

# **ERSKINE BRIDGE TOLLS ACT 2001**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTION 1: POWER TO LEVY TOLLS**

9. Subsection (1) restores, with retrospective effect from 2 July 2001, the power to levy tolls under section 1 of the 1968 Act. It does this by asserting that the power was and is available as if an order had been made timeously under section 4(3) of the 1968 Act and had come into force.
10. The power to levy tolls will last for 5 years from 2 July 2001, as it would have done had an order been approved prior to that date. The power conferred under this Act does not affect the ability of the Scottish Ministers to promote further orders under section 4(3) in future. This is ensured by subsection (3).
11. The purpose of subsection (2) is to avoid any doubts about the status of related secondary legislation. [SI 1992/433 is The Erskine Bridge Tolls Order 1992](#), which determines which vehicles should pay tolls and when, and sets the level of tolls to be charged. [SI 1989/530 is The Erskine Bridge Regulations 1989](#), which set out detailed provisions regulating use of the bridge: for example, by providing for the places at which tolls are to be paid; by imposing restrictions on stopping on the bridge; by allowing the removal of stationary vehicles; etc.
12. Under section 6(1) of the 1968 Act the Scottish Ministers have the ability to suspend tolls on the bridge. Subsection (4) deems that power to have been exercised so as to suspend tolls generally between 8.50 pm on 30 August 2001, being the point at which tolls ceased to be collected following discovery of the administrative error referred to at paragraph 5 above, and the date the Act came into force (13 September 2001). This provision is needed because of the retrospective nature of section 1(1). Otherwise, the cessation of tolling between 30 August and 13 September 2001 would have been without statutory basis and any user of the Bridge liable to criminal penalties for non-payment of the toll. Subsection (7) makes further provision to ensure that the Act does not retrospectively create criminal offences.
13. Subsection (5) is a residual provision which is intended to ensure that no other instruments or provisions have been affected by the failure to extend the toll period timeously. Subsection (6) ensures that subsections (2) and (5) do not operate so as to prevent the order, regulations or instruments to which they refer from being amended or revised in future.