STATUTORY INSTRUMENTS

# 1993 No. 3160

# The Roads (Northern Ireland) Order 1993

## PART III

## SPECIAL ROADS

*Designation of special roads and classification of traffic*

**Designation of special roads**

**15.**—(1) Where the Department considers it expedient that—

(a) any existing road;

(b) any road in the course of construction; or

(c) any road proposed to be constructed,

should be designated as a special road, the Department may make an order (a "designation order") designating that road or proposed road as a special road.

(2) The Department shall not make a designation order in respect of an existing road unless it is satisfied that adequate alternative facilities for traffic, other than traffic authorised to use the road on its being opened for use as a special road, are available or will be made available before the date on which the road is opened for use as a special road.

(3) Without prejudice to any other provision of this Part, a designation order may authorise the Department to construct a new road where it appears to the Department to be necessary or desirable for any purpose connected with a special road and, where any such new road is constructed for temporary purposes, to close that road after such period as may be specified in or determined under the order.

**Classification of traffic for purposes of special roads**

**16.**—(1) A special road shall be for the use of such classes of traffic as may be prescribed in the designation order made in respect of that road and different classes of traffic may be so prescribed in relation to different parts of a special road.

(2) The classes of traffic prescribed by a designation order shall be prescribed by reference to the classes set out in Schedule 1.

(3) The Department may, by order made subject to negative resolution, vary the composition of any class of traffic set out in Schedule 1.

(4) An order under paragraph (3) may—

(a) provide that it does not affect the classes of traffic prescribed in an existing designation order; or

(b) contain provision applying the variations made by the order to existing designation orders, with or without exceptions.

(5) In paragraph (4) "existing designation order" means a designation order made before the order under paragraph (3) comes into operation.

*Restrictions applying to special roads*

*Art. 17 rep. by 1995 NI 19*

**Restriction of access, etc. in connection with special roads**

**18.**—(1) Subject to paragraph (2), the Department may make an order to authorise—

(a) the stopping-up of any private means of access to land abutting on or adjacent to a special road or land forming the site of any works authorised by a designation order;

(b) the provision of new means of access to any such land.

(2) No order shall be made under paragraph (1)(a) unless the Department is satisfied that—

(a) access to the land is not reasonably required; or

(b) another reasonably convenient means of access to the land is available or will be provided in pursuance of an order made by virtue of paragraph (1)(b).

(3) Any person, other than a person authorised by the Department, who constructs or alters any means of access to a special road shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Where—

(a) a person is convicted of an offence under paragraph (3); and

(b) he does not, within such period as the court may allow, remove or restore any means of access constructed or altered in contravention of that paragraph and make good any damage to the road,

then the Department may itself—

(i) remove or restore that means of access and make good any damage to the road; and

(ii) recover from that person any expenses thereby reasonably incurred by it.

**Compensation where rights of access stopped-up or restricted under Article 18**

**19.**—(1) Where—

(a) access to any land has been stopped-up in pursuance of an order made under Article 18(1)(a) or is limited by virtue of the restrictions imposed under this Part on the use of a special road; and

(b) any person has suffered damage in consequence thereof by the depreciation of any estate in the land to which he is entitled or by being disturbed in his enjoyment of the land,

he shall be entitled to recover from the Department compensation in respect of that damage.

(2) In assessing compensation to which any person is entitled by virtue of this Article regard shall be had to any new means of access provided or to be provided by the Department.

(3) Any question of disputed compensation arising under this Article shall be referred to and determined by the Lands Tribunal.

**Restrictions on use of special roads**

**20.**—(1) A special road shall not be used, except as provided by or under regulations made under this Article, by any traffic other than traffic of a class prescribed in relation to that road by the designation order made in respect of it.

(2) Until such date as may be declared by a notice published by the Department in the Belfast Gazette as the date on which a special road is open for use by traffic of the prescribed classes, no person shall use that special road unless he is authorised by the Department to do so.

(3) The Department may make regulations with respect to the use of special roads, and such regulations may, in particular—

(a) specify the manner in which and the conditions subject to which such roads may be used by traffic of the classes prescribed in relation to those roads in designation orders;

(b) authorise, or enable such authority as may be specified in the regulations to authorise, the use of such roads, on occasion or in emergency, or for the purpose of crossing, or for the purpose of securing access to land abutting on or adjacent to the roads, by traffic other than such traffic as aforesaid, or relax, or enable any such authority as aforesaid to relax, any prohibition or restriction imposed by the regulations.

