

"THE BYE-LAWS"

List of Contents

1. The Bye-Laws relating to the Toll Road pursuant to section 5 of the Toll Roads Act.

COUNTY COUNCIL OF THE COUNTY OF DUBLIN

BYE-LAWS

made under

THE PUBLIC HEALTH (IRELAND) ACT, 1878

and

THE LOCAL GOVERNMENT (TOLL ROADS) ACT, 1979

Bye-Laws made by the County Council of the County of Dublin after consultation with the Commissioner of the Garda Siochana on the day 4th of August, 1987 under section 5 of the Local Government (Toll Roads) Act, 1979 affecting the Toll Road over the River Liffey from the N4 Galway Road to the N3 Navan Road.

PART I

DEFINITIONS:

1. In these Bye-Laws the following words have the meanings hereby respectively assigned to them, that is to say:

'the Act'	means the Local Government (Toll Roads) Act, 1979.
'Ambulance'	means a mechanically propelled vehicle which is outwardly identifiable as and is used exclusively for the carriage of sick, injured or disabled persons.
'Appropriate Toll'	is the toll calculated by reference to the First Schedule hereto or increased in accordance with Bye-Law 13 hereof or such lesser amount as is fixed by the Toll Company, payable in respect of a vehicle.
'the Base Tolls'	means the tolls set out in the First Schedule hereto.
'the Toll Company'	means West-Link Toll Bridge Limited
'Bus'	means a mechanically propelled vehicle with an unladen weight not exceeding 6 tonnes, which is constructed or adapted to carry 8 or more passengers and their effects and which is not substantially constructed or adapted for use for the conveyance of goods or burden of any description whether in the course of trade or otherwise.

'the Council'	means the County Council of the County of Dublin.
'Commercial Vehicle'	means a mechanically propelled vehicle which is substantially constructed or adapted for use for the conveyance of goods or burden of any description whether in the course of trade or otherwise.
'Fire Brigade Vehicle'	means a mechanically propelled vehicle for the purpose of fire fighting or rescuing person or property from danger or for both such purposes.
'the Minister'	means the Minister for the Environment.
'Motor Car'	means a mechanically propelled vehicle not being a motor cycle or invalid carriage and which is constructed or adapted to carry less than 8 passengers and their effects.
'Motor Cycle'	means a bicycle mechanically propelled or motor assisted with or without a side car attached.
'Toll Booth'	means a fixed or mobile installation erected on the Toll Road for the collection of tolls.
'Toll Collecting Machine'	means a machine designed to receive and record tolls by mechanical, electrical, electronic or other means.

- 'Toll Collector' means a person appointed and authorised by the Toll Company to collect tolls on the Toll Road and to issue and inspect receipts and do ancillary works in connection with the running of the Toll Road and shall include any authorised official of the Toll Company.
- 'The Toll Road' means the road extending from the National Road N4 (Galway Road) to the National Road N3 (Navan Road) in the County of Dublin having a length of 3.2 kilometres approximately as more particularly shown on the map attached to the Toll Scheme (Drawing NO. RD/364/47) made by the Council on the 10th day of June 1985 and approved by the Minister on the 22nd day of December 1986.
- 'Toll Year' means the 12 month period commencing on the 1st day of January in any year.
- 'Token' means a voucher, coin, disc, card or permit issued by the Toll Company for use on the Toll Road.
- 'Trailer' means a vehicle attached to another vehicle (including attached by way of partial superimposition) for the purpose of being drawn thereby or actually drawn thereby.
- 'Vehicle' means any vehicle, conveyance or mode of transport using the Toll Road and shall include a trailer.

PART II

USE OF TOLL ROAD

2. Mechanically propelled vehicles of the classes prescribed by the Minister under subsection (1) of section 9 of the Local Government (Roads and Motorways) Act, 1974, or under any statutory re-enactment or amendment thereof for the time being in force, may use the Toll Road on payment of the appropriate toll unless exempted from payment under these Bye-Laws.

