regulations as the Secretary of State may make pursuant to section 173 of the 2000 Act.

(3) Sections 174 (examination, entry, search and seizure), 175 (immobilisation etc.) and 176 (equipment etc.)(b) of the 2000 Act have effect in respect of the Rixton and Warburton Bridge as if Part 4 of this Order was a charging scheme made by order under Part 3 of the 2000 Act.

#### **Modification of Transport Charges &c. (Miscellaneous Provisions) Act 1954**

14. In its application to the Undertaking section 6(3) of the Transport Charges &c. (Miscellaneous Provisions) Act 1954(c) (revision of charges) has effect as if for the reference to the paid-up share capital of the Undertaking there were substituted a reference to any amounts invested in the Undertaking by MSCC and any successor company.

## **PART 5**

### **MISCELLANEOUS AND GENERAL**

#### **Service of notices**

15.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post; or
- (b) with the consent of the recipient and subject to paragraphs (5) to (8), by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body or monitoring officer.

(3) For the purposes of section 7 (references to service by post)(d) of the Interpretation Act 1978 as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement will be taken to be fulfilled where the

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(a) There are amendments to sections 163 and 173 that are not relevant to this Order.  
(b) Section 176 was amended by the Local Transport Act 2008 (c. 26), section 116(3). There are further amendments to section 176 and to section 174 that are not relevant to this Order.  
(c) 1954 c. 64. There are amendments to section 6 that are not relevant to this Order.  
(d) 1978 c. 30.

recipient of the notice or other document to be transmitted has given prior consent to the use of electronic transmission either in writing or by electronic transmission.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or any part of that notice or other document the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic transmission given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and
- (b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

### **Amendments**

**16.** Section 48 (power to take tolls for passing over Bridge and Roads) of the 1863 Act is amended as follows—

- (a) delete “Persons, Animals, and Carriages, from Time to Time” and insert “vehicles”;
- (b) after “any Tolls not exceeding the” insert “tolls recoverable in accordance with the Rixton and Warburton Bridge Order 2024”; and
- (c) delete the words from “following; (that is to say,)” until the end of section 48.

### **Repeals**

**17.** Sections 49, 51-68 and 70-74 of the 1863 Act are repealed.

### **Obligation to provide accounts information**

**18.**—(1) Following any transfer of the Undertaking to the Company under article 5 (transfer of Undertaking) of this Order, the Company will publish audited annual accounts in line with UK GAAP and Part 15 of the 2006 Act as if it is not exempt from those requirements under section 477 of the 2006 Act .

(2) In this article, “UK GAAP” means the Generally Accepted Accounting Practice in the UK and is the body of accounting standards published by the UK’s Financial Reporting Council.

Signed by authority of the Secretary of State for Transport

9th May 2024

*Natasha Kopala*  
Head of the Transport and Works Act Orders Unit  
Department for Transport

# SCHEDULES

## SCHEDULE 1

Article 8

### LEVEL OF TOLLS

#### PART 1

#### LEVEL OF TOLLS

##### *Tolls*

1.—(1) The maximum tolls that MSCC may demand and take in respect of passing over the Rixton and Warburton Bridge are £1.00 as may be adjusted in accordance with sub-paragraphs (2) and (5).

(2) MSCC may make an adjustment in April of any year in the amount of tolls specified in sub-paragraph (1), as may be revised under sub-paragraph (5), and any such adjustment will be no more than the percentage difference between the consumer price index for February of that year and the consumer price index for the month of February immediately preceding the making of this Order and then subtracting one per cent.

(3) References in sub-paragraph (2) to the consumer price index are to the monthly United Kingdom index of Consumer Prices (for all items) published by the Office for National Statistics (or such other measure of consumer price inflation which replaces it).

(4) If that index is not published for any month, those references are to any other index, or substitute for that index, for that month published by that office for that month.

(5) The amount of toll specified in sub-paragraph (1), as may be adjusted in accordance with sub-paragraph (2), will be revised by the amount of any changes to the VAT.

(6) MSCC may only charge the toll under sub-paragraph (1) up to a maximum of two crossings over the Rixton and Warburton Bridge per day.

(7) In this article, “VAT” means Value Added Tax or any other tax replacing that tax.

2.—(1) Subject to article 8(7) (tolls) and sub-paragraphs (2) and (3) MSCC at any time by resolution may determine—

- (a) the amount of any tolls under paragraph 1, provided it does not exceed the maximum amount set out in that paragraph; or
- (b) different level of tolls for different classes of vehicles provided it does not exceed the maximum amount set out in paragraph 1; or
- (c) the classification of vehicles or classes of vehicles in respect of which tolls may be charged in accordance with paragraph 1.

(2) Whenever MSCC proposes to exercise its power in accordance with sub-paragraph (1) MSCC must publish in at least one local newspaper circulating in the area in which the Rixton and Warburton Bridge is situated, a notice substantially in the form set out in Part 2 of this Schedule.

