



Bye-Laws

for the

M50 (between Junctions 6 and 7)

made pursuant to the

**Roads Act 1993
(as amended)**

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

July 2008

PART I – PRELIMINARY

1. DEFINITIONS

1.1 In these Bye-Laws, terms not otherwise defined shall have the same meaning as in the Acts.

1.2 In these Bye-Laws:

“Accountable Person” means, in respect of any Vehicle, the person who, in accordance with Section 64(3) of the Act, is liable to pay the Toll.

“Act” means the Roads Act 1993.

“Acts” means the Roads Acts 1993 to 2007.

“Additional Default Toll” means, in respect of each User/Vehicle Class and at any time, the Base Additional Default Toll, adjusted in accordance with Regulation 15.

“Additional Default Period” means the period within which an Accountable Person may pay the Additional Default Toll, being fifty-six (56) days after the expiry of the Initial Default Period.

“Amending Scheme” means the scheme as adopted by the Authority on 12 February 2008 in relation to the Toll Road amending the toll scheme dated 10 June 1985 (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.

“Ancillary Facilities” means the buildings, structures, apparatus and equipment that are used in connection with the operation and maintenance of the Toll Road.

“Applicable Toll” subject to Regulation 15.3, means, at any time and in respect of each User/Vehicle Class, the toll determined by the Authority (inclusive of indexation, value added tax and rounding) to be chargeable in respect of such User/Vehicle Class provided that such Applicable Toll shall not exceed the Maximum Toll applicable to such User/Vehicle Class at such time.

“Authorised Officer” means any person whose appointment as an Authorised Officer in accordance with Regulation 22 has been approved by the Authority and for so long as such appointment has not been terminated by the Authority.

“Authority”	means the National Roads Authority.
“Base Additional Default Toll”	means, in respect of each User/Vehicle Class, the amount set out opposite such User/Vehicle Class in the column entitled “Base Additional Default Toll” in the table in the First Schedule.
“Base Final Default Toll”	means, in respect of each User/Vehicle Class, the amount set out opposite such User/Vehicle Class in the column entitled “Base Final Default Toll” in the table in the First Schedule.
“Base Initial Default Toll”	means, in respect of each User/Vehicle Class, the amount set out opposite such User/Vehicle Class in the column entitled “Base Initial Default Toll” in the table in the First Schedule.
“Base Tolls”	means, in respect of each User/Vehicle Class and calculated as of August 2007, the amount set out opposite such User/Vehicle Class under the heading “Base Tolls” in the First Schedule to these Bye-Laws.
“Business Day”	means any day other than (a) a Saturday or Sunday or (b) any day that is a public holiday.
“Bus” or “Coach”	means an electrically or mechanically (or hybrid thereof) propelled vehicle used for the carriage of persons for reward having seating passenger accommodation for more than eight (8) persons, exclusive of the driver.
“Bye-Laws”	means the Bye-Laws contained herein.
“collection arrangements”	has the meaning given to it in Regulation 8.1.
“collection period”	means, in respect of any collection arrangements, the period specified in the collection arrangements within which Applicable Tolls incurred during a period are to be discharged.
“Compatible Electronic Device”	means an electronic device attached to a Vehicle which device is to operate on the Toll Road so as to record the passage by the Vehicle through the Toll Location and to facilitate the charging and collection of tolls.
“Compatible Operator”	means any of the following: <ul style="list-style-type: none"> (a) each person with whom an agreement has been entered into pursuant to the Act or the State Authorities (Public Private Partnership Arrangements) Act 2002 by the Authority in respect of a “toll road” (as defined in Section 56 of the Act)

other than the Toll Road (the “road operators”);

- (b) any person (other than, in the case of the Toll Road, the Authority or the Toll Operator or, in the case of any other “toll road” (as defined in Section 56 of the Act), a person contemplated by paragraph (a)) that has issued a Compatible Electronic Device; and
- (c) to the extent not contemplated by paragraphs (a) or (b), such other person as may be approved by the Authority,

in each case, which is participating in the arrangements between the Authority and the Compatible Operators to facilitate the discharge of amounts due in respect of tolls and related amounts to the Authority and the road operators.

