



# Humber Bridge Act 2013

CHAPTER vi

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# Humber Bridge Act 2013

## CHAPTER vi

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# Humber Bridge Act 2013

## CHAPTER vi

An Act to amend the constitution of the Humber Bridge Board and to confer new borrowing and other powers on it; to make new provision for the recovery of any deficit of the Board from local authorities in the area; to confer new powers for the setting and revision of tolls and to make other provision for and in connection with the operation of the bridge; and for connected purposes.

[18th December 2013]

WHEREAS—

- (1) The Humber Bridge Act 1959 established the Humber Bridge Board (“the Board”) and conferred powers on it to construct and maintain a bridge across the river Humber, together with approach roads and other works:
- (2) Further provision was made in relation to the Board and the proposed bridge, in particular to enable financing for the construction of the proposed bridge, by the Humber Bridge Act 1971 and the Humber Bridge Act 1973:
- (3) The Board duly borrowed considerable sums of money enabling the proposed bridge, which is now known as the Humber Bridge, to be constructed:
- (4) The Humber Bridge was officially opened by Her Majesty the Queen on 17 July 1981:
- (5) The Humber Bridge (Debts) Act 1996 enabled the Secretary of State by order to provide that sums payable to the Secretary of State in respect of advances made to it under the Humber Bridge Act 1971 should not be so payable:
- (6) The Secretary of State has made a number of orders, most recently the Humber Bridge (Debts) Order 2012 (S.I. 2012/716), under the Humber Bridge (Debts) Act 1996, releasing the Board from its obligation to pay the Secretary of State a proportion of principal and interest arising under agreements for the financing of the construction and maintenance of the Humber Bridge:
- (7) The Board agreed with the Secretary of State as part of revised financial

arrangements agreed in 2012 that the Board should be re-constituted and that certain other changes should be sought to the Humber Bridge Acts 1959 to 1973:

- (8) A reduction in the size of the Board was then achieved by the Humber Bridge Board (Membership) Order 2012 (S.I. 2012/1392) made under section 97 of the Humber Bridge Act 1959 but section 97 did not enable appointments to be made to the Board other than by local authorities in the vicinity of the bridge nor other changes to be made to the Humber Bridge Acts 1959 to 1973:
- (9) It is expedient that provision should now be made enabling such appointments and revising other aspects of the constitution of the Board:
- (10) It is expedient that further general powers should be conferred on the Board:
- (11) It is expedient that revised provision should be made in relation to the liability of local authorities to pay for operating deficits of the Board:
- (12) It is expedient that new borrowing powers should be conferred on the Board and revised provision made in relation to its use of reserves:
- (13) It is expedient that new powers should be conferred on the Board to levy tolls and as respects the revision from time to time of the tolls levied by the Board:
- (14) It is expedient to confer powers on the Board in relation to traffic regulation and toll evasion:
- (15) It is expedient that the other provisions contained in this Act should be enacted:
- (16) The objects of this Act cannot be attained without the authority of Parliament:
- (17) In relation to the promotion of the Bill for this Act the Board has complied with the requirements of section 96 of the Humber Bridge Act 1959 (power for Board to apply for further powers, etc):

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:—

## **1 Citation and commencement**

- (1) This Act may be cited as the Humber Bridge Act 2013 and comes into force at the end of 28 days beginning with the day on which this Act is passed.
- (2) The Humber Bridge Acts 1959 to 1973 and this Act may be cited together as the Humber Bridge Acts 1959 to 2013.

## **2 Interpretation**

In this Act—

“the 1959 Act” means the Humber Bridge Act 1959;

“the Board” means the Humber Bridge Board incorporated by the 1959 Act;

“the bridge” has the meaning given in section 4 (interpretation) of the 1959 Act;

“constituent authority” means a local authority for the time being authorised

to appoint a member or members of the Board; and  
“financial year” means any period of 12 months ending on 31 March.

