



AN BILLE RIALTAIS AITIUIL (DOLA-BHOITHRE), 1978
LOCAL GOVERNMENT (TOLL ROADS) BILL, 1978

Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
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ACTS REFERRED TO

Cork City Management Acts, 1929 to 1971	
County Management Acts, 1940 to 1972	
Limerick City Management Acts, 1934 to 1971	
Local Government Act, 1946	1946, No. 24
Local Government (Dublin) Acts, 1930 to 1971	
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Local Government (Roads and Motorways) Act, 1974	1974, No. 6
Public Health (Ireland) Act, 1878	1878, c. 52
Waterford City Management Acts, 1939 to 1971	



AN BILLE RIALTAIS AITIUIL (DOLA-BHOITHRE), 1978
LOCAL GOVERNMENT (TOLL ROADS) BILL, 1978

BILL

entitled

AN ACT TO PROVIDE FOR THE CHARGING OF TOLLS IN 5
RESPECT OF THE USE OF PUBLIC ROADS, TO
ENABLE ROAD AUTHORITIES, WITH THE CONSENT
OF THE MINISTER FOR THE ENVIRONMENT, BOTH
TO MAKE SCHEMES FOR THE ESTABLISHMENT OF
SYSTEMS OF SUCH TOLLS AND TO ENTER INTO 10
AGREEMENTS UNDER WHICH PERSONS DO ONE OR
MORE OF THE FOLLOWING, THAT IS TO SAY, PRO-
VIDE, MAINTAIN, IMPROVE, MANAGE AND OPERATE
ROADS THE SUBJECT OF SUCH TOLLS FOR, WITH
OR ON BEHALF OF THOSE AUTHORITIES UPON 15
SUCH TERMS AND CONDITIONS AS MAY BE
SPECIFIED IN THE AGREEMENTS (INCLUDING THE
PAYMENT TO, OR RETENTION BY, THEM OF ALL OR
PART OF THE PROCEEDS OF THE TOLLS) AND TO 20
PROVIDE FOR MATTERS CONNECTED WITH THE
MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—(1) In this Act—

“the explanatory statement” means the statement referred to in 25
section 3 (2) of this Act;

“the Minister” means the Minister for the Environment;

“public road” means any road, street, lane, footpath, square,
court, alley or passage and any part thereof, the responsibility for
the maintenance of which lies on a road authority, and includes
any bridge, viaduct, underpass, subway, tunnel, overbridge, fly- 30
over, pipe, arch, gully, footpath, carriageway (whether single or
multiple), pavement, railing, fence, wall, barrier, guardrail,
margin, lay-by, hard shoulder, cycle track, island, median, central
reserve, channelliser, roundabout, pole, bollard, wire, cable, sign,
signal or lighting forming part of the road or other similar structure 35
forming part of the road necessary for the safety, convenience or
amenity of road users;

“road authority” means the council of a county, the corporation of
a county or other borough or the council of an urban district;

“toll” means a toll chargeable under this Act; 40

“toll road” means a public road or proposed public road in respect
of which a toll scheme is in force;

“toll scheme” means a scheme under *section 3* of this Act.

5 (2) (a) References in this Act, in relation to a road authority, to a toll road are references to a toll road in either or both of the following areas, that is to say, the functional area of the authority or the functional area of another road authority that is a party to an agreement for the time being in force under *section 10* of this Act to which the first-mentioned authority is also a party and which provides for the exercise by the first-mentioned authority of functions in relation to the toll road of the other authority.

10 (b) References in this Act, in relation to a road authority, to a public road are references to a public road in the functional area of that authority.

15 (3) References in this Act to a function include references to a power and a duty and references in this Act to the performance of a function include references to the exercise of a power and the carrying out of a duty.

20 2.—(1) Subject to the provisions of this Act, a road authority may charge and collect tolls of such amounts as may be specified for the time being in bye-laws made by it under *section 5* of this Act in respect of the use of a toll road. Power to charge tolls on toll roads.

25 (2) A road authority may provide and maintain such buildings, structures, works and apparatus as it considers necessary or expedient for or in connection with the charging and collection of tolls and the operation of toll roads.

(3) Where an agreement under *section 9* of this Act provides for the collection of tolls by a person specified in the agreement, that person and his servants and agents may collect the tolls to which the agreement relates.

