

ABOLITION OF BRIDGE TOLLS (SCOTLAND) ACT 2008

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes have been prepared by the Scottish Government in order to assist the reader of the Act. They do not form part of the Act and have not been endorsed by the Parliament.
2. The Notes should be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

THE ACT

3. The Act repeals, in respect of the Forth and Tay road bridges, the power to toll and any other statutory provision which was dependent on that power to toll, or is redundant following the removal of the power to toll. Further, it removes the power of bridge authorities to make a road user charging scheme.
4. The Act also removes, in respect of the Tay Road Bridge Joint Board, which operates and maintains the bridge, a debt repayment deadline from the legislation. Finally, the Act repeals legislation rendered obsolete by the expiry of the power to demand tolls on the Erskine Bridge.

COMMENTARY ON SECTIONS

Abolition of bridge tolls

Section 1: Forth Road Bridge

5. Section 1 removes the ability to make and enforce tolls on the Forth Road Bridge. Subsection (1) repeals an offence-creating provision that enables penalties to be applied in respect of the failure to pay tolls. Subsection (2) repeals provisions relating to the setting and recovery of tolls on the bridge and a consequential reference to the period during which tolls may be demanded and taken.

Section 2: Tay Road Bridge

6. Section 2 paragraph (b) repeals provisions relating to the making and enforcement of tolls on the Tay Road Bridge. Paragraph (a) removes the reference to toll income to be used in respect of the management of the bridge. Paragraph (c) repeals a provision relating to powers to make byelaws in respect of the collection of tolls, and paragraph (d) removes the power of the Joint Board to make representations to the Scottish Ministers on the level of tolls.

Miscellaneous and general

Section 3: Minor and consequential amendments and repeals

7. Section 3(1) introduces schedule 1 which sets out a number of minor and consequential amendments to legislation.

8. The Tay Road Bridge Order Confirmation Act 1991 requires that the Joint Board should repay all borrowing, and therefore be debt free, within fifty years of the opening of the bridge to traffic - that is, by August 2016. This requirement applies to loans incurred at the time the bridge was constructed, and to subsequent borrowing to meet the costs of works. Paragraph 1 of schedule 1 removes the deadline for the repayment of the debt. In so doing, it places the Board's financial management regime onto a similar basis as local authorities and other joint boards.

9. Part 3 of the Transport (Scotland) Act 2001 sets out the general road user charging powers available to a local traffic authority, or to two or more such authorities jointly. Paragraph 2 of schedule 1 introduces a new section 49(4A) to the 2001 Act which removes from the scope of these provisions joint boards set up under section 69 (such as the Forth Estuary Transport Authority (FETA)), and other bodies established for the purpose of managing a bridge, where the functions of that body relate solely or mainly to such a bridge.

10. Paragraph 3 is a consequential modification arising from the revocation of article 11 (power to compound for the payment of tolls) of the Forth Estuary Transport Authority Order 2002. Article 11 is revoked under schedule 2, Part 2 of this Act.

11. Sections 3(2) and 3(3) introduce Parts 1 and 2 of schedule 2, which detail a number of repeals and revocations consequential on the Act.

12. Part 1 repeals obsolete primary legislation in respect of the Erskine Bridge. Tolling on the Erskine Bridge was suspended from 1 April 2006 and the power to toll ceased on 2 July 2006. None of the provisions of the Erskine Bridge Tolls Act 1968 or the Erskine Bridge Tolls Act 2001 require to be retained for the future operation of the bridge.

13. Part 1 also repeals the provision of the Transport (Scotland) Act 2001 under which a joint board, constituted under section 69 of that Act, would be deemed to be a local traffic authority for the purposes of Part 3 of the Act. In doing so the repeal, coupled with the amendments set out in paragraph 2 of schedule 1, ensures that any such joint board no longer has the power to bring forward a road user charging scheme in relation to a road carried by a bridge.

14. Part 2 of schedule 2 revokes a number of enactments which became redundant in consequence of the provisions of the Act. In the main these revocations relate to whole Regulations or Orders, including toll orders for each of the bridges, and regulations relating to the Erskine Bridge. In addition, there are two specific provisions of the Forth Estuary Transport Authority Order 2002 revoked as a consequence of removing the ability to make and enforce tolls. These are article 11, which relates to the power to compound for the payment of tolls - that is, to make arrangements for the payment of tolls in advance - and paragraph 2 of Schedule 3, which inserted a new section into the Forth Road Bridge Order Confirmation Act 1958 setting out which vehicles were exempt from the tolls.

Section 4: Short title and commencement

15. Section 4 comes into force on Royal Assent and provides the Scottish Ministers with the power to make a commencement order to bring the remaining provisions of the Act into force on a day they specify in the order.

PARLIAMENTARY HISTORY

16. The following table sets out, for each Stage of the proceedings in the Scottish Parliament on the Bill for this Act, the dates on which the proceedings at that Stage took place, and the references to the official report of those proceedings. It also shows the dates on which Committee Reports and other papers relating to the Bill were published, and references to those reports and other papers.

INTRODUCTION

Bill as Introduced - 3 September 2007 SP Bill 1 - Session 3
(2007)

STAGE 1

(a) Transport, Infrastructure and Climate Change Committee

3rd Meeting 2007, 11 September 2007 col. 40 - 74
4th Meeting 2007, 18 September 2007 col. 78 - 125
5th Meeting 2007, 25 September 2007 col. 128 - 159
6th Meeting 2007, 2 October 2007 col. 179 - 204
1st Report, 2007 (Session 3) - Stage 1 Report to Parliament Report

(b) Finance Committee

3rd Meeting 2007, 11 September 2007 col.12
4th Meeting 2007, 25 September 2007 col. 21 - 50

(c) Subordinate Legislation Committee

5th Meeting 2007, 18 September 2007 col. 40

(d) Consideration by the Parliament

Stage 1 Debate - 15 November 2007 col. 3492 - 3535

STAGE 2

Transport, Infrastructure and Climate Change Committee

13th Meeting 2007, 4 December 2007 col. 349 - 350

STAGE 3

Consideration by the Parliament

Stage 3 Debate - 20 December 2007 col. 4735 - 4758
Bill as Passed - 20 December 2007 SP Bill 1A Session 3
(2007)

Royal Assent

24 January 2008

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