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

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

3.—(1) Whenever MSCC proposes to revise the toll that applies in respect of any vehicle or class of vehicles pursuant to paragraph 2 MSCC must publish a notice substantially in the form set out in Part 2 of this Schedule—

- (a) in at least one local newspaper circulating in the area in which the Rixton and Warburton Bridge is situated; and
- (b) send an electronic transmission to the person registered to any Account.

(2) MSCC 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.

#### *Local residents' discount*

4. Subject to the provisions of paragraph 5 of this Part of the Schedule, MSCC must apply a discount of 50% to tolls payable in respect of passing over the Rixton and Warburton Bridge in respect of a vehicle for which the registered keeper is a local resident.

5.—(1) The obligation under paragraph 4 in respect of local residents' discount may be modified or discharged—

- (a) by agreement between the undertaker and the local highway authorities executed as a deed in respect of the Rixton and Warburton Bridge; or
- (b) by the Secretary of State in accordance with provisions of this Part of the Schedule.

(2) Any request by MSCC for agreement under section 5(1)(a) must be made to the monitoring officer of the relevant local highway authority.

(3) The undertaker may, at any time after the expiry of the period of five years beginning with the date on which this Order comes into force, apply to the Secretary of State for the local residents' discount—

- (a) to have effect subject to such modifications as may be specified in the application; or
- (b) to be discharged,

and must notify the local highway authorities and any other persons as the Secretary of State considers appropriate as soon as any such application is made.

(4) An application under sub-paragraph (2), for the modification of the obligation under paragraph 4 of this Part of the Schedule may not specify a modification imposing an obligation on any other person other than the undertaker.

(5) Where an application is made to the Secretary of State under sub-paragraph (2), the Secretary of State must consult the local highway authorities before deciding the application.

(6) When deciding an application under sub-paragraph (2) the Secretary of State must have regard to—

- (a) any responses by the local highway authorities to the consultation under sub-paragraph (5);
- (b) the adequacy of the revenue from tolls to meet the purposes set out in article 8(7); and
- (c) the need to mitigate impacts of the tolls on local residents.

(7) After having regard to the matters set out in this sub-paragraph and any other matters which the Secretary of State considers to be relevant the Secretary of State may determine that the obligation in respect of the local residents' discount—

- (a) continues to have effect without modification;
- (b) is discharged; or
- (c) continues to have effect subject to the modifications specified in the application or such other modification as the Secretary of State considers necessary.

(8) The Secretary of State must give notice of the determination to the undertaker and the local highway authorities within three months of the date of the application and provide full reasons for the decision.



(9) Where the Secretary of State determines under this paragraph that the obligation in respect of the local residents' discount has effect subject to modifications specified in the application, the obligation as modified will be enforceable not less than 28 days after the date on which notice of the determination is published in accordance with sub-paragraph (12) or such other date as the Secretary of State may determine.

(10) An application to the Secretary of State under sub-paragraph (3) must include the following information—

- (a) the name and address of the undertaker;
- (b) sufficient information to enable identification of the obligation which the undertaker wishes to have modified or discharged;
- (c) the undertaker's reasons for applying for the modification or discharge of that obligation; and
- (d) such other information as the Secretary of State considers necessary to enable the Secretary of State to determine the application.

(11) When the Secretary of State receives an application for the modification or discharge of an obligation under sub-paragraph (3) the undertaker will arrange for the application to be publicised by—

- (a) posting notice of the application on or near the land to which the obligation relates for not less than 21 days; or
- (b) publishing notice of the application in a local newspaper circulating in the locality in which that land is situated and on the undertaker's website.

(12) When the Secretary of State issues the notice of determination under sub-paragraph (9) the undertaker will arrange for the notice of determination to be publicised by—

- (a) posting notice of the application on or near the land to which the obligation relates for not less than 21 days; and
- (b) publishing notice of the application in a local newspaper circulating in the locality in which that land is situated and on the undertaker's website.

(13) The notice referred to in paragraph (7) must include the following—

- (a) the name of the undertaker;
- (b) details of the obligation that is proposed to be modified or discharged;
- (c) an address or website where members of the public may inspect copies of the application;
- (d) the address or email address to which any person who wishes to make representations may write; and
- (e) a date (no later than 21 days beginning on the date that the notice is posted or published) by which such representations should be made to the Secretary of State.

(14) Section 84 of the Law of Property Act 1925(a) (power to discharge or modify restrictive covenants affecting land) does not apply to an obligation under paragraph 2 of Part 1 of this Schedule.

(15) In this paragraph and in paragraph 4—

“local resident” means a person who permanently resides at a property in one of the following postcodes—

- (a) WA3 6;
- (b) WA13 9; or
- (c) M31 4;

“local residents' discount” means the discount applied by paragraph 4 of this Part to the tolls payable in respect of passing over the Rixton and Warburton Bridge; and

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(a) 1925 c. 20. There are amendments to section 84 that are not relevant to this Order.

