
STATUTORY INSTRUMENTS

2024 No. 630

The Rixton and Warburton Bridge Order 2024

PART 4

TOLLING, CONCESSION AND FINANCING ARRANGEMENTS

Tolls

8.—(1) Once the Improvements have been completed and MSCC has served a notice on the local highway authorities confirming the date on which the completion of the Improvements occurred, the tolls recoverable from users of Rixton and Warburton Bridge under the 1863 Act are to be those specified in Schedule 1 of this Order and must be paid in accordance with the provisions of this Order.

(2) Where tolls or charges payable under or by virtue of this Order remain unpaid after they have become due for payment, the person to whom they are payable may recover from the person liable to pay them the amount of the tolls or charges together with all other reasonable costs and expenses including administrative expenses, enforcement expenses and interest arising out of any such failure to pay.

(3) MSCC may appoint any person to collect tolls or charges as its agent.

(4) The person by whom tolls under this Order and penalty charges imposed in connection with this Order are payable in respect of a motor vehicle is the registered keeper.

(5) MSCC must establish and maintain an exemptions register in accordance with Schedule 2 (register of exemption from tolls).

(6) Tolls may not be charged in respect of vehicles where the particulars of the vehicle have been entered upon the exemptions register.

(7) The tolls or charges charged in accordance with this article may be applied by MSCC for any purposes in connection with the safe efficient and economic management, operation and maintenance of the Rixton and Warburton Bridge, including but not limited to—

- (a) paying the costs and expenses incurred in designing, constructing, managing, operating and maintaining the Rixton and Warburton Bridge or any costs associated with financing any of the same;
- (b) providing such funds as are, or are likely to be, necessary to discharge the obligations of MSCC pursuant to a concession agreement;
- (c) paying the interest on, and repaying the principal of, monies borrowed in respect of the Rixton and Warburton Bridge;
- (d) making payment into any reserve fund provided in respect of the Rixton and Warburton Bridge;
- (e) providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority for maintenance and operation of, the Rixton and Warburton Bridge or works to the Rixton and Warburton Bridge; and
- (f) providing a reasonable rate of return on investment in the Undertaking.

Payment of tolls

9.—(1) Subject to paragraphs (5) and (11), a toll recoverable under the 1863 Act and paid in accordance with the provisions of this Order and any byelaws made under this Order, must be paid by such method as may be specified by MSCC or such other method as MSCC may in the particular circumstances of the case accept.

(2) Without limiting the scope of paragraph (1), except where MSCC elects in accordance with paragraph (5), tolls may be payable—

- (a) when demanded by a person authorised by MSCC or its agent in that behalf at a place designated by MSCC for the collection of tolls; or
- (b) by inserting the appropriate payment for a toll at any appropriate collection point.

(3) MSCC or its agent may enter into an agreement (“composition agreement”) under which persons compound, on such terms as may be provided by the agreement, for the payment of tolls in respect of the use of the Rixton and Warburton Bridge.

(4) A composition agreement may relate to use on such number of occasions or during such period as may be provided by the agreement.

(5) Where the condition described in paragraph (12) applies MSCC may elect that, instead of any other method of payment, tolls may be payable by means of entering into a composition agreement in which case MSCC may require that method to apply exclusively.

(6) Where MSCC has elected pursuant to paragraph (5) that the exclusive method of paying tolls is to be by means of entering into a composition agreement, such a composition agreement may be entered into—

- (a) on the day concerned, the first day concerned or (where it relates to a single journey) the day of the journey concerned;
- (b) on a day falling within the period of 64 days immediately preceding the day concerned, the first day concerned, or (where it relates to a single journey) the day of the journey concerned; or
- (c) on the day after the day concerned, the first day concerned, or (where it relates to a single journey) the day of the journey concerned.

(7) The following provisions apply to composition agreements—

- (a) a composition agreement must be specific to a particular vehicle;
- (b) that vehicle must be identified by its registration mark; and
- (c) a person entering into a composition agreement with MSCC must specify to MSCC or its agent the registration mark of the vehicle to which the composition agreement relates.

(8) Where a composition agreement is entered into or purported to be entered into, and payment is to be made to MSCC otherwise than in cash, and payment is not received by MSCC or its agents (whether because a cheque is dishonoured or otherwise), the toll or tolls to which the composition agreement relates is to be treated as not paid and the composition agreement will be void.

(9) MSCC may require a vehicle that is subject to a composition agreement to display a document in that vehicle or carry in or fix equipment to that vehicle.

(10) MSCC may impose such reasonable conditions upon the making of a composition agreement as it considers appropriate including in relation to the transfer of the benefit of composition agreements or refund of payments.

(11) A composition agreement may provide for a discount or waiver of any toll or part of any toll in respect of the use of the Rixton and Warburton Bridge.

(12) The condition referred to in paragraph (5) is fulfilled when the method of payment for use of the Rixton and Warburton Bridge is not secured by the use of barriers preventing vehicles from proceeding until a toll is paid.