- “Cut-off Time” means, in respect of any use of the Toll Road, 20:00 on the day following such use.
- “Default Toll” means any of:
- (a) the Initial Default Toll;
 - (b) the Additional Default Toll; and
 - (c) the Final Default Toll.
- “Effective Date” means 1 August 2008.
- “ETC” means electronic toll collection whereby the liability to pay a toll in accordance with the Acts and these Bye-Laws is recorded by electronic means.
- “Final Default Toll” means, in respect of each User/Vehicle Class and at any time, the Base Final Default Toll, adjusted in accordance with Regulation 15.
- “Fire Brigade” means the fire and emergency services.
- “Fire Brigade Vehicle” means an electrically or mechanically (or hybrid thereof) 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 (or hybrid thereof) 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.

“Initial Default Period”	<p>means the period within which an Accountable Person may pay the Initial Default Toll, being fourteen (14) days after:</p> <ul style="list-style-type: none"> (a) the Cut-Off Time; or (b) in the case of any Applicable Toll the subject of collection arrangements, the expiry of the relevant collection period specified in such collection arrangements.
“Initial Default Toll”	<p>means, in respect of each User/Vehicle Class and at any time, the Base Initial Default Toll, adjusted in accordance with Regulation 15.</p>
“Interim Period”	<p>means the period from the Effective Date until the date on which the Authority determines that it is satisfied with the collection arrangements in relation to the Toll Road consequent on the introduction of exclusively ETC-based collection arrangements, including, without limitation, in relation to:</p> <ul style="list-style-type: none"> (a) such ETC-based collection arrangements recording: <ul style="list-style-type: none"> (i) the passage of Vehicles through the Toll Location; and (ii) the incurring of tolls, <p style="margin-left: 40px;">in each case, in connection with the use of the Toll Road by Users; and</p> (b) the payment and collection of tolls in respect of the use of the Toll Road by Users.
“M50 Motorway”	<p>means the N50 national road.</p>
“M50 Registered Persons”	<p>means Non-OBU M50 Registered Persons and OBU M50 Registered Persons.</p>
“M50 Registered Vehicle”	<p>means any Non-OBU M50 Registered Vehicle or OBU M50 Registered Vehicle.</p>
“Maximum Toll”	<p>means, in respect of each User/Vehicle Class, the amount determined in accordance with Regulation 15.</p>
“Motor Car”	<p>means an electrically or mechanically (or hybrid thereof) propelled vehicle having at least four (4) wheels which is designed for the carriage of passengers and which has a maximum of eight (8) seats (excluding the driver’s seat).</p>

- “Motor Cycles” means a bicycle that is electrically or mechanically (or a hybrid thereof) propelled or motor assisted with or without a side car attached.
- “Non-OBU M50 Registered Person” means any person, subject to Regulation 6.3, who has entered into collection arrangements with the Authority in relation to a Vehicle which:
- (a) do not contemplate the Vehicle for which he is the Accountable Person having a Compatible Electronic Device installed in it; and
 - (b) are satisfactory to the Authority in connection with the discharge to the Authority of all amounts that may be due to it in connection with tolls and related amounts for which such person is the Accountable Person in accordance with the Acts and these Bye-Laws.
- “Non-OBU M50 Registered Vehicle” means any Vehicle which is subject to collection arrangements with the Authority in relation to the Toll Road which do not contemplate the Vehicle having a Compatible Electronic Device installed in it.
- “OBU CO Registered Person” means any person, subject to Regulation 6.3, who has entered into arrangements with a Compatible Operator which:
- (a) require a Vehicle for which he is the Accountable Person to have a Compatible Electronic Device installed in it in a manner that satisfies these Bye-Laws;
 - (b) are satisfactory to the Authority in connection with the discharge to the Authority of all amounts that may be due to it in connection with tolls and related amounts for which such person is the Accountable Person in accordance with the Acts and these Bye-Laws.
- “OBU CO Registered Vehicle” means any Vehicle:
- (a) which is subject to arrangements with a Compatible Operator which require the installation of a Compatible Electronic Device in the Vehicle; and
 - (b) in which such Compatible Electronic Device is installed in a manner that satisfies these Bye-Laws.
- “OBU M50 Registered Person” means any person, subject to Regulation 6.3, who has entered into collection arrangements with the Authority which:
- (a) require a Vehicle for which he is the Accountable Person to

have a Compatible Electronic Device installed in it in a manner that satisfies these Bye-Laws; and

- (b) are satisfactory to the Authority in connection with the discharge to the Authority of all amounts that may be due to it in connection with tolls and related amounts for which such person is the Accountable Person in accordance with the Acts and these Bye-Laws.