RIGHT TO DEMAND TOLLS

3. The Toll Company may demand, take and recover tolls as set out herein.

PAYMENT OF TOLLS

4. The driver of a vehicle listed in the First Schedule shall pay the appropriate toll in respect of his vehicle on using the Toll Road and such toll becomes payable on entering any part of the Toll Road; provided that the Toll Company may direct that payment of the appropriate toll be effected by token and may make provision for the sale of such tokens.

TOLL BOOTH

5. The driver of a vehicle listed in the First Schedule shall pay the appropriate toll at a Toll Booth or into a Toll Collecting Machine.

TRAILERS

6. Where a trailer is towed by a vehicle, it shall be treated with the vehicle as one combined vehicle and the class

of traffic to which such combined vehicle belongs shall be determined by aggregating the unladen weights of the vehicle and the trailer and by aggregating the number of axles with wheels in contact with the ground at the time of crossing the Toll Road, as the case may be; provided that this shall not apply to a trailer towed by a motor cycle or a motor car.

RIGHT TO USE TOLL ROAD AND PROHIBITED USERS

- 7.1 On paying the appropriate toll to a Toll Collector or into a Toll Collecting Machine, the driver of a vehicle referred to in clause 2 shall be entitled to use the Toll Road.
- 7.2 A Toll Collector shall refuse to permit pedestrians, pedal cyclists, persons in charge of, or having control over animals, and persons driving mechanically propelled vehicles of a class other than a class prescribed pursuant to subsection (1) of section 9 of the Local Government (Roads and Motorways) Act, 1974, or any statutory re-enactment or amendment thereof for the time being in force, to use the Toll Road and may by himself, or with such assistance as he shall think necessary, stop and prevent such persons from using the same.

RECEIPT

8. On payment of the appropriate toll to a Toll Collector, the driver shall be entitled to a receipt for the toll paid at his request.

EXEMPTIONS

9. A toll shall not be payable in respect of the categories of vehicles set out in the Second Schedule hereto.

OBLIGATION TO PAY TOLL

10. Subject to any exemptions under these Bye-Laws, no one may use the Toll Road without paying the appropriate toll.

DRIVER REFUSING TO PAY TOLL

- 11.1 Where a driver refuses or neglects to pay the appropriate toll or part thereof lawfully due under these Bye-Laws, a Toll Collector may refuse to permit the driver to use the Toll Road or any Toll Booth or other place where such toll might be paid and may by himself or with such assistance as he shall think necessary, stop and prevent the driver so refusing or neglecting from using the same.
- 11.2 A person shall not operate or attempt to operate a Toll Collecting Machine by the insertion of objects other than current coins of the State of the appropriate denomination (or tokens authorised by the Toll Company to be used for the payment of such tolls) or otherwise interfere with a Toll Collecting Machine with the intention of dishonestly obtaining for himself a pecuniary advantage.

LIST OF TOLLS TO BE EXHIBITED

12. A list of the appropriate tolls authorised by these Bye-Laws shall at all times be exhibited in a conspicuous place at or near the entrances to the Toll Road.

AMOUNT OF TOLLS

- 13.1 The tolls set out in the First Schedule hereto are the base tolls calculated as of mid February 1987. At that date, the Consumer Price Index as published by the Government Information Services on behalf of the Central Statistics Office was equal to 355.1 on a 1975 base of 100 (hereinafter called "the Opening Index").