“undertaker” means MSCC or the Company if the power under article 5 (transfer of Undertaking) or under article 10(3) (power to enter into concession agreements and lease or transfer the Undertaking, etc.) of this Order has been exercised, being the undertaker bound by obligations under paragraph 4 of this Part of the Schedule.

*No tolls during construction of the Improvements*

6. MSCC may not charge any toll in respect of passing over the Rixton and Warburton Bridge once the Improvements have commenced until the Improvements have been completed and MSCC has served a notice on the local highway authorities confirming the date on which the Improvements have been completed.

**PART 2**

**FORM OF NOTICE**

*THE RIXTON AND WARBURTON BRIDGE ORDER 2023: NOTICE OF REVISION OF [TOLLS]  
[VEHICLE CLASSIFICATIONS]*

The [tolls/vehicle classifications] applicable to the Rixton and Warburton Bridge shall be:

[state revised tolls/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

## SCHEDULE 2

Articles 2 and 8

### REGISTER OF VEHICLES EXEMPT FROM TOLLS

1. Tolls may not be levied in respect of—
- (a) a vehicle whose details have been recorded on the exemptions register in accordance with this Schedule;
  - (b) a vehicle being used in connection with—
    - (i) the collection of tolls or charges; or
    - (ii) the maintenance, improvement or renewal of, or other dealing with the Rixton and Warburton Bridge or any structure, works or apparatus in, on, under or over any part of the Rixton and Warburton Bridge;
  - (c) a vehicle which, having broken down on the Rixton and Warburton Bridge while travelling in one direction, is travelling in the opposite direction otherwise than under its own power;
  - (d) 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;
  - (e) a public service vehicle as defined in section 1 (definition of “public service vehicle”)(a) of the Public Passenger Vehicles Act 1981 which is being used in the provision of a local service as defined in section 2 (local services) of the Transport Act 1985(b); or
  - (f) the following vehicles, being used in the execution of duty, at the time of passing over the Rixton and Warburton Bridge—
    - (i) a vehicle being used for police purposes, or being the property of the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;
    - (ii) a fire engine as defined by paragraph 4(2) of Schedule 2 (exempt vehicles) to the Vehicle Excise and Registration Act 1994(c);
    - (iii) a vehicle which is kept by a fire authority as defined by paragraph 5 of that Schedule;
    - (iv) an ambulance as defined by paragraph 6 of that Schedule; or
    - (v) a vehicle exempt from vehicle excise duty under 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).
2. Subject to paragraph 3, vehicles falling within the following descriptions of motor vehicles are eligible to be entered upon the exemptions register—
- (a) a vehicle owned by or being used for the transport of a person who has a disabled person’s badge and which displays a current disabled person’s badge issued under—
    - (i) section 21 of the Chronically Sick and Disabled Persons Act 1970(d), or
    - (ii) section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(e); or
  - (b) a motorcycle as defined by paragraph 2(3) of Schedule 1 to the Vehicle Excise and Registration Act 1994 or a moped.

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(a) 1981 c. 14. Section 1 was amended by the Transport Act 1985 (c. 67), Schedule 8.

(b) 1985 c. 67.

(c) 1994 c. 22.

(d) 1970 c. 44.

(e) 1978 c. 53.

**3.** With the exception of vehicles listed in paragraph 1(d) to (f) of this Schedule, a vehicle is not eligible to be entered upon the exemptions register if its height, width or weight (including load in each case) exceeds the following—

(1)	(2)
Height	5.18 metres
Width	2.5 metres
Weight	7.5 tonnes

**4.** MSCC may, with the Secretary of State's consent, amend, remove, revise or change categories of vehicles specified in paragraph 2, from time to time.

**5.** MSCC may require that an application to enter particulars of a vehicle on the exemptions register or to renew the registration of a vehicle—

- (a) includes all such information as MSCC may reasonably require; and
- (b) is made by such means as MSCC may accept.

**6.** Registration of a vehicle upon the exemptions register is subject to the imposition of such further conditions as MSCC may reasonably impose.

**7.** Where MSCC receives an application that complies with paragraph 5 to enter particulars of a vehicle on the exemptions register, or to renew the registration of a vehicle, and the vehicle falls within the descriptions set out in paragraph 2 subject to the provisions of paragraph 3, it will enter the particulars of that vehicle on the exemptions register within 20 working days of receiving such an application.

**8.** MSCC may remove particulars of a vehicle from the exemptions register—

- (a) in the case of a vehicle registered in relation to the holder of a disabled person's badge, when that person ceases to be an eligible person for a disabled person's badge as set out in paragraph 2(a);
- (b) in the case of any vehicle at the end of the period of 7 consecutive days beginning with the day on which a change in the keeper of the vehicle occurred, unless MSCC renews the registration for a further period on application to it by or on behalf of the new keeper.

