

**Reprint
as at 1 August 2008**



**Land Transport Management
(Road Tolling Scheme for
ALPURT B2) Order 2005**
(SR 2005/92)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 11th day of April 2005

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 46(1) of the Land Transport Management Act 2003, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommen-

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This order is administered by the Ministry of Transport.

dition of the Minister of Transport made in accordance with section 48 of that Act, makes the following order.

Contents

	Page
1 Title	3
2 Commencement	3
3 Interpretation	3
4 Road tolling scheme for ALPURT B2 established	4
<i>Prerequisites for tolling</i>	
5 Conditions to be met	4
<i>Process for confirming relevant conditions have been met</i>	
6 New Zealand Transport Agency to report to Minister	5
7 Process if Minister is not satisfied that relevant conditions have been met	7
8 Process if Minister is satisfied that relevant conditions have been met	7
<i>Setting, publication, and collection of tolls</i>	
9 Setting of tolls	7
10 Publication of tolls	8
11 Display of tolls	9
12 Collection of tolls	9
13 Exemptions from paying tolls	9
<i>Information disclosure</i>	
14 New Zealand Transport Agency to provide forecasts to Minister	10
15 Disclosure to Minister at 6-monthly intervals	10
16 Disclosure to Minister at 12-monthly intervals	11
17 Disclosure to public	12
Schedule 1	
Legal description of land within ALPURT B2 designation	
Schedule 2	
Plan of ALPURT B2	

Order

1 Title

This order is the Land Transport Management (Road Tolling Scheme for ALPURT B2) Order 2005.

2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

3 Interpretation

In this order, unless the context otherwise requires,—

Act means the Land Transport Management Act 2003

ALPURT B2—

- (a) means the road (approximately 7.5 km in length) between the Orewa interchange on State Highway 1A and the connection with State Highway 1 at Titford's Bridge that is to be constructed on the land described in Schedule 1 and is shown on the plan in Schedule 2; and
- (b) includes all necessary toll booths and toll-related infrastructure, approaches, erections, structures, and other works

heavy motor vehicle means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) having a gross laden weight exceeding 3 500 kg

road tolling scheme means the road tolling scheme for ALPURT B2 established by this order

toll system project means a project that aims to establish—

- (a) standards for free-flow electronic roadside tolling for future toll roads throughout New Zealand; and
- (b) a toll management system for billing, enforcement, and customer liaison.

Clause 3 **ALPURT B2** paragraph (b): substituted, on 13 December 2007, by clause 4 of the Land Transport Management (Road Tolling Scheme for ALPURT B2) Amendment Order 2007 (SR 2007/343).

Clause 3 **Transit**: revoked, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

4 Road tolling scheme for ALPURT B2 established

- (1) This order establishes the road tolling scheme for ALPURT B2.
- (2) The New Zealand Transport Agency is the public road controlling authority, the toll operator, and the enforcement authority for the road tolling scheme.
- (3) ALPURT B2 is the road that may be tolled.
- (4) The toll revenue may be applied only for the purposes of—
 - (a) 1 or more of the following activities, namely, the planning, design, supervision, construction, maintenance, or operation of ALPURT B2:
 - (b) meeting any conditions or requirements set out in this order.

Clause 4(2): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

*Prerequisites for tolling***5 Conditions to be met**

- (1) Tolling must not start until the time specified for the purpose by the Minister in a notice under section 47(1) of the Act that is published in the *Gazette* and that states that he or she is satisfied that the conditions set out in subclauses (2) and (3) have been met.
- (2) The following conditions must be met no later than 8 weeks after the date on which the New Zealand Transport Agency approves 50% or more of the construction funding for the toll system project or by a later date allowed by the Minister:
 - (a) the New Zealand Transport Agency must report to the Minister, in accordance with clause 6(1) and (2), as to the long-term financial viability of the road tolling scheme, and the Minister must consult the Minister of Finance about the long-term financial viability of the road tolling scheme:
 - (b) the New Zealand Transport Agency must report to the Minister, in accordance with clause 6(1) and (2), as to the suitability of the road tolling scheme for both casual and regular users of ALPURT B2, and the Minister must

be satisfied that the road tolling scheme is suitable for both casual and regular users.

