

1973 No. 668 (S.53)

ROADS AND BRIDGES, SCOTLAND

The Erskine Bridge Regulations 1973

<i>Made</i>	- - -	<i>26th March 1973</i>
<i>Laid before Parliament</i>		<i>6th April 1973</i>
<i>Coming into Operation</i>		<i>27th April 1973</i>

In exercise of the powers conferred upon me by sections 5, 7 and 9 of the Erskine Bridge Tolls Act 1968(a) and of all other powers enabling me in that behalf I hereby make the following regulations:—

Commencement and citation

1. These regulations may be cited as the Erskine Bridge Regulations 1973 and shall come into operation on 27th April 1973.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) In these regulations unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say:—

- (a) “authorised officer” means an officer authorised by or on behalf of the Secretary of State to carry out duties on the specified roads and being for the time being on duty;
- (b) “breakdown”, in relation to a vehicle, has the same meaning as in section 7(8) of the Act;
- (c) “bridgemaster” means the authorised officer responsible for the management, regulation and control of the specified roads and includes any person acting for, or with the authority of, the bridgemaster;
- (d) “carriageways” means the parts of the specified roads reserved for the passage of vehicles;
- (e) “constable” means any constable (as defined by the Police (Scotland) Act 1967(c)) of, or required for the time being to serve in, a police force maintained under the said Act for any of the police areas in which the specified roads are situated;
- (f) “cycle” means a bicycle or tricycle not being a motor vehicle;
- (g) “cycle tracks” means the parts of the specified roads reserved for the passage of cycles;
- (h) “drive”, in relation to a vehicle, includes move, and “driver” and “driven” shall be construed accordingly;
- (i) “emergency telephone” means a telephone provided on the specified roads for the purpose of communication with authorised officers;

(a) 1968 c. 4.

(b) 1889 c. 63.

(c) 1967 c. 77.

- (j) "footways" means the parts of the specified roads over which the public has a right of passage on foot only;
- (k) "owner" in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement;
- (l) "prepaid voucher" means any prepaid voucher purchased in advance from the Secretary of State for Scotland for the payment of tolls;
- (m) "public service vehicle" shall be construed in accordance with section 117 of the Road Traffic Act 1960(a);
- (n) "the relevant works" and "the specified roads" have respectively the same meanings as in the Act;
- (o) "stationary vehicle" and "broken down vehicle" have the meanings given in regulation 11 of these regulations;
- (p) "the Act" means the Erskine Bridge Tolls Act 1968;
- (q) "toll" means the appropriate toll payable under a tolls order for the time being in force under section 2 of the Act; and payment of a toll shall include the surrender of cash, cheque or prepaid voucher;
- (r) "toll-booth" means one of the toll-booths situated as described in regulation 3 of these regulations;
- (s) "vehicle" means a mechanically-propelled vehicle intended or adapted for use on roads.

Places at which tolls are to be paid

3.—(1) All tolls leviable in respect of vehicles using the specified roads shall be paid at one of the toll-booths situated near the south end of the specified roads;

(2) Every vehicle using the specified roads shall—

- (a) stop in such a position opposite a toll-booth as will enable the driver to pay any toll without leaving the vehicle, and
- (b) remain at rest until a visual signal is displayed at the toll-booth that the toll has been paid, or until an authorised officer permits or directs the vehicle to be driven off.

(3) Where the said visual signal is so displayed but is extinguished or replaced by a red light before the vehicle has passed it, the driver shall not proceed, and shall become subject again to the provisions of sub-paragraph (b) of the last preceding paragraph of this regulation.

Persons by whom, and manner in which, tolls are to be paid

4.—(1) The driver of every vehicle shall pay the toll to the authorised officer.

(2) The preceding paragraph of this regulation shall not apply in relation to vehicles exempted from payment of toll but the driver of any such vehicle shall stop the vehicle at the toll-booth and give such information with respect to such vehicle as the authorised officer may require for the purpose of verifying such exemption.

(3) Where any driver fails, at the time the crossing is made, to pay the toll in accordance with the foregoing regulations the Secretary of State may recover from the driver or owner of the vehicle, in addition to the toll, his reasonable costs incurred in recovering it.