### **3 Constitution of Board**

- (1) Members of the Board are in future to be known as directors and any reference in any enactment, agreement or other document to a member of the Board is to be treated as a reference to a director of the Board.
- (2) The number of directors of the Board is increased by two and the arrangements made for the appointment of Board directors is further amended as provided for by subsection (3) and Schedule 1.
- (3) For sections 6 to 14 and 24 of the 1959 Act (appointment of Board members), there is substituted the amended versions of those provisions set out in Schedule 1.

### **4 Indemnity insurance for directors**

The Board may subscribe, and pay premiums, for a policy of insurance to indemnify the directors jointly or severally against personal liability arising from an act or omission of the directors or any of them, not being an act or omission—

- (a) which the director or directors in question knew to be a breach of the duty owed by that director or those directors;
- (b) concerning which, the director was, or directors were, reckless as to whether it was such a breach.

### **5 Allowances and expenses**

The Board may pay to each director of the Board such reasonable allowances and expenses as the Board may from time to time determine.

### **6 General powers**

- (1) Subject to the other provisions of the Humber Bridge Acts 1959 to 2013, the Board may:
  - (a) do anything which appears to the Board to be necessary or desirable for the purpose of, or in connection with, the maintenance, operation, management, improvement, repair and renewal of the bridge;
  - (b) promote, or participate with others in the promotion of, the economic development of the Humber area; and
  - (c) do any other thing (including the provision of facilities and the carrying on of any business) which in the opinion of the Board can usefully be undertaken by the Board by virtue of the Board's functions in relation to the bridge and which, in the opinion of the Board, is likely to provide economic, social, cultural or environmental benefits to all or some of the population of, or visitors to, the Humber area.
- (2) In exercising the powers of this section, the Board must have regard to the desirability of minimising in the longer term the level of tolls to be levied in respect of vehicles passing over or on the bridge.

- (3) In subsection (1), “the Humber area” means the area of the constituent authorities.

## **7 Liability for and payment of deficits**

- (1) Any deficiency in the revenues of the Board in any financial year must be made good out of the reserve fund (if any) provided under section 76 (power to create reserve fund) of the 1959 Act or, if there is no such reserve fund or if such reserve fund is insufficient for the purpose of making good such a deficiency, it may be carried forward.
- (2) If the whole or a part of a net deficit in any year carried over by the Board to the following year cannot be made good out of revenues (including any revenues appropriated to the reserve fund) within two years of being carried over, the Board must apportion the sum outstanding (including any interest or other charge incurred in relation to it) equally between the constituent authorities.
- (3) The Board must issue a levy to each of the constituent authorities in respect of any sum apportioned for payment by them under this section and, where it does so, the Board is a levying body for the purposes of section 74 (levies) of the Local Government (Finance) Act 1988 and any regulations made under it.
- (4) Any sum mentioned in a levy issued to a constituent authority under this section is a debt due to the Board from that authority and, without prejudice to any other right of action, may be recovered accordingly.

## **8 Power to borrow**

- (1) The Board may borrow money—
  - (a) for any purpose relevant to its functions under any enactment; or
  - (b) for the purpose of the prudent management of its affairs.
- (2) The power conferred by subsection (1) includes the power to renew or replace any existing borrowing and to do so on different terms including agreement of a different repayment period.
- (3) Section 5 (borrowing from the Secretary of State) of the Humber Bridge Act 1971 is amended by the substitution in subsection (1) for the words “the Humber Bridge Acts” of the words “the Humber Bridge Acts 1959 to 2013”.
- (4) Part 1 of the Local Government Act 2003 (capital finances and accounts) applies to the Board as it applies to a local authority.

## **9 Use of maintenance fund**

Section 7 (maintenance fund) of the Humber Bridge Act 1971 is amended—

- (a) by omitting in subsection (3) the words from “, from and after” to “such paragraph,”; and
- (b) by inserting after subsection (3) the following subsection—
  - “(4) The Board may from time to time, if they see fit, transfer any funds forming part of the maintenance fund provided under this section to the reserve fund provided under section 76 of the Act of 1959.”.

