

RIXTON AND WARBURTON BRIDGE ORDER

THE TRANSPORT AND WORKS ACT 1992

**THE TRANSPORT AND WORKS
(APPLICATIONS AND OBJECTIONS PROCEDURE) (ENGLAND AND WALES) RULES 2006
RULE 10(2)(a)**



**RIXTON AND WARBURTON BRIDGE
DRAFT TRANSPORT AND WORKS ORDER**

November 2021

202[] No. 0000

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The Rixton and Warburton Bridge Order 202[]

Made - - - - 202[]
Coming into force - - 202[]

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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(1)(a) and 5 of the Transport and Works Act 1992(b) (“the 1992 Act”).

[The Secretary of State caused an inquiry to be held for the purposes of the application under section 11 of the 1992 Act.]

The Manchester Ship Canal Company Limited as applicant has powers to make the application in accordance with section 20 of the 1992 Act.

The Secretary of State[, having considered the objections made and not withdrawn and the report of the person who held the inquiry,] has determined to make an Order giving effect to the proposals comprised in the application with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 to 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 [] 202[].

The Secretary of State, in exercise of the powers conferred by sections 3(1)(a) and 5 of, and paragraphs 1, 2, 5, 7, 8, 10, 12, 13, 15 and 17 of Schedule 1 to, the 1992 Act, makes the following Order—

PART 1 PRELIMINARY

Citation and commencement

1. This Order may be cited as the Rixton and Warburton Bridge Order 202[] and comes into force on [] 202[].

Interpretation

2. In this Order—

“the 1863 Act” means the Rixton and Warburton Bridge Act 1863(d);

“the 1890 Act” means the Manchester Ship Canal (Various Powers) Act 1890(e);

“the 1984 Act” means the Road Traffic Regulation Act 1984(f);

(a) S.I. 2006/1466.

(b) 1992 c. 42. Relevant amendment instruments are S.I. 1995/1541, 1998/2226, 2000/3199 and 2006/958.

(c) 1964 c. 40.

(d) 1863 c. lxiii.

(e) 1890 c. ccxxvii.

(f) 1984 c. 27.

“the 2000 Act” means the Transport Act 2000(a);

“address” includes any number or address used for the purposes of electronic transmission;

“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;

“authorised activities” means the operation, use and maintenance of the Rixton and Warburton Bridge and the exercise of any power, authority or discretion for the time being vested in or exercisable by the Company under this Order or otherwise;

“bridge road” means the Warburton Bridge Road commencing from the A57 Manchester Road in the north at national grid reference SJ6915390429 to the Paddock Lane in Warburton village in the south at national grid reference SJ689189583;

“building” includes any structure or erection or any part of a building, structure or erection;

“the Canal” means the Manchester Ship Canal;

“the Company” means Rixton and Warburton Bridge Company Limited (Company No. 13617881) incorporated under the Companies Act 2006(b) and having its registered office at Maritime Centre, Port of Liverpool, Liverpool L21 1LA;

“concession agreement” means a legally binding arrangement which may be comprised in one or more documents that makes provision for financing, refinancing, operation, maintenance or any other matter in respect of the Rixton and Warburton Bridge;

“concessionaire” means any person with whom the Company enters into a concession agreement from time to time together with the successors and assigns of any such person;

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

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

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“exemptions register” means the register of vehicles exempt from tolls maintained by MSCC in accordance with article 8 (tolls) and Schedule 2 (register of vehicles exempt from tolls);

“harbour master” means the officer appointed by MSCC from time to time to execute the office of harbour master and includes any assistants and subordinates in so far as such assistants and subordinates are duly authorised to act on behalf the harbour master;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly;

“Manchester Ship Canal Acts and Orders 1885 to 2012” means those Acts and Orders set out in Schedule 3 (Manchester Ship Canal Acts and Orders);

“MSCC” means The Manchester Ship Canal Company Limited;

“the Order” means the Rixton and Warburton Bridge Order 202[];

“registered keeper”, in relation to a motor vehicle means the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994(c);

“Rixton and Warburton Bridge” means the bridge known as the Rixton and Warburton Bridge authorised by the 1863 Act and the 1890 Act together with the bridge road and all toll booths or other toll collection facilities constructed on the said bridge or the bridge road as shown in the plan in Schedule 7;

(a) 2000 c. 38.
(b) 2006 c. 46.
(c) 1994 c. 22.

“the transfer date” means the day appointed by MSCC by ordinary resolution which must be a day at least 4 weeks after the day on which this Order comes into force;

“the Undertaking” means the Rixton and Warburton Bridge Undertaking and includes—

- (a) all statutory and other powers and duties of MSCC conferred or imposed on MSCC by or under any provision of the Manchester Ship Canal Acts and Orders 1885 to 2012;
- (b) the property, rights, liabilities and obligations, including all lands, works, buildings, machinery, stores and other real and personal property, assets and effects, contractual rights and obligations, and other rights and privileges vested in or enjoyed by MSCC, in respect of the Rixton and Warburton Bridge; and
- (c) in relation to the transfer of the Undertaking, means those statutory and other powers and duties, property, rights, liabilities and obligations of MSCC as they exist immediately before the transfer date in respect of the Rixton and Warburton Bridge; and

“VAT” means Value Added Tax or any other tax replaced by that tax.

PART 2

OPERATIONAL

Offences and power to make byelaws

3.—(1) MSCC may make and enforce byelaws regulating the use and operation of the Rixton and Warburton Bridge, the maintenance of order on and about the Rixton and Warburton Bridge and the conduct of all persons including employees of MSCC while on and about the Rixton and Warburton Bridge.