30 3.—(1) A road authority may make a scheme (referred to in this Act as “a toll scheme”) for the establishment of a system of tolls in respect of the use of a public road. Toll schemes.

35 (2) A copy of any toll scheme made under this section and any map referred to therein, together with a statement explaining the provisions of the scheme and its purpose and effect (in this Act referred to subsequently as “the explanatory statement”) shall, within one month after it is made, be made available at the chief offices of the road authority by which it was made for inspection by the public during business hours for such period, not being less than 40 one month, as may be determined by the authority.

(3) In making a toll scheme, a road authority shall give special consideration to the question of exempting from tolls under the scheme pedestrians, pedal cycles, invalid carriages and vehicles specially adapted for use by physically handicapped persons.

45 (4) A toll scheme shall—

(a) specify the public road or proposed public road in respect of the use of which the road authority concerned proposes to establish a system of tolls,

50 (b) indicate the classes of vehicles and other road users for whose use the toll road is intended,

(c) indicate the classes of vehicles which and other road users who will be charged tolls in respect of such use,

55 (d) include an estimate of the amounts of the tolls that it is proposed to charge in respect of the use of the toll-road by such vehicles and other road users,

(e) specify such other information as the road authority may consider appropriate or the Minister may direct.

- (5) (a) A road authority shall submit to the Minister a toll scheme made by it.
- (b) A road authority may at any time make and submit to the Minister a toll scheme amending or revoking a toll scheme made by it that is in force. 5
- (c) The Minister may approve of a toll scheme with or without modifications or he may refuse to approve of it.
- (d) (i) A toll scheme approved of by the Minister under this section shall come into and be in force with the modifications, if any, therein made by the Minister on such day as may be determined by the road authority. 10
- (ii) Notice of the day on which a toll scheme is to come into operation shall be published by the road authority concerned at least one month before such day in a newspaper circulating in the area in which the toll road to which the scheme relates will be situated. 15
- (6) An explanatory statement relating to a toll scheme shall include— 20
- (a) information in relation to the general arrangements for the construction, maintenance, improvement, management and operation of the toll road to which the scheme relates and for the payment of the cost of such construction, maintenance, improvement, management and operation, 25
- (b) estimates of the capital cost and of the operating costs of the road, and
- (c) estimates of the volume and kind of traffic that will use the road and the amounts of the tolls in respect of such traffic. 30
- (7) The making of a toll scheme by a road authority shall be a reserved function within the meaning of the Cork City Management Acts, 1929 to 1971, the Local Government (Dublin) Acts, 1930 to 1971, the Limerick City Management Acts, 1934 to 1971, the Waterford City Management Acts, 1939 to 1971, and the County Management Acts, 1940 to 1972. 35

Provisions in relation to approval by Minister of toll schemes.

4.—(1) Before submitting a toll scheme to the Minister pursuant to *section 3* of this Act, a road authority shall publish in one or more newspapers printed in the State and circulating in the area in which the toll road to which the scheme relates is or will be situated a notice stating that a toll scheme has been made by the road authority under *section 3* of this Act and that it is intended to submit it to the Minister for the purpose of seeking his approval of it and indicating the times at which, the days on which and the place where a copy of the scheme and any map referred to therein and the explanatory statement relating to the scheme may be inspected and that objections to the scheme may be lodged with the Minister in writing during such period (not being less than two months) after the expiration of the time determined under *section 3* (2) of this Act for inspection of the scheme as may be specified. 40 45 50

(2) If an objection to a toll scheme is duly lodged with the Minister, the Minister shall, before deciding whether to approve of the scheme or not, cause a local inquiry into the scheme and into any objections to the scheme that have been lodged and not been withdrawn to be held and shall consider the report of the person conducting the inquiry. 55

(3) Where a local inquiry into a toll scheme is to be held and a local inquiry under section 47 of the Local Government Act, 1946, or section 6 of the Local Government (Roads and Motorways) Act, 1974, relating wholly or partly to the toll road concerned or a local inquiry into the compulsory acquisition of such land for the purposes of such scheme is to be held, the inquiry into the toll scheme shall not be held before the holding of the other inquiry or inquiries but may be held at the same time as the other inquiry or inquiries.

5.—(1) A road authority may, after consultation with the Commissioner of the Garda Síochána, make such bye-laws as it considers expedient for the purposes of the operation and management of a toll road. Bye-laws.