(4) If any person uses a special road in contravention of paragraph (1) or (2), or of any regulations made under paragraph (3), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(5) This Article (other than paragraph (2) and so much of paragraph (4) as relates thereto) and any regulations made thereunder shall not apply to any part of a special road until the date declared by the notice mentioned in paragraph (2) as the date on which it is open for use by traffic of the prescribed classes, but nothing in this paragraph shall be construed as preventing the making of regulations under this Article so as to come into force, in relation to any such road, on that date.

**Prohibition and control of advertising, etc. on or near special roads**

**21.**—(1) Subject to paragraphs (2) and (3), any person who erects or exhibits or causes or permits to be erected or exhibited any advertisement or notice which is sited or designed wholly or mainly for the purpose of being visible to persons using a special road or which is likely to prejudice the safety of traffic using a special road shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Paragraph (1) shall not apply to—

(a) traffic signs or other notices erected or exhibited by, or by the direction of, an officer authorised by the Department or a member of the Royal Ulster Constabulary;

(b) advertisements or notices exhibited on any structure, wall, hoarding or other apparatus which was in use for the exhibition of advertisements or notices which are or would be visible to the users of a special road at the time of the first publication in relation to that road of the notice referred to in paragraph 1 of Schedule 8.

(3) The Department may by regulations exempt from the provisions of paragraph (1) advertisements or notices of any class or description specified in the regulations or situated in any areas so specified or which comply with such conditions, if any, as may be so specified.

(4) Any person convicted of an offence under paragraph (1) shall within such period as the court may allow remove any advertisement or notice exhibited or displayed in contravention of that paragraph, and if he fails to do so he shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding one-tenth of level 3 on the standard scale for each day upon which such failure continues.

(5) Where a person who has been convicted under paragraph (1) becomes liable to prosecution for an offence under paragraph (4), the Department may itself remove the advertisement or notice and do all such things as may be necessary for that purpose and may recover from that person any expenses thereby reasonably incurred by it.

(6) Where in the opinion of the Department any advertisement or notice referred to in paragraph (2)(b) is prejudicial to the safety of traffic using a special road, the Department may serve

a notice upon the owner or occupier of the land on which the advertisement or notice is situated directing him to remove the advertisement or notice (including any structure, wall, hoarding or other apparatus on which the advertisement or notice is exhibited) and, where a notice is so served, paragraphs 3 to 8 of Schedule 4 shall apply as if the notice had been served under Article 49.

*Service areas for special roads*

**Provision of service areas for users of special roads**

**22.** The Department may provide, or arrange for the provision of, service areas for users of special roads.

*Concession agreements relating to special roads*

**Concession agreements**

**23.**—(1) In this Part a "concession agreement" means an agreement entered into by the Department under which a person (the "concessionaire"), in return for undertaking such obligations as may be specified in the agreement with respect to the design, construction, maintenance, operation or improvement of a special road, is appointed to enjoy the right (conferred or to be conferred by a toll order under this Part) to charge tolls in respect of the use of the road.
References in this Part to a concession agreement are to the agreement as varied or supplemented from time to time.

(2) Except as otherwise expressly provided by any of the following provisions of this Part, the provisions of this Order apply in relation to a special road in relation to which a concession agreement is in force (referred to in this Part as a "road subject to a concession") as in relation to any other special road.

(3) A concession agreement shall provide that any land held by the concessionaire which in the opinion of the Department is required, in connection with the matters provided for in the agreement, for any purpose for which the Department may acquire land under Part IX shall be transferred to the Department without payment.

(4) A concession agreement relating to the design and construction of a special road shall provide that if a designation order is not made in respect of the road or the Department decides not to proceed with the proposed road, the Department shall pay to the concessionaire such compensation in respect of costs incurred by him as may be determined in accordance with the agreement.

(5) A concession agreement relating to the design and construction of a special road shall provide that if the concessionaire fails to complete the road in accordance with the agreement, he shall, without prejudice to any other liability, pay to the Department such compensation as may be determined in accordance with the agreement in respect of costs incurred by the Department.
Those costs shall be taken to include the relevant administrative expenses of the Department, including an appropriate sum in respect of general staff costs and overheads.

(6) Nothing in this Part shall be construed as restricting the powers of the Department with respect to a road subject to a concession—

(a) as to the matters which may be provided for in the concession agreement or as to the making of agreements of any other description for any purpose connected with the special road; or

(b) as to the acquisition, by agreement or compulsorily, of any land which in the opinion of the Department is required, in connection with the road, for any purpose for which the Department may acquire land under Part IX.