(2) Without limiting the scope of paragraph (1), byelaws under this article may make provision—

- (a) with respect to the payment of tolls and the evasion of payment of tolls;
- (b) with respect to requirements for persons in charge of a vehicle that is used on the Rixton and Warburton Bridge to—
 - (i) display a document in that vehicle; or
 - (ii) carry in or fix equipment to that vehicle,and with respect to the failure to do so or the failure to do so in accordance with MSCC’s requirements;
- (c) with respect to interference with, or obstruction of, the operation of the Rixton and Warburton Bridge or other facilities provided in connection with the Rixton and Warburton Bridge;
- (d) with respect to the prevention of nuisances on the Rixton and Warburton Bridge;
- (e) with respect to the safeguarding of the operation, navigation and use of the Canal arising from the operation of the Rixton and Warburton Bridge
- (f) for the recovery, safe custody and re-delivery or disposal of any property or vehicles left on the Rixton and Warburton Bridge and for fixing the charges made in respect of any such property or vehicles;
- (g) to prohibit vehicles from stopping or remaining at rest in prescribed places on the bridge road or elsewhere in or about the Rixton and Warburton Bridge, except in prescribed circumstances;
- (h) to require any person in charge of a vehicle which is at rest by reason of breakdown in a prescribed place on any of the bridge roads to take prescribed steps for reporting that fact and the position and circumstances in which the vehicle is at rest;
- (i) to prohibit any person, other than a constable or an appointed person—

- (i) from carrying out, or attempting to carry out, a repair, adjustment or refuelling of such a vehicle to which sub-paragraph (g) applies except with permission expressly given by a constable or an appointed person; and
 - (ii) from moving, or attempting to move, such a vehicle from the position in which it is at rest;
 - (j) to prohibit persons from carrying out, or attempting to carry out, a repair, adjustment or refuelling of a vehicle on the Rixton and Warburton Bridge;
 - (k) to empower a constable or an appointed person to remove from its position to a prescribed area a vehicle which is for the time being at rest in a prescribed place on any bridge road—
 - (i) in contravention of the byelaws;
 - (ii) by reason of breakdown;
 - (iii) without any person being in charge of it; or
 - (iv) with the person in charge of it not being present in or on it;
 - (l) in the case of a vehicle which is so removed or which at the request of the person in charge of it is repaired, adjusted or refuelled (instead of being removed) by an appointed person, to require the prescribed person to pay a charge of an amount to be determined in accordance with such scales and other provisions as may be prescribed;
 - (m) to prohibit a person from obstructing any action taken by a constable or an appointed person for the purpose of removing a vehicle in accordance with the byelaws;
 - (n) to ensure the safety of vehicles passing over the Rixton and Warburton Bridge;
 - (o) to regulate the traffic on the Rixton and Warburton Bridge; and
 - (p) to restrict and regulate the passage of dangerous goods or traffic on the Rixton and Warburton Bridge.
- (3) Byelaws under this article may—
- (a) designate places on the Rixton and Warburton Bridge at which tolls (other than tolls with respect to which a prepayment has been made) are to be paid or become due to be paid;
 - (b) make provision as to the persons by whom, and the manner in which, such tolls or other charges are to be paid;
 - (c) make provision for securing that vehicles in respect of which tolls are payable do not use the Rixton and Warburton Bridge without payment of the tolls; and
 - (d) make provision for preventing a vehicle which—
 - (i) having used the Rixton and Warburton Bridge; or
 - (ii) being about to use the Rixton and Warburton Bridge,
 has arrived at the place at which a toll is payable in respect of it from proceeding beyond that place without a toll having been paid.
- (4) Byelaws made under this article may provide for a notice specifying—
- (a) the categories of vehicles in respect of which tolls are payable; and
 - (b) the amount of the tolls in respect of each category,
- to be displayed at each place designated in accordance with sub-paragraph (3)(a).
- (5) Byelaws under this article may provide for it to be an offence for a person to contravene, or to fail to comply with, a provision of the byelaws and for such a person to be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) Without prejudice to paragraph (5), where MSCC considers it expedient to do so it may prosecute legal proceedings in respect of offences under this Order.
- (7) Without prejudice to paragraph (5), a person who without reasonable excuse—
- (a) refuses or fails to pay a toll for which that person is liable; or
 - (b) attempts to evade payment of such a toll,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) Without prejudice to the taking of proceedings for an offence included in byelaws by virtue of paragraph (5), if the contravention of, or failure to comply with, any byelaw under this article is attended with danger or annoyance to the public or MSCC or hindrance to MSCC in the operation of the Rixton and Warburton Bridge or safety of the operation and navigation of the Canal, MSCC may summarily take action to obviate or remove the danger, annoyance or hindrance.

(9) Byelaws under this article may not come into operation until they have been confirmed by the Secretary of State.

(10) At least 28 days before applying for any byelaws to be confirmed under this article, MSCC must publish in such manner as may be approved by the Secretary of State a notice of its intention to apply for the byelaws to be confirmed and of the place at which and the time during which a copy of the byelaws will be open to public inspection; and any person affected by any of the byelaws may make representations on them to the Secretary of State within a period specified in the notice, being a period of not less than 28 days.

(11) For at least 28 days before an application is made under this article for byelaws to be confirmed, a copy of the byelaws will be kept at the principal office of MSCC and will at all reasonable hours be open to public inspection without payment.

(12) MSCC must, at the request of any person, supply that person with a copy of any such byelaws on payment of such reasonable sum as MSCC may determine.

(13) The Secretary of State may charge MSCC such fees in respect of any byelaws submitted for confirmation under this article as the Secretary of State may consider appropriate for the purpose of defraying any administrative expenses incurred by the Secretary of State in connection with such confirmation.

(14) A copy of the byelaws when confirmed will be printed and deposited at the principal office of MSCC and will at all reasonable hours be open to public inspection without payment, and MSCC must, at the request of any person, supply that person with a copy of any such byelaws on payment of such reasonable sum as MSCC determines.

(15) The production of a printed copy of byelaws confirmed under this article on which is endorsed a certificate purporting to be signed by a person duly authorised by MSCC stating—

- (a) that the byelaws were made by MSCC;
- (b) that the copy is a true copy of the byelaws;
- (c) that on a specified date the byelaws were confirmed by the Secretary of State; and
- (d) the date when the byelaws came into operation,

will be rebuttable evidence of the facts stated in the certificate.

(16) The provisions of the Road Traffic Offenders Act 1988(a) in relation to evidence will apply to the prosecution of offences under this provision.

(17) Byelaws made under this article may be varied or revoked by subsequent byelaws and byelaws made under this article may also vary or revoke any byelaws made under any other provision in respect of the Rixton and Warburton Bridge at any time.

(18) The byelaws in Schedule 4 (the Rixton and Warburton Bridge Byelaws 202[]—

- (a) are to be treated as byelaws made by MSCC under paragraph (1) and subsequently confirmed by the Secretary of State on the date this Order comes into force; and
- (b) continue to have effect until such time as they are amended or revoked by further byelaws made under paragraph (1).

(19) In this article—

“appointed person” means a person appointed by MSCC who may only act as such when wearing a uniform of a description approved by MSCC;

(a) 1988 c. 53.

