



Humber Bridge Act 1971

CHAPTER xlvii

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ELIZABETH II



1971 CHAPTER xlvii

An Act to amend the Humber Bridge Act 1959; to confer further powers on the Humber Bridge Board; and for other purposes. [27th July 1971]

WHEREAS—

(1) By the Humber Bridge Act 1959 (in this Act called “the Act of 1959”) the Humber Bridge Board (in this Act called 1959 c. xlvii. “the Board”) were constituted and authorised to construct and maintain a bridge for vehicular and pedestrian traffic across the river Humber and other works:

(2) It is expedient that the Board should be authorised to construct the said bridge either for vehicular and pedestrian traffic or for vehicular traffic but not for pedestrian traffic:

(3) It is expedient to amend the Act of 1959 and to confer further powers on the Board:

(4) It is expedient that the other provisions contained in this Act be enacted:

(5) The purposes of this Act cannot be effected without the authority of Parliament:

(6) Estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

The additional cost of the construction of the bridge and other works authorised by Part IV (Works) of the Act of 1959 ...	£8,750,000
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(7) The works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

(8) In relation to the promotion of the Bill for this Act the requirements of section 96 (Power to Board to apply for further powers, etc.) of the Act of 1959 have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short and
collective
titles.
1959 c. xlvi.

1.—(1) This Act may be cited as the Humber Bridge Act 1971.

(2) The Humber Bridge Act 1959 and this Act may be cited together as the Humber Bridge Acts 1959 and 1971.

Interpretation.

2.—(1) In this Act—

(a) “ the Act of 1959 ” means the Humber Bridge Act 1959; “ the Humber Bridge Acts ” means the Humber Bridge Acts 1959 and 1971 ; and

(b) the several words and expressions to which meanings are assigned by the Act of 1959 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

Power to
borrow.

3.—(1) The Board may borrow—

(a) such sums as may be necessary for any of the purposes of this Act;

(b) without the consent of any sanctioning authority, for any of the purposes specified in column (1) of the following table the sum specified in relation thereto in column (2) of that table.

(2) Every sum borrowed under paragraph (a) of the foregoing subsection shall be repaid within such period from the date of borrowing as the Board, with the consent of the sanctioning authority, may determine, not exceeding sixty years.

(3) Every sum borrowed under paragraph (b) of subsection (1) of this section shall be repaid within such period from the date of borrowing as the Board, without the consent of any sanctioning authority, may determine, not exceeding the period specified in relation thereto in column (3) of the following table.

(4) Subject to the provisions of this section, Part IX of the Act of 1933 (as applied to the Board by section 70 (Application of Act of 1933 to borrowing of money by Board) of the Act of 1959) shall have effect as if money borrowed under this section were borrowed under that Part.

(5) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

1946 c. 58.

Purpose for which money may be borrowed (1)	Amount (2)	Maximum period for repayment of loan (3)
(a) The additional cost of the construction of the bridge and other works authorised by Part IV (Works) of the Act of 1959	£8,750,000	Sixty years.
(b) The costs, charges and expenses of this Act	The sum requisite	Five years.

4. Section 69 (Power to borrow) of the Act of 1959 shall have effect as if for the words "fifty years" (wherever those words occur) there were substituted the words "sixty years" and as if the following were substituted for purpose (c) in the first column of the table in that section:—

Amendment of section 69 of Act of 1959.

"(c) The payment out of capital of interest on moneys borrowed for the above-mentioned purposes (a) and (b)

and for purpose (a) referred to in the table set out in section 3 (Power to borrow) of the Humber Bridge Act 1971 during the period of suspension authorised by section 71 (Suspension of payments into sinking fund) of this Act as amended by the Humber Bridge Act 1971.”

Borrowing
from
Secretary
of State.

5.—(1) The Board may borrow at interest from the Secretary of State any sum or sums which the Board are empowered to borrow under the Humber Bridge Acts and for such purposes as they are so empowered to borrow.

(2) The Secretary of State may with the consent of the Treasury make advances by way of loan to the Board out of moneys provided by Parliament of any sum or sums which the Board are by subsection (1) of this section empowered to borrow from the Secretary of State and for such purposes as they are so empowered to borrow.

(3) Any advances made by the Secretary of State under this section shall be repaid to him on such terms and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may, with the approval of the Treasury, agree with the Board.

(4) Any sums, including interest, paid to the Secretary of State under the foregoing provisions shall be paid into the Consolidated Fund.

Power to
suspend
provision for
repayment
of borrowed
moneys.

6. Section 71 (Suspension of payments into sinking fund) of the Act of 1959 shall have effect as if—

- (1) after the words “ of this Act ” there were inserted the words “ and of borrowed moneys for or in respect of purpose (a) referred to in the table set out in section 3 (Power to borrow) of the Humber Bridge Act 1971 ”;
- (2) after the words “ for public traffic and ” there were inserted the words “ in any year thereafter in which the tolls are insufficient to meet the requisite provision for repayment of borrowed moneys in accordance with the provisions of section 75 (Application of revenue) of this Act and ”;
- (3) the words “ of the said table ” were omitted and there were substituted the words “ of the said tables ”; and
- (4) the words from “ Provided that ” to the end of the section were omitted and there were substituted the words “ Provided that such suspension shall not be for a longer period from the date of opening of the bridge than thirteen years or such longer period as the Secretary of State may approve.”

