

2023 No. 139

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The River Tyne (Tunnels) (Modification) Order 2023

Made - - - - - *7th February 2023*

Coming into force *28th February 2023*

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(a) for an Order under sections 3 and 5 of the Transport and Works Act 1992(b) (“the 1992 Act”).

The Secretary of State, having considered the objections made and not withdrawn, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

The Secretary of State is of the opinion that the primary object of this Order cannot be achieved by means of an Order under the Harbours Act 1964(c).

The Secretary of State, having considered representations duly made under section 13 of the 1992 Act, has determined to make the Order applied for with modifications.

Notice of the Secretary of State’s determination was published in the London Gazette on 10th February 2023.

The Secretary of State, in exercise of the powers conferred by sections 3 and 5 of, and paragraphs 12 and 13 of Schedule 1 to, the 1992 Act makes the following Order:

Citation and commencement

1. This Order may be cited as the River Tyne (Tunnels) (Modification) Order 2023 and comes into force on 28th February 2023.

Modifications of the River Tyne (Tunnels) Order 2005

2.—(1) The River Tyne (Tunnels) Order 2005(d) is amended as follows.

(a) S.I. 2006/1466.

(b) 1992 c. 42. There are amendments to sections 3 and 5 which are not relevant to this Order.

(c) 1964 c. 40.

(d) S.I. 2005/2222, amended by S.I. 2011/3040 and S.I. 2017/1011.

(2) In article 41 (power to make byelaws)—

- (a) in paragraph (1) for “employees of the undertaker” substitute “tunnel staff”;
- (b) after paragraph (2)(c) insert—
 - “(ca) conferring functions, including discretionary functions, on the undertaker or tunnel staff;”;
- (c) in paragraph (2)(g) for “an appointed person” (in both places) substitute “tunnel staff”;
- (d) in paragraph (2)(i) for “an appointed person” substitute “tunnel staff”;
- (e) in paragraph (2)(j) for “an appointed person” substitute “tunnel staff”;
- (f) in paragraph (2)(k) for “an appointed person” substitute “tunnel staff”;
- (g) for paragraph (3) substitute—

“(3) Byelaws under this article may make provision about the charging and payment of tolls, which may, in particular, include provision—

- (a) specifying vehicles or journeys in respect of which tolls are to be paid, and requiring payment to be made by or on behalf of the registered keeper of a vehicle or another specified person with responsibility for a vehicle or journey;
 - (b) allowing discounts for pre-payment of tolls;
 - (c) for a scheme for the registration of vehicles by or on behalf of disabled persons, which may impose terms and conditions on registration, including limits as to the number of vehicles that may be registered for exemption by or on behalf of each individual participating in the scheme;
 - (d) about the publication of information about tolls; and
 - (e) about the display of signs.”; and
- (h) in paragraph (19) for the definition of “appointed person” substitute—
- ““tunnel staff” means persons designated as tunnel staff by byelaws under this Order;”.

(3) In article 42—

- (a) in paragraph (9) after “or during an agreed period” insert “and may allow discounts for advance payment”;
- (b) after paragraph (10)(d) insert—
 - “(da) a vehicle being used for coastguard purposes;”;
- (c) for paragraph (10)(e) substitute—
 - “(e) a vehicle which is registered as exempt in accordance with a scheme provided for in byelaws under article 41(3)(c) for the registration of vehicles by or on behalf of disabled persons;”.

(4) In paragraph 2(1) of Part 1 of Schedule 14 (level of tolls), after “in any period of 12 months” insert “(disregarding revisions of the classifications of vehicles in respect of which different tolls are payable)”.

Signed by authority of the Secretary of State for Transport

7th February 2023

Natasha Kopala
Head of the Transport and Works Act Order Unit
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies the River Tyne (Tunnels) Order 2005 to make consequential amendments required as a result of the adoption of a system for free-flow of traffic through the tunnels (without stopping at toll-booths).

In particular, the Order—

- (a) omits references predicated on payment at toll-booths;
- (b) makes provision about tunnel staff;
- (c) provides for toll exemptions for coastguard vehicles; and
- (d) provides for toll exemptions for disabled persons to be provided through a scheme for the registration of vehicles for exemption.

This Order does not authorise the carrying out of works or the acquisition of land (whether compulsorily or by agreement).

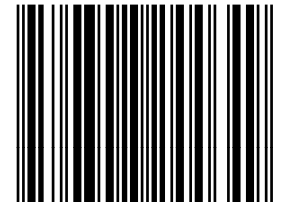
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