“breakdown” in relation to a vehicle, includes mechanical defect, lack of fuel, oil or water required for the vehicle, and any other circumstances in which a person in charge of the vehicle could not immediately, safely and without damage to the vehicle or its accessories, drive it under its own power away from the Rixton and Warburton Bridge; and

“prescribed” means prescribed by byelaws made under this Order.

Closing the Rixton and Warburton Bridge

4.—(1) MSCC may whenever in its opinion it is necessary to do so whether in case of emergency or for the purpose of or in connection with the authorised activities close all or any part of the Rixton and Warburton Bridge whether wholly or partially.

(2) Where MSCC proposes to close any of the Rixton and Warburton Bridge it must except in an emergency—

- (a) consult with the local highway authority not less than 21 days before any such closure;
- (b) give not less than 14 days’ notice by advertisement in at least one local newspaper circulating in the area; and
- (c) throughout the period of such closure display signs at convenient situations on the roads communicating with any public access road to the Bridge giving warning of the closure.

PART 3

TRANSFER OF THE UNDERTAKING

Transfer of the Undertaking

5.—(1) On the transfer date all statutory and other powers and duties comprised in the Undertaking (including under the provisions of this Order) are transferred from MSCC to the Company and from that date MSCC ceases to have any such duties or powers in respect of the Undertaking.

(2) On the transfer date, the Undertaking is transferred to and vests in the Company and from that date MSCC ceases to have any property, rights, liabilities and obligations in respect of the Undertaking.

(3) On and after the transfer date any statutory provision of local application or document (other than a document referred to in article 6 (saving of agreements, etc)) has, so far as it relates to the Rixton and Warburton Bridge, effect (except where the context otherwise requires and subject to any necessary modifications) as if any reference however worded and whether express or implied—

- (a) to MSCC, were construed as a reference to the Company; and
- (b) to any officer or employee of MSCC, were construed as a reference to an officer or employee of the Company who corresponds as nearly as may be to the first-mentioned officer or employee.

Saving of agreements, etc.

6. All sales, conveyances, leases, grants, assurances, deeds, contracts, bonds, agreements, notices and demands entered into or made by MSCC in relation to the Undertaking and in force immediately before the transfer date are, on and after that date, as binding and of as full force and effect in every respect against or in favour of the Company as they have previously been against or in favour of MSCC and may be enforced as fully and effectively as if instead of MSCC the Company had been a party, or otherwise bound by it or entitled to the benefit of it.

Continuance of proceedings

7. Nothing in this Order releases, discharges or suspends any action, arbitration or other proceeding, or any cause of action, arbitration or other proceeding, pending or existing immediately before the transfer date—

- (a) by or in favour of or against MSCC; or
- (b) by or in favour of or against the Company as agent for MSCC,

in relation to the Undertaking, and any such action, arbitration or other proceeding or cause of action, arbitration or other proceeding may be maintained, prosecuted or continued by or in favour of or against MSCC or, in the case of sub-paragraph (b), the Company and may be amended in such manner as may be necessary for that purpose.

PART 4

TOLLING, CONCESSION AND FINANCING ARRANGEMENTS

Tolls

8.—(1) 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 may establish and maintain an exemptions register in accordance with Schedule 2 (register of exemption from tolls).

(6) Tolls will 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 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 maintenance or 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 return on investment in the Undertaking.

Payment of tolls

9.—(1) Subject to paragraphs (5) and (11) of this article 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.

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 lease or charge the whole or any part of the Undertaking and any land held in connection with the Undertaking or transfer, sell or dispose of any part of the Undertaking and any land held in connection with the Undertaking on such terms and conditions as it thinks fit.

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

(4) 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 pursuance of 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) of this Order, the making of the Order constitutes confirmation of the consent of the Secretary of State required under sub-paragraph (3).

Protection of the Canal

11.—(1) The exercise of the powers under article 10 (power to enter into concession agreements and lease or transfer the Undertaking, etc.) is 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 the 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 the 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 the MSCC under the Manchester Ship Canal Acts 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 this Order were charges payable pursuant to a charging scheme made by order under Part 3 of the 2000 Act.

(2) The imposition and payment of penalty charges in connection with this 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.) of the 2000 Act have effect in respect of the Rixton and Warburton Bridge as if Part 5 of this Order was a charging scheme made by order under Part 3 of the 2000 Act.

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(a) (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 the MSCC and any successor company.

PART 5

MISCELLANEOUS AND GENERAL

Service of notices

15.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post; or
- (b) with the consent of the recipient and subject to paragraphs (6) to (8), by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978(b) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and

(a) 1954 c. 64.
(b) 1978 c. 30.

(b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

(a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and

(b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement will be taken to be fulfilled where the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission either in writing or by electronic transmission.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or any part of that notice or other document the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic transmission given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

(a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and

(b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

Amendments

16. The enactments mentioned in Schedule 5 (amendments) are amended in the manner specified in that Schedule.

Repeals

17. The enactments mentioned in Schedule 6 (repeals and revocations) are repealed to the extent specified in that Schedule.

Signed by authority of the Secretary of State for Transport

Date

Name
Head of the Transport and Works Act Orders Unit
Department for Transport

SCHEDULES

SCHEDULE 1

Articles 8 and 9

LEVEL OF TOLLS

PART 1

LEVEL OF TOLLS

Tolls

1.—(1) The maximum tolls that MSCC may demand and take in respect of passing over the Rixton and Warburton Bridge are to be £1.00 as may be adjusted in accordance with sub-paragraphs (2) and (5).

(2) MSCC may make an adjustment in April of any year in the amount of tolls specified in sub-paragraph (1), as may be revised under sub-paragraph (5), and any such adjustment will be no more than the percentage difference between the consumer price index for February of that year and the consumer price index for the month of February immediately preceding the making of the Order and then subtracting one per cent.

(3) References in sub-paragraph (2) to the consumer price index are to the monthly United Kingdom index of Consumer Prices (for all items) published by the Office for National Statistics (or such other measure of consumer price inflation which replaces it).

(4) If that index is not published for any month, those references are to any other index, or substitute for that index, for that month published by that office for that month.

(5) The amount of toll specified in sub-paragraph (1), as may be adjusted in accordance with sub-paragraph (2), will be revised by the amount of any changes to the VAT.