## 10 Accounts and audit

- (1) The Board must keep adequate accounts in such form as the Secretary of State may approve relating to the collection of tolls and the application of moneys under section 75 (application of revenue) of the 1959 Act.
- (2) The accounts of the Board must be audited annually by an auditor appointed by the Board who is qualified to audit the accounts of a constituent authority.
- (3) The accounts of the Board must be made available by the Board at all reasonable times for inspection and transcription by any member of a constituent authority or by any officer of a constituent authority authorised by that constituent authority for that purpose.
- (4) Within six months of the expiry of each financial year or such longer period as the Secretary of State may allow, the Board must provide a copy of the accounts kept under this section to the Secretary of State.
- (5) As soon as practicable after the completion of the audit in each financial year, the clerk must provide a copy of the statement of the accounts of the Board for that year and of any report to the Board made by an auditor to the chief executive of each constituent authority.

## 11 Power to levy tolls

- (1) The Board may demand, take and recover—
  - (a) tolls not exceeding the maximum toll amounts in respect of any class of traffic passing over or on the bridge; and
  - (b) such reasonable charges as it sees fit for any other services provided by it.
- (2) The maximum toll amount for any class of traffic is the amount (including, where applicable, abnormal load charge) applicable to that class specified in Schedule 2 or such other amount as the Board may from time to time determine under this section.
- (3) The Board at any time by resolution—
  - (a) may add to, adjust, alter, replace or remove the amount of any tolls; and
  - (b) may, subject to subsections (8) or (9), add to, adjust, alter, replace or remove the maximum toll amounts, the classes in Schedule 2 or both.
- (4) The Board may if it sees fit and in respect of some or all classes of traffic, or in respect of particular users or categories of traffic within any class, from time to time—
  - (a) grant total or partial exemptions from and allow rebates on tolls payable under this section;
  - (b) enter into agreements for advance payment of tolls (“composition agreements”) with any person, including issuing season tickets;
  - (c) vary or extinguish any such exemption, rebate or composition agreement offered by it;
  - (d) cease to demand, take and recover tolls;
  - (e) resume demanding, taking and recovering tolls; and
  - (f) dispense with tolls during particular hours or for particular occasions.

- (5) The person by whom tolls under this Act are payable in respect of a motor vehicle is the driver of the vehicle.
- (6) Subject to any exemptions or rebates applicable for the time being—
  - (a) the tolls demanded, taken and recovered by the Board must be the same for each of the users or categories of traffic within a single class in Schedule 2; and
  - (b) composition agreements offered by the Board to persons seeking to compound in advance for the payment of tolls must be offered on the same terms with respect to the same description of use of the bridge to all persons seeking to compound in respect of that description.
- (7) The Board may appoint any person to collect tolls as its agent.
- (8) Before increasing any maximum toll amount (including any abnormal load charge for which a maximum charge is specified) for any class of traffic (whether by a direct change in amount or an indirect change as a result of a move from one class to another) by more than the increase in the retail prices index, the Board must—
  - (a) consult the Secretary of State and users of the bridge and the population of the constituent authorities on whether it is appropriate to do so;
  - (b) subsequently determine, having regard to the views expressed by the persons so consulted, that it is appropriate to do so.
- (9) As soon as reasonably practicable following a determination under subsection (8), the Board must publish in an accessible form a report on the consultation undertaken prior to that determination.
- (10) An increase in a maximum toll amount is to be taken as being an increase by more than the increase in the retail prices index if it exceeds the percentage difference between the retail prices index for September 2011 or for the month of September preceding the determination of the current maximum toll amount, whichever is the later, and the retail prices index for the month of September immediately preceding the month of the resolution authorising the increase.
- (11) References in paragraph (8) and (10) to the retail prices index are to the monthly United Kingdom index of Retail Prices (for all items) published by the Office for National Statistics.
- (12) If that index is not published for any month, those references are to any other index, or substitute for that index, for that month published by that office for that month.

