



Mersey Tunnels Act 2004

2004 CHAPTER ii

An Act to amend provisions of the County of Merseyside Act 1980 relating to the levying, revision and application of tolls for use of the Mersey Tunnels and to amend that Act for other purposes. [1st July 2004]

WHEREAS—

- (1) The Merseyside Passenger Transport Authority (“the Authority”) was established under section 28 of the Local Government Act 1985 (c. 51) and is the passenger transport authority for the metropolitan county of Merseyside under section 9 of the Transport Act 1968 (c. 73):
- (2) By the Mersey Tunnels Order 1986 (S.I. 1986/297) made pursuant to provisions contained in the Local Government Act 1985, the tunnels undertaking of the County Council of Merseyside was transferred to the Authority on 1st April 1986 and the Authority has resolved during the promotion of the Bill for this Act that it wishes the tunnels undertaking to remain in public ownership:
- (3) That undertaking comprises in particular a tunnel for vehicular traffic under the river Mersey between Liverpool and Birkenhead (known as the Queensway Tunnel) and two tunnels for vehicular traffic under that river between Liverpool and Wallasey (known as the Kingsway Tunnel) (“the tunnels”), which were originally authorised by the Mersey Tunnel Acts 1925 to 1972 and which are now largely governed by provisions contained in Part XIII of the [County of Merseyside Act 1980 \(c. x\)](#) (“the 1980 Act”):
- (4) Pursuant to the 1980 Act, the Authority manages, operates and maintains the tunnels and levies tolls for their use, the income from which is applied in defraying operational costs and expenses, in paying interest on and in re-paying the principal of monies borrowed to finance the construction and operation of the tunnels, and in making payments to a reserve and renewals fund maintained in respect of the tunnels:
- (5) The Authority wishes to secure the regular revision of tolls for use of the tunnels with reference to inflation and power to use surplus income from tolls to improve public transport services in Merseyside and it is expedient that the provisions of the 1980 Act

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

relating to the levying, revision and application of tolls should be amended for these and related purposes:

- (6) It is expedient that the 1980 Act should be amended for other purposes:
- (7) The purposes of this Act cannot be effected without the authority of Parliament:
- (8) In relation to the promotion of the Bill for this Act the requirements of section 239(4A) of the Local Government Act 1972 (c. 70) (powers of joint and local authorities to apply for further powers, etc.) have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Short title

This Act may be cited as the Mersey Tunnels Act 2004.

2 Amendment of the 1980 Act: levying, revision and application of tolls

Part XIII of the [County of Merseyside Act 1980 \(c. x\)](#) is amended in accordance with the provisions set out in Schedule 1 to this Act.

3 Further amendment of the 1980 Act

That Part of that Act is further amended by the addition of the provision set out in Schedule 2 to this Act.

4 Repeals

The enactments specified in Schedule 3 to this Act are repealed to the extent specified in that Schedule.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

SCHEDULE 1

Section 2

AMENDMENT OF THE 1980 ACT: LEVYING, REVISION AND APPLICATION OF TOLLS

1 For sections 91 (Tolls) and 92 (Revision of tolls) there are substituted—

“91 Classification of vehicles, level and application of tolls

“91 “91 Classification of vehicles, level and application of tolls

(1) In this section—

“the base month” means November 1999 or, following the making of an order under section 92 (Further revision of tolls) of this Act increasing tolls, the month immediately preceding the month in which falls the date fixed by the last such order as the commencement date for that order;

“local transport plan” means the local transport plan made jointly by the Authority and the councils for the metropolitan districts comprised in the Authority’s area, pursuant to the Transport Act 2000 (c. 38); and

“the relevant date” means 1st December 1999 or, following the making of an order under that section, the date fixed by the last such order as the commencement date for that order.

(2) The Merseyside Passenger Transport Authority may continue to demand, take and recover tolls in respect of all or any class of traffic passing through or into any of the tunnels, and such reasonable charges as it thinks fit for any services rendered by the Authority in connection with the tunnels or any of them.

(3) The tolls authorised by this Part of this Act to be demanded, taken and recovered may be applied by the Authority—

- (a) in payment of the costs and expenses incurred in managing, operating and maintaining the tunnels undertaking;
- (b) in paying the interest on, and repaying the principal of, monies borrowed under the Mersey Tunnel Acts 1925 to 1972, this Part of this Act or otherwise (being monies borrowed for the purposes of the construction and operation of the tunnels);
- (c) in making payments to the reserve and renewals fund maintained in respect of the tunnels undertaking;
- (d) in making grants to the Merseyside Passenger Transport Executive in connection with the Executive’s ferries services operating on the river Mersey; and
- (e) in making payments to the Authority’s general fund for the purpose of directly or indirectly facilitating the achievement of policies

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

relating to public transport in its local transport plan, or for other purposes.

- (4) The Authority shall not apply any of the tolls for the purposes mentioned in paragraphs (d) and (e) of subsection (3) above—
- (a) in a manner that would contravene Directive 1999/62/EC of the European Parliament and of the Council of 17th June 1999 on the charging of heavy goods vehicles for the use of certain infrastructure (OJ L 187, 20.7.1999, p. 42); or
 - (b) unless it is satisfied that it has applied for the purposes of paragraphs (a) to (c) of that subsection sufficient tolls to ensure the safe, efficient and economic management, operation and maintenance of the tunnels undertaking in accordance with all applicable statutory requirements.
- (5) The Authority shall not, at any time after all payments and repayments mentioned in paragraph (b) of subsection (3) above have been made, apply any of the tolls for the purposes mentioned in paragraphs (d) and (e) of that subsection unless—
- (a) it has consulted users of the tunnels and the people of Merseyside, when preparing its local transport plan, on whether they consider it is appropriate that those tolls should—
 - (i) remain at a level beyond that required to make all necessary payments for the purposes mentioned in paragraphs (a) and (c) of that subsection; and
 - (ii) be applied for the purposes mentioned in paragraphs (d) and (e) of that subsection in addition to the purposes mentioned in paragraphs (a) and (c) of that subsection;
 - (b) it has subsequently determined, having regard to the views expressed by the persons so consulted, that it is appropriate that those tolls should remain at that level and be so applied; and
 - (c) it has included policies in its local transport plan as to the application of those tolls for the purposes mentioned in paragraphs (d) and (e) of that subsection.
- (6) Subject to the following provisions of this section and to the provisions of section 92 of this Act, the classes of traffic in respect of which tolls may be levied and the amount of those tolls are those established by and in force under the Mersey Tunnels (Revision of Tolls and Traffic Classification) Order 1991 (S.I. 1992/299), namely—

<i>Class of Vehicle</i>	<i>Authorised Toll</i>
1. (a) Motor cycle with side car and 3 wheeled vehicle.	£1.20
(b) Motor car and goods vehicle up to 3.5 tonnes gross weight.	£1.20
(c) Passenger vehicle other than a motor car, with seating capacity for under 9 persons.	£1.20