



# Dartford-Thurrock Crossing Act 1988

## 1988 CHAPTER 20

### PART III

#### OPERATION OF THE CROSSING

##### *Tolls and their administration*

#### **17 Classification of vehicles and level of tolls.**

- (1) The classes of vehicles in respect of which tolls may be levied shall be those established immediately before the transfer date by any classification of vehicles then in force under the 1984 Act.
- (2) Subject to the following provisions of this section, the toll leviable on and after the transfer date in respect of a vehicle of any class shall be that in force immediately before that date in respect of vehicles of that class.
- (3) Below in this section—
  - “the base month” means, subject to subsection (10) below, the month of June; and
  - “the revision date” means the date immediately following the end of the period of two months beginning with the 1st day of the base month.
- (4) Subject to subsection (9) below, on or within the period of seven days next following—
  - (a) the first revision date after the transfer date; and
  - (b) each succeeding revision date falling within the toll period;the Secretary of State shall make an order fixing the amounts of the tolls in respect of all classes of vehicles in respect of which tolls are leviable.
- (5) Subject to the following provisions of this section, the amount of the toll to be fixed by the order in respect of each class of vehicles shall be an amount arrived at by increasing the amount applicable in the case of that class on 1st January 1986 by the same percentage as the percentage increase between the retail prices index for

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December 1985 and the retail prices index for the month which is the base month in relation to the revision date in question.

- (6) Any amount which falls in accordance with subsection (5) above to be fixed by an order under this section—
- (a) if it is neither a multiple of ten nor an amount which on division by ten produces a remainder of five, shall be rounded to the nearest ten pence; and
  - (b) if it is an amount which on division by ten produces a remainder of five, shall be increased by five pence.
- (7) Subject to subsection (8) below, where the amount of any toll which, in accordance with the preceding provisions of this section, falls to be fixed by an order made under this section in respect of any class of vehicles exceeds that in force under the last previous order so made, the new order may fix an amount which does not implement the increase or implements it only in part.
- (8) Where tolls are for the time being leviable by the person appointed under section 11 of this Act, an order under this section may not by virtue of subsection (7) above fix an amount for any toll which does not implement, or implements only in part, any increase in the amount of that toll which would otherwise fall to be made under this section, except at the request of that person.
- (9) Where, on any occasion when an order fixing the amounts of tolls falls to be made in accordance with subsection (4) above, in the case of the toll leviable in respect of each class of vehicles in respect of which tolls are leviable either—
- (a) the amount which, in accordance with the preceding provisions of this section, would fall to be fixed by the order does not exceed that in force under the last previous order so made; or
  - (b) any increase which would fall to be made in the amount of that toll is one which by virtue of subsection (7) above need not be implemented by the order and the Secretary of State proposes not to implement it;
- an order under subsection (4) above need not be made on that occasion.
- (10) Where the retail prices index for any month during the toll period which is not for the time being the base month for the purposes of this section shows an increase of twelve per cent. or more over that for the last preceding base month, the month first mentioned above shall become the base month for the purposes of this section.
- (11) An order made under this section shall come into force on the 1st day of the month next following that in which it is made.
- (12) References in this section to the retail prices index are references to the general index of retail prices (for all items) published by the <sup>[F1]</sup>Office for National Statistics; and if that index is not published for any month those references shall be read as references to any substituted index or index figures published by <sup>[F2]</sup>that Office] for that month.
- (13) Subsection (8) above shall not apply in relation to any order made under this section during any toll extension period under paragraph 4 of Schedule 6 to this Act.

**Subordinate Legislation Made**

- P1** S. 17: power previously exercised by S.I. 1988/1364, 1989/1402 and 1990/1597  
**P2** S. 17(4): s. 17(4) power exercised by S.I. 1991/1808

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#### Textual Amendments

- F1** S. 17(12) words substituted (1.4.1996) by S.I. 1996/273, art. 5(1), Sch. 2 para. 23(a)  
**F2** S. 17(12) words substituted (1.4.1996) by S.I. 1996/273, art. 5(1), Sch. 2 para. 23(b)

### 18 Temporary suspension of tolls.

- (1) Subject to the following provisions of this section, tolls may be suspended by the crossing operator.
- (2) A suspension may relate to all vehicles using the crossing, or only to all such vehicles travelling from north to south, or from south to north.
- (3) Where the person appointed under section 11 of this Act to levy tolls is the crossing operator, his power to suspend tolls under this section shall be subject to any conditions in the contract under which he was appointed.

