



# Severn Bridges Act 1992

## 1992 CHAPTER 3

### PART II

#### OPERATION OF SEVERN BRIDGES

##### *Tolls*

#### **5 Power of Secretary of State to levy tolls**

- (1) Tolls may be levied by the Secretary of State in respect of vehicles using either of the bridges.
- (2) Subject to section 11 below, tolls may only be levied in respect of vehicles travelling from east to west.
- (3) The power to levy tolls shall commence—
  - (a) with the appointed day, as respects vehicles using the existing bridge, and
  - (b) with the day on which the new bridge is first open for public use, as respects vehicles using that bridge.
- (4) The power to levy tolls shall terminate at the end of the period of 35 years beginning with the appointed day.
- (5) The Secretary of State may appoint any person to collect tolls as his agent.
- (6) A local authority may enter into an agreement with the Secretary of State (on such terms and subject to such conditions, as to payment or otherwise, as they consider appropriate) to perform such services and provide such facilities as may be specified in the agreement in connection with the collection of tolls; and a local authority may perform services and provide facilities in accordance with such an agreement.
- (7) No agreement entered into under section 17(1) of the Severn Bridge Tolls Act 1965 (agreement between Secretary of State and local authority for performance of services and provision of facilities in connection with tolling) shall have effect on or after the appointed day.

## **6 Exercise of power to levy tolls by concessionaire**

- (1) Where a concession agreement is subsisting on the appointed day, the power to levy tolls conferred on the Secretary of State by section 5 above shall be exercisable by the concessionaire (instead of by the Secretary of State) during the concession period.
- (2) The power shall be exercised by the concessionaire in accordance with the concession agreement.
- (3) In this Act “the concession period” means the period—
  - (a) beginning with the appointed day, and
  - (b) ending at the time specified in subsection (4) below.
- (4) The time referred to in subsection (3)(b) above is the earliest of—
  - (a) the end of the period of 30 years beginning with the appointed day,
  - (b) any time determined under subsection (5) below as that at which the right of the concessionaire to exercise the power to levy tolls is to end, and
  - (c) any earlier time at which, in accordance with the concession agreement, that right is to end.
- (5) Where it appears to the Secretary of State that the revenue requirement has been met on a day, the right of the concessionaire to exercise the power to levy tolls shall end at such time after that day as the Secretary of State may determine.
- (6) The time determined under subsection (5) above shall not be later than the end of the period of 120 days beginning with the day mentioned in that subsection; but (subject to that) the determination under that subsection shall be made in accordance with the concession agreement.
- (7) For the purposes of this section—
  - (a) the revenue requirement is met on a day if the aggregate amount of toll income received by the concessionaire on or before that day is equal to or greater than the amount which he is entitled to receive in accordance with the concession agreement, and
  - (b) “toll income” means tolls and sums received in lieu of tolls which, in accordance with the concession agreement, are to be treated for the purposes of this section in the same way as tolls.
- (8) Subject to the concession agreement—
  - (a) in exercising the power to levy tolls in accordance with this section the concessionaire shall not be regarded for any purpose as acting as the agent of the Secretary of State, and
  - (b) in accordance with paragraph (a) above, tolls levied by the concessionaire shall be payable to him and be his property.
- (9) The concessionaire may appoint any person to collect tolls as his agent.
- (10) A local authority may enter into an agreement with the concessionaire (on such terms and subject to such conditions, as to payment or otherwise, as they consider appropriate) to perform such services and provide such facilities as may be specified in the agreement in connection with the collection of tolls; and a local authority may perform services and provide facilities in accordance with such an agreement.

## **7 Early end of tolling by Secretary of State**

- (1) Where it appears to the Secretary of State that the funding requirement is met on a day on which the power to levy tolls is being exercised by him, no tolls shall be levied by him after that day.
- (2) For the purposes of this section the funding requirement is met on a day if the aggregate of the receipts mentioned in paragraph 1 of Schedule 4 to this Act before that day is equal to or greater than the amount required before that day for the purposes specified in paragraph 2 of that Schedule.

## **8 Vehicles subject to tolls**

- (1) Tolls may be levied in respect of the following descriptions of vehicles (and no others)

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- (a) motor cars and motor caravans (category 1 vehicles),
- (b) small goods vehicles and small buses (category 2 vehicles), and
- (c) other goods vehicles and buses (category 3 vehicles);

and where a vehicle would otherwise fall within more than one category it shall be taken for the purposes of this Act to fall only within that with the lower or lowest number.

- (2) In this section—

“motor car” has the meaning given by section 185 of the Road Traffic Act 1988,

“motor caravan” means a motor vehicle constructed or adapted for the carriage of passengers and their effects which contains, as permanently installed equipment, the facilities which are reasonably necessary for enabling the vehicle to provide mobile living accommodation for its users,

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage or haulage of goods or burden of any description, and

“bus” means a motor vehicle constructed or adapted to carry more than eight passengers.

