

THE CITY OF SOUTHAMPTON (ITCHEN BRIDGE TOLLS) (NO.2) ORDER 2023

Southampton City Council (hereinafter called “the Council”), pursuant to Sections 22 and 29 of the Hampshire Act 1983 (hereinafter referred to as “the Act”) and of all other enabling powers, hereby makes the following Order:

1 COMMENCEMENT AND CITATION

This Order shall come into operation on **[[DATE]]** and may be cited as The City of Southampton (Itchen Bridge Tolls) (No.2) Order 2023.

2 INTERPRETATION

In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them.

“Affected Vehicle” means a vehicle owned by a Local Commercial Concern which is ordinarily operated from premises which are in the Concessionary Zone.

“Concession” and “Concessionary Toll” means a reduction on the maximum toll fee as defined in Article 4 and specified in Schedule 2 to this Order.

“Concessionary Zone” means the zone described in Schedule 3 to this Order.

"Disabled Persons' Concession" means a Concession available to a person who is in receipt of:-

- (a) the higher rate of the mobility component of the disability living allowance in accordance with section 73 of the Social Security Contributions and Benefits Act 1992; or
- (b) a mobility supplement under article 26A of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983, including such a supplement by virtue of any scheme or order under article 25A of the Personal Injuries (Civilians) Scheme 1983; or
- (c) Personal Independent Payments at 8 points or above against the “mobility activities” criteria (including both “moving around” and “journey planning” criteria) and who has applied for and being issued with a SCC Disabled Concession Smartcard.

“Local Commercial Concern” means a person (including a body corporate) or partnership carrying on a trade or business from or at premises within the Concessionary Zone.

“Local Resident” means a person (not being a body corporate) whose usual place of abode is at premises within the Concessionary Zone.

“Local Taxi” means a hackney carriage or private hire vehicle registered with Southampton City Council.

“Motor Car” means a mechanically propelled vehicle, not being a motorcycle as detailed in schedule 1.

"Motor Cycle" means a mechanically propelled bicycle, motor assisted pedal cycle, or motor scooter, in each case with or without a sidecar attached.

“Non-Resident” means a person (not being a body corporate) whose usual place of abode is outside of the City of Southampton or, for the purposes of applying for a Class 5 Smart Card, a person (not being a body corporate) whose usual place of abode is outside of the City of Southampton and the boundaries of the following Local Authorities areas; New Forest District Council, Test Valley Borough Council, Winchester District Council, Eastleigh Borough Council, Fareham Borough Council, Gosport Borough Council, Havant Borough Council & Portsmouth City Council.

“Resident” means a person (not being a body corporate), whose usual place of abode is at premises within the City of Southampton.

“Smart Card” means a card issued by or on behalf of Southampton City Council for use at The Bridge for the purposes of this Order.

“The Bridge” means the bridge as defined in the Act.

“Towing” means towing or propelling and similar expressions shall be construed accordingly; and for the avoidance of doubt it is declared that a trailer attached to a vehicle by means of a partial superimposition shall be treated as being towed.

2A Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by, or pursuant to the provisions of any subsequent enactment.

2B A trailer, or trailers towed by a vehicle, shall be treated with the vehicle as one composite vehicle; and the class of traffic, to which such composite vehicle belongs, shall be determined by the height of first axle of the Vehicle at the time of first crossing The Bridge.

3 MAXIMUM TOLLS

In respect of traffic passing over The Bridge, of each respective class specified in Schedule 1 to this Order, the Council may take and recover by cash, Smart Card or other means decided by the Council, tolls not exceeding those specified in Schedule 2 to this Order.

4 CONCESSIONARY TOLLS

- (i)* Residents are eligible to receive the Residents Concession from the tolls on Class 2 vehicles.
- (ii)* Local Residents are eligible to receive the Local Residents Concession from the tolls on Class 2, Class 3, and Class 4 vehicles
- (iii)* Local Commercial Concerns are eligible to receive the Commercial Concession from the tolls on vehicles on Class 2, Class 3, and Class 4 vehicles.
- (iv)* The Disabled Persons Concession is available on Class 2 vehicles only.
- (v)* All other bridge users are not eligible for any Concession.
- (vi)* The Concessionary Toll payable shall be as specified in Schedule 2 to this Order.
- (vii)* To receive the Concessionary Toll, users must present the relevant Smart Card and pay using the card, where appropriate at time of crossing. No retrospective Concessions can be claimed.
- (viii)* Local Taxis are eligible to receive the Local Taxi Concession from the tolls on Class 3 vehicles

5 ISSUE OF RESIDENTS SMART CARDS

- (i)* A Resident may apply to the Council for the issue of a Smart Card to enable the user to be eligible for a Concession when paying the tolls.
- (ii)* Non-Residents may also apply to the Council for the issue of a Smart Card but will not receive any Concession on the tolls specified in Article 4 to this Order.
- (iii)* Any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.
- (iv)* The Council may require an applicant for a Smart Card to produce to an Officer of the Council such evidence in respect of an application for a Smart Card made to it, as it may reasonably require to verify any particulars, or in respect of information given to it, and in particular but without prejudice to the generality of the foregoing to require

evidence in respect of an applicant's claiming to be a resident or a local commercial concern

- (v) Upon receipt of an application duly made under the foregoing provisions of this Article the Council may issue to the applicant a Smart Card
- (vi) The Smart Card holder must notify the Council when the resident who has the Smart Card stops living within the Southampton City boundary.