**9.** Where the registered keeper of a vehicle is aware that the vehicle has ceased or will cease to be a vehicle eligible to be entered on the exemptions register the keeper must notify MSCC of the fact within 7 days of becoming so aware, and MSCC will remove the particulars of the vehicle from the exemptions register as soon as reasonably practicable or from the date notified to MSCC as the date on which it will cease to be a vehicle eligible to be recorded on the exemptions register.

**10.** If MSCC is no longer satisfied that a vehicle is an exempt vehicle it may—

- (a) notify the registered keeper of its intention to remove the particulars of the vehicle from the exemptions register; and
- (b) remove the particulars of the vehicle from the exemptions register no earlier than 14 days after sending the notification.

**11.** Nothing in this Schedule prevents the making of a fresh application for particulars of a vehicle to be entered in the exemptions register either on receipt of a notification of the intention to remove the particulars of the vehicle, or after they have been removed from it in accordance with any provision of this Schedule.

## SCHEDULE 3

Article 2

### MANCHESTER SHIP CANAL ACTS AND ORDERS

Manchester Ship Canal Act 1885 c. clxxxviii  
Manchester Ship Canal (Additional Lands) Act 1888 c. cxi  
Manchester Ship Canal (Alteration of Works) Act 1888 c. clxi  
Manchester Ship Canal (Tidal Openings, & c.) Act 1890 c. lxxiv  
Manchester Ship Canal (Various Powers) Act 1890 c. ccxxvii  
Manchester Ship Canal Act 1891 c. clxxxi  
Manchester Ship Canal Act 1893 c. iii  
Manchester Corporation (Ship Canal) Act 1893 c. xix  
Manchester Ship Canal (Additional Capital, & c.) Act 1893 c. xxiii  
Manchester Ship Canal (Surplus Lands) Act 1893 c. lxxiii  
Manchester Ship Canal Act 1894 c. clxix  
Manchester Ship Canal Act 1896 c. clxxxii  
Manchester Ship Canal Act 1897 c. cviii  
Manchester Ship Canal Act 1900 c. xxxvi  
Manchester Ship Canal Act 1904 c. ccxii  
Manchester Ship Canal (Bridgewater Canal) Act 1907 c. xv  
Manchester Ship Canal (Various Powers) Act 1907 c. xxx  
Manchester Ship Canal Act 1911 c. lvi  
Manchester Ship Canal Act 1919 c. xlvi  
Manchester Ship Canal Act 1920 c. cxlix  
Manchester Ship Canal Act 1924 c. lviii  
Manchester Ship Canal Act 1925 c. cxx  
Manchester Ship Canal (General Powers) Act 1926 c. lxxxiii  
Manchester Ship Canal Act 1933 c. lxvi  
Manchester Ship Canal Act 1936 c. cxxiv  
Manchester Ship Canal Act 1949 c. xxxvi  
Manchester Ship Canal Act 1950 c. lvi  
Manchester Ship Canal Act 1952 c. xiii  
Manchester Ship Canal Act 1956 c. lxxx  
Manchester Ship Canal Act 1960 c. xlv  
Manchester Ship Canal Act 1962 c. liii

Manchester Ship Canal Act 1966 c. xxvii

Manchester Ship Canal Revision Order 1970 (S.I. 1971/191)

Manchester Ship Canal Revision Order 1975 (S.I. 1975/2205)

The Manchester Ship Canal (Black Bear Canal) (Local Enactments) Order 1976 (S.I. 1976/1084)

Manchester Ship Canal Revision Order 1984 (S.I. 1984/50)

Manchester Ship Canal Revision Order 1987 (S.I. 1987/1790)

Manchester Ship Canal Harbour Revision Order 1992 (S.I. 1992/1268)

The Manchester Ship Canal (Bridgewater Canal) Act 1907 (Amendment) Order 1996 (S.I. 1996/1484)

The Manchester Ship Canal Harbour Revision Order 2009 (S.I. 2009/2579)

The Bridgewater Canal (Transfer of Undertaking) Order 2012 (S.I. 2012/1266)

## SCHEDULE 4

Article 3

### BYELAWS

#### PART 1

#### INTERPRETATION

**1.** In these byelaws—

“the 1863 Act” means the Rixton and Warburton Bridge Act 1863(a);

“the 1890 Act” means the Manchester Ship Canal (Various Powers) Act 1890(b);

“Account” means the account containing a person’s details for the purposes of paying a toll or charge for a vehicle, or registering a discount, which is identified by a unique account number;

“ANPR” means automatic number plate recognition;

“authorised person” means a person or servant or agent or contractor appointed by or authorised by the undertaker to carry out duties in relation to the regulation, direction and control of traffic and for the purposes of the byelaws set out in Part 2 (regulation of traffic in the Rixton and Warburton Bridge) and in Part 7 (prevention of damage and nuisance generally) of the byelaws additionally means any police constable or police community support officer;