5. No person shall obstruct, or interfere with, any action taken by an authorised officer under these regulations for the purpose of securing that vehicles, in respect of which tolls are leviable, do not use the specified roads without payment of tolls.

Traffic directions given by authorised officers

6. No person shall drive any vehicle or cause it to be driven into the lane alongside any toll-booth which is indicated by a barrier or other sign to be out of use.

7. Where it appears to an authorised officer necessary or expedient in connection with the levying of tolls to regulate traffic on the specified roads at or near the toll-booths, the driver of every vehicle shall comply with any direction of that authorised officer.

Notices near the toll-booths

8. The Secretary of State shall at all times display at each of the toll-booths a notice specifying the classes of vehicle in respect of which tolls are leviable, the amount of the toll in respect of each class of vehicle, and any other provisions for the time being in force in accordance with which the tolls are leviable.

Non-payment of tolls

9. Any person who—

- (a) wilfully refuses, or without reasonable excuse neglects or fails, to pay a toll which he is required to pay under the Act, or wilfully avoids payment of any such toll, or
- (b) wilfully and with intent to defraud, claims or takes the benefit of any exemption from the tolls (whether the exemption in question subsists by virtue of section 2(4) of the Act viz classes of vehicles exempted from payment of tolls as set out in Schedule 2 to the Erskine Bridge Tolls Order 1971 (S.I. 1971 No. 975 (S128)) or otherwise) without being entitled to that benefit shall be guilty of an offence.

Restrictions on stopping on the specified roads

10.—(1) Subject to the following provisions of this regulation, no vehicle shall stop or remain at rest anywhere on the specified roads unless it is necessary for the vehicle to do so for any of the following reasons:—

- (a) the vehicle is obstructed by the presence of any other vehicle or any person or object; or
- (b) by reason of a breakdown of the vehicle; or
- (c) by reason of any accident, illness or other emergency; or
- (d) to permit any person carried in or on the vehicle to give help which is required by any other person in any of the circumstances specified in subsection (c) of this paragraph.

(2) Where it is necessary for a vehicle to stop on the specified roads the driver of such vehicle (unless incapacitated by any such accident, illness or other emergency) shall—

- (i) engage low gear;
- (ii) set the handbrake so as effectually to prevent the vehicle from moving;
- (iii) stop the engine; and
- (iv) leave the vehicle and proceed forthwith to the nearest emergency telephone at the side of the carriageway in which the vehicle is stopped, inform the bridgemaster of the stoppage and the reason therefor, and carry out all lawful instructions issued to him by or on behalf of the bridgemaster.

(3) When any vehicle has stopped on the specified roads no person in the vehicle shall leave the vehicle unless it is necessary to do so in the interests of safety, or for the purpose of complying with paragraph (2) of this regulation or of giving help required by any other person, or unless he is directed to do so by an authorised officer or by a constable in uniform.

(4) The restrictions imposed by this regulation shall not apply in relation to a public service vehicle stopping at a stopping place approved by the Secretary of State for a period not longer than is necessary for the purpose of setting down and taking up passengers.

Removal of stationary vehicles

11.—(1) This regulation applies in relation to a vehicle which is for the time being at rest on the specified roads either in contravention of these regulations or in any of the following circumstances, that is to say—

- (a) where it is necessary for the vehicle to remain at rest by reason of breakdown;
- (b) where no person is for the time being in charge of the vehicle;
- (c) where the person in charge of the vehicle is not present in or on it.

(2) Any vehicle to which this regulation applies is in these regulations referred to as a “stationary vehicle” and a vehicle to which this regulation applies in circumstances falling within sub-paragraph (1)(a) is in these regulations referred to as a “broken down vehicle”.

(3) An authorised officer or a constable in uniform may remove, or cause to be removed, any stationary vehicle from its position on the specified roads either—

- (a) to another position on those roads; or
- (b) to the places provided for accommodating such vehicles and no person shall obstruct or attempt to obstruct any action taken by an authorised officer or constable in uniform for the purposes of this paragraph.