(2) Without prejudice to the generality of subsection (1) of this section, bye-laws under this section may—

15 (a) specify the amounts of the tolls that shall be charged, or the scales and other provisions by reference to which they shall be charged, in respect of the use of a toll road by vehicles and other road users of each class specified in the bye-laws and may specify different such amounts by reference to such circumstances or combinations of circumstances (whether relating to classes of vehicles or other road users, seasons of the year, days of the week, times of day or otherwise) as the road authority may consider appropriate.

20 (b) provide for the issue, inspection and collection of tickets, tokens, vouchers, permits, receipts and other forms of authorisation for the purposes of the use of a toll road,

25 (c) specify the persons who shall be liable to pay a toll payable in respect of the use of a toll road by a vehicle or other road user chargeable with a toll in respect of such use,

30 (d) provide that a person liable under the bye-laws to pay a toll shall not use, or cause or permit, any vehicle or other road user concerned of which he is in charge to use the toll road concerned unless the toll has been paid or arrangements, to the satisfaction of the road authority concerned or of a person authorised by it to operate and manage the toll road, for its payment have been made, and

35 (e) specify the powers of the road authority and of any person authorised by it to operate and manage the toll road concerned, in relation to vehicles and other users of a toll road and the persons in charge of them.

(3) Sections 219 and 221 to 223 of the Public Health (Ireland) Act, 1878, shall apply to bye-laws under this section in like manner as they apply to bye-laws under that Act.

45 6.—(1) Vehicles belonging to and used for official purposes by the Defence Forces and the Garda Síochána, and fire brigade vehicles and ambulances shall be exempt from payment of tolls. Exemption from tolls.

(2) In this section—

50 “ambulance” means a mechanically propelled vehicle which is outwardly identifiable as and is used exclusively for the carriage of sick, injured or disabled persons;

“fire brigade vehicle” means a mechanically propelled vehicle used for the purpose of fire-fighting or rescuing persons or property from danger or for both such purposes.

55 7.—(1) A person who is liable to pay a toll and who fails, neglects or refuses to pay the toll shall be guilty of an offence. Offences.

(2) A person who fails, neglects or refuses to obey an instruction or direction of a person authorised by a road authority to operate and manage a toll road shall be guilty of an offence.

(3) A person who contravenes a bye-law made under *section 5* of this Act shall be guilty of an offence. 5

(4) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £200.

(5) The amount of any toll due and payable by a person under this Act and unpaid may be recovered from the person by whom it is payable as a simple contract debt in any court of competent jurisdiction. 10

Regulations.

8.—(1) The Minister may make regulations—

(a) for the purposes of this Act and for enabling this Act and any scheme under *section 3*, or agreement under *section 9*, of this Act to have full effect, and 15

(b) providing for the application of any monies accruing to a road authority from the operation and management of a toll road.

(2) Regulations under this section shall be laid before each House of the Oireachtas as soon as may be after they are made and, if a resolution annulling the regulations is passed by either such House within the next twenty-one days on which that House has sat after the regulations are laid before it, the regulations shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. 20 25

Agreements between road authorities and other persons in relation to the financing, construction and operation of toll roads.

9.—(1) Where a toll scheme is approved of by the Minister, a road authority may, with the consent of the Minister, enter into an agreement with another person under which, upon such terms and conditions as may be specified in the agreement (including the payment to, or retention by, the person of all or part of the proceeds of tolls in respect of the toll road the subject of the scheme), the person agrees to do all or one or more of the following: 30

(a) to pay some or all of the cost of the provision of the road, 35

(b) to pay some or all of the cost of the maintenance and improvement of the road,

(c) to provide or join or assist in the provision of the road for or with the authority,

(d) to maintain and improve or join or assist in the maintenance and improvement of the road for or with the authority, 40

(e) to operate and manage (including provide, supervise and operate a system of tolls in respect of the use of the road) the road for or with the authority, 45

(f) such other things connected with or incidental or ancillary to or consequential upon the foregoing as may be specified in the agreement.

(2) Without prejudice to the generality of *subsection (1)* of this section, an agreement under this section may— 50

(a) provide for the application of the proceeds of tolls, systems of accounting for tolls collected and the methods and times of payment of proceeds of tolls to the persons to whom they are to be paid under the terms of the agreement, 55

(b) provide for its duration and for its termination or suspension and for matters connected with or incidental or ancillary to or consequent upon the expiration of the agreement or such termination or suspension, and

5 (c) provide for the giving of such security as may be specified therein to the road authority concerned by the other party or parties to the agreement in relation to the carrying out and observance by the other party or parties aforesaid of the terms and conditions of the agreement.

