



Bye-Laws for the
M4 Kinnegad-Enfield-Kilcock Motorway
made
under
The Roads Act, 1993 as amended

NATIONAL ROADS AUTHORITY,
St. Martin's House,
Waterloo Road,
Dublin 4,
Ireland.

November 2005

PART I

DEFINITIONS

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

‘the Act’	means the Roads Act, 1993 as amended.
‘Ambulance’	means an electrically or mechanically propelled vehicle, which is outwardly identifiable as an ambulance and is used exclusively for the carriage of sick, injured or disabled persons.
‘Appropriate Tolls’	means the tolls chargeable by the Toll Company in accordance with the terms of Regulation 14.3
‘the Base Tolls’	means the tolls set out in the First Schedule hereto.
‘Bus’	means an electrically or 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.
‘Bye-Laws’	means the Bye-Laws contained herein pursuant to section 61 of the Roads Act as amended.
‘Coach’	means Bus
‘ETC’	means electronic toll collection.
‘Fire Brigade’	means the fire and emergency services
‘Fire Brigade Vehicle’	means an electrically or mechanically propelled vehicle, which is outwardly identifiable as a fire brigade vehicle and is used by members of the Fire

	Brigade in the performance of their duties as such members.
‘Goods Vehicle’	means an electrically or 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.
‘Motor Car’	means an electrically or mechanically propelled vehicle not being a Motor Cycle and which is constructed or adapted to carry less than 8 passengers and their effects.
‘Motor Cycle’	means a bicycle electrically or mechanically propelled or motor assisted with or without a sidecar attached.
‘NRA’	means the National Roads Authority.
‘Offence’	means an offence pursuant to the Act.
‘Roads Regulations’	means the Roads Regulations, 1994 (S.I. No. 119 of 1994) and any subsequent amendment thereof.
‘Special Transports’	means vehicles not falling within a class listed in the first schedule.
‘Toll Booth’	means a fixed or mobile installation erected on the Toll Road for the collection of tolls.
‘the Toll Company’	means at any time, such person as is party to an agreement with the NRA at such time in relation to, among other things, the collection of tolls on the Toll Road and the application of the proceeds of such tolls being, as of the date of these Bye-Laws, EuroLink Motorway Operation Limited.
‘Toll Collecting Machine’	means a machine or system designed to receive and/or record tolls by mechanical, electrical, electronic or other means and shall include ETC.
‘Toll Collection Location’	means the locations indicated on the map incorporated in the Toll Scheme at which tolls may be charged.

'Toll Collector'	means a person appointed and authorised by the Toll Company to record and/or 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 section of the N4 national road extending from its grade-separated junction at Kilcock in County Kildare to its interchange with the N6 national road at Kinnegad in County Westmeath, and also including the section of the N6 national road extending from its junction with the N4 at Kinnegad in County Westmeath to its grade-separated junction with county road L8021-1 at Kinnegad in County Westmeath, having a length of 35 kilometres approximately, as more particularly shown on the map attached to the Toll Scheme approved by the NRA on the 5th November 2001.
'Toll Scheme'	means the Toll Scheme for the M4 Kinnegad-Enfield-Kilcock Motorway as adopted by the NRA on 5 th November 2001.
'Toll Year'	means in respect of the first Toll Year, the period commencing on the date these Bye-Laws take effect and ending on the 31 December next following, and in respect of each subsequent Toll Year, the period of 12 months commencing on the expiry of the preceding Toll Year.
'Token'	means a pre-paid voucher, disc, card, permit or Electronic Toll Collection (ETC) device issued for use on the Toll Road to effect payment of the Appropriate Toll to the Toll Company.
'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. Any vehicle and road user permitted to use a motorway under the Roads Regulations may use the Toll Road and shall, on passing through any of the Toll Collection Locations (indicated on the map attaching to the Toll Scheme), pay the Appropriate Toll to the Toll Company unless exempted from payment of the Appropriate Toll under these Bye-Laws.