## **12 Enforcement of tolls and traffic regulation**

- (1) The Board is deemed to be a local authority for the purposes of regulation 27 (disclosure of registration and licensing particulars) of the Road Vehicles (Registration and Licensing) Regulations 2002 (S.I. 2002/2742).
- (2) Where tolls or other charges payable under or by virtue of this Act remain unpaid after they become due for payment, the Board may recover—
  - (a) from the person liable to pay them; or

- (b) in the case of unpaid tolls, from the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994, the amount of the tolls or charges together with all other reasonable costs and expenses including administrative expenses, enforcement expenses and interest arising out of such failure to pay.
- (3) The Board is deemed to be the traffic authority for the highway on the bridge for the purposes of the Road Traffic Regulation Act 1984.
- (4) Where the driver of a vehicle is alleged to be guilty of an offence committed on the bridge, the person keeping the vehicle must give such information as to the identity of the driver as the Board may require that person to give.
- (5) In subsection (4) references to the driver of a vehicle include references to the person riding a bicycle or tricycle (not being a motor vehicle).
- (6) A person who fails to comply with the requirements of subsection (4) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale unless that person shows to the satisfaction of the court that the person did not know, and could not with reasonable diligence have ascertained, who was the driver of the vehicle.

### **13 Amendments**

The enactments mentioned in Schedule 3 are amended in the manner specified in that Schedule.

### **14 Repeals and revocations**

The enactments mentioned in Schedule 4 are repealed or revoked to the extent specified in that Schedule.

## SCHEDULES

## SCHEDULE 1

## Section 3

## SUBSTITUTE PROVISIONS FOR CERTAIN PROVISIONS IN PART 2 OF THE 1959 ACT

## 1 For sections 6 to 14 of the 1959 Act there is substituted—

*“Constitution of Board*

- 6.—(1) The Board is to consist of six directors to be appointed as follows—
- (a) one director by the East Riding of Yorkshire Council;
  - (b) one director by Kingston upon Hull City Council;
  - (c) one director by North Lincolnshire Council;
  - (d) one director by North East Lincolnshire Council; and
  - (e) two directors appointed by the directors of the Board for the time being appointed by the constituent authorities, the appointments being made from amongst persons nominated for this purpose by the Humber Local Enterprise Partnership or such body or bodies as the Secretary of State may from time to time by order made by statutory instrument substitute as the nominating body.
- (2) Each director appointed under subsection (1)(e) must be a person who appears to the directors appointing that director to have special knowledge or experience of the operation of commerce in the whole or some part of the area of the constituent authorities.

*Making of and term of Board appointments*

- 7.—(1) Any vacancy occurring amongst directors of the Board must be filled at a meeting of the constituent authority responsible for the appointment or, in the case of an appointment by directors of the Board, at a meeting of the Board.
- (2) Where a vacancy amongst the directors of the Board is due to occur by reason of the resignation of a director or the expiry of a director’s term of office, the vacancy may be filled in advance so as to have effect when the vacancy occurs.
  - (3) Where a vacancy amongst the directors of the Board occurs which has not been filled in advance in accordance with subsection (2), it must be filled as soon as possible after the vacancy occurs.
  - (4) Subject to section 14 (removal of a director), a director of the Board is to hold office for such period not being more than 3 years as may be determined by the constituent authority or, as the case may be, the Board when making the appointment.
  - (5) A director of the Board may be re-appointed for a further term.

*Continuation of appointments pending replacement*

8. A director of the Board whose term of office has expired and who is not otherwise disqualified from doing so is to continue in office until a replacement has been appointed.

*Qualification for appointment*

- 9.—(1) A person may not be appointed to the Board by a constituent authority or be nominated as a deputy for such a director under section 24 (appointment of deputies) unless he is a member of the constituent authority by whom that person is appointed.
- (2) A person may not be appointed to the Board by the Board or as a deputy for such a director if that person is a member of a constituent authority.
- (3) In making an appointment the Board must have regard to any guidance issued by the Secretary of State in respect of the exercise of such functions.

*Directors to hold one appointment only*

10. A person is not qualified to act as a director in respect of more than one appointment at a time and, if appointed by more than one constituent authority or by a constituent authority and by directors of the Board for any period, must choose which appointment to take within one month of the second appointment, at which point the other appointment is deemed void.