2.—(1) Subject to sub-paragraphs (2) and (3) MSCC at any time by resolution may determine—

- (a) the amount of any tolls under paragraph 1, provided it does not exceed the maximum amount set out in that paragraph; and
- (b) the classification of vehicles or classes of vehicles in respect of which tolls may be charged pursuant to paragraph 1.

(2) Whenever MSCC proposes to exercise its power pursuant to sub-paragraph (1) MSCC must publish in at least one local newspaper circulating in the area in which the Rixton and Warburton Bridge is situated, a notice substantially in the form set out in Part 2 of this Schedule.

(3) MSCC may charge the tolls set out in a notice given under sub-paragraph (2) from the day 28 days after that on which the notice referred to in sub-paragraph (2) is published.

(4) The toll in respect of any vehicle or class of vehicles may not be varied pursuant to this paragraph if less than 12 months have passed following the previous exercise by MSCC of its powers under this paragraph.

3.—(1) Whenever MSCC proposes to revise the toll that applies in respect of any vehicle or class of vehicles pursuant to paragraph 2 MSCC must publish in at least one local newspaper circulating in the area in which the Rixton and Warburton Bridge is situated, a notice substantially in the form set out in Part 2 of this Schedule.

(2) MSCC may charge the tolls set out in a notice given under sub-paragraph (1) from the day 28 days after that on which the notice referred to in sub-paragraph (1) is published.

PART 2

FORM OF NOTICE

THE RIXTON AND WARBURTON BRIDGE ORDER 202[] (“THE ORDER”)

NOTICE OF REVISION OF [TOLLS] [VEHICLE CLASSIFICATIONS]

The [tolls/vehicle classifications] applicable to the Rixton and Warburton Bridge shall be:

[state revised tolls/vehicle classifications].

The revisions set out above shall take effect [on a date not less than 28 days after the date of the notice].

Signed:

*On behalf of:

Date:

Name and status of signatory:

*Delete or amend as appropriate

SCHEDULE 2

Articles 2 and 8

REGISTER OF VEHICLES EXEMPT FROM TOLLS

1. Tolls may not be levied in respect of—
 - (a) a vehicle whose details have been recorded on the exemptions register in accordance with this Schedule and, in the case of those listed in paragraphs 2(a) to (d), being used in the execution of duty; or
 - (b) a vehicle being used in connection with—
 - (i) the collection of tolls or charges; or
 - (ii) the maintenance, improvement or renewal of, or other dealing with the Rixton and Warburton Bridge or any structure, works or apparatus in, on, under or over any part of the Rixton and Warburton Bridge; or
 - (c) a vehicle which, having broken down on the Rixton and Warburton Bridge while travelling in one direction, is travelling in the opposite direction otherwise than under its own power; or
 - (d) a military vehicle, that is, a vehicle used for army, naval or air force purposes, while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.

2. Vehicles falling within the following descriptions of motor vehicles are eligible to be entered upon the exemptions register—
 - (a) a police vehicle, identifiable as such by writing or markings on it or otherwise by its appearance, or being the property of the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;
 - (b) a fire engine as defined by paragraph 4(2) of Schedule 2 to the Vehicle Excise and Registration Act 1994(a);
 - (c) a vehicle which is kept by a fire authority as defined by paragraph 5 of that Schedule;
 - (d) an ambulance as defined by paragraph 6(2) of that Schedule;
 - (e) a public service vehicle as defined in the Public Passenger Vehicles Act 1981(b) which is being used in the provision of a local service as defined in section 2 of the Transport Act 1985(c); or
 - (f) a vehicle owned by or being used for the transport of a person who has a disabled person's badge and which displays a current disabled person's badge issued under—
 - (i) section 21 of the Chronically Sick and Disabled Persons Act 1970(d), or
 - (ii) section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(e);
 - (g) a motorcycle (with or without sidecar) or a moped; or
 - (h) a cycle or power assisted cycle.

(a) 1994 c. 22.
(b) 1981 c. 14.
(c) 1985 c. 67.
(d) 1970 c. 44.
(e) 1978 c. 53.

3. A vehicle is not eligible to be entered upon the exemption register if its height, width or weight (including load in each case) exceeds the following tonnes—

(1)	(2)
Height	5.18 metres
Width	2.5 metres
Weight	7.5 tonnes

4. MSCC may amend, remove, revise or change categories of vehicles specified in paragraph 2, from time to time.

5. MSCC may require that an application to enter particulars of a vehicle on the exemptions register or to renew the registration of a vehicle—

- (a) includes all such information as MSCC may reasonably require; and
- (b) is made by such means as MSCC may accept.

6. Registration of a vehicle upon the exemptions register, and the use to which that vehicle must be put to qualify as exempt from tolls, is subject to the imposition of such further conditions as MSCC may reasonably impose.

7. Where MSCC receives an application that complies with paragraph 5 to enter particulars of a vehicle on the exemptions register, or to renew the registration of a vehicle, and the vehicle falls within the descriptions set out in paragraph 2 subject to the provisions of paragraph 3, it will enter the particulars of that vehicle on the exemptions register within 20 working days of receiving such an application.

8. MSCC will remove particulars of a vehicle from the exemptions register—

- (a) in the case of a vehicle registered in relation to the holder of a disabled person's badge, when that person ceases to be an eligible person for a disabled person's badge as set out in paragraph 2(e);
- (b) in the case of any vehicle at the end of the period of 7 consecutive days beginning with the day on which a change in the keeper of the vehicle occurred, unless MSCC renews the registration for a further period on application to it by or on behalf of the new keeper.

9. Where the registered keeper of a vehicle is aware that the vehicle has ceased or will cease to be a vehicle eligible to be entered on the exemptions register, the keeper must notify MSCC of the fact and MSCC will remove the particulars of the vehicle from the exemptions register as soon as reasonably practicable or from the date notified to MSCC as the date on which it will cease to be a vehicle eligible to be recorded on the exemptions register.

10. If MSCC is no longer satisfied that a vehicle is an exempt vehicle it may—

- (a) remove the particulars of a vehicle from the exemptions register; and
- (b) notify the registered keeper.

11. Nothing in this Schedule prevents the making of a fresh application for particulars of a vehicle to be entered in the exemptions register after they have been removed from it in accordance with any provision of this Schedule.