- 13.2 The appropriate tolls payable shall be fixed by the Toll Company, and may be varied by the Toll Company in any year and shall not exceed the maximum tolls. The maximum tolls in any year shall be the base tolls multiplied by the Consumer Price Index for mid-August in the previous year divided by the Opening Index and shall be calculated to the nearest 10p.
- 13.3 In the event of the Consumer Price Index for mid-August in any year (in this bye-law referred to as the Base Year) not being published before the 15th Day of December in that year, the maximum tolls for the following year shall be the maximum tolls for the Base Year multiplied by the General Wholesale Price Index for mid-August in the Base Year as published by the Government Information Services on behalf of the Central Statistics Office divided by the General Wholesale Price Index for mid-August in the year before the Base Year and in the event of neither the said Consumer Price Index nor the said General Wholesale Price Index being published in any year before the 15th day of December, the Index to be used shall be the index used for the calculation of the tolls fixed in respect of the Base Year increased by the annual rate of inflation as specified in the most recent published edition of such index.
- 13.4 In the event of the current Index in use remaining static or showing a decrease on the previous year's figures in any year the appropriate tolls shall be fixed by the Toll Company but shall not exceed the maximum tolls fixed in the previous year.
- 13.5 Such revised maximum tolls shall become effective as and from the 1st day of January.
- 13.6 A list of the maximum tolls for each year so calculated shall be published in a National daily newspaper on two occasions and shall be exhibited in the principal office of the Council, for any one week before the 1st day of January.

OBSTRUCTIONS

14. A Toll Collector, either by himself or with such assistance as he thinks necessary, may remove or cause to be removed any person or vehicle obstructing or impeding the use of the Toll road.

PART III

FIRST SCHEDULE

<u>CLASS OF TRAFFIC</u>	<u>AMOUNT OF BASE TOLL</u>
1. Categories of vehicles listed in the Second Schedule hereto	NIL
2. Motor Cycles (exceeding 50 c.c.)	30p
3. Private Motor Cars	60p
4. Buses	120p
5. Commercial Vehicles with an unladen weight not exceeding 2 tonnes	120p
6. Commercial Vehicles exceeding 2 tonnes unladen weight and with not more than 2 axles	240p
7. Commercial Vehicles exceeding 2 tonnes unladen weight and with not more than 3 axles	300p
8. Commercial Vehicles exceeding 2 tonnes unladen weight and with 4 or more axles	360p

PART IV

SECOND SCHEDULE

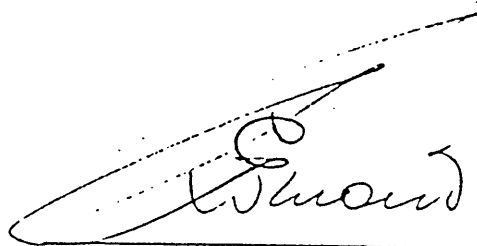
Tolls shall not be payable in respect of the following:

1. Fire Brigade Vehicles
2. Ambulances
3. Vehicles being used in the course of their duties by the Defence Forces, the Garda Siochana, Dublin County Council and the employees of the Toll Company.

PRESENT when the Seal of the
Council of the County of Dublin
was hereunto affixed,

Paddy Hickery .

~~MEMBER~~ / CHAIRMAN

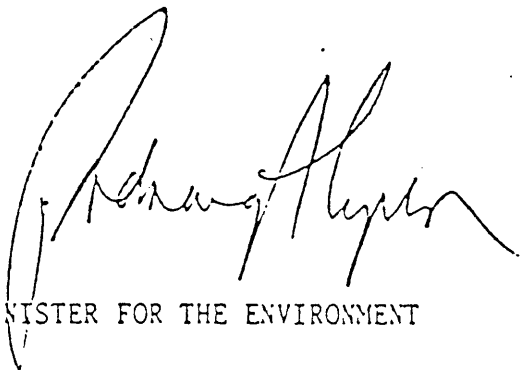
A handwritten signature in cursive script, appearing to read "E. Snow", written over a horizontal line. The signature is written in dark ink and is somewhat stylized.

ASSISTANT CITY AND COUNTY MANAGER

DATED THE 4TH. DAY OF AUGUST, 1987

THE FOREGOING BYE-LAWS
ARE HEREBY CONFIRMED
BY THE MINISTER FOR THE
ENVIRONMENT THIS *29th* DAY
OF *October*, 1987.

GIVEN UNDER THE OFFICIAL
SEAL OF THE MINISTER FOR
THE ENVIRONMENT THIS *29th*
DAY OF *October*, 1987.


MINISTER FOR THE ENVIRONMENT

M.