

2003 No. 2186

HIGHWAYS, ENGLAND

The M6 Toll (Collection of Tolls) Regulations 2003

Made - - - - - 21st August 2003

Laid before Parliament 29th August 2003

Coming into force - - 25th September 2003

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[DfT 13114]

SCHEDULES

- 1 Modifications to the Motorways Traffic (England and Wales) Regulations 1982
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The Secretary of State for Transport, in exercise of the powers conferred by sections 14 and 15 of the New Roads and Street Works Act 1991(a) and sections 17(2) and (3) and 99(1) and (2) of the Road Traffic Regulation Act 1984(b), hereby makes the following Regulations:

PART I

Preliminary

Citation and commencement

1. These Regulations may be cited as the M6 Toll (Collection of Tolls) Regulations 2003 and shall come into force on 25th September 2003.

Interpretation

2. In these Regulations—

“appointed person” means a person employed by or on behalf of the concessionaire or the Secretary of State for the purpose of collecting tolls;

“carriageway” has the meaning given to it by the Motorways Traffic (England and Wales) Regulations 1982(c);

“concessionaire” means the concessionaire for the time being appointed by the Secretary of State to carry out the Secretary of State’s functions in respect of the motorway pursuant to a concession agreement under section 1 of the New Roads and Street Works Act 1991;

“the motorway” means the M6 Toll motorway and connecting roads as defined in the Birmingham Northern Relief Road and Connecting Roads Scheme 1998(d);

“pre-payment scheme” means an agreement between the concessionaire or the Secretary of State and persons using the motorway under which such persons make payments of tolls in advance for use of the motorway;

“toll lane area” means the areas of carriageway and the adjacent raised areas, on which the toll-booths are located, between the toll lane entry barrier and the toll lane exit barrier;

“wide load route” means the carriageway which bypasses the toll lane area and is shown by a sign as being for use by vehicles where the vehicle, its trailer or its load exceeds 2.9m in width at any point along its total length.

PART II

Payment of tolls

Place and manner of payment

3.—(1) Except where paragraph (2) applies, all tolls leviable by virtue of the Birmingham Northern Relief Road Toll Order 1998(e) in respect of a vehicle shall be paid by the driver of the vehicle by a recognised means of payment—

(a) to an appointed person at a toll-booth, or

(b) into a machine provided near a toll-booth for the purpose of collecting tolls,

not being in either case a toll-booth at which a sign is displayed indicating that its use is restricted to either—

(a) 1991 c. 22.

(b) 1984 c. 27. Section 17 was amended by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraph 28 and Schedule 9 and by the Road Traffic Act 1991 (c. 40) Schedule 4, paragraph 25 and Schedule 8.

(c) S.I. 1982/1163.

(d) S.I. 1998/121.

(e) S.I. 1998/124.

- (i) vehicles of a class which does not include the relevant vehicle, or
- (ii) vehicles in respect of which the toll leviable has been paid in advance.

(2) Where, pursuant to a pre-payment scheme, the toll leviable in respect of a vehicle has been paid in advance, the driver shall present or display such evidence of payment in such manner and at such place within a toll lane area as the pre-payment scheme may provide.

(3) Subject to paragraph (5), every driver of a vehicle reaching a toll lane area shall stop the vehicle in a position where he can, in accordance with this regulation, pay any toll leviable in respect of the vehicle or present or display evidence of payment of the toll in compliance with any pre-payment scheme without leaving the vehicle.

(4) When a red light is displayed at a toll-booth or a barrier is blocking the exit from a toll-booth, the driver of a vehicle shall not allow the vehicle to proceed beyond the toll-booth until a green light is displayed and any barrier blocking the exit is raised or a constable or an appointed person allows or directs him to proceed.

(5) Where a vehicle, its trailer or its load exceeds 2.9 metres in width at any point along its length the driver shall—

- (a) use the wide load route;
- (b) stop the vehicle where indicated to do so by a sign;
- (c) pay any toll leviable in respect of the vehicle or present or display evidence of payment of the toll in compliance with any pre-payment scheme.

(6) For the purpose of this regulation, “recognised” means recognised and accepted by the concessionaire or the Secretary of State.

Duty to give name and address

4. Where a driver of a vehicle is unable or refuses to pay a toll in accordance with regulation 3 he shall, on being required to do so by a constable or an appointed person, give his name and address to such constable or appointed person, subject to the production by the appointed person of his credentials, if so requested.

Charges in relation to the removal of vehicles where tolls are unpaid

5. For the purpose of section 15(5) of the New Roads and Street Works Act 1991, the “prescribed charge” shall be calculated—

- (a) according to the class of vehicle; and
- (b) as being the reasonable cost of removal of a vehicle of that class.