“OBU M50 Registered Vehicle”

means any Vehicle:

- (a) which is subject to collection arrangements with the Authority which require the installation of a Compatible Electronic Device in the Vehicle; and
- (b) in which such Compatible Electronic Device is installed in a manner that satisfies these Bye-Laws.

“OBU Registered Vehicle”

means an OBU CO Registered Vehicle or an OBU M50 Registered Vehicle.

“Opening Index”

means 103.6, being the Consumer Price Index as published by the Central Statistics Office for August 2007, using a December 2006 base of one hundred (100).

“Operator”

means any person who has responsibility for the operation, maintenance or toll collection functions in connection with the Toll Road, including, without limitation:

- (a) the Authority;
- (b) the Toll Operator; and
- (c) without prejudice to the foregoing, any person that may be appointed by the Authority from time to time to carry out any or all of the functions referred to in this definition.

“payment account”

means, in respect of an Accountable Person, such account (being an account maintained with a credit institution or an account related to a payment card or such other account approved by the Authority) in respect of which the Accountable Person gives or has given instructions for its debiting (and payment of such amount to the Authority) in discharge, among other things, of tolls and related amounts due in accordance with the Acts and these Bye-Laws.

“payment card”

means any card issued by a credit institution or financial institution by means of which the consideration payable for goods and services or cash may be charged to the related payment account,

whether by the debiting of such related payment account or by the granting of credit to the cardholder.

- “post-paid arrangements” has the meaning given to it in Regulation 8.3.
- “pre-paid arrangements” has the meaning given to it in Regulation 8.3.
- “Registered Vehicle” means any Non-OBU M50 Registered Vehicle, any OBU CO Registered Vehicle and any OBU M50 Registered Vehicle.
- “Road Operator” means any person with whom the Authority has entered into arrangements in connection with the construction and maintenance of the Toll Road, pursuant to, either or both of, the Acts and the State Authorities (Public Private Partnership Arrangements) Act 2002.
- “Toll” means any toll (including any Applicable Toll or Default Toll) chargeable in accordance with the Acts and these Bye-Laws.
- “Toll Collecting Equipment” means such equipment, machine or system designed to record the incurring of tolls by mechanical, electrical, electronic or other means and shall include any gantry, structure, building, machine or system used in connection with ETC.
- “Toll Location” means the location indicated as the “Toll Location” on the map incorporated in the Toll Scheme.
- “Toll Operator” means any person with whom the Authority has entered into arrangements in connection with the provision, supervision and operation of a system of tolls and their collection in respect of the use of the Toll Road, pursuant to, either or both of, the Acts and the State Authorities (Public Private Partnership Arrangements) Act 2002.
- “toll payment account” means any account or running balance maintained by the Authority (or the Toll Operator on its behalf) in respect of the amounts paid by, or due by, an Accountable Person in connection with the collection arrangements.
- “Toll Road” means the section of the M50 Motorway between Junction 6 (being the intersection of the M50 Motorway with the N3 national road) and Junction 7 (being the intersection of the M50 Motorway with the N4 national road), as more particularly shown on the map attached to the Toll Scheme.

“Toll Scheme”	means the Toll Scheme for the Toll Road dated 10 June 1985, as amended from time to time and as amended and restated by the Amending Scheme.
“Toll Year”	means, in respect of the first Toll Year, the period commencing on the Effective Date and ending on the 31 December next following, and in respect of each subsequent Toll Year, the period of twelve (12) months commencing on the expiry of the preceding Toll Year.
“Trailer”	means a vehicle attached to another vehicle (or to another vehicle attached to a mechanically propelled vehicle) or a vehicle constructed or adapted for the purpose of being drawn by a mechanically propelled vehicle (including the drawn component of an articulated vehicle, or a vehicle constructed or adapted for use as such drawn component).
“Unregistered Person”	means any person who is the Accountable Person for an Unregistered Vehicle in connection with its use of the Toll Road.
“Unregistered Vehicle”	means any Vehicle that is not a Registered Vehicle.
“User”	means any user of the Toll Road.
“Vehicle”	means any vehicle, conveyance or mode of transport using the Toll Road, including, without limitation, a Trailer.
“Vehicle Class”	means each class of Vehicle specified in the First Schedule.

1.3 For the purposes of these Bye-Laws “**publicly available**” means that the information is accessible by the public, including, without limitation, publishing the information in a national daily newspaper or publishing the information on any website maintained by a road authority or the Toll Operator in connection with the Toll Road or by the Authority generally.

