

THE TOLL ROADS ACT

REGULATIONS
(under section 4)

The Toll Authority (Management) Regulations, 2003

L.N. 108/2003

NOTICE
(under section 5 (2))

The Toll Roads (Approved Location of Tyre Deflation Devices) Notice, 2013

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ORDER
(under section 8 (1))

The Toll Roads (Designation of Highway 2000 Phase 1) Order, 2002

L.N. 23f/2002

The Toll Roads (Designation of Highway 2000 — North-South Link) Order, 2012

L.N. 109/2012

ORDER
(under section 8 (3))

The Highway 2000 (Part of Phase 1) Toll Order, 2006

L.N. 132/2006
69/2007
92/2008
108/2009
83/2011
89/2012
124/2012
90/2013

ORDER
(under section 23 (1))

(Omitted)

NOTICE
(under section 23 (3)(a))

The Toll Roads (Particulars Required in Application for Permission to Levy Toll) Notice, 2003

L.N. 114A/2003

REGULATIONS
(under section 32 (1))

The Toll Roads (Publication of Particulars to be Included in Toll Application) Regulations, 2003

L.N. 114D/2003

The Toll Roads (Tyre Deflation Device) Regulations, 2013

L.N. 1/2013

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.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid in the House of Representatives and the Senate.

Administration

16.—(1) The Authority may appoint and employ, at such remuneration, and on such terms and conditions as it thinks fit, a Chief Executive Officer, a Secretary, technical advisers and such other officers and employees as the Authority deems necessary for the proper carrying out of its functions:

Appointment of
officers and
other
employees.

Provided that—

- (a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister; and
- (b) no appointment shall be made to any post to which salary in excess of the prescribed rate is assigned without the prior approval of the Minister.

(2) For the purposes of paragraph (1), the “prescribed rate” means such rate as the Minister may, by order, prescribe.

(3) The Governor-General may, subject to such conditions as he may impose, approve the appointment of any public officer in the service of the Government to any office within the Authority, and any public officer so appointed shall, while so employed, in relation to any pension, gratuity or other allowance and in relation to any other rights as a public officer, be treated as continuing in the service of the Government.

17. The Authority may, with the approval of the Minister—

- (a) enter into arrangements respecting schemes, whether by way of insurance policies or otherwise; and
- (b) make regulations,

for medical benefits, pensions, gratuities and other retiring benefits or disability or death benefits, relating to employees of the Authority and such arrangements or regulations may include provisions for the grant of benefits to the dependants and the legal personal representatives of such employees.

SCHEDULE

(Regulation 3)

The Toll Authority Constitution of Authority

Constitution of Authority.

1.—(1) The Authority shall consist of not less than seven nor more than eleven members.

(2) The Chief Executive Officer of the National Works Agency or his nominee and the Permanent Secretary in the Ministry responsible for transport or his nominee shall be *ex officio* members of the Authority.

(3) The other members of the Authority (hereinafter referred to as “the appointed members”) shall be appointed from among persons who are qualified as having knowledge of, or experience in, matters relating to law, engineering, road maintenance or design, architecture, transport, accountancy, economics or finance.

Appointment of members.

2. The appointed members shall be appointed by the Minister by instrument in writing.

Chairman and Deputy Chairman.

3.—(1) The Minister shall appoint a chairman and a deputy chairman from among the appointed members of the Authority.

(2) In the case of the absence or inability to act of the chairman, the deputy chairman shall perform the functions of the chairman.

(3) In the case of the absence or inability to act of both the chairman and deputy chairman, the Minister may appoint any other member of the Authority to perform the functions of the chairman, or, as the case may be, the deputy chairman during such absence or inability.

Gazetting of appointment.

4. The names of all members of the Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Tenure of office.

5.—(1) Subject to the provisions of this Schedule, an appointed member of the Authority shall hold office for such period not exceeding three years as may be specified in the instrument of appointment.

(2) Every appointed member of the Authority shall be eligible for reappointment but no member shall be appointed for more than six consecutive years.

(3) If any vacancy occurs in the appointed membership of the Authority such vacancy shall be filled by the appointment of another appointed member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous appointed member was appointed.

Grant of leave of absence.