- (3) For the purposes of this section—

- (a) a small goods vehicle is a goods vehicle which has an operating weight for the purposes of section 138 of the Road Traffic Regulation Act 1984 not exceeding 3,500 kilograms, and
- (b) a small bus is a bus constructed or adapted to carry not more than sixteen passengers.

- (4) The Secretary of State may by order make such amendments of subsections (2) and (3) above as he considers necessary or expedient.

- (5) Tolls may not be levied in respect of—

- (a) a vehicle being used in the discharge of the functions of a fire authority under the Fire Services Acts 1947 to 1959,
- (b) a vehicle being used for police purposes,
- (c) a vehicle exempt from duty under the Vehicles (Excise) Act 1971 by virtue of section 7(4) of that Act (civil defence vehicles),
- (d) a vehicle exempt from duty under the Vehicles (Excise) Act 1971 under—
  - (i) section 4(1)(c) of that Act (ambulances),

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- (ii) section 4(1)(kb) of that Act (vehicles other than ambulances used by recognised bodies for the carriage of disabled persons), or
  - (iii) section 7(2) of that Act (vehicles of certain persons in receipt of disability living allowance and certain other disabled persons),
- (e) a vehicle being driven by a disabled person, or being used for the carriage of one or more disabled persons, which displays a current disabled person's badge issued under—
  - (i) section 21 of the Chronically Sick and Disabled Persons Act 1970, or
  - (ii) section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978,
- (f) a vehicle being used in connection with—
  - (i) the collection of tolls, or
  - (ii) the inspection, maintenance, improvement or renewal of, or other dealing with, either of the bridges or toll plaza areas or any of the highways carried by the bridges, within the toll plaza areas or connecting the new toll plaza area and the new bridge (or any structure, works or apparatus on, under or over any of those highways),
- (g) a vehicle which, having broken down on either of the bridges while travelling in one direction, is travelling in the opposite direction otherwise than under its own power, or
- (h) a vehicle of a description specified in an order made by the Secretary of State as a description of vehicle in respect of which tolls may not be levied.

## 9 Level of tolls

- (1) Subject to section 11(3) below, the toll leviable in respect of a vehicle of a category shall be that fixed for the time being in respect of vehicles of that category by an order made by the Secretary of State under subsection (2) below.
- (2) The Secretary of State shall—
  - (a) before the appointed day make an order to come into force on that day, and
  - (b) in each month of December beginning after that day make an order to come into force at the beginning of the year commencing immediately after the end of that month.
- (3) Subject to the following provisions of this section and sections 10 and 11 below, the amount of the toll to be fixed by an order under subsection (2) above in respect of each of the categories of vehicles specified in section 8(1) above shall be—
  - (a) in the case of an order under paragraph (a) of subsection (2) above, the amount specified in the table below with respect to the category for the year in which the appointed day falls, as adjusted in accordance with subsection (4) below, and
  - (b) in the case of an order under paragraph (b) of that subsection, the amount so specified for the year at the beginning of which the order is to come into force, as so adjusted.

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TABLE

<i>Category of vehicle</i>	<i>1992</i>	<i>1993</i>	<i>1994</i>	<i>1995 and each subsequent year</i>
1	£2.35	£2.51	£2.68	£2.85
2	£4.70	£5.02	£5.35	£5.71
3	£7.05	£7.52	£8.03	£8.56

- (4) The adjustment in the amounts specified in the table in subsection (3) above which is referred to in that subsection is an adjustment by the same percentage as the percentage difference between the retail prices index for March 1989 and the retail prices index for the month of September immediately preceding the making of the order.
- (5) Where a change in any amount specified in the provisions of the concession agreement corresponding to the table in subsection (3) above is made in response to the occurrence of any of the particular circumstances in which the agreement authorises the making of such a change, the Secretary of State may by order provide for the same change to be made in that table.
- (6) An amount which falls in accordance with subsections (3) to (5) above to be fixed by an order under subsection (2) above—
- if it is neither a multiple of ten pence nor an amount which on division by ten produces a remainder of five pence, shall be rounded to the nearest ten pence, and
  - if it is an amount which on division by ten produces a remainder of five pence, shall be increased by five pence.