1.4 The Interpretation Act 2005 shall apply to these Bye-Laws.

1.5 References in these Bye-Laws to “law” include these Bye-Laws.

2. COMMENCEMENT

These Bye-Laws shall come into operation on the Effective Date.

3. PRIOR BYE-LAWS

3.1 With effect from the Effective Date, the bye-laws dated 20 August 2001 in respect of the Toll Road, are revoked.

- 3.2 The revocation of the bye-laws dated 20 August 2001 in respect of the Toll Road shall be without prejudice to, and shall not affect, the liability of, or responsibility of, any person under such bye-laws for his acts or omissions prior to the Effective Date.

PART II – TOLLS

4. USE OF TOLL ROAD

Subject to complying with these Bye-Laws, any User and Vehicle permitted pursuant to applicable law to use the Toll Road may use the Toll Road.

5. RIGHT TO DEMAND TOLLS

The Authority (or, if different, the Toll Operator or some other third party on behalf of the Authority and so authorised by the Authority) may demand, charge, collect and recover tolls and all other amounts that may become due as a consequence of the use of the Toll Road in accordance with the Acts and these Bye-Laws.

6. LIABILITY TO PAY TOLL

6.1 The Accountable Person for each Vehicle shall be liable to pay the Applicable Toll for the Vehicle Class specified for such Vehicle:

- (a) during the Interim Period, on such Vehicle entering the Toll Road; or
- (b) at any other time, from the date and time such Vehicle passes the Toll Location, unless, in either case exempted from payment of the Toll under these Bye-Laws.

6.2 Subject to Regulation 12, no User or Vehicle may use the Toll Road without:

- (a) during the Interim Period, paying the Applicable Toll or having arrangements, to the satisfaction of the Authority, for payment of the Applicable Toll and such arrangements are complied with; or
- (b) at any other time:
 - (i) in the case of a Registered Vehicle, having arrangements, to the satisfaction of the Authority, for payment of the Applicable Toll and such arrangements are complied with; or
 - (ii) in the case of an Unregistered Vehicle, paying, or arranging for the payment of, the Applicable Toll on or before the Cut-Off Time.

6.3 An Accountable Person shall not be regarded for the purposes of these Bye-Laws as a Registered Person where such Accountable Person has breached, or is in breach of:

- (a) in the case of a M50 Registered Person, the terms of the collection arrangements or these Bye-Laws; or

- (b) in any other case, the terms agreed with the relevant Compatible Operator or these Bye-Laws,

such that, in either case, the Applicable Toll incurred by such Accountable Person (as a Registered Person) is not discharged on or before the later of:

- (i) the relevant Cut-Off Time; or
- (ii) where the Applicable Toll is the subject of collection arrangements, the expiry of the relevant collection period specified in the collection arrangements.

6.4 Without prejudice to the liability of such Accountable Person in respect of tolls and related amounts due in connection with the use of the Toll Road and which were subject to the collection arrangements, the Accountable Person shall be liable as an Unregistered Person for any use of the Toll Road by the Vehicles for which such person is the Accountable Person as and from:

- (a) where the breach relates to the failure to discharge the Applicable Toll in accordance with the collection arrangements, the expiry of the relevant collection period specified in the collection arrangements; or
- (b) in the case of any other breach of the collection arrangements, the Authority (or the Toll Operator on its behalf) has notified such person of such breach or failure to comply.

7. INTERIM PERIOD

7.1 For the duration of the Interim Period only:

- (a) each Vehicle shall be regarded, for the purposes of determining the Applicable Toll, as having a Compatible Electronic Device installed in it that satisfies the requirements of these Bye-Laws; and
- (b) an Accountable Person may discharge his obligation to pay the Toll by paying the Toll at the toll booth on the Toll Road during the Interim Period.

7.2 The Authority shall, at least seven (7) days prior to the expiry of the Interim Period, make the fact of such expiry publicly available.

8. REGISTERED VEHICLES – M50

8.1 The Authority may agree with an Accountable Person such arrangements (“collection arrangements”) as are satisfactory to it, from time to time, in connection with the discharge by such Accountable Person of amounts due to the Authority in connection with, or as a consequence of, the use of the Toll Road by that person’s Registered Vehicle.

8.2 The Authority shall be entitled to agree different collection arrangements with different Accountable Persons or different classes of Accountable Person, as the Authority may determine.