“the Bridge” means the bridge known as the Rixton and Warburton Bridge authorised by the 1863 Act and the 1890 Act;

“the bridge road” means the length of the highway commencing from the A57 Manchester Road in the north at national grid reference SJ6915390429 to Warburton Bridge Road at national grid reference SJ6980489711 in the south;

“the Canal” means the Manchester Ship Canal;

“the Company” means Rixton and Warburton Bridge Company Limited (Company No. 13617881 incorporated under the Companies Act 2006(c) and having its registered office at Maritime Centre, Port of Liverpool, Liverpool L21 1LA;

“exemptions register” means the register of vehicles exempt from tolls maintained by MSCC in accordance with article 8 (tolls) of, and Schedule 2 (register of vehicles exempt from tolls) to, the Order;

“MSCC” means The Manchester Ship Canal Company Limited;

“notice” includes a sign, signal and a digital or other display, and in appropriate circumstances, an audible announcement;

“the Order” means the Rixton and Warburton Bridge Order 2024;

“relevant date” means the second day after the date of the passage of a vehicle across the Rixton and Warburton Bridge;

“Rixton and Warburton Bridge” means the Bridge together with the bridge road as shown in the plan in Schedule 5 to the Order and all toll booths or other toll collection facilities constructed on the said Bridge or the bridge road;

“Tag” means an electronic device fitted to a vehicle, on the inside of the windscreen, to allow tolling without physical payment using cash, provided there is credit on the Account;

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(a) 1863 c. lxiii.  
(b) 1890 c. ccxxvii.  
(c) 2006 c. 46.

“undertaker” means MSCC, or the Company or other assignee if the power under article 5 (transfer of Undertaking) or under article 10(3) (power to enter into concession agreements and lease or transfer the Undertaking, etc.) of the Order has been exercised; and

“website” means <https://www.warburtontollbridge.co.uk/> or as otherwise set-up from time to time and publicised by the undertaker.

**2.** Unless the context otherwise requires—

- (a) words importing the singular number includes the plural and vice versa;
- (b) words imparting any particular gender includes the other gender; and
- (c) any reference in the byelaws to any statute or statutory provision is construed as referring to that statute or statutory provision as it may from time to time be amended, modified, extended, re-enacted or replaced (whether before or after the date of this byelaw) and including all subordinate legislation from time to time made under it.

**3.** The Interpretation Act 1978(a) applies to the interpretation of these byelaws as it applies to the interpretation of an Act of Parliament.

**4.** Nothing in these byelaws applies so as to restrict the execution of duties or the carrying out of works or services on the Rixton and Warburton Bridge by authorised persons or by any police officer or fire officer.

## PART 2

### REGULATION OF TRAFFIC ON THE RIXTON AND WARBURTON BRIDGE

**5.** The driver of a vehicle on the Rixton and Warburton Bridge must comply with all traffic signals and instructions given by an authorised person and with all notices (including any temporary notices), road markings and traffic signals displayed on the Rixton and Warburton Bridge.

**6.** Subject to byelaw 8, the maximum speed for a vehicle on the Rixton and Warburton Bridge will be that which is indicated by the displayed road signs.

**7.** The minimum speed is 15 miles per hour except for pedal cycles or where prevented by other vehicles or at places where stops or a lower speed are unavoidable or are permitted or directed by an authorised person or displayed temporary road signs (whether advisory or mandatory).

**8.** The procedures for imposing or exceeding mandatory speed limits for emergency vehicles are prescribed under the relevant legislation and the penalties for contravening local speed limits are prescribed in the Road Traffic Regulation Act 1984(b), the Road Traffic Act 1988(c) and the Road Traffic Offenders Act 1988(d) or any amendment thereof relating to speed limits.

**9.** A person must not use or cause to be used a vehicle on the Rixton and Warburton Bridge unless the load carried by the vehicle is at all times contained or secured (if necessary by physical restraint other than its own weight) and is in such a position that neither danger nor nuisance is caused or is likely to be caused to a person or property by reason of the load to any part of the load falling or being thrown from the vehicle.

**10.** A driver of a vehicle which has shed its load in full or in part on the Rixton and Warburton Bridge such that it has caused, or may cause, an obstruction or other hazard to users of the Rixton and Warburton Bridge or to users of the Canal must as soon as reasonably practicable—

- (a) inform an authorised person of the loss of the load; and

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(a) 1978 c. 30.

(b) 1984 c. 27.

(c) 1988 c. 52.

(d) 1988 c. 53.



- (b) inform an authorised person of the identity of, and contact details for, the owner of the load.

**11.** The driver of a vehicle on the Rixton and Warburton Bridge must maintain a safe and prudent distance between that driver's own vehicle and the one immediately in front of it.