SCHEDULE 3

Article 2

MANCHESTER SHIP CANAL ACTS AND ORDERS

Manchester Ship Canal Act 1885 c. clxxxviii
Manchester Ship Canal (Additional Lands) Act 1888 c. cxi
Manchester Ship Canal (Alteration of Works) Act 1888 c. clxi
Manchester Ship Canal (Tidal Openings, & c.) Act 1890 c. lxxiv
Manchester Ship Canal (Various Powers) Act 1890 c. ccxxvii
Manchester Ship Canal Act 1891 c. clxxxii
Manchester Ship Canal Act 1893 c. iii
Manchester Corporation (Ship Canal) Act 1893 c. xix
Manchester Ship Canal (Additional Capital, & c.) Act 1893 c. xxiii
Manchester Ship Canal (Surplus Lands) Act 1893 c. lxxiii
Manchester Ship Canal Act 1894 c. clxix
Manchester Ship Canal Act 1896 c. clxxxii
Manchester Ship Canal Act 1897 c. cviii
Manchester Ship Canal Act 1900 c. xxxvi
Manchester Ship Canal Act 1904 c. ccxii
Manchester Ship Canal (Bridgewater Canal) Act 1907 c. xv
Manchester Ship Canal (Various Powers) Act 1907 c. xxx
Manchester Ship Canal Act 1911 c. lvi
Manchester Ship Canal Act 1919 c. xlvi
Manchester Ship Canal Act 1920 c. cxlix
Manchester Ship Canal Act 1924 c. lviii
Manchester Ship Canal Act 1925 c. cxx
Manchester Ship Canal (General Powers) Act 1926 c. lxxxiii
Manchester Ship Canal Act 1933 c. lxvi
Manchester Ship Canal Act 1936 c. cxxiv
Manchester Ship Canal Act 1949 c. xxxvi
Manchester Ship Canal Act 1950 c. lvi
Manchester Ship Canal Act 1952 c. xiii
Manchester Ship Canal Act 1956 c. lxxx
Manchester Ship Canal Act 1960 c. xlv
Manchester Ship Canal Act 1962 c. liii

Manchester Ship Canal Act 1966 c. xxvii

Manchester Ship Canal Revision Order 1970 (S.I. 1971/191)

Manchester Ship Canal Revision Order 1975 (S.I. 1975/2205)

The Manchester Ship Canal (Black Bear Canal) (Local Enactments) Order 1976 (S.I. 1976/1084)

Manchester Ship Canal Revision Order 1984 (S.I. 1984/50)

Manchester Ship Canal Revision Order 1987 (S.I. 1987/1790)

Manchester Ship Canal Harbour Revision Order 1992 (S.I. 1992/1268)

The Manchester Ship Canal (Bridgewater Canal) Act 1907 (Amendment) Order 1996 (S.I. 1996/1484)

The Manchester Ship Canal Harbour Revision Order 2009 (S.I. 2009/2579)

The Bridgewater Canal (Transfer of Undertaking) Order 2012 (S.I. 2012/1266)

SCHEDULE 4
BYELAWS

Article 3

PART 1
INTERPRETATION

1. In these byelaws—

“Account” means the account containing a person’s details for the purposes of paying a toll or charge for a vehicle, or registering a discount, which is identified by a unique account number;

“ANPR” means automatic number plate recognition;

“authorised person” means a person or servant or agent or contractor or police community support officer (“PCSO”) appointed by or authorised by the undertaker to carry out duties in relation to the regulation, direction and control of traffic and for the purposes of the byelaws set out in Part 2 (regulation of traffic in the Rixton and Warburton Bridge) and Part 7 (prevention of damage and nuisance generally) of the byelaws additionally means any police constable;

“the Bridge” means the bridge known as the Rixton and Warburton Bridge authorised by the 1863 Act and the 1890 Act;

“the bridge road” means the Warburton Bridge Road commencing from the A57 Manchester Road in the north at national grid reference SJ6915390429 to Paddock Lane in Warburton village in the south at national grid reference SJ689189583;

“the Canal” means the Manchester Ship Canal;

“the Company” means Rixton and Warburton Bridge Company Limited (Company No. 13617881 incorporated under the Companies Act 2006^(a) and having its registered office at Maritime Centre, Port of Liverpool, Liverpool L21 1LA;

“exemptions register” means the register of vehicles exempt from tolls maintained by MSCC in accordance with article 9 (tolls) and Schedule 2 (register of vehicles exempt from tolls);

“MSCC” means The Manchester Ship Canal Company Limited;

“notice” includes a sign, signal and a digital or other display, and in appropriate circumstances, an audible announcement;

“the Order” means the Rixton and Warburton Bridge Order 202[];

“relevant date” means midnight on the second day following passage of a vehicle across the Rixton and Warburton Bridge;

“Rixton and Warburton Bridge” means the Bridge together with the bridge road and all toll booths or other toll collection facilities constructed on the said Bridge or the bridge road as shown in the plan in Schedule 7 (Plan);

“Tag” means an electronic device fitted to a vehicle, on the inside of the windscreen, to allow tolling without physical payment using cash, provided there is credit on the Account;

“trailer” means vehicle designed or adapted to be towed by another;

“undertaker” means MSCC or the Company if the power under article 5 (transfer of Undertaking) of the Order has been exercised;

“vaporiser” means an electronic device that can be used to deliver nicotine or other substance to a person inhaling from the device;

(a) 2006 c. 46.

“vehicle” means a mechanically propelled vehicle intended or adapted for use on roads including a trailer; and

“website” means <https://www.warburontollbridge.co.uk/> or as otherwise set-up from time to time and publicised by the undertaker.

2. Unless the context otherwise requires—

- (a) words importing the singular number includes the plural and vice versa;
- (b) words imparting any particular gender includes the other gender; and
- (c) any reference in the byelaws to any statute or statutory provision is construed as referring to that statute or statutory provision as it may from time to time be amended, modified, extended, re-enacted or replaced (whether before or after the date of this byelaw) and including all subordinate legislation from time to time made under it.

3. The Interpretation Act 1978(a) applies to the interpretation of these byelaws as it applies to the interpretation of an Act of Parliament.

4. Nothing in these byelaws applies so as to restrict the execution of duties or the carrying out of works or services on the Rixton and Warburton Bridge by authorised persons or by any police officer or fire officer.

PART 2

REGULATION OF TRAFFIC ON THE RIXTON AND WARBURTON BRIDGE

5. The driver of a vehicle on the Rixton and Warburton Bridge must comply with all traffic signals and instructions given by an authorised person and with all notices, road markings and traffic signals displayed on the Rixton and Warburton Bridge.