8.3 Without prejudice to the generality of the foregoing, such collection arrangements:

(a) shall be approved by the Authority in advance of the Accountable Person availing of such collection arrangements; and

(b) may include (at the discretion of the Authority):

(i) arrangements that require payment (whether by means of debiting of payment accounts or otherwise approved by the Authority) of amounts in advance ("**pre-paid arrangements**") to be credited to the related toll payment account, with amounts due in respect of tolls and related amounts being subsequently deducted from such toll payment account, and with the facility for further amounts to be debited from a payment account of the Accountable Person (or otherwise paid in such manner as may be approved by the Authority) and credited to the related toll payment account; or

(ii) arrangements that require payment for the tolls and related amounts incurred during a particular period and recorded in the toll payment account for that Accountable Person by debiting the required amount from a payment account of the Accountable Person following the end of the particular period ("**post-paid arrangements**").

8.4 Upon the Authority receiving payment in accordance with the collection arrangements entered into with an Accountable Person, the liability of that Accountable Person in respect of the tolls and related amounts the subject of such arrangements shall only be discharged to the extent of the payment received such that:

(a) the toll and the related amounts shall be regarded as unpaid; and

(b) the Accountable Person shall remain liable to discharge the toll and the related amounts.

9. REGISTERED VEHICLES – COMPATIBLE OPERATORS

Arrangements between a person in respect of a Vehicle with a Compatible Operator whereby:

(a) a Compatible Electronic Device issued by that Compatible Operator has been installed in the Vehicle in a manner that satisfies these Bye-Laws;

(b) the Compatible Operator operates an account for such Accountable Person; and

- (c) the Compatible Operator has entered into arrangements with the Authority in connection with the discharge of the Applicable Toll (and related amounts) incurred in connection with the use by such Vehicle of the Toll Road,

shall be regarded as satisfactory arrangements for the payment of the Applicable Toll for the purposes of Section 61(3) of the Act.

10. **UNREGISTERED VEHICLE**

At any time other than during the Interim Period, the Accountable Person for an Unregistered Vehicle that has used the Toll Road shall discharge his obligation to pay the Toll in respect of such Vehicle at such time by:

- (a) giving instructions for the debiting of a payment account with the amount of the Toll and the crediting of such amount to the Authority; or
- (b) paying the amount of the Toll to a person who has been authorised by the Authority or the Toll Operator, with the approval of the Authority, to accept such payments.

11. **TRAILERS**

- 11.1 In the case of a Trailer towed by a Motor Car, a Bus or a Coach, the Applicable Toll shall be determined for such Vehicle only, disregarding the Trailer.
- 11.2 Where a Trailer is towed by a Vehicle in any case not contemplated by Regulation 11.1, it shall be treated with such Vehicle as one combined Vehicle and the class of Vehicle to which such combined Vehicle belongs shall be determined by aggregating the unladen weight of the Vehicle.

For these purposes, the unladen weight of the Vehicle and the Trailer refers to the combined unladen weight of the Vehicle and the Trailer, as recorded on the National Vehicle and Driver File (or any successor or replacement registry or file).

12. **EXEMPTIONS**

No Toll shall be payable in respect of any Vehicle falling within any of the categories of Vehicles set out in the Second Schedule to these Bye-Laws.

13. **TOLLS – PUBLICLY AVAILABLE**

- 13.1 A list of the Applicable Tolls for an Unregistered Vehicle authorised by these Bye-Laws shall at all times be exhibited in a conspicuous place at or near the Toll Location on the Toll Road.
- 13.2 The Applicable Tolls applying at the Effective Date shall be made publicly available no later than seven (7) days prior to the Effective Date.

14. **STATEMENTS – REGISTERED VEHICLES**

In the case of payment of amounts due in connection with the use by a Registered Vehicle of the Toll Road, by the Accountable Person for that Registered Vehicle, such payment shall be acknowledged by being recorded in a statement (or some other record) that may be issued to such Accountable Person from time to time.

15. **ADJUSTMENT TO TOLLS**

15.1 For each Toll Year and for each class of User/Vehicles:

- (a) the Maximum Tolls shall be the Base Tolls for such class of User/Vehicles;
- (b) the Initial Default Toll shall be the Base Initial Default Toll specified in the First Schedule for such class of User/Vehicles;
- (c) the Additional Default Toll shall be the Base Additional Default Toll specified in the First Schedule for such class of User/Vehicles; and
- (d) the Final Default Toll shall be the Base Final Default Toll specified in the First Schedule for such class of User/Vehicles,

in each case, multiplied by the Consumer Price Index for August in the previous year (using a December 2006 base year of one hundred (100)), divided by the Opening Index, and the resulting amount (together with any applicable value added tax, if any) shall be rounded upwards or downwards, as the case may be, to the nearest ten cent (10c) or such other amount (equal to or less than fifty cent (€0.50)), in each case, as may be determined by the Authority.

