

TITLE 13

Chapter 13:13

PREVIOUS CHAPTER**TOLL ROADS ACT**

Acts 20/1995, 22/2001.

ARRANGEMENT OF SECTIONS

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AN ACT To provide for the charging, levying and collecting of tolls for the use of vehicles on certain roads; and to provide for matters connected with or incidental to the foregoing.

[Date of commencement: 8th December, 1995.]

1 Short title

This Act may be cited as the Toll-roads Act [Chapter 13:13].

2 Interpretation

In this Act—

“authorized person”, in relation to any toll-road, means the person authorized in regulations referred to in paragraph (b) of subsection (1) of section three to collect tolls on vehicles using that toll-road;

“Minister” means the Minister of Transport and Energy or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“road” means any highway, street or other road to which the public or any section of the public has access, and includes—

- (a) any bridge, ferry or pontoon over which such a road passes; and
- (b) any drift in the line of such a road; and
- (c) any work or thing belonging to or connected with or forming part of

such a road;

“toll road” means a road declared to be a toll-road in regulations referred to in paragraph (a) of subsection (1) of section three;

“vehicle” includes an animal-drawn vehicle.

3 Toll-roads authorized persons and tolls

(1) Subject to this section, the Minister may, by regulation—

- (a) declare any road to be a toll-road for the purposes of this Act; and
- (b) specify the person who is authorized to levy and collect tolls on

vehicles using any toll-road; and

- (c) after consulting the Minister responsible for finance, fix the amount of any toll that may be levied and collected by any authorized person.

(2) Before declaring a road to be a toll-road in terms of subsection (1), the Minister shall consult the local authority concerned, where the road is within the area of jurisdiction of a local authority.

(3) The Minister shall not specify any person as an authorized person unless that person constructed the toll-road concerned and additionally, or alternatively, is responsible for its maintenance.

(4) The Minister shall not specify any person, other than the State, as an authorized

person unless that person has consented to being so specified.

(5) Where the Minister has specified the State as an authorized person, he shall specify the Minister or other official who will be responsible for levying and collecting the tolls concerned.

(6) Before fixing the amount of any toll to be levied by an authorized person other than the State, the Minister shall consult that person.

4 Levying of tolls

(1) Subject to this Act, where—

(a) the State has been declared an authorized person in respect of any toll-road, the Minister or official specified in terms of subsection (5) of section three shall levy and collect, for the benefit of the Consolidated Revenue fund, the tolls fixed in terms of this Act on vehicles using the toll-road;

(b) any person other than the State has been declared an authorized person in respect of any toll-road, that person may levy and collect, for his own benefit, the tolls fixed in terms of this Act on vehicles using the toll-road.

(2) An authorized person may establish, and erect toll-bars, toll-gates and other structures and works on his toll-road to permit or facilitate the levying and collection of tolls.

(3) An authorized person may prevent any person from using a vehicle on his toll-road if that person has not paid the toll payable on the vehicle concerned.

(4) Subject to this Act, any person who uses a vehicle on a toll-road without paying the toll payable on the vehicle concerned shall be guilty of an offence and liable to a fine not exceeding level four.

[amended by Act 22 of 2001, with effect from the 10th September, 2002]

5 Act not to restrict rights in respect of private roads

(1) In subsection (2)—

“private road” means any road—

(a) for the maintenance of which neither the State nor a local authority has assumed responsibility; and

(b) which is not commonly used by the public or any section of the public;

but does not include a declared road as defined in the Roads Act [Chapter 13:12].

(2) This Act shall not be construed as affecting any right a person may have under any other law to restrict or prohibit the use of a private road or to impose any charge or toll upon the use of such a road.

6 Regulations

(1) The Minister may make regulations providing for all matters which by this Act are required or permitted to be done or prescribed in regulations or which, in his opinion, are necessary or convenient to be prescribed in order to carry out or give effect to this Act.

(2) Regulations made in terms of subsection (1) may provide for exemptions from the payment of any toll in such circumstances and subject to such conditions as may be prescribed in the regulations.