**12.** A person driving a vehicle on the Rixton and Warburton Bridge must not stop the vehicle unless directed by an authorised person, notice or traffic signal or compelled by traffic, or unless it is necessary for the vehicle to do so—

- (a) by reason of a breakdown of the vehicle;
- (b) by reason of, or to prevent, an accident with another vehicle or person on the Rixton and Warburton Bridge;
- (c) by reason of illness of the driver of the vehicle or other emergency which causes the driver to be unable to continue to drive the vehicle;
- (d) to permit any person carried in or on the vehicle to recover or move any object that has fallen;
- (e) to permit any person carried in or on the vehicle to give help which is required by any person in any of the circumstances specified in paragraphs (a), (b), (c) or (d);
- (f) for the discharge of functions contained in legislation relating to fires and emergencies.

**13.** A vehicle may be towed on the Rixton and Warburton Bridge provided it is secured by means of towing equipment which is appropriate for the purpose and provided that, if explicitly directed by an authorised person because of safety concerns, the vehicle and towing equipment have been examined by an authorised person.

**14.** A person must not drive onto the Rixton and Warburton Bridge any vehicle which is not provided with sufficient petrol or other fuel and mechanical power to ensure that it maintains the minimum speed specified in these byelaws and is able to traverse the Rixton and Warburton Bridge.

**15.** A person must not, except with the permission of an authorised person, refuel any vehicle or undertake any repairs to a vehicle or change a tyre or wheel of a vehicle on the Rixton and Warburton Bridge.

**16.—(1)** If the driver of a vehicle on the Rixton and Warburton Bridge refuses to move the vehicle when ordered to do so by an authorised person, or if a vehicle on the Rixton and Warburton Bridge is unable to proceed because of a breakdown, it will be lawful for it to be removed by an authorised person at the cost and expense of the owner of person in charge of the vehicle, and a person must not obstruct any such authorised person in carrying out such removal.

(2) The vehicle will be removed to a location which will be either—

- (a) the operational premises of the recovery company employed for this service; or
- (b) other designated area as specified by the undertaker or an authorised person,

details of which will be available on the website.

## PART 3

### DANGEROUS TRAFFIC

**17.** A person must not, except with the consent of an authorised person, take or cause or permit to be taken on to the Rixton and Warburton Bridge any vehicle carrying any goods, substances or articles of a dangerous nature.

## PART 4

### EXCLUDED TRAFFIC

**18.** A person must not enter, attempt to enter or remain on any part of the Rixton and Warburton Bridge when instructed not to do so by an authorised person or where there is a notice prohibiting or restricting access.

**19.** A person must not take or cause or permit to be taken onto the Rixton and Warburton Bridge any of the following vehicles—

- (a) vehicles which emit grit, sparks, ashes, cinders, or oily substances in a manner which contravenes any regulations for the time being in force under the Road Traffic Act 1988(a) or any amendment relating to the construction and use of motor vehicles;
- (b) vehicles which, in the opinion of an authorised person, are in such a condition or are so loaded, built or equipped as to be likely to retard traffic, injure persons or damage property.

## PART 5

### SPECIAL TYPE VEHICLES

**20.—(1)** A person must not take or permit to be taken onto the Bridge, without the prior permission of an authorised person and subject to such conditions as the authorised person may direct (which may include an escort, for which a reasonable charge may be made), any vehicle, except any vehicle entered into the Exemptions Register in accordance with article 9 (payment of tolls) of, and Schedule 2 (register of vehicles exempt from tolls) to, the Order, whose height, width or weight (including load in each case) exceeds the following—

(1)	(2)
Height	5.18 metres
Width	2.5 metres
Weight	3 tonnes

(2) Application for permission of an authorised person under this byelaw must be made in writing at least 6 clear days before the proposed arrival at the Bridge of the vehicle the subject of the application.

## PART 6

### TOLLS AND CHARGES

**21.** A toll is to be demanded and taken in accordance with the provisions of the Order and any order modifying, amending or replacing it unless the vehicle is exempt from the requirement to pay a toll.

**22.** In respect of the passage of a vehicle across the Rixton and Warburton Bridge which is not exempt, payment of the toll may be made in the following ways—

- (a) by pre-payment of the toll;
- (b) by payment of the toll via ANPR;
- (c) by payment of the toll via a Tag; or
- (d) in accordance with the payment methods published from time to time by the undertaker.

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(a) 1988 c. 52.

**23.** A person driving a vehicle across the Rixton and Warburton Bridge is liable to pay a toll at a level displayed at all entry points onto the Rixton and Warburton Bridge.

**24.** A liability to pay unpaid toll charges in respect of a vehicle arises where—

- (a) a liability to pay a toll under byelaw 21 has been incurred in respect of that vehicle;
- (b) a toll has not been paid in full by, or on behalf of, either the driver or registered keeper of that vehicle in respect of the passage by the vehicle across the Rixton and Warburton Bridge; and
- (c) the toll remains unpaid after the relevant date.