6.—(1) The maximum speed for a vehicle on the Rixton and Warburton Bridge will be that which is indicated by the displayed road signs, and subject to byelaw 7, the minimum speed is 15 miles per hour except for pedal cycles or where prevented by other vehicles or at places where stops or a lower speed are unavoidable or are permitted or directed by an authorised person or displayed temporary road signs (whether advisory or mandatory).

(2) A person must not drive onto the Rixton and Warburton Bridge, except in accordance with such directions as may be given to him by an authorised person, any vehicle, except for a pedal cycle, which is incapable of maintaining a speed of 15 mph.

7.—(1) A person must not exceed any temporary advisory speed limit, as such contravention may lead to prosecution for negligence in the event of an accident occurring through it.

(2) The procedures for imposing or exceeding mandatory speed limits for emergency vehicles are prescribed under the relevant legislation and the penalties for contravening local speed limits are prescribed in the Road Traffic Regulation Act 1984(b), the Road Traffic Act 1988(c) and the Road Traffic Offenders Act 1988(d) or any amendment thereof relating to speed limits.

8. A person must not use or cause to be used a vehicle on the Rixton and Warburton Bridge unless the load carried by the vehicle is at all times contained or secured (if necessary by physical restraint other than its own weight) and is in such a position that neither danger nor nuisance is caused or is likely to be caused to a person or property by reason of the load to any part of the load falling or being thrown from the vehicle.

(a) 1978 c. 30.

(b) 1984 c. 27.

(c) 1988 c. 52.

(d) 1988 c. 53.

9. A driver of a vehicle which has shed its load in full or in part on the Rixton and Warburton Bridge such that it has caused, or may cause, an obstruction or other hazard to users of the Rixton and Warburton Bridge or to users of the Canal must—

- (a) immediately inform an authorised person of the loss of the load; and
- (b) immediately inform an authorised person of the identity of, and contact details for, the owner of the load.

10. The driver of a vehicle on the Rixton and Warburton Bridge must maintain a safe and prudent distance between his own vehicle and the one immediately in front of it.

11. A person driving a vehicle on the Rixton and Warburton Bridge must not stop the vehicle unless directed by an authorised person, notice or traffic signal or compelled by traffic, or unless it is necessary for the vehicle to do so—

- (a) by reason of a breakdown of the vehicle; or
- (b) by reason of an accident with another vehicle on the Rixton and Warburton Bridge; or
- (c) by reason of illness of the driver of the vehicle or other emergency which causes the driver to be unable to continue to drive his vehicle; or
- (d) to permit any person carried in or on the vehicle to recover or move any object that has fallen; or
- (e) to permit any person carried in or on the vehicle to give help which is required by any person in any of the circumstances specified in paragraphs (a), (b), (c) or (d); or
- (f) for the discharge of functions contained in legislation relating to fires and emergencies.

12. A vehicle may be towed on the Rixton and Warburton Bridge provided it is secured by means of towing equipment which is appropriate for the purpose and provided that, if directed by an authorised person, the vehicle and towing equipment have been examined by an authorised person.

13. A person must not drive onto the Rixton and Warburton Bridge any vehicle which is not provided with sufficient petrol or other fuel and mechanical power to ensure that it maintains the minimum speed specified in these byelaws and is able to traverse the Rixton and Warburton Bridge.

14. A person must not, except with the permission of an authorised person, refuel any vehicle or undertake any repairs to a vehicle or change a tyre or wheel of a vehicle on the Rixton and Warburton Bridge.

15.—(1) If the driver of a vehicle on the Rixton and Warburton Bridge refuses to move the vehicle when ordered to do so by an authorised person, or if a vehicle on the Rixton and Warburton Bridge is unable to proceed because of a breakdown, it will be lawful for it to be removed by an authorised person at the cost and expense of the owner of person in charge of the vehicle, and a person must not obstruct any such authorised person in carrying out such removal.

(2) The vehicle will be removed to a location which will be either—

- (a) the operational premises of the recovery company employed for this service; or
- (b) other designated area as specified by the undertaker or an authorised person,

details of which will be available on the website.

PART 3

DANGEROUS TRAFFIC

16. A person must not, except with the consent of an authorised person, take or cause or permit to be taken on to the Rixton and Warburton Bridge any vehicle carrying any goods, substances or articles of a dangerous nature.

PART 4
EXCLUDED TRAFFIC

17. A person must not enter, attempt to enter or remain on any part of the Rixton and Warburton Bridge where there is a notice prohibiting or restricting access.

18. A person must not attempt to use or cross the Rixton and Warburton Bridge—

- (a) when instructed not to do so by an authorised person; or
- (b) in contravention of a notice displayed by the undertaker.

19. A person must not take or cause or permit to be taken onto the Rixton and Warburton Bridge

- (a) any horse drawn vehicle; or
- (b) any animals or livestock except domestic animals, unless transported in special containers or adapted vehicles and approved by an authorised person.

20. A person must not take or cause or permit to be taken onto the Rixton and Warburton Bridge any of the following vehicles—

- (a) vehicles which emit grit, sparks, ashes, cinders, or oily substances in a manner which contravenes any regulations for the time being in force under the Road Traffic Act 1988^(a) or any amendment relating to the construction and use of motor vehicles;
- (b) vehicles which, in the opinion of an authorised person, are in such a condition or are so loaded, built or equipped as to be likely to retard traffic, injure persons or damage property.

PART 5
SPECIAL TYPE VEHICLES

21.—(1) A person must not take or permit to be taken onto the Bridge, without the prior permission of an authorised person and subject to such conditions as he may direct (which may include an escort, for which a reasonable charge may be made), any vehicle, except any vehicle entered into the Exemptions Register in accordance with article 9 (payment of tolls) and Schedule 2 (register of vehicles exempt from tolls) of the Order, whose height, width or weight (including load in each case) exceeds the following—

<i>(1)</i>	<i>(2)</i>
Height	5.18 metres
Width	2.5 metres
Weight	3 tonnes

(2) Application for permission of an authorised person under this byelaw must be made in writing at least 6 clear days before the proposed arrival at the Bridge of the vehicle the subject of the application.

(a) 1988 c. 52.

PART 6

TOLLS AND CHARGES

22. A toll is to be demanded and taken in accordance with the provisions of the Order and any order modifying, amending or replacing it unless the vehicle is exempt from the requirement to pay a toll.

