

THE TOLL ROADS ACT

REGULATIONS
(under section 4)

The Toll Authority (Management) Regulations, 2003

L.N. 108/2003

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(Omitted)

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REGULATIONS
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THE TOLL ROADS ACT

REGULATIONS
(under section 4)

THE TOLL AUTHORITY (MANAGEMENT) REGULATIONS, 2003

(Made by the Minister on the 1st day of September, 2003)

L.N. 108/2003

1. These Regulations may be cited as the Toll Authority (Management) Regulations, 2003. Citation.

2. In performing the functions specified in section 5(1) of the Act, the Authority shall— Powers of Authority.

- (a) introduce cost recovery measures for services provided by or on behalf of the Authority;
- (b) establish procedures and develop, implement and monitor a national plan, an emergency plan and other plans and programmes relating to toll roads;
- (c) initiate, carry out or support, by financial means or otherwise, research to ensure the proper use of toll roads;
- (d) from time to time, designate any suitable person (whether employed by the Authority or not) to be an authorized officer;
- (e) do anything or enter into any arrangement which, in the opinion of the Authority, is necessary to ensure the proper performance of its functions.

3. The provisions of the Schedule shall have effect with respect to the constitution and procedure of the Authority and otherwise in relation thereto. Constitution of Authority.
Schedule.

4.—(1) The Authority shall keep, at such place and in such form and manner as the Minister may from time to time direct, a Registrar of toll roads in which shall be entered all the lines of roads and description of any areas which are declared to be toll roads. Register of toll roads.

(2) The Authority shall—

- (a) from time to time, enter in the Registrar any other road or part of any other road or description of any area which the Minister may, from time to time, by notice in the *Gazette* declare to be a toll road under section 8(1)(a) of the Act; and
- (b) remove from the Registrar, any road or part of a road or description of any area which the Minister may, from time to time by notice in the *Gazette*, declare to have ceased to be a toll road.

(3) The production of a certificate purporting to be signed by the Chairman or the Secretary of the Authority certifying that the road mentioned therein is a toll road shall without further proof be *prime facie* evidence that such road is properly designated as a toll road under the Act.

(4) A certificate issued by the Chairman or the Secretary of the Authority in accordance with paragraph (3) shall not be liable to stamp duty.

Performance of
functions under the
Act.

5.—(1) The Authority shall perform its functions under the Act in such manner as it considers best calculated to—

- (a) further the reasonable interests of users of toll roads in Jamaica by establishing a system for the regulation of tolls that takes account of those interests;
- (b) promote the efficient, economic and profitable operation of toll roads;
- (c) ensure compliance with such international obligations of Jamaica as may be notified to the Authority by the Minister;
- (d) create an enabling environment for potential investors in toll roads;
- (e) impose such minimum restrictions on concessionaires as are consistent with the performance by the Authority of its functions;
- (f) further such vital public interests as may be notified to the Authority by the Minister from time to time; and
- (g) ensure that toll roads are operated in accordance with performance standards and service levels consistent with best industry practices.

(2) In making a decision in the exercise of its functions under the Act, the Authority shall observe reasonable standards of procedural fairness, act in a timely fashion and observe the rules of natural justice, and, without prejudice to the generality of the foregoing, the Authority shall—

- (a) consult with persons who are or are likely to be affected by the decision;
- (b) give to such persons an opportunity to make submissions and to be heard by the Authority;
- (c) have regard to the evidence adduced at any such hearing and to the matters contained in any such submissions;
- (d) give reasons in writing for each decision;
- (e) give notice of each decision in the prescribed manner.

6.—(1) The Authority may delegate any of its functions under these Regulations (other than the power of delegation) to any local authority, any public servant or to any member, officer or agent of the Authority.

Delegation.

(2) Every delegation under paragraph (1) is revocable by the Authority and the delegation of a function shall not preclude the performance of that function by the Authority.

Financial Provisions, Accounts and Reports

7. All moneys of the Authority not immediately required to be expended for the purpose of meeting any of the obligations or discharging any of its functions may be invested in such securities as may be approved by the Minister and the Authority may, with the approval of the Minister, sell all or any of such securities.

8.—(1) The Authority shall keep proper accounts and other records in relation to its functions and shall prepare annually a statement of accounts in a form satisfactory to the Minister and conforming to established accounting principles.

Accounts and Audit.

(2) The accounts of the Authority shall be audited annually by an auditor appointed in each year by the Authority with the approval of the Minister.

(3) The Auditor-General shall be entitled at all times to examine the accounts of the Authority.

9. The Authority shall, in each financial year, before a date specified by the Minister, submit to the Minister for his approval—

Estimates and operating plan.

- (a) estimates of income and expenditure for the ensuing financial year; and
- (b) an operating plan for that year as to the projects to be promoted or sponsored, or both, by the Authority, the operational framework within which the Authority shall carry out its functions, and such other matters as the Minister may require.

10.—(1) The Authority shall be exempt from liability to stamp duty in respect of any instrument executed by it or on its behalf.

Exemption from taxes and duties.

(2) Any transfer by the Authority of any property belonging to it or of any right or interest created in, over or otherwise with respect to, any such property shall be exempt from transfer tax.

11. Without prejudice to any other method of recovery, all debts due to the Authority may be recovered in a Resident Magistrate's Court as a civil debt notwithstanding any limitation as to the amount recoverable under the Judicature (Resident Magistrates) Act.

Recovery of debts.

Borrowing
powers.

12.—(1) Subject to the provisions of paragraph (2), the Authority may borrow such sums as may be required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Authority to borrow shall, as to amount, as to the source of borrowing, and as to the terms on which the borrowing may be effected, be exercisable only with the approval of the Minister responsible for finance and any approval given in any respects for the purposes of this paragraph may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

Minister of Finance
may guarantee
loans, etc., to
Authority.

13.—(1) With the approval of the House of Representatives signified by resolution, the Minister responsible for finance may guarantee, in such manner and on such conditions as he thinks fit the repayment of the principal and the payment of interest and charges on any authorized borrowing of the Authority.

(2) Where the Minister responsible for finance is satisfied that there has been default in the repayment of any principal moneys guaranteed under the provisions of this section or in the payment of interest or charges so guaranteed he shall direct the repayment or, as the case may be, the payment, out of the Consolidated Fund of the amount in respect of which there has been such default and any such repayment or payment shall be a charge on the Consolidated Fund.

(3) The Authority shall make to the Accountant-General, at such times and in such manner as the Minister responsible for finance may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

Returns, etc., by
Authority.

14. The Authority shall furnish the Minister with such returns, accounts and other information as he may require with respect to the activities of the Authority, and shall afford him facilities for verifying such information in such manner and at such times as he may reasonably require.

Annual reports.

15.—(1) The Authority shall, within six months after the end of each financial year or within such longer period as the Minister may in special circumstances approve, cause to be made and transmit to the Minister a report dealing generally with the activities of the Authority during the preceding financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may from time to time direct.