(7) Nothing in a concession agreement shall be construed as affecting the status of the road subject to the concession as a public road maintainable by the Department.

### Exercise of road functions by concessionaire

**24.**—(1) A concession agreement may authorise the concessionaire to exercise on behalf of the Department such road functions to which this Article applies as may be specified in the agreement.

(2) For this purpose "road functions" means all functions in relation to the road subject to the concession which are exercisable by the Department and this Article applies to all such functions, except—

(a) powers to make orders or regulations under this Order;

(b) powers to make regulations or orders, or give directions, under the**[**[F1] Road Traffic (Northern Ireland)**[**[F2] Order 1995 and the Road Traffic Regulation (Northern Ireland) Order 1997**]]**; and

(c) such other functions as may be prescribed by the Department by regulations.

(3) A road function exercisable by the concessionaire may be exercised by the Department only—

(a) in an emergency; or

(b) if it appears to the Department that such exercise is necessary or expedient in the interests of road safety; or

(c) if it appears to the Department that the concessionaire has failed or is unable properly to discharge the function in any respect;

and the Department shall not be liable for anything done or omitted by the concessionaire in the exercise or purported exercise of a road function.

(4) The Department may recover from the concessionaire the costs incurred by it in exercising in the circumstances mentioned in paragraph (3)(a), (b) or (c) a road function exercisable by the concessionaire.

(5) The concessionaire shall in the exercise of a road function act in accordance with the terms of the concession agreement; and the agreement may provide for the withdrawal of the concessionaire's authority to exercise any such function.

**F1** 1995 NI 18
**F2** 1997 NI 2

### Provisions as to traffic regulation

**25.**—(1) The following provisions have effect with respect to the operation of the**[**[F3] Road Traffic Regulation (Northern Ireland) Order 1997 (in this Article referred to as "the Regulation Order")**]** in relation to a road subject to a concession.

(2) The Department shall consult the concessionaire before making any regulations or order under the**[**[F3] Regulation Order**]** specifically relating to the road.

(3) The concessionaire may cause or permit traffic signs (within the meaning of Article 2(2) of the**[**[F3] Regulation Order**]**) to be placed on or near the road, but subject to any directions given by the Department.
If the concessionaire fails to comply with a direction of the Department as to the placing of traffic signs, the Department may carry out the work required and recover from the concessionaire the expenses reasonably incurred by it in doing so.

(4) The concessionaire may impose restrictions or prohibitions under**[**[F3] Article 7 of the Regulation Order**]** on the use of the road; and any such restrictions or prohibitions shall have the same effect as restrictions or prohibitions imposed by the Department.

(5) **[**[F3]Article 7 of, and Schedule 3 to, the Regulation Order**]** shall apply in relation to the imposition of restrictions or prohibitions by the concessionaire with the substitution for references to the Department of references to the concessionaire.

(6) Before imposing any restriction or prohibition by virtue of paragraph (4) the concessionaire shall consult with the Department concerning the use by traffic affected by the restriction or prohibition of suitable alternative routes.

(7) A restriction or prohibition imposed by the concessionaire by virtue of paragraph (4) may be revoked or varied by the Department and shall cease to have effect if a restriction or prohibition inconsistent with it is imposed by the Department under**[**[F3] Article 7 of the Regulation Order**]**.

**F3** 1997 NI 2

### Leasing of land to concessionaire

**26.**—(1) Where the Department has entered into a concession agreement it may grant to the concessionaire a lease of any land if it appears to the Department to be expedient to do so for the purpose of or in connection with the exercise by the concessionaire of his functions under the agreement.

(2) No statutory provision or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of an agreement between the Department and the concessionaire as to the terms on which land which is the subject of a lease granted under paragraph (1) is provided for the concessionaire's use.

(3) Accordingly no such statutory provision or rule of law applies in relation to the rights and obligations of the parties to a lease so granted—

(a) so as to exclude or modify in any respect any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;

(b) so as to confer or impose on either party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease;

(c) so as to restrict the enforcement (whether by action for damages or otherwise) by either party to the lease of any obligation of the other party under the lease.

### Transfer or termination of concession

**27.**—(1) The rights of a concessionaire under a concession agreement may be assigned with the consent of the Department and references in this Part to the concessionaire shall be construed as references to the person for the time being entitled to exercise those rights.

