
Changes to legislation: There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 6

THE TOLL PERIOD

PART I

THE PERIOD ALLOWED FOR THE LEVY OF TOLLS BY THE PERSON APPOINTED

The maximum toll period

- 1 Subject to the following provisions of this Part of this Schedule, the period during which the person appointed under section 11 of this Act may levy tolls is the period of twenty years beginning with the transfer date (referred to below in this Part of this Schedule as the maximum toll period).

Early termination of the toll period

- 2 (1) Where—
- (a) on any date (“the determination date”) before the end of the maximum toll period it appears to the Secretary of State that the funding requirement with respect to relevant financial commitments will have been met before the end of that period; and
 - (b) the permitted date for termination by reference to meeting that requirement falls before the end of the maximum toll period;
- he shall determine the latter date as the date for early termination of the toll period under this paragraph.
- (2) The reference in sub-paragraph (1)(b) above to the permitted date for termination by reference to meeting the funding requirement with respect to relevant financial commitments is a reference to—
- (a) the earliest date by which it appears to the Secretary of State that that requirement will have been met; or
 - (b) the date immediately following the end of the period of six months beginning with the determination date;
- whichever is the later.
- (3) Where at any time before the date for early termination of the toll period currently applicable in accordance with any determination under this paragraph (including a previous determination under this sub-paragraph) it appears to the Secretary of State that the funding requirement with respect to relevant financial commitments will not have been met by that date—
- (a) if it appears to him that that requirement will have been met at some time after that date but before the end of the maximum toll period, he shall determine the earliest date by which it appears to him that that requirement

*Changes to legislation: There are currently no known outstanding effects for the
Dartford-Thurrock Crossing Act 1988, Part I. (See end of Document for details)*

- will have been met as the date for early termination of the toll period under this paragraph in substitution for the date currently applicable; or
- (b) in any other case, he shall cancel the determination of the date currently applicable.
- (4) A cancellation under sub-paragraph (3)(b) above of a determination under this paragraph shall not prejudice any subsequent application of this paragraph if at any later date the requirements of sub-paragraph (1) above are satisfied.
- (5) On making or cancelling any determination under this paragraph the Secretary of State shall notify the person appointed in writing of the determination or the cancellation.
- (6) Subject to paragraph 4 below, the period during which the person appointed may levy tolls shall end on any date fixed by a determination under this paragraph which has not been cancelled before the date is reached.
- 3 (1) For the purposes of paragraph 2 above, the funding requirement with respect to relevant financial commitments is to be taken as met by any date if the aggregate amount of all relevant revenue received by the person appointed before that date, less the aggregate amount of the costs mentioned in sub-paragraph (2) below, is equal to or greater than the amount which would be required to meet, on that date, all relevant financial commitments, less the aggregate amount of any permitted payments in respect of relevant financial commitments made or due before that date.
- (2) The costs referred to in sub-paragraph (1) above are—
- (a) any expenditure incurred before that date by the person appointed for the purposes of or in connection with the exercise of any relevant functions, other than payments in respect of relevant financial commitments;
- (b) any liabilities so incurred (other than relevant financial commitments) which fall to be met but have not in fact been met before that date;
- (c) permitted payments in respect of relevant financial commitments made or due before that date; and
- (d) such provision as it appears to the Secretary of State appropriate to make for meeting—
- (i) any liabilities so incurred (other than relevant financial commitments) which fall to be met on or after that date;
- (ii) liabilities that may arise on or after that date in respect of anything done before that date for the purposes of or in connection with the exercise of any relevant functions; and
- (iii) costs arising as a result of or in connection with tolls ceasing to be leviable.
- (3) In this paragraph—
- (a) “relevant revenue” means—
- (i) tolls collected in pursuance of this Act; and
- (ii) such other revenue received by the person appointed as falls in accordance with the contract to be treated for the purposes of this paragraph as relevant revenue;
- (b) “relevant financial commitments” means such financial commitments incurred by the person appointed for the purposes of or in connection with the exercise of any relevant functions as fall in accordance with the contract to be treated for the purposes of this paragraph as relevant financial commitments;

Changes to legislation: There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988, Part I. (See end of Document for details)

- (c) “financial commitments” means obligations in respect of—
 - (i) the repayment of the principal of loans;
 - (ii) the redemption of loan stock; and
 - (iii) the payment of interest on loans or in respect of loan stock, or the making of a payment of any other description in connection with any loan; and
 - (d) “the contract” means the contract under which the person appointed to levy tolls was appointed.
- (4) References in this paragraph to permitted payments in respect of relevant financial commitments are references to such payments in respect of those commitments as are required or permitted in accordance with the contract to be met from relevant revenue before the end of the period during which the person appointed may levy tolls.

Toll extension period

- 4
- (1) This paragraph applies where on any date on which apart from this paragraph the period during which the person appointed may levy tolls would come to an end by virtue of paragraph 2 above (“the early termination date”) there is in force a contract between the Secretary of State and the person appointed providing for the levy of tolls by that person during an additional period (“the toll extension period”) of not more than twelve months beginning with the date immediately following the early termination date and ending not later than the end of the maximum toll period.
 - (2) The period during which the person appointed may levy tolls, and that person’s appointment under section 11 of this Act to levy tolls, shall be treated as continuing until the end of the toll extension period or the termination of the contract relating to the levy of tolls during the toll extension period, whichever first occurs.
 - (3) The Secretary of State shall not enter into a contract providing for the levy of tolls by the person appointed during any additional period falling after any date for early termination of the toll period determined under paragraph 2 above unless it appears to him to be appropriate to do so for the purpose of making provision out of revenue produced by the tolls during the additional period for meeting expenses properly chargeable to revenue account which are likely to be incurred in, or in connection with, the maintenance of the crossing after the end of the additional period.

Changes to legislation:

There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988, Part I.