15.2 In the event of the Consumer Price Index for August in any year (the “**Base Year**”) not being published before 1st December in that Base Year, the Authority shall determine the appropriate alternative indexation factor to be applied in accordance with Regulation 15.1.

15.3 (a) In the event of the current Consumer Price Index (or the appropriate alternative indexation factor determined by the Authority, if the former is not published) in use remaining static or showing a decrease on the previous year’s figures in any year:

- (i) the amount of the Applicable Tolls shall not exceed the amount of the Maximum Tolls determined for the previous year; and
- (ii) the amount of each Default Toll shall not exceed the amount of such Default Toll determined for the previous year,

in each case, not including any amount representing value added tax or rounding included in the amount of each such Toll.

- (b) Where this Regulation 15.3 applies and a change to the rate of value added tax has occurred since the last change to the Tolls, the amount of each Toll for the purposes of Regulation 15.1 shall be calculated by reference to the amount of such Toll in the previous year, the applicable rate of value added tax and then rounded upwards or downwards in accordance with Regulation 15.1.
- 15.4 Such revised Maximum Tolls and Default Tolls shall become effective as and from the 1st January following the August for which the relevant Consumer Price Index (or an appropriate alternative indexation factor determined by the Authority, if the former is not published) is derived.
- 15.5 Subject to Regulation 15.6, a list of the Applicable Tolls and Default Tolls for each Toll Year so calculated shall be published in a national daily newspaper before the 1st January of the relevant year.
- 15.6 In the case of the Applicable Tolls and the Default Tolls:
 - (a) applicable as and from the Effective Date and for the duration of the Interim Period, a list of the Applicable Tolls and Default Tolls for such period shall be published in a national daily newspaper no later than seven (7) days prior to the Effective Date; and
 - (b) applicable during the period commencing on the expiry of the Interim Period and ending on the expiry of the first Toll Year after the Effective Date, a list of the Applicable Tolls and Default Tolls for such period shall be published in a national daily newspaper no later than seven (7) days prior to prior to the expiry of the Interim Period.
- 15.7 Any revision to the Applicable Tolls or the Default Tolls shall be made publicly available on or prior to such revision taking effect.

PART III – OPERATIONAL REQUIREMENTS

16. TOLL COLLECTING EQUIPMENT

No person, other than the Authority or the Toll Operator (or such other person authorised by the Authority) shall operate or attempt to operate Toll Collecting Equipment in relation to the Toll Road.

17. COMPATIBLE ELECTRONIC DEVICE

17.1 A Compatible Electronic Device may only be used in the Registered Vehicle in respect of which it is registered.

17.2 Each Compatible Electronic Device shall be installed on the related Registered Vehicle such that the Compatible Electronic Device is capable of satisfactorily communicating with the Toll Collecting Equipment installed on the Toll Road and such that passage of the Vehicle through the Toll Location can be recorded by the Toll Collecting Equipment.

17.3 No person shall damage or otherwise interfere with a Compatible Electronic Device.

PART IV – ENFORCEMENT

18. FAILURE TO PAY TOLL

- 18.1 A person who is liable to pay the Toll and who fails, neglects or refuses to pay the Toll shall be guilty of an offence in accordance with Section 64 of the Act.
- 18.2 The amount of any Toll due under these Bye-Laws and unpaid in respect of the use by a Vehicle of a Toll Road may be recovered from a responsible Accountable Person by whom it is payable as a simple contract debt.
- 18.3 Where there is any Toll outstanding in relation to a Vehicle:
- (a) such Vehicle is not entitled to use the Toll Road; and
 - (b) the Road Operator may, by itself or with such assistance as it thinks necessary, stop and prevent that Vehicle from using the Toll Road.

