
STATUTORY INSTRUMENTS

1993 No. 3160

The Roads (Northern Ireland) Order 1993

PART III

SPECIAL ROADS

Further provisions with respect to tolls

Further provisions as to charging of tolls

35.—(1) A toll order may contain provision exempting from liability for tolls such descriptions of traffic as may be specified in the order.

This does not affect the power of the person authorised by the order to charge tolls to grant such other exemptions from toll as he thinks fit.

(2) A toll order shall contain provision exempting from liability to pay any toll—

- (a) a vehicle being used for police purposes;
- (b) an ambulance as defined in section 4(2) of the Vehicles (Excise) Act 1971^{F1};
- (c) a fire engine as so defined;
- (d) a vehicle exempt from duty under that Act by virtue of—
section 4(1)(g) of that Act (invalid carriages);
section 4(1)(kb) of that Act (vehicles used for carriage of disabled persons by recognised bodies); or
section 7(2) of that Act (vehicles used by or for purposes of disabled person).

(3) A person authorised by a toll order to charge tolls may, subject to the provisions of the order—

- (a) suspend the collection of tolls;
- (b) enter into agreements under which persons compound in advance, on such terms as may be agreed, for the payment of tolls;
- (c) charge different tolls according to—
 - (i) the distance travelled; or
 - (ii) the day, time of day, week, month or other period; and
- (d) charge different tolls for different descriptions of traffic.

In the case of a concessionaire the powers mentioned above are exercisable subject to the provisions of the concession agreement.

F1 1971 c. 10

Collection of tolls

36.—(1) The Department may make provision by regulations with respect to the collection of tolls in pursuance of a toll order.

(2) Regulations may, in particular, impose requirements with respect to—

- (a) the displaying of lists of tolls; and
- (b) the manner of implementing changes in the amount of tolls;

and where any such requirements are imposed, a toll may not be demanded unless they are, or as the case may be have been, complied with.

(3) A person who in respect of the use of a road to which a toll order relates demands a toll—

- (a) which he is not authorised to charge; or
- (b) which by virtue of paragraph (2) may not be demanded,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Refusal or failure to pay tolls

37.—(1) A person who without reasonable excuse refuses or fails to pay, or who attempts to evade payment of, a toll which he is liable to pay by virtue of a toll order shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If it appears to a person employed for the purpose of collecting tolls that a person has, without reasonable excuse, refused or failed to pay a toll which he is liable to pay by virtue of a toll order, he may—

- (a) refuse to permit him to pass, or prevent him from passing, through any place at which tolls are payable; and
- (b) require him to remove his vehicle from any such place by a particular route, and if he does not comply with such a requirement cause the vehicle to be so removed;

and for the purpose of exercising the powers conferred by this paragraph, a person employed for the purpose of the collection of tolls may call upon such assistance as he thinks necessary.

(3) Where a person does not comply with a requirement under paragraph (2)(b) as to the removal of his vehicle, he is liable to pay a prescribed charge in respect of the removal of the vehicle.

(4) Where there remains unpaid—

- (a) a toll which a person is liable to pay by virtue of a toll order; or
- (b) a prescribed charge which he is liable to pay by virtue of paragraph (3),

the person authorised to charge tolls may recover from the person liable the amount of the toll or charge together with a reasonable sum to cover administrative expenses.

(5) In this Article a “prescribed charge” means such charge as may be specified in, or calculated in accordance with, regulations made by the Department.

The regulations may provide for the amount of the charge, or any amount used for the purpose of calculating the charge, to be varied in accordance with a formula specified in the regulations.

Facilities for collection of tolls

38.—(1) A person authorised by a toll order to charge tolls may set up and maintain facilities for the collection of tolls.

The consent of the Department is required for the setting up of any such facilities by a concessionaire.

(2) Those responsible for the design and construction of facilities for the collection of tolls, and those responsible for the collection of tolls at such facilities, shall have due regard to the need to avoid delaying the passage of such vehicles as are mentioned in Article 35(2)(a), (b) or (c) (police vehicles, ambulances and fire engines).

(3) The power of the Department under Article 110 to acquire land for the provision of service areas includes, in the case of a road subject to a toll order, power to acquire any land required for the purpose of setting up facilities for the collection of tolls.

(4) Facilities for the collection of tolls are exempt from rating and shall not be included in any valuation list.

(5) In this Article “facilities for the collection of tolls” means such buildings, structures or other facilities within the boundary of the road, or on land adjoining the road, as are reasonably required for the purpose of or in connection with the collection of tolls in pursuance of a toll order.

Restriction of access to toll roads

39.—(1) Where a toll order is in force in relation to a road subject to a concession, no other road shall be so constructed as to afford access to that road except with the consent of the concessionaire.

(2) Where a toll order is in force in relation to a road, no means of access to that road shall be constructed except with the consent of the Department and, where the road is subject to a concession, of the concessionaire.

(3) Paragraph (2) does not apply to—

- (a) a means of access afforded by a road;
- (b) a means of access to a weighbridge maintained by the Department under^{F2} Articles 86 and 87 of the Road Traffic (Northern Ireland) Order 1995]; or
- (c) a means of access constructed by or on behalf of a Northern Ireland department or a department of the Government of the United Kingdom which—
 - (i) affords access to premises occupied for the purposes of that department; and
 - (ii) the department is satisfied is reasonably required for discharging any function of the department.

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Annual report

40.—(1) The Department shall in respect of each calendar year lay before the Assembly a report—

- (a) stating the number of concession agreements entered into by it during the year;
 - (b) stating the number of new roads opened to public use during that year which at the time of their opening were subject to a concession;
 - (c) listing the toll orders, and orders varying or revoking toll orders, made in that year; and
 - (d) containing such information as appears to it to be appropriate with respect to the toll orders (whenever made) which are in operation during that year or any part of it.
- (2) The report shall be laid on or before 31st July in the following calendar year.
- (3) Paragraph (1) does not require the laying of a report in respect of any calendar year if—
- (a) the number falling to be included in any such report under sub-paragraphs (a) and (b) of that paragraph would be nil; and

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- (b) no matters would fall to be included in any such report under sub-paragraphs (c) and (d) of that paragraph.

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