*Disqualification of directors*

- 11.—(1) If a director of the Board appointed by a constituent authority ceases to be a member of the constituent authority by whom that director is appointed or becomes disqualified, the director also ceases to be a director of the Board except where the director ceases to be a member of such authority only by reason of the expiry of that member's term of office and is immediately re-elected a member of such authority.
- (2) Section 80 (disqualification) and subsection (1) of section 85 (vacation of office for failure to attend meetings) of the Local Government Act 1972 apply to the Board as if it were a local authority within the meaning of that Act.
- (3) The following provisions of or made under the Localism Act 2011 apply to the Board as if it were a relevant authority within the meaning of that Act:—
- (a) subsection (3) of section 30 (disclosable pecuniary interests);
  - (b) subsections (1), (2) and (4) of section 31 (effect of disclosable pecuniary interests on participation in meetings);
  - (c) subsections (1) and (3) of section 32 (sensitive interests);
  - (d) section 33 (dispensations);
  - (e) section 34 (offences); and
  - (f) the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

*Certificate of appointment of director*

- 12.—(1) The appointment of a director is not effective unless—
- (a) in the case of an appointment by a constituent authority, this is certified to the Board by the chief executive of the constituent authority; and

- (b) in the case of an appointment by directors of the Board, this is certified to the chief executive of each constituent authority by the clerk to the Board.
- (2) A copy of every certificate given under subsection (1)(a) must be copied to the chief executive of every other constituent authority.
- (3) Any such certificate is conclusive evidence of such appointment.

*Resignation of directors*

13. Any director of the Board may at any time resign from that office by notice in writing addressed to the clerk.

*Removal of director*

14. Any director of the Board may be removed at any time by resolution of the constituent authority or the directors of the Board for the time being responsible for the appointment of that director.”.

- 2 For section 24 of the 1959 Act there is substituted—

*“Appointment of deputies*

- 24.—(1) A constituent authority and the directors of the Board responsible for the appointment of a director may each appoint a deputy to take the place of that director and to speak and vote at any meeting of the Board, or of a committee or sub-committee of the Board to which that director belongs, which that director is unable to attend.
- (2) Section 12 (certificate of appointment of director) applies to the appointment of deputies as it applies to the appointment of directors.”.

**SCHEDULE 2**

**Section 11**

**TOLLS**

In this Schedule—

“large bus” and “small bus” have the same meanings as in section 19(1) of the Transport Act 1985;

“motor car” and “motor cycle” have the same meanings as in section 185(1) of the Road Traffic Act 1988 except that the reference to seven passengers in the definition of “motor car” shall be taken to be a reference to eight passengers;

“goods vehicle”, “trailer” and “motor caravan” have the same meanings as in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078);

“sidecar” has the same meaning as in section 137(1) of the Road Traffic Regulation Act 1984;

“maximum weight”, in relation to any vehicle, means the total laden weight which must not be exceeded in the case of that vehicle if it is to be used in Great Britain without contravening any regulation for the time being in force or treated as being in force under section 41 of the Road Traffic Act 1988 (construction and use regulations);

“between”—

- (a) in relation to a time period, covers the period starting with the first mentioned time in the period and ending with the moment immediately before the second mentioned time in the period;
- (b) in relation to a width range, covers the width starting with the lowest point in the range and ending with the highest point in the range;
- (c) in relation to a weight range, covers the weight starting with the lowest point in the range and ending with the highest point in the range.

<i>Class of Vehicle</i>	<i>Authorised Toll</i>
1. Motor cycle with or without sidecar.	Nil
2. (a) Motor car; (b) Motor caravan; (c) Goods vehicle having a maximum weight not exceeding 3.5 tonnes.	£1.50
3. (a) Goods vehicle having a maximum weight exceeding 3.5 tonnes but not exceeding 7.5 tonnes irrespective of number of axles; (b) Small bus.	£4.00

<i>Class of Vehicle</i>	<i>Authorised Toll</i>
4. (a) Goods vehicle having a maximum weight exceeding 7.5 tonnes with 2 axles; (b) Large bus.	£4.00
5. Goods vehicle exceeding 7.5 tonnes maximum weight with 3 axles.	£12.00
6. Goods vehicle exceeding 7.5 tonnes maximum weight with 4 or more axles.	£12.00
7. Any other vehicle using the bridge and not specifically identified in classes 1 to 6.	The toll mentioned in this column for a vehicle in the same weight range and (where necessary to avoid overlap) with the same number of axles.
8. Pedestrians.	Nil
9. Pedal cycles.	Nil
10. Vehicles with abnormal loads.	The amount applicable to that vehicle plus the abnormal load charge referred to in the following table.