(2) On the termination of a concession agreement (by effluxion of time or otherwise) there shall be transferred to the Department by virtue of this Article all such property, rights and liabilities of the concessionaire as in accordance with the concession agreement fall to be so transferred in the circumstances.
Schedule 2 contains supplementary provisions with respect to that transfer.

(3) Where a concession agreement terminates or is terminated before the end of the toll period, the Department—

(a) shall take reasonable steps to secure the appointment of a new concessionaire; and

(b) may, for a period of not more than two years until a new appointment or an extension toll order takes effect or the toll period ends, charge and collect tolls in the same way as a concessionaire.

(4) A concession agreement may contain provision as to the circumstances in which, and extent to which, any sum received by the Department—

(a) in consideration for the appointment of a new concessionaire; or

(b) by way of tolls collected by virtue of paragraph (3)(b),

is to be applied for the benefit of the former concessionaire or his creditors, as the case may be.

*Toll orders*

**Toll orders**

**28.**—(1) The Department may make an order authorising the charging of tolls (a "toll order") in relation to a special road proposed to be provided by the Department.

(2) The order shall state whether it authorises the charging of tolls by a concessionaire or by the Department.

(3) Schedule 3 has effect as to the making of a toll order.

(4) The proceedings required to be taken in relation to a toll order shall (so far as practicable) be taken concurrently with the proceedings required to be taken in relation to the designation order in respect of the road to which the toll order relates.

(5) The Department shall not make the designation order or the toll order unless it makes them both.

**The toll period**

**29.**—(1) A toll order shall provide for tolls to be chargeable for a period (the "toll period") specified in or determined in accordance with the order.

(2) The order may provide for the toll period to end—

(a) on a date, or at the end of a period, specified in the order; or

(b) on a date determined by reference to—

(i) the achievement of a specified financial objective; or

(ii) the passage of a specified number of vehicles;

or such other factors, or combinations of factors, as may be specified in the order; or

(c) on whichever is the earlier or later of dates specified in or determined in accordance with the order.

(3) In the case of a toll order authorising the charging of tolls by a concessionaire, it is for the Department to decide any matter relevant to determining the date on which the toll period ends.

**Amount of tolls chargeable by concessionaire**

**30.**—(1) A toll order authorising the charging of tolls by a concessionaire shall specify the maximum tolls which may be charged if, and only if, the road to which the order relates consists of or includes a major crossing to which there is no reasonably convenient alternative.

(2) The Department may make provision by regulations as to what is to be treated as a major crossing for this purpose and as to the circumstances in which another route is to be taken to be, or not to be, a reasonably convenient alternative.

(3) Subject to any such regulations, a major crossing means a crossing of navigable waters more than 100 metres wide and a reasonably convenient alternative means another crossing (other than a road ferry) which is free of toll and is within five miles of the crossing in question.
For this purpose—

(a) the width of tidal waters shall be ascertained by reference to the mean high-water mark and the width of other waters by reference to the ordinary limits of the waters; and

(b) the distance getween two crossings shall be taken to be the shortest distance between the centre lines of the two crossings.

(4) The order shall specify the maximum tolls which may be charged for the use of the crossing or any length of the road including the crossing; and if the condition as to absence of a reasonably convenient alternative is satisfied in relation to certain types of traffic only, the order shall make provision only in relation to those types of traffic.
If that condition ceases to be satisfied, generally or in relation to certain types of traffic, the provisions of the order as to maximum tolls shall cease to apply, or cease to apply to that type of traffic, for so long as that remains the case.

(5) The order may specify different maxima for different descriptions of traffic (which need not correspond with the classes of traffic prescribed by the designation order) and may provide for the amounts to be varied in accordance with a formula specified in the order.

(6) Regulations under this Article shall not apply in relation to an order if notice of the draft order, and of the relevant draft designation order, have been published before the regulations come into operation.

**Amount of tolls chargeable by Department**

**31.**—(1) A toll order authorising the charging of tolls by the Department shall in every case specify the maximum tolls which may be charged for the use of the road or any length of the road in respect of which tolls are charged.

(2) The order may specify different maxima for different descriptions of traffic (which need not correspond with the classes of traffic prescribed by the designation order) and may provide for the amounts to be varied in accordance with a formula specified in the order.

**Application of statutory provisions relating to monopolies, etc.**

**32.**—(1) For the purposes of—

(a) the Fair Trading Act 1973[F4];

*Sub#paras. (b), (c) rep. by SI 2000/311*

a person authorised by a toll order to charge tolls shall be deemed to supply a service, namely, providing the facility to use the road in return for the toll charged.

