
STATUTORY INSTRUMENTS

2018 No. 574

The Silvertown Tunnel Order 2018

PART 5

USER CHARGING

The charging policy

53.—(1) TfL must exercise its functions under this Part in accordance with the policies and procedures set out in the charging policy.

(2) TfL may revise the charging policy but only after it has—

(a) consulted in relation to the proposed changes to the charging policy—

- (i) organisations it considers representative of regular users of the tunnels; and
- (ii) the members of STIG;

(b) had regard to the responses to the consultation carried out under sub-paragraph (a); and

(c) submitted the proposed revised charging policy to the Mayor of London for approval.

(3) Any revised charging policy proposed by TfL will only have effect if it is approved by the Mayor of London, who may approve it with or without modifications.

(4) If the Mayor of London intends to approve a revised charging policy with material modifications, the Mayor of London must consult—

(a) organisations the Mayor considers representative of regular users of the tunnels; and

(b) the members of STIG,

on the proposed modifications and must have regard to any responses to the consultation received when deciding whether to approve a revised charging policy.

Power to charge for use of the tunnels

54.—(1) Subject to and in accordance with the provisions of this Part, from the date when the Silvertown Tunnel is first opened for public use, TfL may levy charges in respect of motor vehicles using either of the tunnels.

(2) The charge payable to TfL for use of the tunnels by any motor vehicle is at such a level for that class of vehicle as TfL may from time to time determine.

(3) TfL may determine different charges (including a nil charge)—

(a) as between the tunnels;

(b) for different classes of motor vehicles;

(c) for different times of the day;

(d) for different days of the week;

(e) for different directions of travel; and

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- (f) for different methods or means of recording, administering, collecting or paying the charge.
- (4) Any charge payable to TfL under this article may be waived, suspended, reduced, compounded or discounted by TfL at any time.
- (5) TfL must publish the charges determined under paragraph (3) in a statement of charges in such manner as TfL considers appropriate not later than 56 days before the charges are intended to take effect.
- (6) The statement of charges published under paragraph (5) must set out, amongst other things—
- (a) the tunnels in respect of which the charges apply;
 - (b) the classification of motor vehicles for the purposes of determining the charge payable by any motor vehicle;
 - (c) the times at and days on which the charges will be payable;
 - (d) the amount of the charges payable;
 - (e) exemptions from charges;
 - (f) discounts from charges;
 - (g) any documents or equipment specified by TfL under article 55(3) (payment and recovery of charges and penalty charges);
 - (h) payment means or methods;
 - (i) a summary of the applicable enforcement provisions; and
 - (j) any matter related to the provisions applied by article 56(3) (penalty charges, examination of motor vehicles, etc.).
- (7) Where any motor vehicle falls within the definition of more than one class of vehicles it is deemed to fall in the class of vehicle bearing the highest charge.
- (8) References in this Part to classes of motor vehicles are references to the classes defined or described by reference to any characteristics of the motor vehicles or to any other circumstances.

Payment and recovery of charges and penalty charges

55.—(1) The person liable to pay any charge payable under this Part, and any penalty charge imposed in connection with this Part, is the registered keeper of the motor vehicle concerned.

(2) The charge, and any penalty charge, must be paid by such methods or means as may be specified in the statement of charges published under article 54(5) (power to charge for use of the tunnels).

(3) To enable the collection of charges by a particular method or means of payment TfL may specify in the statement of charges—

- (a) documents required to be displayed by; or
- (b) equipment required to be carried on board,

any motor vehicle in respect of which the charge is to be paid using that method or means of payment.

(4) TfL may enter into an agreement with any person (“an advance payment agreement”) under which, on such terms as may be provided by the agreement, charges for a motor vehicle to be used in the Blackwall Tunnel or the Silvertown Tunnel may be paid in advance.

(5) An advance payment agreement may relate to such use of the Blackwall Tunnel or the Silvertown Tunnel, on such number of occasions or during such period, as may be provided by it, may provide for a reduction in the charges payable and may make any other necessary provision including in relation to payment of an administration charge.

(6) Where any charge payable under this Part, and any penalty charge imposed in connection with this Part, remains unpaid after it has become due for payment, TfL may recover from the person liable to pay the charge the amount of the charge together with all other reasonable costs and expenses including administrative expenses, enforcement expenses and interest arising out of any such failure to pay.

(7) TfL may appoint any person to collect as its agent any charge payable under this Part and any penalty charge imposed in connection with this Part.

Penalty charges, examination of motor vehicles, etc.

56.—(1) Regulations made under paragraph 12 ^{M1} (penalty charges) of Schedule 23 (road user charging) to the 1999 Act have effect in relation to the tunnels as if the statement of charges published under article 54(5) (power to charge for use of the tunnels) is a charging scheme made by order under that Schedule, TfL is the charging authority and the tunnels are the charging area.

(2) The following paragraphs of Schedule 23 to the 1999 Act, and any regulations made under them, have effect in relation to the tunnels as if the statement of charges published under article 54(5) is a charging scheme made by order under that Schedule, TfL is the charging authority and the tunnels are the charging area—

- (a) paragraph 14 (installation of equipment on roads or elsewhere);
- (b) paragraph 25 (offences);
- (c) paragraph 26 (examination of motor vehicles, etc.);
- (d) paragraph 27 (removal or immobilisation of motor vehicles); and
- (e) paragraph 30 (evidence).

(3) Sections 5 (contravention of requirement of TfL scheme), 6 (extension of power to include enforcement provisions in TfL scheme) and 8 (failure to notify changes in eligibility for exemptions etc.) of the Transport for London Act 2008 ^{M2} apply to the tunnels as if the statement of charges published under article 54(5) is a TfL scheme within the meaning of that Act.

Marginal Citations

- M1** As amended by paragraphs 1, 6-8 and 10-12 of Schedule 13 and Part 1 of Schedule 31 to the [Transport Act 2000 \(c. 38\)](#) and section 115 of the [Local Transport Act 2008 \(c. 26\)](#).
- M2** 2008 c. i.

Application by TfL of charges levied

57. The charges payable under this Part, and any penalty charges imposed in connection with this Part, may be applied by TfL in—

- (a) paying the costs and expenses incurred in planning, consenting, designing, constructing, managing, operating and maintaining the Silvertown Tunnel (including in relation to the implementation of necessary mitigation) and any costs associated with financing any of the same;
- (b) paying the costs and expenses incurred in managing, operating and maintaining the Blackwall Tunnel and any costs associated with financing any of the same;
- (c) providing such funds as are, or are likely to be, necessary to discharge TfL's obligations contained in any agreement entered into by TfL under article 59 (transfer of benefit of Order, etc.);

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- (d) making payment into any maintenance or reserve fund kept in respect of the Silvertown Tunnel or the Blackwall Tunnel; and
- (e) making payments to TfL's general fund.

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