**25.** The levels of unpaid toll charges to be applied to a vehicle in accordance with byelaw 24 are—

- (a) £30.00 (thirty pounds) in addition to the toll payable when paid in full within fourteen days beginning with the relevant date;
- (b) £60.00 (sixty pounds) in addition to the toll payable when paid in full between fourteen days from the relevant date and twenty-eight days following the relevant date;
- (c) £100.00 (one hundred pounds) in addition to the toll payable when paid in full after twenty-eight days following the relevant date.

**26.** For the purpose of byelaw 22(b), the undertaker will use ANPR to record images of vehicles to calculate the toll due from the relevant Account.

**27.** The undertaker will retain and use any such images or information recorded from vehicles in accordance with the General Data Protection Regulation(a) and the Data Protection Act 2018(b).

**28.** A person, liable under byelaw 24, must inform the undertaker as soon as reasonably practicable if their vehicle is sold or stolen, and provide a unique reference number or crime reference number from the police or appropriate documentary evidence of the sale (as applicable) and, if the undertaker requests, confirm the theft or sale in writing.

**29.** If the undertaker is not informed that the vehicle has been sold or stolen in accordance with byelaw 28, charges will continue to be calculated for the vehicle in accordance with byelaw 25 and the Account will remain liable for any charges incurred by the vehicle and the Account will continue to be debited.

**30.** If the vehicle has been sold, a person may register a new vehicle to their Account by updating their Account.

**31.** The undertaker will be entitled to deduct from an Account all liable charges, and other sums due to the undertaker in accordance with the byelaws and the Order, as they are incurred.

**32.—(1)** For the purpose of byelaw 22(c), a person may apply to the undertaker for a Tag.

(2) Any such application must be made on a form issued by and obtainable from the undertaker at the website and must include the particulars and information required by such form to be supplied.

(3) The undertaker may require an applicant for a Tag to produce evidence it may reasonably require to verify any particulars, in respect of information given to it.

(4) Upon receipt of an application duly made under this byelaw, the undertaker may issue to the applicant a Tag.

**33.** The Tag holder must inform the undertaker as soon as reasonably practicable if their vehicle is sold or stolen, and provide a unique reference number or crime reference number from the

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(a) EUR 2016/679, amended by the Advanced Research and Invention Agency Act 2022 (c. 4), paragraph 18 of Schedule 3, S.I. 2019/419 and S.I. 2020/1586.

(b) 2018 c. 12.

police or appropriate documentary evidence of the sale (as applicable) and, if the undertaker requests, confirm the theft or sale in writing.

**34.** If the undertaker is not informed that the vehicle has been sold or stolen in accordance with byelaw 33, charges will continue to be calculated for the vehicle in accordance with byelaw 25 and the Account will remain liable for any charges incurred by the vehicle and the Account will continue to be debited.

## PART 7

### PREVENTION OF DAMAGE OR NUISANCE GENERALLY

**35.** A person on the Rixton and Warburton Bridge must not climb upon, damage or remove any part of (whether deliberately or negligently) the structures of the Rixton and Warburton Bridge, equipment, fittings or appurtenances or any other property of the undertaker, or post any bill, placard or notice, or write or stamp, cut, print, draw or make marks in any manner on any part.

**36.** A person must not remove, jump or otherwise manoeuvre over or under, any bar, railing, fence or barrier or open any gate or movable barrier fitter or placed on any part of the Rixton and Warburton Bridge or fix anything to the Rixton and Warburton Bridge without prior consent from an authorised person.

**37.** A person must not move, alter, or deface or otherwise interfere with any notice or sign belonging to the undertaker and exhibited or placed on the Rixton and Warburton Bridge.

**38.** A person, other than one so authorised by the undertaker, must not throw or drop in any part of the Rixton and Warburton Bridge anything whatsoever capable of injuring or damaging the bridge road or the Canal or any person or property.

**39.** A person must not place or deposit or leave on the Rixton and Warburton Bridge any vehicle or any glass, china, earthenware, plastic, tin, paper, debris, oils, waste or other material so as to create an obstruction or litter or fire risk.

**40.** A person must not wilfully obstruct or impede an authorised person in the execution of the authorised person's duty, nor use threatening, abusive or insulting words or behaviour against the authorised person, on the Rixton and Warburton Bridge.

**41.** A person must not offer for sale or sell any articles or produce of any description on the Rixton and Warburton Bridge without the express written permission of the undertaker.

**42.** A person must not loiter or remain on the Rixton and Warburton Bridge or in any vehicle therein after having been requested by an authorised person to move therefrom.

**43.** A person must not, without prejudice to any other requirement of the byelaws, act in any way as to cause, or likely to cause, harassment, alarm or distress to any person or cause a nuisance on the Rixton and Warburton Bridge.

