

ABOLITION OF BRIDGE TOLLS (SCOTLAND) ACT 2008

EXPLANATORY NOTES

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.

*These notes relate to the Abolition of Bridge Tolls (Scotland) Act
2008 (asp 1) which received Royal Assent on 24 January 2008*

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.