6 COMMERCIAL SMART CARDS

- (i) A Local Commercial Concern, which is the owner of an Affected Vehicle, may apply to the Council for the issue of a Smart Card to enable such vehicle to satisfy the requirements in Article 4 for the exemption from the tolls specified in Article 3 of this Order.
- (ii) A Local Commercial Concern must apply for individual Smart Cards for each vehicle for which they wish to receive the Local Commercial Concession.
- (iii) Any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.
- (iv) The Council may at any time require an applicant for a Smart Card or a holder of such a Smart Card to produce to an officer of the Council such evidence in respect of an application for a Smart Card made to it as it may reasonably require to verify such particulars, or in respect of information given to it or in respect of any permit issued to it as it may reasonably require.
- (v) Upon receipt of an application duly made under the foregoing provisions of this Article and upon being satisfied that the applicant is a Local Commercial Concern and is the owner of an Affected Vehicle the Council may issue to the applicant a Smart Card in respect of that vehicle.

7 SURRENDER, WITHDRAWAL AND VALIDITY OF COMMERCIAL SMART CARDS

- (i) A Smart Card holder may surrender a Smart Card to the Council at any time and shall surrender such Smart Card to the Council on the occurrence of one of the events set out in paragraph (iii) of this Article.
- (ii) The Council may, by notice in writing served on a Smart Card holder or by recorded delivery post at the address shown on his or its application for such Smart Card or any other address believed to be premises from or at which the Smart Card holder is carrying on a trade or business, withdraw such Smart Card if it appears to the Council that anyone of the events set out in sub-paragraphs (iii) (a) (b) or (c) of this Article has occurred and the Smart Card holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.
- (iii) The events referred to in the foregoing provisions of this Article are:
 - (a) the Smart Card holder ceasing to be a Local Commercial Concern;
 - (b) the Smart Card holder ceasing to be the owner of the vehicle in respect of which the Smart Card was issued;
 - (c) the issue of a duplicate Smart Card by the Council under the provisions of Article 8 of this Order;
 - (d) the Smart Card ceasing to be valid pursuant to the provisions of paragraph (iv) of this Article.
- (iv) The validity of a Smart Card in receipt of a commercial concession is subject to annual review at a date specified by the council.

8 APPLICATION FOR ISSUE OF DUPLICATE SMART CARDS

- (i) If a Smart Card is accidentally broken or ceases to work for any reason the holder shall surrender it to the Council and may apply to the Council for the issue of a duplicate Smart Card and the Council upon receipt of the surrendered Smart Card may issue a duplicate Smart Card and upon such issue the damaged Smart Card shall become invalid
- (ii) If a Smart Card is lost or destroyed, the holder may apply to the Council for the issue of a duplicate Smart Card and the Council upon being satisfied as to such loss or destruction, shall issue a duplicate Smart Card and upon such issue the lost or destroyed Smart Card shall become invalid.
- (iii) The Council may charge a Smart Card holder a sum as set out in the terms and conditions in the application form (or not exceeding twenty five pounds (£25)) in respect of the administration costs of issuing a duplicate Smart Card.

9 OTHER EXEMPTIONS FROM TOLLS

Nothing in this Order shall be taken as:

- (i) derogating from the exemptions contained in Section 31 of the Act; or
- (ii) requiring a toll to be paid in respect of a motor vehicle being used for Police, Fire Brigade or Ambulance purposes on the occasion of an emergency.
- (iii) requiring a toll to be paid in respect of a military vehicle

10 REVOCATION

The City of Southampton (Itchen Bridge Tolls) Order 2023 shall be revoked in its entirety.

THE COMMON SEAL of
SOUTHAMPTON CITY COUNCIL
was hereunto affixed this XX day
of MONTH YEAR

in the presence of:

Authorised Signatory

Schedule 1: Vehicle Classes

Vehicle Class	Description
1	Each Motor Cycle, electric scooter or other vehicle with a single front wheel whether or not towing a trailer of any description or sidecar, or each animal on foot, not drawing or propelling a Vehicle.
2	Each Vehicle, whether or not towing a trailer of any description and for every other Vehicle with a height at first axle of no more than 1.33m at time of crossing The Bridge
3	Each Vehicle, whether or not towing a trailer of any description and for every other vehicle whose height at first axle is greater than 1.33m and is not more than 2.39m at time of crossing The Bridge
4	Each vehicle not included in any of the foregoing classes whose height at first axle is greater than 2.39m at the time of crossing The Bridge