23. In respect of the passage of a vehicle across the Rixton and Warburton Bridge which is not exempt, payment of the toll may be made in the following ways—

- (a) by pre-payment of the toll;
- (b) by payment of the toll via ANPR
- (c) by payment of the toll via a Tag; or
- (d) in accordance with the payment methods published from time to time by the undertaker.

24. A person driving a vehicle across the Rixton and Warburton Bridge is liable to pay a toll at a level displayed at all entry points onto the Rixton and Warburton Bridge.

25. A liability to pay unpaid toll charges in respect of a vehicle arises where—

- (a) a liability to pay a toll under byelaw 23 has been incurred in respect of that vehicle;
- (b) a toll has not been paid in full by, or on behalf of, either the driver or registered keeper of that vehicle in respect of the passage by the vehicle across the Rixton and Warburton Bridge; and
- (c) the toll remains unpaid beyond the relevant date.

26. The level of unpaid toll charges to be applied to a vehicle in accordance with byelaw 25 will be—

- (a) £30.00 (thirty pounds) in addition to the toll payable when paid in full within fourteen days beginning with the relevant date;
- (b) £60.00 (sixty pounds) in addition to the toll payable when paid in full between fourteen days from the relevant date and twenty eight days following the relevant date;
- (c) £100.00 (one hundred pounds) in addition to the toll payable when paid in full after twenty eight days following the relevant date.

27. For the purpose of byelaw 23(b), the undertaker will use ANPR to record images of vehicles to calculate the toll due from the relevant Account.

28. The undertaker will retain and use any such images or information recorded from vehicles in accordance with the General Data Protection Regulation and the Data Protection Act 2018(a).

29. A person, liable under byelaw 25, must inform the undertaker immediately if their vehicle is sold or stolen, and provide a unique reference number or crime reference number from the police or appropriate documentary evidence of the sale (as applicable) and, if the undertaker requests, confirm the theft or sale in writing.

30. If the undertaker is not informed that the vehicle has been sold or stolen in accordance with byelaw 29, charges will continue to be calculated for the vehicle in accordance with byelaw 26 and the Account will remain liable for any charges incurred by the vehicle and the Account will continue to be debited.

31. If the vehicle has been sold, a person may register a new vehicle to their Account by updating their Account.

32. The undertaker will be entitled to deduct from an Account all liable charges, and other sums due to the undertaker in accordance with the byelaws and the Order, as they are incurred.

(a) 2018 c. 12.

33.—(1) For the purpose of byelaw 23(c), a person may apply to the undertaker for a Tag.

(2) Any such application must be made on a form issued by and obtainable from the undertaker at the website and must include the particulars and information required by such form to be supplied.

(3) The undertaker may require an applicant for a Tag to produce evidence it may reasonably require to verify any particulars, in respect of information given to it.

(4) Upon receipt of an application duly made under this byelaw, the undertaker may issue to the applicant a Tag.

34. The Tag holder must inform the undertaker immediately if their vehicle is sold or stolen, and provide a unique reference number or crime reference number from the police or appropriate documentary evidence of the sale (as applicable) and, if the undertaker requests, confirm the theft or sale in writing.

35. If the undertaker is not informed that the vehicle has been sold or stolen in accordance with byelaw 34, charges will continue to be calculated for the vehicle in accordance with byelaw 26 and the Account will remain liable for any charges incurred by the vehicle and the Account will continue to be debited.

PART 7

PREVENTION OF DAMAGE OR NUISANCE GENERALLY

36. A person on the Rixton and Warburton Bridge must not climb upon, damage or remove any part of (whether deliberately or negligently) the structures of the Rixton and Warburton Bridge, equipment, fittings or appurtenances or any other property of the undertaker, or post any bill, placard or notice, or write or stamp, cut, print, draw or make marks in any manner on any part.

37. A person must not remove, jump or otherwise manoeuvre over or under, any bar, railing, fence or barrier or open any gate or movable barrier fitter or placed on any part of the Rixton and Warburton Bridge without prior consent from an authorised person.

38. A person must not move, alter, or deface or otherwise interfere with any notice or sign belonging to the undertaker and exhibited or placed on the Rixton and Warburton Bridge.

39. A person must not fix anything to the Rixton and Warburton Bridge.

40. A person must not operate any machinery, switches or other mechanism forming part of the bridge road or required in connection with the operation of the Rixton and Warburton Bridge.

41. A person, other than one so authorised by the undertaker, must not throw or drop in any part of the Rixton and Warburton Bridge anything whatsoever capable of injuring or damaging the bridge road or the Canal or any person or property.

42. A person must not place or deposit or leave on the Rixton and Warburton Bridge any vehicle or any glass, china, earthenware, plastic, tin, paper, debris, oils, waste or other material so as to create an obstruction or litter or fire risk.

43. A person must not wilfully obstruct or impede an authorised person in the execution of his duty in or about the Rixton and Warburton Bridge.

44. A person must not offer for sale or sell any articles or produce of any description on the Rixton and Warburton Bridge without the express written permission of the undertaker.

45. A person must not loiter or remain on the Rixton and Warburton Bridge or in any vehicle therein after having been requested by an authorised person to move therefrom.

46. A person on the Rixton and Warburton Bridge whether on his own or against another person must not—

- (a) use threatening, abusive or insulting words or behaviour; or
- (b) distribute or display any writing, sign or visible representation which is threatening, abusive or insulting or which in the opinion of an authorised person is likely to cause annoyance or offence.

47. A person must not operate a vehicle music or sound system at such volume as to cause nuisance to people on the Rixton and Warburton Bridge or the Canal.

48. A person must not on the Rixton and Warburton Bridge—

- (a) smoke or carry an item that is alight including lit cigar, cigarette, cigarillo, match, pipe or lighter; or
- (b) use a vaporiser.

49. A person must not spit, urinate or defecate on the Rixton and Warburton Bridge.

50. A person must not, without prejudice to any other requirement of the byelaws, act in any way as to cause a nuisance on the Rixton and Warburton Bridge.

PART 8

CLOSURE OF THE BRIDGE ROAD

51. During any period of closure of the Rixton and Warburton Bridge in accordance with article 4 (closing of the Rixton and Warburton Bridge) of the Order, the passage of any vehicle across the Rixton and Warburton Bridge must only be with the consent of the undertaker whose decision will be final.