(4) No person other than an authorised officer or a person authorised to that effect by the bridgemaster shall carry out or attempt to carry out in relation to a broken down vehicle, any tyre or wheel change, any refuelling, or any other repair or adjustment whatsoever to the vehicle anywhere on the specified roads, or shall move or attempt to move the vehicle from the place where it is at rest on those roads.

(5) An authorised officer or a person authorised in that behalf by the bridgema-ster may, at the request of the person in charge of the vehicle, carry out or attempt to carry out on the specified roads such a repair or adjustment of a broken down vehicle as, in the opinion of the authorised officer or person authorised in that behalf by the bridgema-ster, can reasonably be expected to be effectively completed without difficulty or delay and as will be likely, in his opinion, to enable the vehicle to be removed from the specified roads sooner than would otherwise be possible, but, except as aforesaid, an authorised officer or person authorised in that behalf by the bridgema-ster shall not carry out or attempt to carry out any repair or adjustment of a broken down vehicle anywhere on the specified roads.

(6) Where a stationary vehicle is removed from the specified roads under paragraph (3) of this regulation, or where a broken down vehicle is repaired or adjusted on those roads by an authorised officer or by a person authorised in that behalf by the bridgema-ster under paragraph (5) of this regulation and then leaves those roads under its own power, then notwithstanding any charge due to any other person on account of the repair or adjustment of the said vehicle, there shall be paid to an authorised officer a charge at the rate laid down in paragraph (7) and in accordance with the provisions contained in paragraphs (7)—(9) inclusive of this regulation and such charge may be recovered either—

- (a) at the time when the removal, repair or adjustment was effected—from the person in charge of the vehicle, or
- (b) thereafter, from that person or from the person who was the owner of the vehicle at the time when the removal, repair or adjustment was effected, provided that the vehicle was being driven with the authority of the owner.

(7) The said charge shall be:—

- (a) where a vehicle has broken down by reason of lack of fuel, oil or water, £2.50;
- (b) where a vehicle has broken down in circumstances not falling within sub-paragraph (a) above, £5 for the first hour or part of an hour taken and £1 for each quarter of an hour or part of quarter of an hour taken after the first hour.

In calculating the amount of the charge payable under sub-paragraph (b) above for a particular vehicle the time taken shall be reckoned as beginning, in a case where a report is made to the bridgema-ster under regulation 10(2) of these regulations, when that report is made, and in any other case when the bridgema-ster first becomes aware that the vehicle is at rest on the specified roads, and as ending when the removal under paragraph (3) of this regulation is completed or, where repair or adjustment under paragraph (5) of this regulation alone is involved, when the vehicle is able to proceed under its own power on the completion of such repair or adjustment.

(8) The said charge shall cover the services rendered in effecting the removal, repair or adjustment of the vehicle by an authorised officer or any attempt thereat, but the provisions of this regulation shall not affect the right of the Secretary of State to recover the cost of any fuel or oil supplied, or of any article or material used for the purpose of any repair or adjustment.

(9) The exercise by an authorised officer or person authorised in that behalf by the bridgema-ster of the powers conferred by this regulation shall not impose on the Secretary of State or such officer or person, or any other person

employed or engaged by the Secretary of State, any liability in respect of any damage to a stationary or to a broken down vehicle, or the fittings or contents thereof, in consequence of the exercise of those powers.

Prohibition of use of the specified roads

12.—(1) An authorised officer or a constable in uniform may—

(a) as respects a particular vehicle, by oral instructions to the driver thereof, or

(b) as respects vehicles of any particular class or description, by the display on or in the vicinity of the carriageways of a notice referring to that class or description of vehicles,

prohibit the use of the specified roads by that vehicle or by vehicles of that class or description (as the case may be) if it appears to such authorised officer or constable that having regard to the circumstances (including weather conditions) prevailing or, in his opinion, likely to prevail, the vehicle, or any vehicle of that class or description, is by reason of its construction, weight, size, load or otherwise howsoever likely to damage or endanger the specified roads or to retard traffic thereon, or to make the specified roads unsafe for, or unusable by, other vehicles.

