



Humber Bridge Act 2013

2013 CHAPTER vi

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.

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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

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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

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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.

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- (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.

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14 Repeals and revocations

The enactments mentioned in Schedule 4 are repealed or revoked to the extent specified in that Schedule.