19. DEFAULT TOLLS

- 19.1 Where the Applicable Toll payable in respect of the use of the Toll Road by a Vehicle is not paid on or before:
- (a) the Cut-Off Time; or
 - (b) in the case of any Applicable Toll the subject of collection arrangements, the expiry of the relevant collection period specified in such collection arrangements,
- in each case, applicable to such Applicable Toll, the Accountable Person shall thereupon be liable to pay the Initial Default Toll applicable to the Vehicle Class to which the Vehicle belongs.
- 19.2 Where the Initial Default Toll payable in accordance with Regulation 19.1 is not paid before the expiry of the Initial Default Period, the Accountable Person shall thereupon be liable to pay the Additional Default Toll applicable to the Vehicle Class to which the Vehicle belongs.
- 19.3 Where the Additional Default Toll payable in accordance with Regulation 19.2 is not paid before the expiry of the Additional Default Period, the Accountable Person shall be liable to pay immediately the Final Default Toll applicable to the Vehicle Class to which the Vehicle belongs.

PART V – OPERATIONS

20. OBSTRUCTION

- 20.1 No person shall obstruct or disrupt the operation, maintenance or use of any part of the Toll Road.
- 20.2 The Road Operator, either by itself or with such assistance as it thinks necessary, may remove or cause to be removed any person, Vehicle, item or object obstructing or impeding the use of the Toll Road.

21. INTERFERENCE AND NUISANCE

- 21.1 No person, other than a person authorised for the purpose by the Operator, shall operate, move, alter, tamper or interfere with, or obstruct or prevent the operation of:
- (a) any Toll Collecting Equipment;
 - (b) any telephone or other telecommunications equipment or apparatus;
 - (c) any switch, lever, device or thing whatsoever;
 - (d) any signage; or
 - (e) any mechanical, electrical, electronic or other equipment or apparatus,

which is provided for use in, or in connection with any operation of, any part of the Toll Road, except that in the case of an emergency, any such equipment or apparatus which is provided for use in an emergency may be used for that purpose in accordance with any instructions displayed on or near it.

- 21.2 No person, other than a person authorised for the purpose by the Authority, shall:
- (a) remove, displace or alter any part of the structure or fabric of the Toll Road or the Ancillary Facilities or any fixture, fitting, furnishing, notice or other property comprising in or provided for or in connection with the Toll Road or the Ancillary Facilities; or
 - (b) erect or place on any part of the Toll Road or the Ancillary Facilities any structure or property.
- 21.3 No person, other than a person authorised for the purpose by the Authority or the Road Operator, shall:
- (a) write, draw, paint, carve or make any mark on;
 - (b) affix any bill, poster or sticker to; or

(c) soil, deface or defile,

any wall, window, door, floor, fixture, part, fitting, furnishing, structure, notice, or surface of the Toll Road, any Ancillary Facility or any building or premises used in connection with the collection of tolls.

PART VI – GENERAL

22. AUTHORISED OFFICERS

- 22.1 On its own initiative or, at the request of the Road Operator, the Authority may approve, from time to time, person or persons to act as Authorised Officers for the purposes of these Bye-Laws, the authority of each such person to act as Authorised Officer to take effect from the time notified by the Authority to such person.
- 22.2 The appointment of a person as an Authorised Officer may be terminated by the Authority, such termination to take effect from the time as may be notified by the Authority to such person.
- 22.3 In addition to any powers conferred by these Bye-Laws, an Authorised Officer shall have the powers:
- (a) to give instructions to Users using the Toll Road in connection with the control and regulation of Vehicles using the Toll Road; and
 - (b) to exercise the powers of the Operator contemplated by Regulation 20 (Obstruction) and Regulation 21.1, 21.2 and 21.3 (Interference and Nuisance) and references in each of the foregoing Regulations to “Road Operator” shall be construed as including “an Authorised Officer”.
- 22.4 Any Authorised Officer, in carrying out the functions conferred on him:
- (a) to the extent practicable, shall identify himself as an Authorised Officer in connection with the Toll Road; and
 - (b) shall produce, if requested to do so, evidence of the approval by the Authority to his appointment as an “Authorised Officer”.

23. COMING INTO EFFECT OF BYE-LAWS

In accordance with Section 61(8) of the Act, these Bye-Laws shall come into effect on the Effective Date.



