

## SCHEDULES

### SCHEDULE 3

Article 28(3).

#### PROCEDURE IN CONNECTION WITH TOLL ORDERS

##### *Publicity for proposals*

1.—(1) Where the Department proposes to make a toll order, it shall prepare a draft of the order and shall publish in at least one local newspaper circulating in the area in which the proposed special road is to be situated a notice—

- (a) stating the general effect of the proposed order;
- (b) specifying a place in that area where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period specified in the notice, being a period of not less than 30 days from the date of the publication of the notice; and
- (c) stating that, within that period, any person may by notice to the Department object to the making of the order.

(2) Where the special road to which the toll order relates is to be subject to a concession, the Department shall make available for inspection with the copy of the draft order a statement containing such information as the Department considers appropriate with respect to the concessionaire and the concession agreement.

The notice under sub-paragraph (1) shall indicate that such a statement will be so available for inspection.

(3) Before or after the end of the period specified in the notice in pursuance of sub-paragraph (1), the Department may by a further notice published in the same manner substitute a longer period for that specified in the first notice.

##### *Making of objections*

2.—(1) A person who objects to the making of a toll order shall include in the notice of objection a statement of the grounds of objection.

(2) If that is not done, the Department may disregard the objection.

##### *Local inquiry*

3.—(1) If an objection is received by the Department within the period specified for making objections, and is not withdrawn, then the Department shall cause a local inquiry to be held unless it is satisfied that in the circumstances of the case it is unnecessary.

(2) The period specified for making objections means the period specified in the notice under paragraph 1(1) or any longer period substituted by a further notice under paragraph 1(3).

*Status: This is the original version (as it was originally made).*

*Making or confirmation of order*

- 4.—(1) The Department, after considering—
- (a) any objections which are not withdrawn; and
  - (b) where a local inquiry is held, the report of the person who held the inquiry,
- may make the order either without modification or subject to such modifications as it thinks fit.
- (2) Where it proposes to make the order subject to modifications which will in its opinion make a substantial change in the order, the Department shall—
- (a) notify any person who appears to it to be likely to be affected by the proposed modifications;
  - (b) give that person an opportunity of making representations with respect to the modifications within such reasonable period as it may specify; and
  - (c) consider any representations made to it within that period with respect to the proposed modifications.

*Assembly procedure*

- 5.—(1) Except as provided by sub-paragraph (2), a toll order shall be subject to negative resolution.
- (2) A toll order shall be subject to affirmative resolution where—
- (a) the proposed special road to which the order relates includes in its proposed route any existing road; and
  - (b) the toll order authorises the charging of tolls for the use of that existing road or any part of it,
- unless the Department is satisfied as regards all classes of traffic entitled to use the existing road that another reasonably convenient route free of toll is available, or will be provided before the date on which the toll order will come into operation, and certifies accordingly.
- (3) Where the Department proposes to give such a certificate, it shall—
- (a) give public notice of its intention to do so;
  - (b) afford an opportunity to all persons interested to make representations and objections; and
  - (c) cause a public local inquiry to be held if it appears to it to be expedient to do so, having regard to representations or objections made,

and before deciding whether to give the certificate the Department shall consider any representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry.

- (4) As soon as may be after giving a certificate, the Department shall publish in the Belfast Gazette, and in such other manner as it thinks best for informing persons affected, a notice stating that the certificate has been given.