6. The Minister, on the application of any appointed member of the Authority, may grant to such member leave of absence for any period not exceeding six months and may appoint some other person to act as a member during the period of leave of absence so granted.

Resignation of members.

7.—(1) An appointed member of the Authority, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of receipt by the Minister of such instrument, the member shall cease to be a member of the Authority.

(2) The chairman may, at any time, resign his office by instrument in writing addressed to the Minister and his resignation shall take effect from the date of the receipt of the instrument by the Minister.

8.—(1) The Authority shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Authority may determine.

Procedure and meetings.

(2) The chairman may at any time call a special meeting of the Authority and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any three members of the Authority.

(3) The chairman or, in the case of the inability to act of the chairman, the deputy chairman shall preside at the meetings of the Authority and in the absence of both the chairman and the deputy chairman from any meeting, the members of the Authority present shall elect one of their number to preside at that meeting and when so presiding the chairman, the deputy chairman or the member elected as aforesaid, as the case may be, shall have, in addition to an original vote, a casting vote in any case in which the votes are equal.

(4) The quorum of the Authority shall be four.

(5) Subject to the provisions of this Schedule, the Authority may regulate its proceedings.

(6) The validity of any proceedings of the Authority shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

9.—(1) The seal of the Authority shall be authenticated by the signature of the chairman or any other member of the Authority authorized to act in that behalf or any officer of the Authority so authorized and shall be judicially and officially noticed.

Authentication of seal and documents.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the chairman or any member or officer of the Authority authorized to act in that behalf.

10. There shall be paid to the chairman, the deputy chairman, and other members of the Authority, such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Minister may determine.

Remuneration of members.

11.—(1) The Authority may, with the approval of the Minister, appoint committees for special purposes connected with the functions of the Authority and which, in the opinion of the Authority, would be better regulated and managed by means of committees.

Appointment of committees.

(2) The number of members of a committee appointed under sub-paragraph (1), the terms of appointment of such members, the quorum of the committee and the area within which the committee is to exercise authority shall be determined by the Authority.

(3) A committee appointed pursuant to this paragraph may include persons who are not members of the Authority, but at least one of the members of any such committee shall be a member of the Authority.

(4) The provisions of paragraph 12 shall apply to a member of a committee who is not a member of the Authority in like manner as they apply to a member of the Authority.

(5) The validity of the proceedings of a committee appointed pursuant to this paragraph shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

Protection of
members.

12.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Authority in respect of any act done *bona fide* in pursuance or execution or intended execution of these Regulations.

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this paragraph, the Authority shall be liable to the extent that it would be if the said member were an employee or an agent of the Authority.

Disclosure of
interest.

13. A member of the Authority who is directly or indirectly interested in any matter which is being dealt with by the Authority—

(a) shall as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Authority; and

(b) shall not be present during the deliberation of the authority on the matter or take part in the decision of the Authority with respect thereto.

Office of members
not public office.

14. The office of the Chairman, Deputy Chairman, or member of the Authority shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

THE TOLL ROADS ACT

NOTICE

(under section 5(2))

THE TOLL ROADS (APPROVED LOCATION OF TYRE DEFLATION DEVICES)