## PART 8

### CLOSURE OF THE BRIDGE ROAD

**44.** During any period of closure of the Rixton and Warburton Bridge in accordance with article 4 (closing of the Rixton and Warburton Bridge) of the Order, the passage of any vehicle across the Rixton and Warburton Bridge may only be with the consent of the undertaker, whose decision will be final.

## PART 9

### POWER TO EXCLUDE

**45.** It will be lawful for an authorised person to prevent from gaining access to the Rixton and Warburton Bridge the driver of any vehicle or any other person who the authorised person has reasonable cause to believe is contravening, or will contravene, if the driver of the vehicle or the other person proceeds, any of these byelaws.

## PART 10

### PENALTY FOR OFFENCES

**46.** Any person who contravenes or fails to comply with a provision of these byelaws is liable on summary conviction to a fine not exceeding Level 3.

**47.** The undertaker wherever applicable in monitoring infringements of these byelaws and in the prosecution of offenders is entitled to rely where appropriate—

- (a) on the evidence of a device adapted for measuring the speed of vehicles by radar, laser or ANPR or any other means as may be approved by the Secretary of State; and
- (b) to make admissible recorded images from the flow of traffic on the Rixton and Warburton Bridge.

SCHEDULE 5  
PLAN

Article 2



## SCHEDULE OF IMPROVEMENTS

**Interpretation****1.** In this Schedule—

“ANPR” means automatic number plate recognition;

“the approach road” means the length of the highway commencing from the A57 Manchester Road in the north at national grid reference SJ6915390429 to Warburton Bridge Road at national grid reference SJ6980489711 in the south excluding the bridge road;

“the Bridge” means the bridge known as the Rixton and Warburton Bridge authorised by the 1863 Act and the 1890 Act;

“the bridge road” means the highway along the length of the structure of the Bridge;

“the DMRB” means the Design Manual for Roads and Bridges, which accommodates all current standards, advice and other documents relating to the design, assessment and operation of trunk roads and motorways, or any equivalent replacement to the DMRB published;

“highway” has the same meaning it has for the purposes of section 328(1) and (2) of the Highways Act 1980(a); and

“PBI 2022” means the Principal Bridge Inspection Report in respect of the Bridge dated July 2022.

**The Improvements****2.** The Bridge—

works in respect of the Bridge itemised as E1, E2, E3, E4, E5 and E6 in the PBI 2022.

**3.** Signage—

replace non-compliant weight restriction signs in respect of the Bridge.

**4.** The bridge road—

- (a) plane off existing surface;
- (b) remove existing road surface including existing timber setts to deck plates;
- (c) re-install water proofing to the Bridge’s deck plates;
- (d) reconstruct the bridge road including a new surface at the same level as the existing bridge road;
- (e) reinstate vehicle restraint barrier connection in accordance with the PBI 2022;
- (f) provide road lines, markings and signage in accordance with the DMRB and the Traffic Signs Manual 2018 (as amended);
- (g) clear any protruding vegetation along the length of the bridge road.

**5.** Drainage—

- (a) clean drains along the length of the bridge road and along the length of the approach road and carry out repairs as necessary in accordance with the DMRB;
- (b) repair, and where necessary replace, brackets and failed sections of service pipes along the length of the bridge road and along the length of the approach road.

**6.** The approach road—

- (a) plane off existing surface;

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(a) 1980 c. 66.

- (b) widen the approach road to 5.8 metres in so far as within MSCC's ownership with new carriageway reconstruction;
- (c) construct new footway up to 1.5 metres in width (adjacent to southbound running lane) in so far as within MSCC's ownership;
- (d) provide road lines, markings and signage in accordance with the DMRB and the Traffic Signs Manual 2018 (as amended);
- (e) clear any protruding vegetation along the length of the approach road;
- (f) repair existing Armco safety barriers and timber rail fencing where necessary.

**7. ANPR—**

all the necessary works to remove existing toll booth and barriers in respect of the Bridge and install a system of payment of tolls via ANPR.



## **EXPLANATORY NOTE**

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

The Order revises the tolls which The Manchester Ship Canal Company Limited (“MSCC”) may charge for use of the Rixton and Warburton Bridge and supersedes the toll levels set out in the Rixton and Warburton Bridge Act 1863.

This Order contains provisions for local user discount and provisions in relation to Improvements to the Rixton and Warburton Bridge to be completed before MSCC can charge the tolls in accordance with the Order.

This Order contains provisions for MSCC to make new byelaws in relation to the good management and use of the Rixton and Warburton Bridge in order to safeguard the navigation of the Manchester Ship Canal.

This Order contains provisions for MSCC to transfer the Rixton and Warburton Bridge Undertaking to the Rixton and Warburton Bridge Company Limited, should MSCC so resolve.

Provision is made for byelaws and agreements made or entered into by MSCC to remain in force as if they had been made or entered into by The Rixton and Warburton Company Limited and for legal and other proceedings to be carried on by or in relation to MSCC.

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