## 10 Level of tolls: supplementary

- (1) Subject to subsection (2) below—
- an order under paragraph (a) of subsection (2) of section 9 above may fix tolls at an amount less than that arrived at in accordance with that section, and
  - where the amount of a toll which, in accordance with that section, falls to be fixed by an order under paragraph (b) of that subsection in respect of a category of vehicles exceeds that in force under the last order made under that subsection, the new order may fix an amount which does not implement the increase or implements it only in part.
- (2) If it appears to the Secretary of State that at the time when an order under section 9(2) above is to come into force the power to levy tolls will be exercisable by the concessionaire, the order shall not fix tolls in accordance with subsection (1) above except with the concessionaire's consent.
- (3) Subject to subsection (4) below, the references in section 9(4) above to the retail prices index are references to the general index of retail prices (for all items) published by the Central Statistical Office of the Chancellor of the Exchequer.
- (4) If that index is not published for any month those references are references to any other index, or substitute for an index, for that month which the Secretary of State may by

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order prescribe; and in determining which index or substitute to prescribe the Secretary of State shall have regard to any relevant provisions of the concession agreement.

## **11 Two-way tolling**

- (1) The Secretary of State may by order provide for tolls to be leviable in respect of vehicles travelling from west to east (as well as in respect of vehicles travelling from east to west).
- (2) Where at the time of the making of an order under subsection (2) of section 9 above it appears to the Secretary of State that on its coming into force tolls will be leviable in respect of vehicles travelling from west to east (as well as vehicles travelling from east to west), the amount of the tolls to be fixed by the order shall be determined as if the amounts specified in the table in subsection (3) of that section were one-half of the amounts actually so specified.
- (3) Where an order under subsection (1) above comes into force on a day which is neither the appointed day nor the first day of a year, the toll leviable in respect of a vehicle of a category on and after the day on which it comes into force until the end of the year in which that day falls shall be that fixed in respect of vehicles of that category by that order.
- (4) The amounts of the tolls to be fixed by such an order—
  - (a) subject to paragraph (b) below, shall be determined as they would have been for the purposes of the order fixing the amounts of the tolls leviable immediately before it comes into force (“the current order”) in accordance with subsection (2) above, and
  - (b) where it revokes an earlier order providing for the levying of tolls in respect of vehicles travelling from west to east (as well as in respect of vehicles travelling from east to west), shall be determined as they would have been determined for the purposes of the current order but for that subsection.

## **12 Temporary suspension of tolls**

- (1) Tolls may be suspended—
  - (a) by the concessionaire for any period during which the power of the Secretary of State to levy tolls is exercisable by him, and
  - (b) by the Secretary of State for any other period.
- (2) A suspension under this section may relate—
  - (a) to all vehicles,
  - (b) only to vehicles using the existing bridge or only to vehicles using the new bridge, or
  - (c) (when there is in force an order under section 11(1) above providing for tolls to be leviable in respect of vehicles travelling from west to east as well as in respect of vehicles travelling from east to west) only to vehicles travelling in one direction.

## **13 Pre-payment of tolls**

- (1) The Secretary of State, or (if the power to levy tolls is exercisable by the concessionaire) the concessionaire, may enter into agreements under which persons

make payments in advance, on such terms as may be agreed, with respect to tolls for use of the bridges by them, by other persons or by any vehicles.

- (2) Agreements may relate to use on an agreed number of occasions or during an agreed period.
- (3) Prepaid vouchers issued in accordance with an order under section 2(3) of the Severn Bridge Tolls Act 1965 shall not be valid on or after the appointed day; but where—
  - (a) any such vouchers have not been used before that day, and
  - (b) the person to whom they were issued makes an application to the Secretary of State within such period beginning with the appointed day as the Secretary of State may direct,

the Secretary of State may make to him in respect of the unused vouchers a payment of such amount as the Secretary of State considers appropriate.

## **14 Payment regulations and offences**

- (1) The Secretary of State may by regulations—
  - (a) designate places within the toll plaza areas at which tolls (other than tolls with respect to which a pre-payment has been made) are to be paid,
  - (b) make provision as to the persons by whom, and the manner in which, such tolls are to be paid,
  - (c) make provision for securing that vehicles in respect of which tolls are leviable do not use either of the bridges without payment of the tolls, and
  - (d) make provision for preventing a vehicle which, having used one of the bridges, has arrived at the place at which a toll is payable in respect of it from proceeding beyond that place without the toll having been paid.
- (2) Regulations made under this section shall provide for a notice, specifying—
  - (a) the categories of vehicles in respect of which tolls are leviable,
  - (b) the amount of the tolls in respect of each category, and
  - (c) other provisions in accordance with which tolls are leviable,to be displayed at each place designated in accordance with subsection (1)(a) above.
- (3) Regulations under this section may include provisions modifying the general provisions of the regulations in the case of vehicles in relation to which a pre-payment of tolls has been made.
- (4) A person who without reasonable excuse—
  - (a) refuses or fails to pay a toll for which he is liable, or
  - (b) attempts to evade payment of such a toll,shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) A person who contravenes or fails to comply with a provision of regulations under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.