10 (3) A road authority may, with the consent of the Minister, enter into an agreement with the party or parties with whom it has entered into a previous agreement under this section amending the terms or conditions thereof, adding thereto, or deleting therefrom, terms or conditions or revoking the previous agreement.

15 (4) Entry into an agreement under this section by a road authority shall be a reserved function within the meaning of the Cork City Management Acts, 1929 to 1971, the Local Government (Dublin) Acts, 1930 to 1971, the Limerick City Management Acts, 1934 to 1971, the Waterford City Management Acts, 1939 to 1971, and the County Management Acts, 1940 to 1972.

20 (5) The parties to an agreement under this section shall carry out the agreement in accordance with its terms and conditions and a road authority shall have all such powers as may be necessary for that purpose.

25 10.—(1) Where a toll road or a proposed toll road is or will be situated in the functional area of more than one road authority, the authorities concerned may enter into an agreement whereby one or more of the authorities shall exercise and perform any of the powers, duties and functions of the other authorities, or of any one or more of them, in relation to the road or proposed road, and those powers, duties and functions shall become exercisable and performable by those authorities or the said one or more of those authorities in accordance with the agreement.

Agency arrangements by road authorities.

30 (2) Where the road authorities concerned are unable or unwilling to reach an agreement under *subsection (1)* of this section, any one or more of them may refer the matter to the Minister and he may, by order, direct any one or more of those authorities to exercise and perform specified powers, duties and functions of the other road authorities concerned or of any one or more of those other authorities in relation to the road or proposed road concerned.

35 (3) Entry into an agreement under this section by a road authority shall be a reserved function within the meaning of the Cork City Management Acts, 1929 to 1971, the Local Government (Dublin) Acts, 1930 to 1971, the Limerick City Management Acts, 1934 to 1971, the Waterford City Management Acts, 1939 to 1971, and the County Management Acts, 1940 to 1972.

40 11.—The expenses of the Minister incurred in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Expenses.

45 12.—(1) This Act may be cited as the Local Government (Toll Roads) Act, 1979.

Short title, collective citation and construction.

50 (2) The Local Government Acts, 1925 to 1978, and this Act may be cited together as the Local Government Acts, 1925 to 1979, and shall be construed together as one Act.

BILLE

dá ngairtear

Acht do dhéanamh socrú chun doláí a mhuirearú i leith bóithre poiblí a úsáid, dá chumasú d'údaráis bhóithre, le toiliú an Aire Comhshaoil, scéimeanna a dhéanamh chun córais doláí den sórt sin a bhunú agus freisin comhaontuithe a dhéanamh faoina ndéanfaidh daoine ní nó nithe díobh seo a leanas, is é sin le rá, bóithre is ábhar do dholáí den sórt sin a sholáthar, a chothabháil, a fheabhsú, a bhainistí agus a oibriú le haghaidh, i dteannta nó thar ceann na n-údarás sin ar cibé tearmaí agus coinníollacha a bheidh sonraithe sna comhaontuithe (lena n-áirítear sochar uile nó cuid de shochar na ndoláí sin a íoc leo nó iad do choimeád an chéanna) agus do dhéanamh socrú i dtaobh ábhair a bhaineann leis na hábhair réamhráite.

An tAire Comhshaoil a thug isteach

*Ritheadh ag Dáil Éireann,
24 Deireadh Fómhair, 1979*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
An Stuaire, Ard-Oifig an Phoist, Baile Átha Cliath, nó trí
son díoltóir leabhar.

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BILL

entitled

An Act to provide for the charging of tolls in respect of the use of public roads, to enable road authorities, with the consent of the Minister for the Environment, both to make schemes for the establishment of systems of such tolls and to enter into agreements under which persons do one or more of the following, that is to say, provide, maintain, improve, manage and operate roads the subject of such tolls for, with or on behalf of those authorities upon such terms and conditions as may be specified in the agreements (including the payment to, or retention by, them of all or part of the proceeds of the tolls) and to provide for matters connected with the matters aforesaid.

Introduced by the Minister for the Environment

*Passed by Dáil Éireann,
24th October, 1979*

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