(2) Where the toll charged is subject to a maximum specified by the toll order, the Fair Trading Act 1973 has effect—

(a) as if the service deemed by paragraph (1) to be supplied were among those listed in Part I of Schedule 7 to that Act (services excluded from Director's power to make monopoly reference); and

(b) as if, in relation to any such service, the Head of the Department were among the persons listed in section 51(3) of that Act (persons whose concurrence is required for monopoly reference by the Secretary of State).

**F4** 1973 c. 41

### Variation or revocation of toll order

**33.**—(1) Subject to paragraphs (2) and (3), a toll order may be varied or revoked by an order made by the Department under this Article.

(2) A toll order may not be varied so as to extend the toll period; and a toll order which does not authorise the charging of tolls in respect of the whole length of the special road to which it relates may not be varied so as to extend the length of road in respect of which tolls may be charged.

(3) A toll order relating to a road subject to a concession may not be varied or revoked without the consent of the concessionaire.

(4) An order under this Article may contain such supplementary, incidental and transitional provisions as appear to the Department to be necessary or expedient.

(5) An order under this Article shall be subject to negative resolution and the provisions of Schedule 3 shall not apply to such an order.

### Extension toll orders

**34.**—(1) The Department may make an order (an "extension toll order") authorising the charging of tolls by the Department in relation to a road which is or has been subject to a concession.

(2) Any extension toll order must be made so as to come into operation not later than—

(a) the end of the toll period under the previous toll order; or

(b) where the concession agreement terminates or is terminated before the end of that period, two years after the termination of the agreement,

whichever is the earlier.

(3) The following provisions of this Part apply in relation to an extension toll order as in relation to a toll order under Article 28(1)—

Article 29(1) and (2) (the toll period);

Article 31 (amount of tolls chargeable by Department);

Article 32 (application of statutory provisions relating to monopolies, etc.);

Article 33 (variation or revocation of order);

Articles 35 to 39 (further provisions with respect to tolls); and

Article 40 (annual report by Department).

(4) An extension toll order shall be subject to negative resolution and the provisions of Schedule 3 shall not apply to such an order.

*Further provisions with respect to tolls*

### Further provisions as to charging of tolls

**35.**—(1) A toll order may contain provision exempting from liability for tolls such descriptions of traffic as may be specified in the order.
This does not affect the power of the person authorised by the order to charge tolls to grant such other exemptions from toll as he thinks fit.

(2) A toll order shall contain provision exempting from liability to pay any toll—

(a) a vehicle being used for police purposes;

(b) an ambulance as defined in section 4(2) of the Vehicles (Excise) Act 1971[F5];

(c) a fire engine as so defined;

(d) a vehicle exempt from duty under that Act by virtue of—

section 4(1)(g) of that Act (invalid carriages);

section 4(1)(kb) of that Act (vehicles used for carriage of disabled persons by recognised bodies); or

section 7(2) of that Act (vehicles used by or for purposes of disabled person).

(3) A person authorised by a toll order to charge tolls may, subject to the provisions of the order—

(a) suspend the collection of tolls;

(b) enter into agreements under which persons compound in advance, on such terms as may be agreed, for the payment of tolls;

(c) charge different tolls according to—

(i) the distance travelled; or

(ii) the day, time of day, week, month or other period; and

(d) charge different tolls for different descriptions of traffic.

In the case of a concessionaire the powers mentioned above are exercisable subject to the provisions of the concession agreement.

**F5** 1971 c. 10

### Collection of tolls

**36.**—(1) The Department may make provision by regulations with respect to the collection of tolls in pursuance of a toll order.

(2) Regulations may, in particular, impose requirements with respect to—

(a) the displaying of lists of tolls; and

(b) the manner of implementing changes in the amount of tolls;

and where any such requirements are imposed, a toll may not be demanded unless they are, or as the case may be have been, complied with.

(3) A person who in respect of the use of a road to which a toll order relates demands a toll—

(a) which he is not authorised to charge; or

(b) which by virtue of paragraph (2) may not be demanded,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### Refusal or failure to pay tolls

**37.**—(1) A person who without reasonable excuse refuses or fails to pay, or who attempts to evade payment of, a toll which he is liable to pay by virtue of a toll order shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If it appears to a person employed for the purpose of collecting tolls that a person has, without reasonable excuse, refused or failed to pay a toll which he is liable to pay by virtue of a toll order, he may—

(a) refuse to permit him to pass, or prevent him from passing, through any place at which tolls are payable; and

(b) require him to remove his vehicle from any such place by a particular route, and if he does not comply with such a requirement cause the vehicle to be so removed;

and for the purpose of exercising the powers conferred by this paragraph, a person employed for the purpose of the collection of tolls may call upon such assistance as he thinks necessary.