- (3) The New Zealand Transport Agency must report the details of the proposed road tolling scheme to the Minister in accordance with clause 6(3) (which must be done at least 6 months before tolling is anticipated to start), and the Minister must be satisfied with the report.

- (4) *[Revoked]*

Clause 5(2): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 5(2)(a): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 5(2)(a): amended, on 13 December 2007, by clause 5(1) of the Land Transport Management (Road Tolling Scheme for ALPURT B2) Amendment Order 2007 (SR 2007/343).

Clause 5(2)(b): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 5(3): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 5(4): revoked, on 13 December 2007, by clause 5(2) of the Land Transport Management (Road Tolling Scheme for ALPURT B2) Amendment Order 2007 (SR 2007/343).

*Process for confirming relevant conditions have
been met*

6 New Zealand Transport Agency to report to Minister

- (1) Within the time limit provided by or under clause 5(2), the New Zealand Transport Agency must send to the Minister a single report or separate reports as to—
- (a) the long-term financial viability of the road tolling scheme; and
 - (b) the suitability of the road tolling scheme for both casual and regular users of ALPURT B2.
- (2) Without limiting the information that the New Zealand Transport Agency may provide to the Minister, the following details are required by subclause (1):
- (a) forecast traffic volumes for ALPURT B2:
 - (b) the forecast traffic diversion rate for ALPURT B2:

- (c) the total net present value of forecast revenue from tolls for ALPURT B2, based on an operating period of 35 years:
 - (d) the forecast road construction costs for ALPURT B2:
 - (e) confirmation of the amount of the grant received from the New Zealand Transport Agency for ALPURT B2:
 - (f) the forecast net present value of the revenue risk subsidy (if any), based on forecast mean revenue, that is to be provided by the New Zealand Transport Agency for ALPURT B2:
 - (g) the forecast total debt for ALPURT B2 based on a 35-year operating period, the first year when principal is to be repaid, and the capitalised interest and finance fees:
 - (h) the year in which the maximum debt is forecast to be reached, including the initial principal and the capitalised interest.
- (3) At least 6 months before tolling of ALPURT B2 is anticipated to start, the New Zealand Transport Agency must send to the Minister a report setting out the details of the proposal for the road tolling scheme, which includes the following details:
- (a) the service standard obligation to users of ALPURT B2:
 - (b) the method of publicising the toll in advance of the opening of ALPURT B2:
 - (c) the signage and other information that will be used to inform drivers approaching ALPURT B2 of the toll and the options for paying the toll:
 - (d) a technical description of the proposed components of the toll collection system and key performance indicators, inclusive of error rates, revenue levels, and health and safety issues of the toll collection system:
 - (e) the structure of the administration fees for all payment methods:
 - (f) the feasible, untolled, alternative route that will be available to road users.

Clause 6 heading: amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 6(1): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 6(2): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 6(2)(e): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 6(2)(f): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 6(3): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

7 Process if Minister is not satisfied that relevant conditions have been met

- (1) This clause applies if the Minister, after receiving a report under clause 6, is not satisfied as to any matter required to be in the report.
- (2) If this clause applies, the Minister must—
 - (a) notify the New Zealand Transport Agency accordingly, with reasons; and
 - (b) give the New Zealand Transport Agency a reasonable opportunity to submit an amended report.

Clause 7(2)(a): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 7(2)(b): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

8 Process if Minister is satisfied that relevant conditions have been met

If, after reviewing the report or amended report (as the case may be), the Minister is satisfied as to the matters stated in clause 5(2) and (3), the Minister must—

- (a) notify the New Zealand Transport Agency accordingly; and
- (b) publish the notice referred to in clause 5(1).