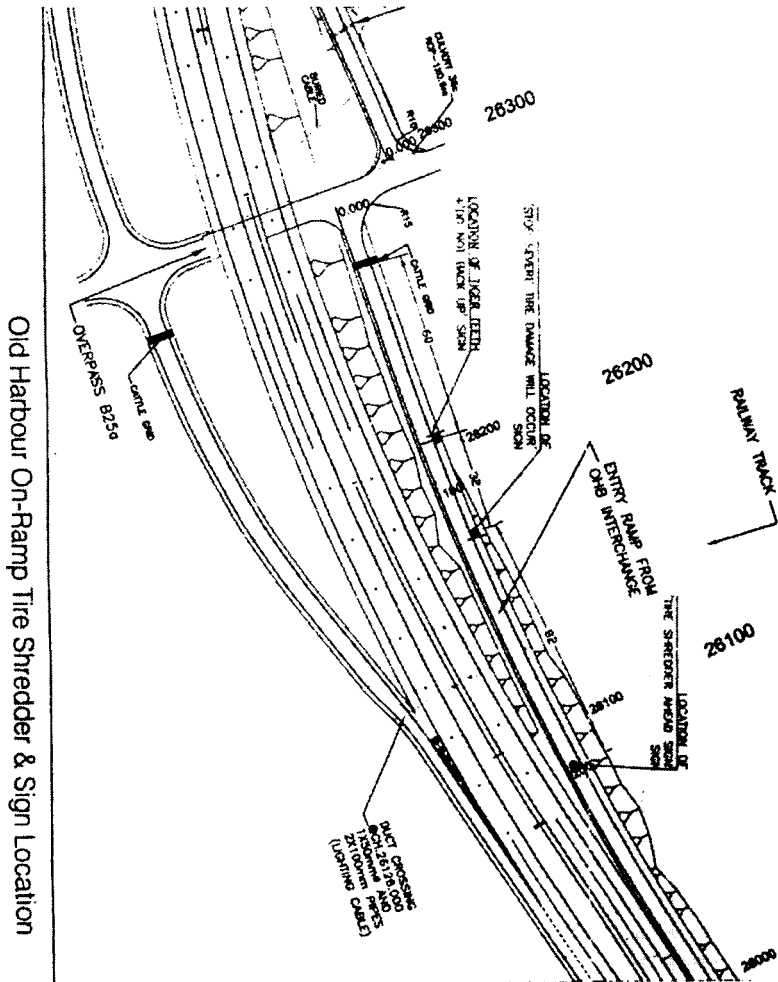
NOTICE, 2013

(Approved by the Toll Authority on the 27th day of September, 2013)