7.—(1) The Board may, if they think fit, provide a maintenance fund in respect of the undertaking by setting aside such amounts as they shall from time to time determine from the tolls collected in pursuance of the Humber Bridge Acts and (unless the said amounts are applied in any other manner authorised by any enactment) by investing the same in any securities (whether of the Board or of other persons) in which trustees are from time to time authorised to invest trust funds until the fund so provided amounts to the sum of ten million pounds, or such greater sum as the Secretary of State may on the application of the Board from time to time approve. Maintenance fund.

(2) Income arising from the investment of moneys in the maintenance fund shall be carried to and form part of that fund.

(3) A maintenance fund provided under this section may be applied, from and after the date on which the power to demand, take and recover tolls conferred by the Act of 1959 has ceased pursuant to a resolution of the Board under paragraph (a) of the proviso to subsection (1) of section 61 (Tolls) of the Act of 1959 and has not been resumed pursuant to such paragraph, in defraying the costs and administrative and other expenses incurred by the Board—

(a) in maintaining and repairing the bridge; and

(b) in operating the services and facilities provided by the Board in connection therewith.

8. Section 75 (Application of revenue) of the Act of 1959 shall have effect as if— Amendment of section 75 of Act of 1959.

(a) the following paragraphs were substituted for the paragraphs “secondly” and “thirdly”—

“secondly in payment of the interest on moneys advanced by the Secretary of State by way of loan under the provisions of the Humber Bridge Act 1971 and moneys borrowed by the Board under any statutory borrowing power in proportion to the respective amounts borrowed by the Board from the Secretary of State and other than from the Secretary of State as aforesaid;

thirdly, subject to all interest as aforesaid having been paid in any year in making provision for repayment of moneys borrowed by the Board under any statutory borrowing power in proportion to the respective amounts borrowed by the Board from the Secretary of State and other than from the Secretary of State as aforesaid;”

(b) after the words "being expenses properly chargeable to revenue" there were inserted the following paragraph:—

"fifthly in providing a maintenance fund (if the Board think fit) in accordance with section 7 (Maintenance fund) of the Humber Bridge Act 1971"; and

(c) for the words "fifthly", "sixthly", "seventhly", "eighthly" and "ninthly" there were respectively substituted the words "sixthly", "seventhly", "eighthly", "ninthly" and "tenthly".

Accounts.

9.—(1) The Board shall, during such time as any moneys borrowed under section 69 (Power to borrow) of the Act of 1959 or paragraph (b) of subsection (1) of section 3 (Power to borrow) of this Act remain to be repaid, keep in such form as the Secretary of State may approve accounts relating to the collection of tolls and the application of moneys under section 75 (Application of revenue) of the Act of 1959 and shall, within four months after the expiration of each financial year or such longer period as the Secretary of State may allow, furnish a copy of the accounts kept under this section to the Secretary of State.

(2) Section 77 (Annual accounts to be sent to Minister) of the Act of 1959 is hereby repealed.

Revision of tolls.

10.—(1) If at any time—

(a) it is represented in writing to the Secretary of State—

(i) by any person or body representative of persons appearing to the Secretary of State to have a substantial interest in the use of the bridge; or

(ii) by the Board; or

(b) it appears to the Secretary of State after consultation with the Board to be expedient;

that in the circumstances then existing or in prospect (including the opening to public traffic of the bridge) all or any of the tolls authorised in pursuance of the Humber Bridge Acts or any classification of vehicles specified in any order for the time being in force under those Acts should be revised, the Secretary of State may, if he thinks fit make an order revising all or any of such tolls or any classification of vehicles as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or modified by a further order of the Secretary of State made in pursuance of this section:

Provided that the Secretary of State shall not make an order pursuant to paragraph (b) of this subsection at any time except

when the Board have borrowed money from the Secretary of State under section 5 (Borrowing from Secretary of State) of this Act and have not repaid the whole of the money so borrowed.

(2) As soon as may be after the receipt by the Secretary of State of a representation pursuant to subsection (1) of this section from any person or any body other than the Board the Secretary of State shall send a copy of the representation to the Board.

(3) Before making an order under this section the Secretary of State shall if required by—

(a) any such person or body as is referred to in subparagraph (i) of paragraph (a) of subsection (1) of this section, being a person or body who either has made a representation to the Secretary of State pursuant to that subsection or has pursuant to section 11 (Further provisions as to revision of tolls) of this Act objected to the representation made to, or the proposals of, the Secretary of State and has not withdrawn the objection; or

(b) the Board;

and may in any other case, if he thinks fit, cause a local inquiry to be held by such person as he may appoint for the purpose.

