

Chapter 23

Exemption from tolls and charges

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Chapter 23

Exemption from tolls and charges

Introduction and Legal framework

1. **Legislative provisions.** Section 349 of the Armed Forces Act 2006 (the Act) provides that, in certain circumstances, vehicles from any of Her Majesty's forces (regular and reserve forces) are exempt from tolls and charges. This chapter describes those circumstances.
2. **Scope of exemptions.** The tolls and charges from which exemption is given are those only in the United Kingdom and the Isle of Man which fall into the following categories:
 - a. Any toll or charge levied for passing over a road, bridge or through a tunnel, e.g. M6 Toll Road, Dartford Crossing or Mersey Tunnel; or
 - b. Any scheme which imposes charges for keeping or using a vehicle on particular roads, e.g. London congestion charge. This provision does not exempt civilian pattern livery MOD vehicles from displaying a road fund licence. However, green fleet¹ vehicles with a valid FMT1001 should be exempt from displaying a road fund licence.
3. **Application of section 349 of the Act.** The vehicles to which section 349 applies are those that belong to, or are being used for the purposes of any of Her Majesty's forces and accordingly, the following situations fall within the Act:
 - a. **Vehicles belonging to Her Majesty's forces.** The passage of any green fleet, white fleet or grey fleet² Royal Navy, Army, Royal Air Force or Royal Marine vehicle (including those belonging to the reserve forces) along any road, bridge or tunnel in the United Kingdom or Isle of Man where a toll or charge is ordinarily payable. The exemptions apply at all times that such vehicles are being driven because neither white/grey nor green fleet vehicles should be used unless authority has been given to do so and moreover, any such use should only be for an official, authorised journey. Accordingly, the exemptions also apply regardless of whether or not the vehicle in question is being driven by a member of Her Majesty's forces; however, the vehicle must be under the control of the armed forces.
 - b. **Vehicles used for the purposes of Her Majesty's forces.** The passage of any vehicle not belonging to Her Majesty's forces, but which is being used for the purposes of Her Majesty's forces (including the reserve forces), along any road, bridge or tunnel where a toll or charge is ordinarily payable. Therefore, the exemptions apply to any person driving a private vehicle (including a hire vehicle), provided that he is authorised to use it for a duty for the purposes of Her Majesty's forces and is so using it at the time of the toll/charge being levied.
4. **Unauthorised use of vehicles.** The use of green, white or grey fleet vehicles by Service personnel without authorisation, i.e. either using the vehicle without the proper authority or deviating from an authorised route in such a vehicle (e.g. taking a vehicle home

¹ 'Green fleet' refers to operational military vehicles which are usually painted in operational colours – e.g. green or desert. The VRN is white lettering on a black background configured as two letters, two numbers, two letters.

² 'White fleet' and 'grey fleet' refer to civilian vehicles operated by the MOD. Both have standard UK civilian VRN configurations. White fleet vehicles are used for administrative and non-operational transportation requirements. Grey fleet vehicles are covert, low profile vehicles used in security operations.

before or after a duty journey and where the taking of the vehicle home was not recorded and authorised on the official paperwork) could result in disciplinary action being taken under the Act³. In addition, the offending person can be asked to reimburse any costs unlawfully incurred, including paying any tolls, costs or administrative charges which the offender sought to avoid by wrongly claiming an exemption.

Policy and administration

5. Whilst the scope of the exemptions under the Act covers all roads, bridges and tunnels, current tri-Service agreements have only been negotiated with some operators. The policy document for reference is JSP 800, volume 5 (Defence Movement and Transport Regulations) and this should be consulted for the current state of exemptions. Similarly, in relation to the statutory provision regarding schemes which impose charges for keeping or using a vehicle on particular roads, the only area in which tri-Service policy currently operates within London. In both of these instances, the exemption is 'automatic', i.e. it is applied at source, such that registered qualifying vehicles are effectively given free passage. The detailed guidance on how these exemptions are applied and operated by the Services is provided in the JSP⁴.

6. In any situation where it is contended that an exemption should have applied or where there is an instance of an automatic exemption not being applied, it will be necessary for the driver concerned to pay the relevant toll or charges as necessary and subsequently reclaim them (see paragraph 7 below).

7. **JPA.** When a Service person undertakes a duty journey by a vehicle belonging to or for the purposes of Her Majesty's forces, or is travelling by private motor vehicle pursuant to authority to do so, the costs of any charges or tolls necessarily incurred by that person can be reclaimed in accordance with JSP 752 (Tri-Service Regulations for Allowances), via JPA iExpenses. Any claim made by non-Service personnel should be administered through the usual arrangements; for civil servants this will be electronically via HRMS.

³ For example, a charge under section 25 of the Act – misapplying public or service property.

⁴ See JSP 800, volume 5 Chapter 3.