L.N. 2021/2013

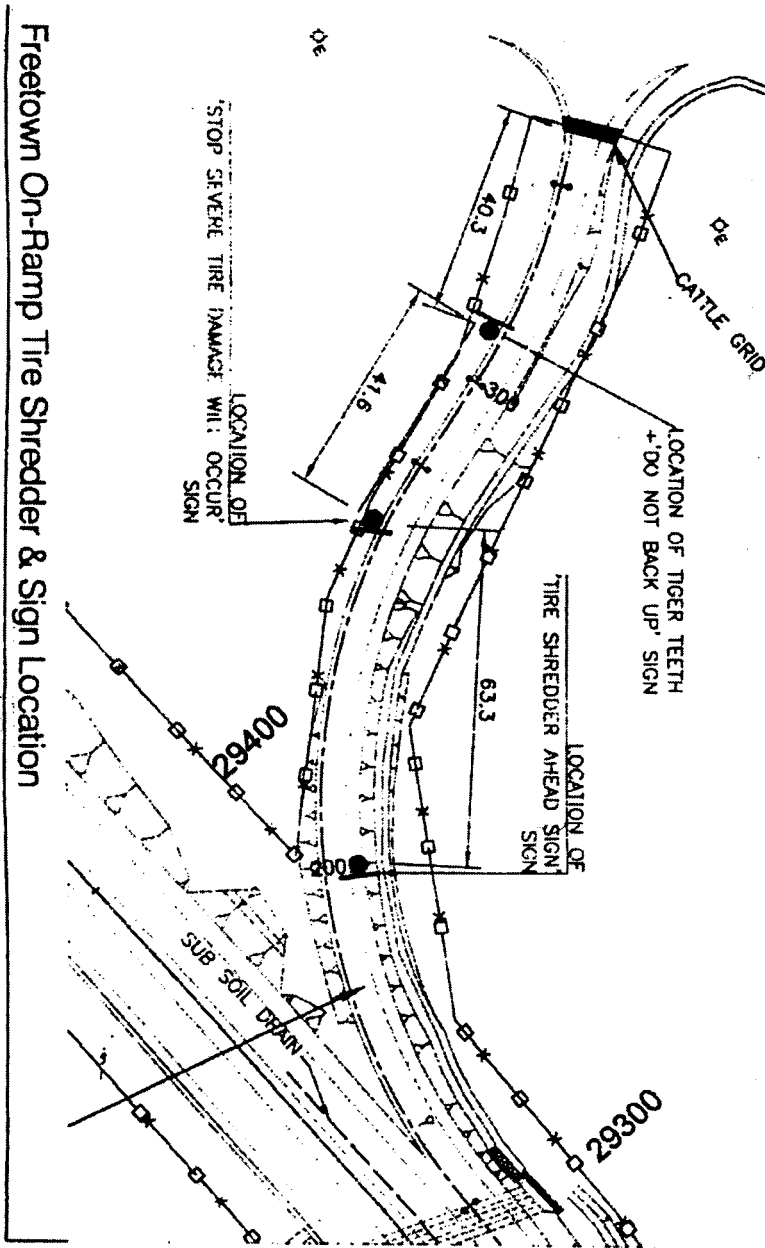
SCHEDULE

1. Old Harbour On-Ramp



Note: The tyre deflation device shall be installed 60 metres west of the cattle grid, as indicated on the map.

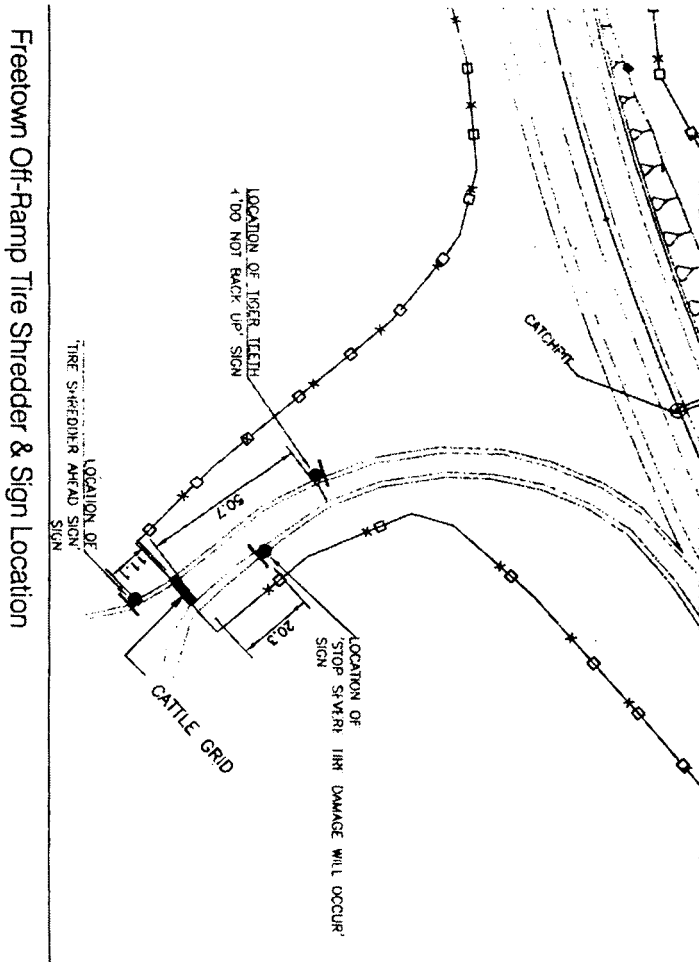
2. Freetown On-Ramp



Note: The tyre deflation device shall be installed 40.3 metres west of the cattle grid, as indicated on the map.

SCHEDULE, *contd.*

3. Freetown Off-Ramp



Note: The tyre deflation device shall be installed 50.7 metres west of the cattle grid, as indicated on the map.

THE TOLL ROADS ACT

ORDER
(under section 8 (1))THE TOLL ROADS (DESIGNATION OF HIGHWAY 2000 PHASE 1)
ORDER, 2002

(Made by the Minister on the 12th day of March, 2002)

L.N. 23F/2002

1. This Order may be cited as the Toll Roads (Designation of Highway 2000 Phase I) Order, 2002.

2. In this Order—

“grantor” means the National Road Operating and Constructing Company Limited, a limited liability company duly incorporated under the Companies Act;

“developer” means the Transjamaican Highway Limited, a limited liability company duly incorporated under the Companies Act.

3. The areas described in the First Schedule are hereby designated as a toll road and shall be known as “Highway 2000 Phase 1”.

First
Schedule.

4. The grantor is hereby authorized to—

(a) design, finance, construct, maintain, operate and improve the toll road; and

(b) levy, collect and retain toll in respect of the use of the road,

in accordance with the concession agreement dated November 21, 2001 between the grantor and the developer.