RIGHT TO DEMAND TOLLS

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

LIABILITY TO PAY TOLL

4. Subject to Regulations 10 and 16, the Appropriate Toll shall be payable in respect of a Vehicle of a class listed in the First Schedule on passing through any of the Toll Collection Locations and the driver shall be liable to pay the Appropriate Toll in respect of such Vehicle passing a Toll Booth or Toll Collecting Machine. Payment of the Appropriate Toll can with the agreement of the Toll Company, be effected by Token.

FAILURE TO PAY TOLL

5. If the driver of a Vehicle who is liable to pay the Appropriate Toll fails to do so on passing a Toll Collecting Location, the registered owner of the Vehicle concerned may then be required by the Toll Company to pay the amount of the Appropriate Toll.
- 5.2 A person who is liable to pay the Appropriate Toll and who fails, neglects or refuses to pay the Appropriate Toll shall be guilty of an Offence.

The amount of any Appropriate Toll due and payable by a person under these Bye-Laws and unpaid may be recovered from the person by whom it is payable as a simple contract debt, including any statutory administrative charges that may apply, in any court of competent jurisdiction.

PAYMENT OF TOLL

6. The driver of a Vehicle of a class listed in the First Schedule shall pay the

Appropriate Toll to a Toll Collector at a Toll Booth or by means of a Toll Collecting Machine.

TRAILERS

7. 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 design gross weight of the Vehicle and the Trailer and by aggregating the number of axles with wheels in contact with the ground at the time of passing through the Toll Collection Location; provided that this shall not apply to a Trailer towed by a Motor Cycle or a Motor Car or a Bus or a Coach.

RIGHT TO USE TOLL ROAD AND PROHIBITED USERS

8. On paying the Appropriate Toll to a Toll Collector or by means of a Toll Collecting Machine including without limitation by means of a Token, the driver of a Vehicle referred to in Regulation 2 shall be entitled to use the Toll Road.
- 8.2 The Toll Company shall refuse to permit pedestrians, pedal cyclists, persons in charge of, or having control over, animals and any vehicles or road users other than those prescribed in the Roads Regulations to use the Toll Road and may by itself, or with such assistance as it shall think necessary, stop and prevent such persons from using the same.

RECEIPT

- 9.1 Subject to Regulation 9.2, on payment of the Appropriate Toll to a Toll Collector or by means of a Toll Collecting Machine, the driver shall be entitled, on request, to a receipt for the toll paid.
- 9.2 In the case of purchase of a Token, a receipt will be issued at the time of or following such purchase and thereafter at or following any renewal of credit on such Token.

EXEMPTIONS

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

OBLIGATION TO PAY TOLL

Subject to any exemptions under these Bye-Laws, no Vehicle may use the Toll Road and pass through any of the Toll Collection Locations without paying the Appropriate Toll.

DRIVER REFUSING TO PAY TOLL

12. Where a driver refuses or neglects to pay the Appropriate Toll or part thereof lawfully due under these Bye-Laws, a driver may be refused permission by the Toll Company to use the Toll Road or any Toll Booth or any other place where such toll might be paid and the Toll Company may by itself or with such assistance as it thinks necessary, stop and prevent the driver so refusing or neglecting to pay the Appropriate Toll from using the Toll Road.

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 Token or a Toll Collecting Machine with the intention of dishonestly obtaining for himself a pecuniary advantage. Any such action shall be an Offence and the Toll Company may by itself or with such assistance as it thinks necessary, stop and prevent the driver from using the Toll Road.

LIST OF TOLLS TO BE EXHIBITED

13. 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 Toll Collection Locations on the Toll Road.

AMOUNT OF TOLLS

The tolls set out in the First Schedule hereto are the Base Tolls calculated as of August 2000 at which date the Consumer Price Index as published by the Central Statistics Office was equal to 111.7 on a November 1996 base of 100 (hereinafter referred to as the 'Opening Index').

The Maximum Tolls for each Toll Year shall be the aggregate of:

- (a) the Base Tolls multiplied by the Consumer Price Index for August in the previous year, on a November 1996 base year of 100, divided by the

Opening Index; and

- (b) VAT at the prevailing rate on the amount derived pursuant to subparagraph (a),

and the resulting amount shall be rounded up or down to the nearest 10 cent.