### 19 Exemption from tolls.

Nothing in this Act shall authorise the levying of tolls in respect of—

- (a) a vehicle identifiable by writing or markings on it or otherwise by its appearance as being the property of—
  - (i) a police authority;
  - <sup>F3</sup>(ia) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;
  - <sup>F4</sup>(ii) a fire and rescue authority under the Fire and Rescue Services Act 2004; or]
  - (iii) one of the civil defence forces or the civil defence services as respectively defined in the <sup>M1</sup>Civil Defence Act 1948; being used in the execution of duty;
- (b) an ambulance or other vehicle if it is being used by a [<sup>F5</sup>Strategic Health Authority or][<sup>F6</sup>Health Authority established under section 8 of the National Health Service Act 1977 [<sup>F7</sup>, a Special Health Authority established under section 11 of that Act or a Primary Care Trust established under section 16A of that Act]] or by a voluntary organisation or other person under an arrangement made under that Act;
- (c) any other ambulance if it is being used for the purpose of or in connection with the transport of persons requiring or receiving medical treatment or for the carriage in an emergency of medical apparatus or supplies;
- (d) a vehicle exempted from duty under [<sup>F8</sup>paragraph 18 of Schedule 2 to the Vehicle Excise and Registration Act 1994]if it is being used for the purposes of an invalid; or
- (e) a vehicle so exempted under [<sup>F9</sup>paragraph 19 of that Schedule] if it is being used by or for the purposes of a person suffering from a physical defect or disability.

#### Textual Amendments

- F3** S. 19(a)(i) words inserted (1.4.1998) by 1997 c. 50, s. 134(1), Sch. 9, para.54; S.I. 1998/354, art. 2(2) (ay)

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- F4** S. 19(a)(ii) substituted (7.9.2004 for E. for specified purposes, 1.10.2004 for E. in so far as not already in force, 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 66](#); [S.I. 2004/2304](#), art. 2; [S.I. 2004/2917](#), art. 2
- F5** Words in s. 19(b) inserted (1.10.2002) by [S.I. 2002/2469](#), reg. 4, [Sch. 1 Pt. 1 para. 15](#)
- F6** S. 19(b) words substituted (28.6.1995) by [1995 c. 17](#), ss. 2(1), 8, [Sch. 1, Pt. III, para. 115](#), (with Sch. 2 para. 6)
- F7** Words in s. 19(b) substituted (8.2.2000) by [S.I. 2000/90](#), art. 3(1), [Sch. 1 para. 20](#)
- F8** S. 19(d) words substituted (1.9.1994) by [1994 c. 22](#), ss. 63, 66, [Sch. 3 para. 23\(a\)](#) (with s. 57(4) )
- F9** S. 19(e) words substituted (1.9.1994) by [1994 c. 22](#), ss. 63, 66, [Sch. 3 para. 23\(b\)](#) (with s. 57(4) )

#### Marginal Citations

- M1** [1948 c. 5](#). (12, 13 & 14 Geo 6)

## 20 Composition agreements.

- (1) The crossing operator may enter into agreements (“composition agreements”) under which persons compound in advance, on such terms as may be provided by the agreement, for the payment of tolls in respect of the use of the crossing by them, by other persons or by any vehicles.
- (2) A composition agreement may relate to use on such number of occasions or during such period as may be provided by the agreement.
- (3) Composition agreements offered by the crossing operator to persons seeking to compound in advance for the payment of tolls must be offered on the same terms with respect to the same description of use of the crossing to all persons seeking so to compound in respect of use of that description.

## 21 List of tolls to be exhibited.

A list of the tolls for the time being leviable shall at all times be exhibited in a conspicuous position within a reasonable distance of any place at which tolls are payable.

## 22 Refusal to pay tolls.

- (1) Any person who, without reasonable excuse, refuses or fails to pay any toll for which he is liable or attempts to evade payment of any such toll shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) The powers mentioned in subsection (3) below are exercisable in relation to any such person (referred to in that subsection as the person in default) by any traffic officer or by any person employed at the crossing for the purpose of the collection of tolls.
- (3) Those powers are—
  - (a) to refuse to permit the person in default to pass through any place at which tolls are payable;
  - (b) whether by himself or with such assistance as he thinks necessary, to prevent the person in default from passing through any such place; and
  - (c) to require the person in default to leave the crossing by such route as a traffic officer may direct.

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