5. The grantor, in accordance with the terms and conditions set out in the concession agreement, is hereby authorized to delegate to the developer the obligation to design, finance, construct, maintain, operate and improve the toll road and to levy, collect and retain toll in respect of the toll road.

6. The link road and Dyke Road, the junction between Portmore Causeway and Marcus Garvey Drive and the Portmore Mall Roundabout shall be handed back to the grantor on completion of the improvement as provided for in the concession agreement.

7. For the purpose of section 8(2) of the Act, the alternative routes are as set out in the Second Schedule.

Second
Schedule.

FIRST SCHEDULE

(Paragraph 3)

Description of Areas Designated as Highway 2000 Phase 1

The areas designated as a toll road to be known as "Highway 2000 Phase I" are as follows—

- (a) Kingston to Williamsfield (approximately 72 kilometres incorporating approximately 13 kilometres of the 2-lane Old Harbour Bypass currently under construction, portions of the proposed Porus Bypass within the pre-defined Right of Way, 5 kilometres of the existing Melrose Bypass (2 and 3 lane provision) and including connections to Dyke Road and the Mandela Highway in Kingston and to Highway A2 at Williamsfield); and
- (b) Portmore Causeway/Dyke Road Upgrading (approximately 11.5 kilometres of 6 and 2 lane arterial roadway from 100 metres east and 100 metres north of the Marcus Garvey Drive/Causeway Road intersection, including upgrading and reconstruction of the intersection to the Dyke Road/Portmore Access Road interchange and including a new 6 lane crossing of Hunt's Bay and demolition of the existing bridge) and including a new 2-lane road link through Portmore and along the existing Dyke Road.

SECOND SCHEDULE

(Paragraph 7)

Description of Alternative Routes

The alternative routes for the areas known as Highway 2000 Phase 1 are—

- (a) in relation to the Portmore Causeway, along the Mandela Highway onto the Dyke Road through Gregory Park and into Portmore and *vice versa*; and
- (b) in relation to the Sandy Bay route, along the Mandela Highway, the Spanish Town Bypass, onto Old Harbour Road to Bushy Park and the Bustamante Highway and *vice versa*.

THE TOLL ROADS ACT

ORDER

(under section 8(1))

THE TOLLS ROADS (DESIGNATION OF HIGHWAY 2000 – NORTH SOUTH LINK)
ORDER, 2012

(Made by the Minister on the 27th day of July, 2012)

L.N. 109/2012

1. This Order may be cited as the Toll Roads (Designation of Highway 2000—North-South Link) Order, 2012

2. In this Order—

“concession agreement” means the agreement signed between the Government of Jamaica through the National Road Operating and Constructing Company Limited and the Jamaica North South Highway Company Limited on the 21st day of June, 2012;

“developer” means the Jamaica North South Highway Company Limited;

“grantor” means the National Road Operating and Constructing Company Limited.

3. The areas described in the First Schedule are hereby designated as a toll road and shall be known as the “Highway 2000—North South Link”.

First Schedule

4. The grantor is hereby authorized to—

(a) design, finance, construct, maintain, operate and improve the toll road; and

(b) levy, collect and retain toll in respect of the use of the road, under the concession agreement.

5. The grantor, in accordance with the terms and conditions set out in the concession agreement, is hereby authorized to delegate to the developer, the obligation to design, finance, construct, maintain, operate and improve the toll road and to levy, collect, and retain toll in respect of the toll road.

6. For the purpose of section 8(2) of the Act, the alternative routes are as set out in the Second Schedule.

Second
Schedule

FIRST SCHEDULE

(Paragraph 3)

Description of Areas Designated as Highway 2000—North South Link

The description of areas designated as a toll road to be known as "Highway 2000— North South Link" is approximately 68 kilometres of the roadway from Caymanas to Ocho Rios (Mammee Bay) consisting of the following sections—

- (a) Section 1—Caymanas to Linstead (27.5 kilometres);
- (b) Section 2—Linstead Bypass to Moneague (Mount Rosser Bypass) (19 kilometres);
- (c) Section 3—Moneague to Mammee Bay (21.3 kilometres).