Peter Malone
Peter Malone
Chairman,
National Roads Authority

Date: 8th July 2008

FIRST SCHEDULE

Base Tolls

User/Vehicle Class	Base Toll	Base Initial Default Toll	Base Additional Default Toll	Base Final Default Toll
1. A Motor Car or public service vehicle with seating for up to eight (8) passengers which is an OBU Registered Vehicle.	€2.00	Applicable Toll plus €3.00	Initial Default Toll plus €40.00	Additional Default Toll plus €100.00
2. A Motor Car or public service vehicle with seating for up to eight (8) passengers which is a Non-OBU M50 Registered Vehicle.	€2.50	Applicable Toll plus €3.00	Initial Default Toll plus €40.00	Additional Default Toll plus €100.00
3. A Motor Car or public service vehicle with seating for up to eight (8) passengers which is an Unregistered Vehicle.	€3.00	Applicable Toll plus €3.00	Initial Default Toll plus €40.00	Additional Default Toll plus €100.00
4. (a) A Goods Vehicle with an unladen vehicle weight not exceeding two thousand (2,000) kilograms; or (b) a Bus or Coach with seating for more than eight (8) passengers, in either case which is an OBU Registered Vehicle	€2.80	Applicable Toll plus €3.00	Initial Default Toll plus €40.00	Additional Default Toll plus €100.00

User/Vehicle Class	Base Toll	Base Initial Default Toll	Base Additional Default Toll	Base Final Default Toll
5. (a) A Goods Vehicle with an unladen vehicle weight not exceeding two thousand (2,000) kilograms; or (b) a Bus or Coach with seating for more than eight (8) passengers, in either case which is a Non-OBU M50 Registered Vehicle	€3.30	Applicable Toll plus €3.00	Initial Default Toll plus €40.00	Additional Default Toll plus €100.00
6. (a) A Goods Vehicle with an unladen vehicle weight not exceeding two thousand (2,000) kilograms; or (b) a Bus or Coach with seating for more than eight (8) passengers, in either case which is an Unregistered Vehicle.	€3.80	Applicable Toll plus €3.00	Initial Default Toll plus €40.00	Additional Default Toll plus €100.00
7. A Goods Vehicle with an unladen vehicle weight exceeding two thousand (2,000) kilograms but not exceeding ten thousand (10,000) kilograms which is an OBU Registered Vehicle.	€4.10	Applicable Toll plus €3.00	Initial Default Toll plus €40.00	Additional Default Toll plus €100.00
8. A Goods Vehicle with an unladen vehicle weight exceeding two thousand (2,000) kilograms but not exceeding ten thousand (10,000) kilograms which is a Non-OBU M50 Registered Vehicle.	€4.60	Applicable Toll plus €3.00	Initial Default Toll plus €40.00	Additional Default Toll plus €100.00

User/Vehicle Class	Base Toll	Base Initial Default Toll	Base Additional Default Toll	Base Final Default Toll
9. A Goods Vehicle with an unladen vehicle weight exceeding two thousand (2,000) kilograms but not exceeding ten thousand (10,000) kilograms which is an Unregistered Vehicle.	€5.10	Applicable Toll plus €3.00	Initial Default Toll plus €40.00	Additional Default Toll plus €100.00
10. (a) A Goods Vehicle with an unladen vehicle weight exceeding ten thousand (10,000) kilograms; or (b) a tractor unit for an articulated vehicle, in either case which is an OBU Registered Vehicle	€5.10	Applicable Toll plus €3.00	Initial Default Toll plus €40.00	Additional Default Toll plus €100.00
11. (a) A Goods Vehicle with an unladen vehicle weight exceeding ten thousand (10,000) kilograms; or (b) a tractor unit for an articulated vehicle, in either case which is a Non-OBU M50 Registered Vehicle	€5.60	Applicable Toll plus €3.00	Initial Default Toll plus €40.00	Additional Default Toll plus €100.00
12. (a) A Goods Vehicle with an unladen vehicle weight exceeding ten thousand (10,000) kilograms; or (b) a tractor unit for an articulated vehicle, in either case which is an Unregistered Vehicle	€6.10	Applicable Toll plus €3.00	Initial Default Toll plus €40.00	Additional Default Toll plus €100.00

SECOND SCHEDULE

Classes of Vehicles and Users exempt from tolls:

1. Motor Cycles.
2. Ambulances and Fire Brigade Vehicles.
3. Vehicles used by members of the Garda Síochána or the Defence Forces in the performance of their duties as such members.
4. South Dublin County Council's Goods Vehicles used in the performance of the functions and duties of South Dublin County Council.
5. Fingal County Council's Goods Vehicles used in the performance of the functions and duties of Fingal City Council.
6. Vehicles used by the Road Operator or the Toll Operator, or any person appointed by the Authority to operate and maintain the M50 Motorway, in the performance of its duties in relation to the M50 Motorway.
7. Specially adapted vehicles driven by disabled persons.