



Humber Bridge Act 2013

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:

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- (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.

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- (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.

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- (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

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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.