Schedule 2: Maximum Tolls

Vehicle Class	Maximum Toll	Residents Concession	Local Resident Concession	Local Commercial Concession	Local Taxi Concession
1	Free	Free	Free	Free	N/A
2	£1.00	40p	40p	40p	N/A
3	£1.40	N/A	60p	60p	80p
4	£40	N/A	£3.00	£3.00	N/A

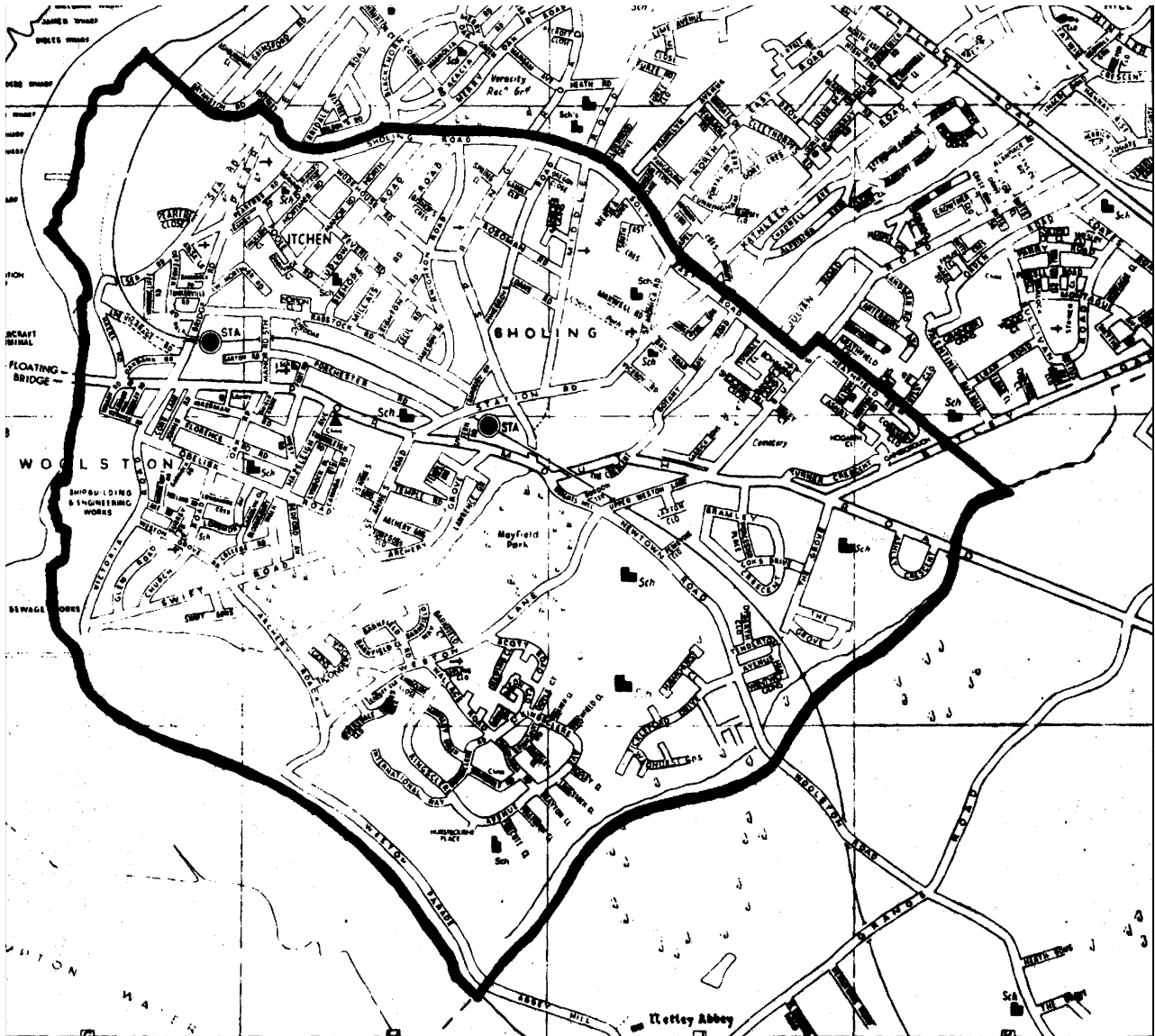
DRAFT

Schedule 3: Concessionary Zone

The Concessionary Zone is the area shown within the thick black line shown on the plan below:
Provided that it is hereby declared that:

- (a) premises having direct access to or abutting the north side of Sholing Road, South East Road, or Heathfield Road, and
- (b) all premises having access to the road network by means only of the northwards extension of Hazel Road

are included within the Concessionary Zone.



Based upon the Ordnance Survey Map with the sanction of the Controller of H.M. Stationery Office. Crown Copyright reserved.