Traffic directions

6. Where it appears to an appointed person to be necessary or expedient for the collection of tolls to regulate traffic, he may direct the driver of a vehicle to stop the vehicle or to cause it to proceed forwards or backwards in, or keep to, a particular line or direction and the driver shall comply with such direction.

Obstruction of appointed persons

7. No person shall obstruct or otherwise interfere with any action taken by an appointed person under these Regulations in connection with the collection of tolls.

Toll-booth out of use

8. No person shall drive any vehicle, or cause or permit it to be driven, into or through the lane alongside any toll-booth which is shown by a barrier or sign to be out of use unless instructed to do so by a constable or an appointed person.

PART III

Traffic regulation

Application of the Motorways Traffic (England and Wales) Regulations 1982

9. The Motorways Traffic (England and Wales) Regulations 1982 shall have effect in relation to the motorway subject to the modifications set out in Schedule 1 to these Regulations.

Application of the Removal and Disposal of Vehicles Regulations 1986

10. The Removal and Disposal of Vehicles Regulations 1986(a) shall have effect in relation to the motorway subject to the modifications set out in Schedule 2 to these Regulations.

Signed by authority of The Secretary of State for Transport

21st August 2003

Kim Howells
Minister of State for Transport
Department for Transport

(a) S.I. 1986/183.

SCHEDULE 1

Regulation 9

MODIFICATIONS TO THE MOTORWAYS TRAFFIC (ENGLAND AND WALES) REGULATIONS 1982

(1) In regulation 5 (vehicles to be driven on the carriageway only) the words “and to the provisions of the M6 Toll (Collection of Tolls) Regulations 2003” shall be inserted after the word “Regulations”.

(2) At the end of regulation 7(4) (restriction on stopping) there shall be added the words “or by the requirements of the M6 Toll (Collection of Tolls) Regulations 2003.”.

(3) At the end of regulation 15(1)(b) (use of motorway by pedestrians) the following subparagraph shall be added—

“or (iii) in accordance with any permission or instruction given by a constable or appointed person within the meaning of the M6 Toll (Collection of Tolls) Regulations 2003 to enable any toll due in respect of the use of the motorway to be paid.”.

(4) In regulation 15(1)(b)(ii) (use of motorway by pedestrians in specified circumstances) for the words “or (f)” there shall be substituted the words “, (f) or (g)”.

(5) At the end of regulation 16(1) (exceptions and relaxations) the following sub-paragraph shall be added—

“or (g) where it is necessary for him to do so in connection with the collection and payment of tolls leviable in respect of the use of the motorway within the meaning of the M6 Toll (Collection of Tolls) Regulations 2003.”.

SCHEDULE 2

Regulation 10

MODIFICATIONS TO THE REMOVAL AND DISPOSAL OF VEHICLES REGULATIONS 1986

(1) In regulation 3(2) (power of constable to require removal of vehicles from roads) the words “or an appointed person within the meaning of the M6 Toll (Collection of Tolls) Regulations 2003” shall be inserted after the word “constable”.

(2) In regulation 4 (power of constable to remove vehicles) the words “or an appointed person within the meaning of the M6 Toll (Collection of Tolls) Regulations 2003” shall be inserted after the word “constable”, wherever it occurs.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to the M6 Toll (formerly the Birmingham Northern Relief Road) and relate to the operation of this motorway and the collection of tolls. The Regulations provide for the following matters—

— The manner in which and the places at which the prescribed tolls are to be paid and the prohibition of traffic from passing a toll-booth unless a green light is showing or exit barrier raised or the driver is allowed or directed to proceed (regulation 3).

— A requirement for drivers to provide their name and address to a constable or appointed person if the toll is not paid (regulation 4).

— The imposition of a reasonable charge if the toll remains unpaid and removal of the vehicle is required (regulation 5).

— A power for appointed persons to regulate traffic on the approach to and through the toll lanes if it is necessary or expedient for the collection of tolls to do so (regulations 6).

— The prohibition of persons from obstructing an appointed person in any actions taken to ensure the road is not used by vehicles without payment of a toll or in the regulation of traffic on the approach to and through the toll lanes (regulation 7).

— The prohibition of persons from using a toll lane which is indicated to be out of use (regulation 8).

— The Motorways Traffic (England and Wales) Regulations 1982 are modified in their application to the M6 Toll to allow a person to use the motorway in connection with the collection and payment of tolls (regulation 9).

— The Removal and Disposal of Vehicles Regulations 1986 are modified to give an appointed person powers in respect of the removal of vehicles on the M6 Toll (regulation 10).

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