PART 9

POWER TO EXCLUDE

52. It will be lawful for an authorised person to prevent from gaining access to the Rixton and Warburton Bridge the driver of any vehicle or any other person who the authorised person has reasonable cause to believe is contravening, or will so if he proceeds, any of these byelaws.

PART 10

PENALTY FOR OFFENCES

53. Any person who contravenes or fails to comply with a provision of these byelaws is liable on summary conviction to a fine not exceeding Level 3.

54. The undertaker wherever applicable in monitoring infringements of these byelaws and in the prosecution of offenders is entitled to rely where appropriate—

- (a) on the evidence of a device adapted for measuring by radar, laser or automatic number plate recognition or any other means the speed of vehicles as may be approved by the Secretary of State; and
- (b) to make admissible recorded images from the flow of traffic on the Rixton and Warburton Bridge.

SCHEDULE 5
AMENDMENTS

Article 16

1. Section 48 (power to take tolls for passing over the Bridge and Roads) of the 1863 Act is amended as follows—

- (a) delete “Persons, Animals, and Carriages, from Time to Time” and insert “vehicles”;
- (b) after “any Tolls not exceeding the” insert “tolls recoverable in accordance with the Rixton and Warburton Bridge Order 202[]”; and
- (c) delete the words “from following (that is to say,)” until the end of section 48.

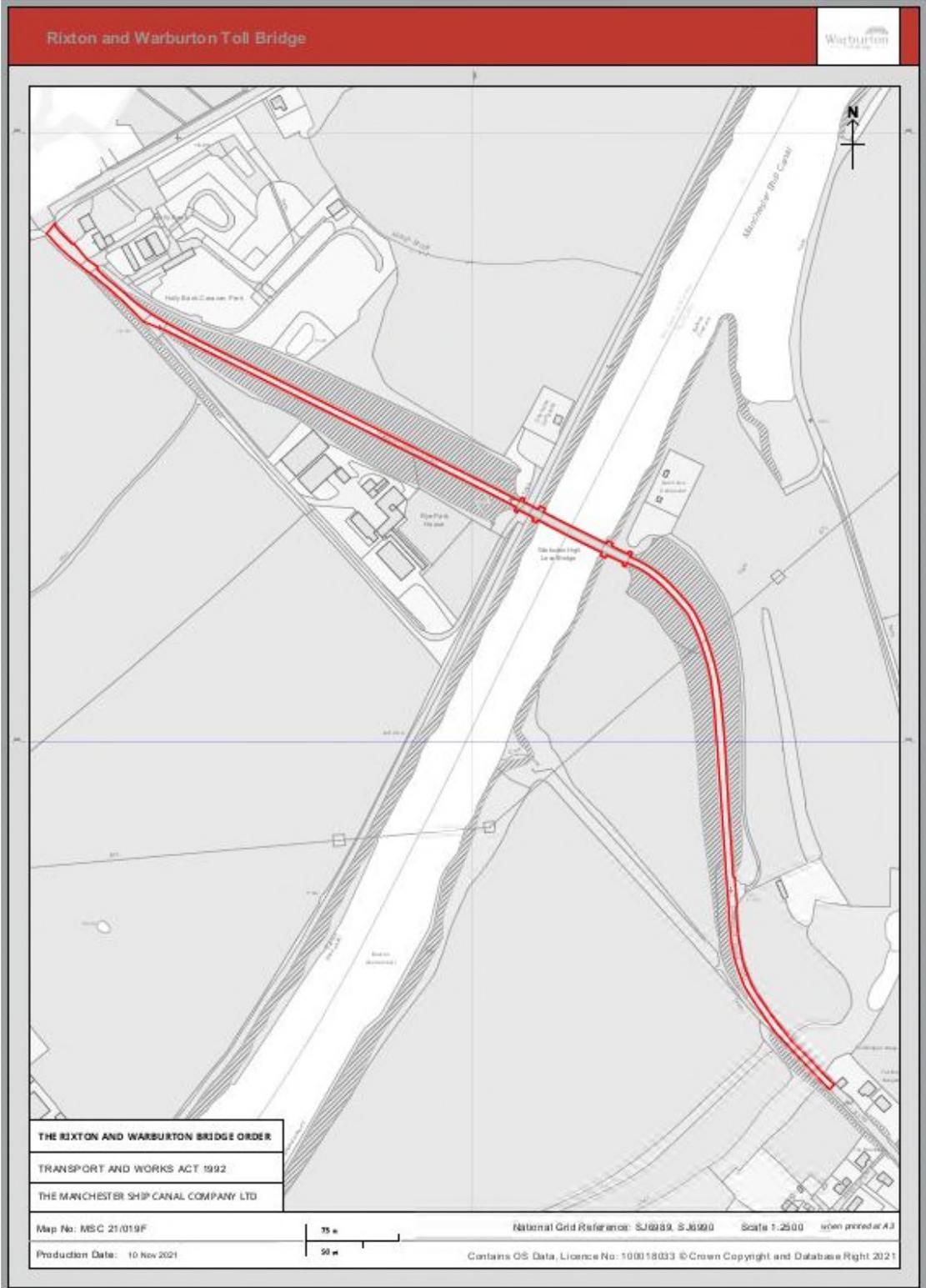
SCHEDULE 6
REPEALS

Article 17

Sections 49, 51-68 and 74 of the 1863 Act are repealed.

SCHEDULE 7
PLAN

Article 2



EXPLANATORY NOTE

(This note is not part of the Order)

The Order revises the tolls which The Manchester Ship Canal Company Limited (“MSCC”) may charge for use of the Rixton and Warburton Bridge and supersedes the toll levels set out in the Rixton and Warburton Bridge Act 1863.

This Order contains provisions for MSCC, to make new byelaws in relation to the good management and use of the Rixton and Warburton Bridge in order to safeguard the navigation of the Manchester Ship Canal.

This Order contains provisions for MSCC to transfer the Rixton and Warburton Bridge Undertaking to the Rixton and Warburton Bridge Company Limited, should MSCC so resolve.

Provision is made for byelaws and agreements made or entered into by MSCC to remain in force as if they had been made or entered into by The Rixton and Warburton Company Limited and for legal and other proceedings to be carried on by or in relation to MSCC.

STATUTORY INSTRUMENTS

202[] No. 0000

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The Rixton and Warburton Bridge Order 202[]

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