The Appropriate Tolls are the tolls chargeable by the Toll Company as agreed with the NRA (inclusive of indexation, VAT and rounding) provided that such Appropriate Tolls shall not exceed the Maximum Tolls.

In the event of the Consumer Price Index for August in any year (in this Bye-Law referred to as the Base Year) not being published before 1st of December in that year, the Maximum Tolls for the following year shall be the Maximum Tolls for the Base Year multiplied by an appropriate alternative indexation factor determined by the NRA.

In the event of the current Consumer Price Index (or the appropriate alternative indexation factor determined by the NRA, if the former is not published) 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.

Such revised Maximum Tolls shall become effective as and from the 1st day of January following the August for which the relevant Consumer Price Index (or an appropriate alternative indexation factor determined by the NRA, if the former is not published) is derived.

A list of the Maximum Tolls for each year so calculated shall be published in a national daily newspaper before the 1st day of January of the relevant year, with the exception of the year of commencement of tolling when a list of the Maximum Tolls applicable at commencement and for the duration of such Toll Year shall be published in a national daily newspaper no later than 14 days prior to the commencement of tolling.

OBSTRUCTION

The Toll Company, either by itself or with such assistance as it thinks necessary, may remove or cause to be removed any person or Vehicle obstructing or impeding the use of the Toll Road.

A person who fails, neglects or refuses to obey a lawful instruction or direction of the Toll Company in relation to the Toll Road shall be guilty of an Offence.

ENFIELD RE-ENTRY ARRANGEMENTS

16. Where a Vehicle has passed through a Toll Collection Location and within a three hour period passes through a second Toll Collection Location in the same direction of travel, the driver of such Vehicle shall be exempt from paying the Appropriate Toll at the second Toll Collection Location subject to:
- (a) the driver having requested and obtained a free re-entry pass at the first Toll Collection Location and presenting that free re-entry pass at the second Toll Collection Location, or
 - (b) record of passage through the first Toll Collection Location is available from an ETC transaction.

DISCOUNT FOR MULTI-JOURNEY PREPAYMENT

17. Where a user of the Toll Road pre-pays for twenty journeys or more a discount of not less than 10% of the Appropriate Toll shall apply to each prepaid journey.

COMING INTO EFFECT OF BYE-LAWS

18. These Bye-Laws shall come into effect on 12th December 2005.



Peter Malone
Peter Malone
Chairman,
National Roads Authority

Date: 8th November 2005

FIRST SCHEDULE
Base Tolls¹

The amounts in this Schedule have been based on August 2000 prices, and are exclusive of VAT.

CLASS OF TRAFFIC	BASE TOLL
	Euro (€)
Motor Cycles (exceeding 50 c.c.)	€ 0.90
Motor Cars	€ 1.75
Buses or Coaches	€ 2.65
Goods Vehicles with a design gross vehicle weight not exceeding 3,500 kilograms	€ 2.65
Goods Vehicles with a design gross vehicle weight exceeding 3,500 kilograms and having 2 or 3 axles	€ 3.50
Goods Vehicles with a design gross vehicle weight exceeding 3,500 kilograms and having 4 or more axles	€ 4.30

Special Transports will be charged according to kind of load and weight and the toll paid by the road user shall be decided by the NRA in consultation with the Toll Company.

¹For the purpose of Regulations 14.1 and 14.2 the Opening Index is the Consumer Price Index at August 2000 which is 111.7, the base of November 1996 being 100. This schedule can be updated prior to the Bye-laws being enacted.

SECOND SCHEDULE

Classes of Vehicles and road users exempt from tolls

- (1) Ambulances and Fire Brigade Vehicles.**
- (2) Vehicles used by members of the Garda Síochána or the Defence Forces in the performance of their duties as such members.**
- (3) Vehicles used by staff of Kildare County Council, Meath County Council, Westmeath County Council or the National Roads Authority in the performance of their duties.**

Vehicles used by the Toll Company in the performance of its duties in relation to the Toll Road.

Specially adapted vehicles driven by disabled persons.