(3) Where a person does not comply with a requirement under paragraph (2)(b) as to the removal of his vehicle, he is liable to pay a prescribed charge in respect of the removal of the vehicle.

(4) Where there remains unpaid—

(a) a toll which a person is liable to pay by virtue of a toll order; or

(b) a prescribed charge which he is liable to pay by virtue of paragraph (3),

the person authorised to charge tolls may recover from the person liable the amount of the toll or charge together with a reasonable sum to cover administrative expenses.

(5) In this Article a "prescribed charge" means such charge as may be specified in, or calculated in accordance with, regulations made by the Department.
The regulations may provide for the amount of the charge, or any amount used for the purpose of calculating the charge, to be varied in accordance with a formula specified in the regulations.

**Facilities for collection of tolls**

**38.**—(1) A person authorised by a toll order to charge tolls may set up and maintain facilities for the collection of tolls.
The consent of the Department is required for the setting up of any such facilities by a concessionaire.

(2) Those responsible for the design and construction of facilities for the collection of tolls, and those responsible for the collection of tolls at such facilities, shall have due regard to the need to avoid delaying the passage of such vehicles as are mentioned in Article 35(2)(a), (b) or (c) (police vehicles, ambulances and fire engines).

(3) The power of the Department under Article 110 to acquire land for the provision of service areas includes, in the case of a road subject to a toll order, power to acquire any land required for the purpose of setting up facilities for the collection of tolls.

(4) Facilities for the collection of tolls are exempt from rating and shall not be included in any valuation list.

(5) In this Article "facilities for the collection of tolls" means such buildings, structures or other facilities within the boundary of the road, or on land adjoining the road, as are reasonably required for the purpose of or in connection with the collection of tolls in pursuance of a toll order.

**Restriction of access to toll roads**

**39.**—(1) Where a toll order is in force in relation to a road subject to a concession, no other road shall be so constructed as to afford access to that road except with the consent of the concessionaire.

(2) Where a toll order is in force in relation to a road, no means of access to that road shall be constructed except with the consent of the Department and, where the road is subject to a concession, of the concessionaire.

(3) Paragraph (2) does not apply to—

(a) a means of access afforded by a road;

(b) a means of access to a weighbridge maintained by the Department under**[**[F6] Articles 86 and 87 of the Road Traffic (Northern Ireland) Order 1995**]**; or

(c) a means of access constructed by or on behalf of a Northern Ireland department or a department of the Government of the United Kingdom which—

(i) affords access to premises occupied for the purposes of that department; and

(ii) the department is satisfied is reasonably required for discharging any function of the department.

**F6** 1995 NI 18

### Annual report

**40.**—(1) The Department shall in respect of each calendar year lay before the Assembly a report—

(a) stating the number of concession agreements entered into by it during the year;

(b) stating the number of new roads opened to public use during that year which at the time of their opening were subject to a concession;

(c) listing the toll orders, and orders varying or revoking toll orders, made in that year; and

(d) containing such information as appears to it to be appropriate with respect to the toll orders (whenever made) which are in operation during that year or any part of it.

(2) The report shall be laid on or before 31st July in the following calendar year.

(3) Paragraph (1) does not require the laying of a report in respect of any calendar year if—

(a) the number falling to be included in any such report under sub-paragraphs (a) and (b) of that paragraph would be nil; and

(b) no matters would fall to be included in any such report under sub-paragraphs (c) and (d) of that paragraph.

*Supplementary*

### Powers under this Part to be cumulative

**41.** The powers conferred on the Department by this Part shall, unless the context otherwise requires, be construed as being in addition to and not in derogation of the powers conferred on the Department by any other Part of this Order or by any other statutory provision.

### Interpretation of Part III

**42.** The expressions listed below are defined or otherwise fall to be construed for the purposes of this Part in accordance with the provisions indicated—

| | |
|---|---|
| concession agreement | Article 23(1) |
| concessionaire | Articles 23(1) and 27(1) |
| designation order | Article 15(1) |
| extension toll order | Article 34(1) |
| road subject to a concession | Article 23(2) |
| toll order | Article 28(1) |
| toll period | Article 29(1) |

**Changes to legislation:**
There are currently no known outstanding effects for the The Roads (Northern Ireland) Order 1993, PART III.