(4) In the exercise of the powers conferred upon him by this section, the Secretary of State shall have regard to the financial position and future prospects of the undertaking and any order made by him under this section shall prescribe such tolls as in the opinion of the Secretary of State are reasonably required to be demanded, taken and recovered so as to produce an annual revenue not substantially less, nor substantially more, than is adequate to meet such expenditure as is authorised for the purposes of the first eight purposes mentioned in section 75 (Application of revenue) of the Act of 1959, as amended by this Act.

(5) Section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 (which relates to the revision of charges 1954 c. 64. by any independent statutory undertaking being (inter alia) an undertaking engaged in the maintenance of a bridge) shall cease to apply to the undertaking.

11.—(1) If representations are made to the Secretary of State under section 10 (Revision of tolls) of this Act, the Board shall furnish the Secretary of State with such information and particulars, certified in such manner as the Secretary of State may Further provisions as to revision of tolls.

require and shall publish in the London Gazette and in such newspapers as the Secretary of State may require a notice stating—

- (a) the general effect of the representation;
- (b) the place or places at which copies of the representation may be inspected free of charge and copies thereof purchased and the price of such copies;
- (c) that within a period of forty-two days from the date of the first publication of the notice, any person having a substantial interest may object to the representation by giving notice to the Secretary of State accompanied by the grounds of his objection and sending a copy thereof to the Board.

(2) Where it appears to the Secretary of State to be expedient to revise the tolls or any classification of vehicles pursuant to paragraph (b) of subsection (1) of the said section 10, the Board shall furnish the Secretary of State with such information and particulars certified in such manner as the Secretary of State may require and shall, upon being required so to do by the Secretary of State, publish in the London Gazette and in such newspapers as the Secretary of State may require a notice stating—

- (a) the general effect of the proposals of the Secretary of State; and
- (b) that within a period of forty-two days from the date of the first publication of the notice, any person having a substantial interest may object to the proposals by giving notice to the Secretary of State accompanied by the grounds of his objection and sending a copy thereof to the Board.

(3) The provisions of subsections (2) to (5) of section 290 of the Act of 1933, shall apply in relation to any local inquiry which the Secretary of State may cause to be held under subsection (3) of the said section 10.

(4) The power of the Secretary of State to make an order under the said section 10 shall be exercisable by statutory instrument and the Secretary of State may by any order made by him under the said section 10 amend, vary or revoke any of the provisions of any order made by him under section 61 (Tolls) of the Act of 1959 or under the said section 10.

Construction
of bridge.

12.—(1) Notwithstanding anything contained in the Act of 1959 the Board may construct the bridge either for vehicular and pedestrian traffic or for vehicular traffic and not for pedestrian traffic.

(2) Section 40 (Power to construct works) of the Act of 1959 shall have effect as if the following paragraph were substituted for paragraph (c) of subsection (2):—

“(c) the Board shall erect a good and sufficient parapet on each side of the river bridge.”

13. Notwithstanding anything shown on the deposited plans or the deposited sections the Board may if they think fit—

Construction of side spans of and approaches to bridge.

(1) in constructing Work No. 1 authorised by the Act of 1959 construct the south side span of the bridge and the north side span of the bridge or either of them so as to have clear widths greater than the respective clear widths shown on the deposited sections; and

(2) in constructing so much of Work No. 1 authorised by the Act of 1959 as does not comprise the river bridge—

(a) construct on embankment any part of that Work which is shown on the deposited sections as intended to be constructed on viaduct; and

(b) construct on viaduct any part of that work which is shown on the deposited sections as intended to be constructed on embankment.

14.—(1) The Board may if they think fit make arrangements for the provision and operation of services for carrying persons and bicycles and other things over the bridge and may do all such things as may be requisite for or incidental to the provision and operation of such services.

Provision and operation of services for transporting cyclists and other persons over bridge.

(2) (a) The Board on the one hand, and any other company, body or person on the other hand, may enter into and carry into effect agreements for the exercise by any such company, body or person, subject to such terms and conditions as may be agreed, of the powers conferred upon the Board by this section, and subject to the provisions of this Act and to the terms of any such agreement, such company, body or person may exercise those powers.

(b) Any such agreement may make provision as to the payments to be made by either party thereto to the other party.

15. Section 26 of the Town and Country Planning Act 1959 shall apply in relation to the exercise by the Board of the powers under section 165 of the Act of 1933 as applied to the Board by the Act of 1959 as if the Board were an authority to whom Part II of the Town and Country Planning Act 1959 applies.

Disposal of land. 1959 c. 53.

Provision of substituted sites.

16. The power of the Board of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land that may be acquired under the Act of 1959.

Protection of members of Board and officers from personal liability.
1875 c. 55.

17. The provisions of section 265 of the Public Health Act 1875 affording protection to local authorities and their members and officers from personal liability shall enure for the benefit of any member of the Board or of a committee of the Board, and any officer of the Board or other person acting under their direction in relation to the execution by the Board or such officer or person of the provisions of the Humber Bridge Acts, as if any reference in that section to the said Act of 1875 included a reference to those Acts.

Costs of Act.

18. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Board.

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