



Number 34 of 2007

ROADS ACT 2007

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Tolls — definitions.
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SCHEDULE

AMENDMENT OF ROADS ACT 1993

[No. 34.]

Roads Act 2007.

[2007.]

ACTS REFERRED TO

Consumer Credit Act 1995	1995, No. 24
Dublin Transport Authority (Dissolution) Act 1987	1987, No. 34
Finance (Excise Duties) (Vehicles) Act 1952	1952, No. 24
Finance (No. 2) Act 1992	1992, No. 28
Finance Act 1992	1992, No. 9
Finance Act 1993	1993, No. 13
Finance Act 1994	1994, No. 13
Finance Act 2003	2003, No. 3
Landlord and Tenant Acts 1967 to 2005	
Local Authorities (Traffic Wardens) Act 1975	1975, No. 14
Local Government Act 2001	2001, No. 37
Motor Vehicle (Duties and Licences) Act 2003	2003, No. 5
Planning and Development (Strategic Infrastructure) Act 2006	2006, No. 27
Planning and Development Act 2000	2000, No. 30
Roads Act 1920	1920, c. 72
Roads Act 1993	1993, No. 14
Roads Acts 1993 to 2001	
Road Traffic Act 1961	1961, No. 24
Road Traffic Act 1994	1994, No. 7
Road Traffic Act 2002	2002, No. 12
Road Traffic Act 2004	2004, No. 44
Road Traffic Act 2006	2006, No. 23
Road Traffic Acts 1961 to 2006	
State Authorities (Public Private Partnership Arrangements) Act 2002	2002, No. 1
Taxi Regulation Act 2003	2003, No. 25



Number 34 of 2007

ROADS ACT 2007

AN ACT TO AMEND AND EXTEND THE ROADS ACTS 1993 TO 2001, THE TAXI REGULATION ACT 2003 AND CERTAIN PROVISIONS OF THE ROAD TRAFFIC ACTS 1961 TO 2006 AND TO PROVIDE FOR CONNECTED MATTERS.

[11th July, 2007]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“Authority” means National Roads Authority;

“Minister” means Minister for Transport;

“Principal Act” means Roads Act 1993.

2.—The following is substituted for section 56 of the Principal Act: Tolls — definitions.

“56.—In this Part—

‘consumer-hire agreement’ and ‘hire-purchase agreement’ have the meanings assigned to them, respectively, in the Consumer Credit Act 1995;

‘default toll’ means a toll charged and payable in accordance with bye-laws under section 61 in respect of a mechanically propelled vehicle where the toll initially charged and payable in respect of that vehicle for the use of a toll road has not been paid;

‘licensing records’ means records maintained under section 60(2) (inserted by section 86 of the Finance Act 1994 as amended by section 7 of the Motor Vehicle (Duties and Licences) Act 2003) of the Finance Act 1993;

‘mechanically propelled vehicle’ has the meaning assigned to it by the Act of 1961;

‘owner’ means—

- (a) in relation to a vehicle (other than a vehicle specified in paragraph (b)), the person by whom the vehicle is kept, or
- (b) in relation to a vehicle which is the subject of a hire-purchase or consumer-hire agreement, the person in possession of the vehicle under the agreement;

‘registered in the State’ in relation to a vehicle, means the vehicle is entered in the register established and maintained by the Revenue Commissioners under section 131 of the Finance Act 1992 or in respect of which a licence has been taken out under section 1 of the Finance (Excise Duties) (Vehicles) Act 1952;

‘registered owner’ in relation to a vehicle, means where the vehicle—

- (a) is registered in the State, the owner of the vehicle whose name is most recently entered in licensing records, or
- (b) is used under a trade licence issued under section 21 of the Finance (No. 2) Act 1992, the holder of the licence;

‘road authority’ means—

- (a) in the case of a national road — the Authority, and
- (b) in the case of a regional road or local road — the local authority in whose functional area the road is situated;

‘road undertaking’ means, in relation to a toll road—

- (a) a road authority, or
- (b) where the road authority has entered into—
 - (i) an agreement with another person under section 63 in relation to any of the matters referred to in paragraph (e) of that section, or
 - (ii) an arrangement with a partner under section 3(1) of the State Authorities (Public Private Partnership Arrangements) Act 2002 in relation to any of the matters referred to in paragraph (a) of that subsection,

that other person or partner;

‘toll’ means a toll (including a default toll) chargeable under this Part;

‘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 57.”.

3.—Section 57 of the Principal Act is amended in subsection (3), Toll schemes.
by substituting for paragraph (e) the following:

- “(e) specify the manner and method of the charging of and collection of tolls,
- (f) specify such other information as the road authority making the scheme considers appropriate or the Minister prescribes by regulations.”.

4.—The following is substituted for section 64 of the Principal Act: Default toll, etc.

“64.—(1) Where a toll charged and payable in respect of a mechanically propelled vehicle using a toll road is unpaid for such period specified in bye-laws under section 61, a default toll, in accordance with the bye-laws, of not more than such amount specified in the bye-laws being greater than the amount of the toll initially charged, may be charged and be payable in respect of the vehicle.

(2) Bye-laws made under section 61 may—

- (a) provide that the amount of a default toll be increased by such amount where it is not paid within such period as specified in the bye-laws,
- (b) take into account administrative costs in charging and collecting a default toll, or
- (c) specify different amounts in respect of different classes of toll roads and different classes of vehicles.

(3) Where a toll is payable in respect of a mechanically propelled vehicle where—

- (a) the vehicle is registered in the State (other than in the circumstances referred to in paragraph (c)) — the registered owner of the vehicle,
- (b) the vehicle is not registered in the State — the person, whom the road undertaking concerned can reasonably ascertain, owns or keeps or has possession or charge of the vehicle in the State,
- (c) the registered owner or a person referred to in paragraph (b) or (d), as the case may be, on the occasion in question, was not driving or in the vehicle and had not given permission for or required another to use the vehicle and the Garda Síochána were aware or were informed of this — the person who was driving the vehicle on the occasion, or
- (d) a person has entered into an agreement with the road undertaking concerned in respect of the payment of tolls in respect of the vehicle — that person,

and the driver of the vehicle, if he or she is not a person mentioned above, are jointly and severally liable to pay the toll.

(4) The amount of any toll due and payable by a person under this Part and unpaid may be recovered from the person