(13) Methods of payments of the tolls under this Order may include but are not limited to payments made in person, by phone, using a credit card or debit card, or by App.

(14) In this article—

“App” means a software application for use on an electronic device which provides for payment by credit card or debit card and which is provided by MSCC for that purpose;

“credit card” means a card or similar thing issued to any person, use of which enables the holder to defer payment; and

“debit card” means a card or similar thing issued by any person, use of which causes a payment to be made by the electronic transfer of funds from any current account of the holder at a bank or other institution providing banking facilities.

Power to enter into concession agreements and lease or transfer the Undertaking, etc.

10.—(1) MSCC may, on such terms as it sees fit, at any time and for any period, enter into one or more concession agreements and for that purpose may provide for the exercise of the powers of MSCC in respect of the authorised activities or any part of them, together with the rights and obligations of MSCC in relation to them, by any other person and other matters incidental or subsidiary to them or consequential to them, and the defraying of, or the making of contributions towards the costs of the matters whether by MSCC or any other person.

(2) MSCC may charge the whole or any part of the Undertaking on such terms and conditions as it thinks fit.

(3) MSCC may, with the consent of the Secretary of State, transfer, lease, or sell or dispose of the whole or any part of the Undertaking, on such terms and conditions as it thinks fit.

(4) Subject to paragraph (3), MSCC may grant on such terms and conditions as it thinks fit to any person or take from any person a lease, licence or any other interest in or right over any land, including land comprising or comprised in the Rixton and Warburton Bridge, if it appears to MSCC expedient to do so for the purpose of or in connection with the exercise by that person of any or all of the authorised activities.

(5) The exercise of the powers of any enactment by any person in accordance with any agreement under paragraph (1), or any sale, lease, charge or disposal under paragraphs (2) and (3), is to be subject to the same restrictions, liabilities and obligations as would apply under this Order if those powers were exercised by MSCC.

(6) For the purposes of the transfer of the Undertaking from MSCC to the Company under article 5 (transfer of the Undertaking), the making of this Order constitutes confirmation of the consent of the Secretary of State required under paragraph (3).

Protection of the Canal

11.—(1) The exercise of the powers under article 5(4) (transfer of the Undertaking) and under article 10 (power to enter into concession agreements and lease or transfer the Undertaking, etc.) are subject to such requirements as may be imposed by MSCC so as to ensure the safe operation, navigation and use of the Canal.

(2) The exercise of any powers conferred by this Order or by the provisions of the 1863 Act and the 1890 Act for the purpose of, or in connection with operation, maintenance or improvement of the Rixton and Warburton Bridge must not interfere with the operation, navigation or use of the Canal

without prior written approval of MSCC which may be granted subject to such conditions as may be imposed by MSCC so as to ensure the safe operation, navigation and use of the Canal.

(3) Except as expressly provided, nothing in this Order is to prejudice the rights, powers and duties of the harbour master and MSCC under the Manchester Ship Canal Acts and Orders 1885 to 2012 in relation to the operation, navigation and use of the Canal.

Application of landlord and tenant law

12.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the Rixton and Warburton Bridge or the right to operate the same; and
- (b) any agreement entered into by MSCC with any person for the carrying out of the authorised activities or any part of them,

so far as any such agreement relates to the terms on which any land is subject to a lease granted by or under that agreement.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies.

(3) Accordingly, no such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Application of the 2000 Act

13.—(1) Regulations made pursuant to section 173 (penalty charges) of the 2000 Act will have effect in respect of the Rixton and Warburton Bridge as if the tolls and charges charged in accordance with the Order were charges payable pursuant to a charging scheme made by order under Part 3 of the 2000 Act and will apply to MSCC as if MSCC were an authority listed in section 163(1) of the 2000 Act.

(2) The imposition and payment of penalty charges in connection with the Order will be in accordance with such regulations as the Secretary of State may make pursuant to section 173 of the 2000 Act.

(3) Sections 174 (examination, entry, search and seizure), 175 (immobilisation etc.) and 176 (equipment etc.)⁽²⁾ of the 2000 Act have effect in respect of the Rixton and Warburton Bridge as if Part 4 of this Order was a charging scheme made by order under Part 3 of the 2000 Act.

(1) There are amendments to sections 163 and 173 that are not relevant to this Order.

(2) Section 176 was amended by the Local Transport Act 2008 (c. 26), section 116(3). The are further amendments to section 176 and to section 174 that are not relevant to this Order.

Modification of Transport Charges &c. (Miscellaneous Provisions) Act 1954

14. In its application to the Undertaking section 6(3) of the Transport Charges &c. (Miscellaneous Provisions) Act 1954(3) (revision of charges) has effect as if for the reference to the paid-up share capital of the Undertaking there were substituted a reference to any amounts invested in the Undertaking by MSCC and any successor company.

(3) 1954 c. 64. There are amendments to section 6 that are not relevant to this Order.