(2) Where under the provisions of paragraph (1) of this regulation the use of the specified roads by a particular vehicle, or by vehicles of a particular class or description, has been prohibited, the driver of the vehicle, or of a vehicle of the class or description, shall not drive or cause or permit to be driven the vehicle on to the specified roads until such time as he has been informed orally or by the display of a notice that the use of the specified roads is no longer so prohibited.

(3) Any person intending to cause to be driven on the specified roads any vehicle for which a notice in writing is required to be given to Police in terms of the Motor Vehicle (Construction and Use) Regulations 1969(a) as amended by the Motor Vehicle (Construction and Use) (Amendment No. 2) Regulations 1971(b) or a notice in writing is required to be given to Police or highway authorities containing or accompanied by a description of the vehicle or a description of the vehicle and an indemnity as required by any Article of the Motor Vehicle (Authorisation of Special Types) General Order 1969(c) as amended by the Motor Vehicle (Authorisation of Special Types) Amendment Order 1971(d) shall also give similar notices in writing or indemnity to the bridgmaster within the periods appropriate thereto as laid down in the said Regulations and Orders; but any notice or indemnity so given shall be subject to the provisions of sub-paragraph (1) hereof.

(4) Vehicles fitted with metal tyres or vehicles having deflated tyres shall not be driven on the specified roads.

(5) A vehicle conveying corrosive liquids which is not so constructed as to prevent leakage of the contents shall not be driven on the specified roads.

Prevention of damage

13. No person shall, without permission granted by, or on behalf of, the Secretary of State go upon, enter, interfere with, or use for any purpose any part of the relevant works not being a part of the carriageways, the cycle tracks or the footways, or attempt so to go upon, enter, interfere with or use any such part as aforesaid.

(a) S.I. 1969/321 (1969 I. p. 829).

(b) S.I. 1971/979 (1971 II, p. 2841).

(c) S.I. 1969/344 (1969 I, p. 947).

(d) S.I. 1971/980 (1971 II, p. 2848).

14. No person shall wilfully or negligently damage, and no person shall, without the permission of an authorised officer or a constable in uniform, remove, take up, or cross any bar, rail, fence or barrier, or force or open any gate or moveable barrier placed on any part of the relevant works for the regulation of any class of traffic (including pedestrians) or in connection with the levying of tolls.

15. No person shall (either from a vehicle or otherwise) throw, or wilfully or negligently drop or allow to fall anything on to the relevant works or from any part of any bridge forming part of the relevant works or over any fence or wall on or abutting on any part of the relevant works.

16. No person shall—

- (a) wilfully damage, or, except with permission given by, or on behalf of, the Secretary of State, deface or mark any part of the relevant works;
- (b) except with such permission, remove, deface or obscure any notices or signs placed on the relevant works in connection with the regulation of traffic, or with the levying of tolls; or
- (c) except with such permission post on, or affix to, any part of the relevant works any slogan, bill, flag, banner, placard or notice, device or object.

17. A person shall not climb upon, or attempt to climb upon, any part of a bridge forming part of the relevant works.

18. Any person acting in contravention of any of the foregoing regulations may be removed from any part of the relevant works by an authorised officer or by a constable in uniform.

Saving for authorised officers and others

19.—(1) Nothing in the foregoing regulations shall prevent access to any part of the relevant works at any time by—

- (a) authorised officers;
- (b) any persons engaged in the maintenance, repair, cleaning or lighting of the relevant works;
- (c) constables and members of a fire brigade or of an ambulance service while engaged in the exercise of their duties; and
- (d) any person giving necessary assistance to any other person.

(2) Nothing in the foregoing regulations shall prevent access to any part of the relevant works by any person in accordance with any permission given by an authorised officer.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
26th March 1973.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations set out the arrangements for securing payment of tolls, make provision for the removal from the specified roads, of vehicles stationary due to breakdown or any other reason, impose certain restrictions on the use of the specified roads, and make provision for the prevention of damage to the relevant works or defacement of signs on the relevant works.