*Abnormal Load Charges*

<b>Loads between 3.05m and 3.5m wide:—</b>		
	<b>Day (between 07.00 - 22.00)</b>	<b>Night (between 22.00 - 07.00)</b>
less than 50 tonnes	£4.50	£2.50
between 50 and 100 tonnes	£12.00	£6.00
above 100 and not more than 150 tonnes	£30.00	£15.00
above 150 tonnes	Such additional charges as the Board may specify in each case	
<b>Loads wider than 3.5m wide</b>		
less than 50 tonnes	£9.00	£4.50
between 50 and 100 tonnes	£24.00	£12.00
above 100 and not more than 150 tonnes	£30.00	£15.00
above 150 tonnes	Such additional charges as the Board may specify in each case	

**SCHEDULE 3**

**Section 13**

**AMENDMENTS**

- 1 The 1959 Act is amended as follows—
  - (a) for “member of the Board” in all places substitute “director of the Board” and for any other reference to “member” and “members” in reference to the Board substitute “director” and “directors” respectively;
  - (b) in the definition of “the bridge” in subsection (2) of section 4 (interpretation) omit “the urban district of” in both places;
  - (c) in section 63 (list of tolls to be exhibited), omit “this Act” and substitute “by the Humber Bridge Acts 1959 to 2013”;
  - (d) in section 64 (regulations as to payment of tolls and charges), omit “by this Act”;
  - (e) in section 68 (exemption from tolls), omit “this Act” in each place where it appears and substitute “the Humber Bridge Acts 1959 to 2013”;
  - (f) in section 98 (byelaws) at the beginning insert “(1)” and at end insert—
    - “(2) The maximum fine for an offence under any byelaw made under this section is level 3 on the standard scale.”; and
  - (g) in Part II of the Schedule, omit “Section 251 (fines for offences against byelaws)”.
- 2 In subsection (1)(a) of section 2 (interpretation) of the Humber Bridge Act 1971 for “and 1971” substitute “to 2013”.
- 3 In section 6 (further provisions as to agreements) of the Humber Bridge Act 1973 for “1973” substitute “2013”.

**SCHEDULE 4**

Section 14

**REPEALS AND REVOCATIONS****REPEALS**

<i>Enactment</i>	<i>Extent of repeal</i>
Humber Bridge Act 1959 (c. xlvi)	Section 61 (tolls). Section 66 (power to compound for payment of tolls). Section 68(5) (fine for wrongfully claiming or taking toll exemption). Section 69 (power to borrow). Section 70 (application of Act of 1933 to borrowing of money by Board). Section 71 (suspension of payments into sinking fund). Section 76 (apportionment of deficiency). Section 81 (accounts and audit).
Humber Bridge Act 1971 (c. xlvi)	Section 3 (power to borrow). Section 4 (amendment of section 69 of Act of 1959). Section 6 (power to suspend provision for repayment of moneys borrowed). Section 9 (accounts). Section 10 (revision of tolls). Section 11 (further provision as to revision of tolls).

**REVOCATIONS**

<i>Enactment</i>	<i>Extent of revocation</i>
The Local Authorities etc. (Miscellaneous Provision) (No.2) Order 1974 (S.I. 1974/595)	Article 3(9).
The Local Government Changes for England (Miscellaneous Provision) Order 1996 (S.I. 1996/446)	Article 3.
The Humber Bridge (Revision of Tolls) Order 2011 (S.I. 2011/1516)	The whole Order.
The Humber Bridge Board (Membership) Order 2012 (S.I. 2012/1392)	The whole Order.



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