Clause 8(a): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Setting, publication, and collection of tolls

9 Setting of tolls

- (1) The New Zealand Transport Agency may from time to time set tolls that do not exceed the base toll.
- (2) The base toll—

- (a) for motor vehicles, other than heavy motor vehicles, is \$1.80 including GST (1 July 2004 dollars), as adjusted in accordance with subclause (3):
 - (b) for heavy motor vehicles is \$3.60 including GST (1 July 2004 dollars), as adjusted in accordance with subclause (3).
- (3) The adjustment is determined by taking the relevant 1 July 2004 dollar amount and increasing it by the percentage amount by which the Consumer Price Index (as published by the Government Statistician) has increased in the period starting on 1 July 2004 and ending with the close of the quarter ending before the toll is set or altered.
- (4) The New Zealand Transport Agency may, within the limits determined under subclauses (2) and (3), set different tolls on the basis of—
 - (a) different classes of person or motor vehicles:
 - (b) different times or days:
 - (c) different directions of travel:
 - (d) different methods of payment:
 - (e) any combination of the above.
- (5) To avoid doubt, the power to set a toll under this clause includes power to alter an existing toll.
- (6) The relevant toll applies every time a vehicle uses ALPURT B2.

Clause 9(1): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 9(4): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

10 Publication of tolls

- (1) The New Zealand Transport Agency must publish the tolls that are set or amended under this order—
 - (a) in at least 1 daily newspaper circulating in the Auckland and Northland regions; and
 - (b) on its website.
- (2) Publication of the tolls must take place at least once in each of the 4 weeks before the toll or amended toll takes effect.

Clause 10(1): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

11 Display of tolls

The tolls for the time being in force under this order must be clearly displayed in conspicuous places on the approaches to ALPURT B2 so that drivers approaching the toll payment point have an opportunity to use the untolled alternative route.

12 Collection of tolls

The toll collection methods that the New Zealand Transport Agency may use include collecting the toll from—

- (a) the driver of a motor vehicle at the toll payment point, by a payment method offered by the New Zealand Transport Agency;
- (b) the registered owner of a motor vehicle in accordance with a payment method that has been agreed between the registered owner and the New Zealand Transport Agency (for example, by invoicing the registered owner or by debiting the registered owner's toll account with the New Zealand Transport Agency or by means of another debit or credit facility agreed by the registered owner).

Clause 12: amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 12(a): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 12(b): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

13 Exemptions from paying tolls

- (1) The New Zealand Transport Agency may, for promotional or sponsorship or traffic management purposes, grant exemptions from the obligation to pay tolls for motor vehicles generally or any class of motor vehicle—
 - (a) using ALPURT B2 during the times on the day or days specified in the exemption;
 - (b) using ALPURT B2 on the day or days specified in the exemption;
 - (c) travelling on ALPURT B2 in the direction, during the times or on the days, specified in the exemption.
- (2) An exemption may be amended or revoked in the same manner.

- (3) An exemption has effect according to its tenor.
- (4) The New Zealand Transport Agency must publish every exemption, variation, and revocation under this clause, and the Agency's reasons for granting, varying, or revoking it,—
 - (a) in at least 1 daily newspaper circulating in the Auckland and Northland regions; and
 - (b) on its website.
- (5) Unless it is impracticable to do so, the New Zealand Transport Agency must publish every exemption, variation, and revocation at least 28 days before it takes effect.

Clause 13(1): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 13(4): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 13(5): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Information disclosure

14 New Zealand Transport Agency to provide forecasts to Minister

The New Zealand Transport Agency must prepare a forecast of the traffic volumes and toll revenues for ALPURT B2 for each financial year, and must provide a report of its forecast to the Minister as soon as practicable after the start of the relevant financial year.

Clause 14 heading: amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 14: amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

15 Disclosure to Minister at 6-monthly intervals

For every 6-monthly period after the date on which tolling starts, the New Zealand Transport Agency must, as soon as practicable, provide to the Minister the following details:

- (a) actual traffic volumes for each class of motor vehicle that uses ALPURT B2 compared to forecast traffic volumes;
- (b) actual toll revenue for ALPURT B2 compared to forecast toll revenue:

- (c) the following additional financial information regarding ALPURT B2:
 - (i) the New Zealand Transport Agency's statement of financial performance:
 - (ii) the New Zealand Transport Agency's statement of financial position:
 - (iii) the New Zealand Transport Agency's statement of cash flows:
 - (iv) the New Zealand Transport Agency's actual performance against any covenants or other guidelines in relation to the debt or other financing associated with ALPURT B2, and forecast performance against these measures in the following quarter.

Clause 15: amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 15(c)(i): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 15(c)(ii): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 15(c)(iii): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 15(c)(iv): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

16 Disclosure to Minister at 12-monthly intervals

In addition to the requirements of clauses 14 and 15, for every 12-monthly period after the date on which tolling starts, the New Zealand Transport Agency must, as soon as practicable, provide to the Minister the following details:

- (a) confirmation that a feasible, untolled, alternative route remains available to road users:
- (b) a network utilisation performance report that includes all the following:
 - (i) an analysis of the response of traffic to tolling:
 - (ii) the traffic management method (if any) used to vary that response:
 - (iii) the steps (if any) taken to implement the demand management plan (if any):

- (c) confirmation that the New Zealand Transport Agency continues to offer at least 1 method of paying tolls that does not record personal information in relation to the person who pays the toll:
- (d) if there has been a significant change to the method of payment that does not record personal information, since the New Zealand Transport Agency's last annual report was provided to the Minister, a description of the new method.

Clause 16: amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 16(c): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 16(d): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

17 Disclosure to public

The New Zealand Transport Agency must make a summary of the information specified in clauses 14 to 16 available to the public by—

- (a) including the information in its annual report; and
- (b) publishing the information on its website.

Clause 17: amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Schedule 1

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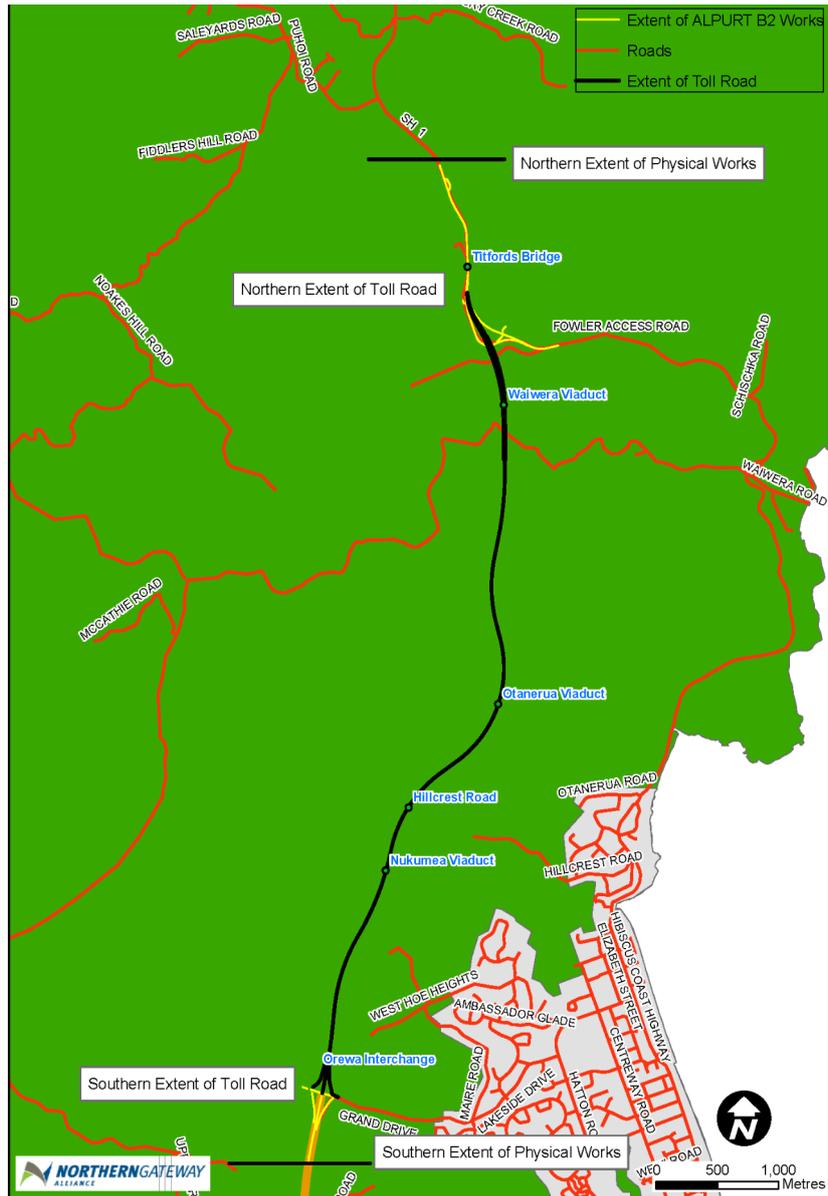
**Legal description of land within ALPURT
B2 designation**

Reference on plan	Legal description	CT or other title reference (if any)	Owner
1a	Lot 4 DP 310813	42576	Her Majesty the Queen
1g	Lot 9 DP 310813	56953	Her Majesty the Queen
1i	Lot 8 DP 310813	56953	Her Majesty the Queen
1j	Lot 7 DP 310813	56953	Her Majesty the Queen
1k	Lot 5 DP 310813	56953	Her Majesty the Queen
2a	Section 1 SO 69952	No reference	Her Majesty the Queen
3a	Lot 4 DP 203050	131D/39	Her Majesty the Queen
3b	Section 1 SO 314445	88277	Her Majesty the Queen
4b	Allotment E229 Parish of Waiwera (SO 1095)	37D/1078	Her Majesty the Queen (compensation certificate)
5b	Allotment W229 Parish of Waiwera (SO 6663)	382/159	Her Majesty the Queen (compensation certificate)
6a	Part Allotment 227 Parish of Waiwera (SO 1095)	<i>Gazette</i> Notice 1998 p 4706 Road purposes	Her Majesty the Queen
8b	Allotment 280 Parish of Waiwera (SO 6450)	97B/405	Her Majesty the Queen
9b	Part Allotment 11 Parish of Waiwera (SO 893)	No reference	Colin James Wech
10a	Lot 1 DP 76513	77277	Her Majesty the Queen
11a	Lot 7 DP 61445	GNC641986.3	Her Majesty the Queen
12a	Lot 2 DP 167491	101C/610	Her Majesty the Queen

Reference on plan	Legal description	CT or other title reference (if any)	Owner
13a	Lot 6 DP 61445	<i>Gazette</i> Notice 2001 p 1956 Road purposes	Her Majesty the Queen
15a	Part Section 1 Block III Waiwera Survey District (SO 984/A)	88C/695	Her Majesty the Queen
15b	Section 20 Block III Waiwera Survey District (SO 28311)	88C/695	Her Majesty the Queen
16b	Lot 2 DP 96268	52A/1048	Her Majesty the Queen (compensation certificate)
16e	Part Lot 1 DP 55676	20C/488	Her Majesty the Queen (compensation certificate)
17a	Section 71 Block III Waiwera Survey District (SO 44907)	55B/1020	Her Majesty the Queen
17b	Section 72 Block III Waiwera Survey District (SO 44907)	55B/1020	Her Majesty the Queen
17c	Part Lot 3 DP 55676	20D/1470: cancelled <i>Gazette</i> 1998 p 1117	Her Majesty the Queen
27	Section 54 Block III Waiwera Survey District (SO 32831)	<i>Gazette</i> 1998 p 2207	Her Majesty the Queen
28	Reclamation Deposited Plan DP 55676	No reference	Her Majesty the Queen
33	No description	No reference	Her Majesty the Queen
35	Part Okahu (shown on SO 44907)	No reference	Her Majesty the Queen
36	State Highway 1	No reference	Her Majesty the Queen
37	Road reserve	No reference	Rodney District Council local road
38	Coastal marine area	No reference	Her Majesty the Queen

Schedule 2 Plan of ALPURT B2

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SH1 NORTHERN MOTORWAY EXTENSION (ALPURT B2)
SUMMARY PLAN

Map is for planning purposes and not to survey

GISPLAN046

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 14 April 2005.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Land Transport Management (Road Tolling Scheme for ALPURT B2) Order 2005. The reprint incorporates all the amendments to the order as at 1 August 2008, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(2)

Land Transport Management (Road Tolling Scheme for ALPURT B2) Amendment Order 2007 (SR 2007/343)