SECOND SCHEDULE

(Paragraph 6)

The alternative routes for the areas known as Highway 2000—North South Link are—

- (a) in relation to Section 1, along the Mandela Highway to Spanish Town and then through the Gorge to Bog Walk and Linstead;
- (b) in relation to Section 2, from Linstead Bypass through Ewarton to Moneague (Mount Rosser);
- (c) in relation to Section 3, from Moneague to Ocho Rios.

THE TOLL ROADS ACT

ORDER
(under section 8(3))

THE HIGHWAY 2000 (PART OF PHASE 1) TOLL ORDER, 2006

(Made by the Minister on the 7th day of July, 2006)

L.N. 132/2006
69/2007
Amdt. 92/2008
108/2009
83/2011
89/2012
124/2012
90/2013

1. This Order may be cited as the Highway 2000 (Part of Phase 1) Toll Order, 2006.

2. In this Order—

“concession agreement” means the concession agreement in respect of the Highway 2000 Project in Jamaica, dated the 21st day of November, 2001, between the National Road Operating and Constructing Company Limited, a limited liability company incorporated under the Companies Act and the TransJamaican Highway Limited, a limited liability company incorporated under the Companies Act;

“pre-payment scheme” means an agreement between the concessionaire and persons using the toll road under which such persons make a pre-payment of toll for use of the proposed road;

“toll lane area” means the area of the road and the adjacent area, on which the toll plaza is located, between the toll lane entry barrier and the toll lane exit barrier on a toll road;

“toll Road” means the road described in Part B of the Schedule;

Schedule.

“week” means the period commencing immediately after twelve o’clock midnight on each Friday and ending at twelve o’clock midnight on the Friday next following.

3. The concessionaire may levy, collect and retain toll in respect of the use of the part of the toll road described in Part B of the Schedule to this Order and delineated as set out in Part C of the Schedule.

4.—(1) The toll road is intended for use by licensed drivers of motor vehicles only.

(2) The toll road shall not be used by a pedestrian or a person riding, driving or being upon any carriage, handcart, bicycle, tricycle, or other similar machine.

5. Toll may be collected—

(a) if a toll device is not attached to the motor vehicle, from the person in whose name the vehicle is licensed under the Road Traffic Act;

- (b) if a toll device is attached to the motor vehicle, from the person to whom the toll device is registered; or
- (c) from the driver of the motor vehicle.

6.—(1) For the purpose of determining the toll payable, motor vehicles shall be classified in the manner set out in sub-paragraph (2).

(2) The toll payable in respect of each class shall be as follows—

- (a) in relation to toll collected at the toll plaza known as the Vineyards Toll Plaza, in accordance with Table A—

Table A

Class of Vehicles	Description of Vehicles	Toll Payable
Class 1	Motor vehicles not exceeding 1.7 metres high of any length	\$310.00
Class 2	Motor vehicles more than 1.7 metres high but less than 5.5 metres long	\$430.00
Class 3	Motor vehicles more than 1.7 metres high and more than 5.5 metres long	\$790.00

- (b) in relation to toll collected at the toll plaza known as the Spanish Town Toll Plaza, in accordance with Table B—

Table B

Class of Vehicles	Description of Vehicles	Toll Payable
Class 1	Motor vehicles not exceeding 1.7 metres high of any length	\$110.00
Class 2	Motor vehicles more than 1.7 metres high but less than 5.5 metres long	\$160.00
Class 3	Motor vehicles more than 1.7 metres high and more than 5.5 metres long	\$300.00

- (c) in relation to toll collected at the toll plaza known as the Portmore Toll Plaza, in accordance with Table C—

Table C

Class of Vehicles	Description of Vehicles	Toll Payable
Class 1	Motor vehicles not exceeding 1.7 metres high of any length	\$150.00
Class 2	Motor vehicles more than 1.7 metres high but less than 5.5 metres long	\$230.00
Class 3	Motor vehicles more than 1.7 metres high and more than 5.5 metres long	\$450.00

(d) in relation to toll collected at the toll plaza known as the May Pen Toll Plaza, in accordance with Table D—

Table D

Class of Vehicles	Description of Vehicles	Toll Payable
Class 1	Motor vehicles not exceeding 1.7 metres high of any length	\$70.00
Class 2	Motor vehicles more than 1.7 metres high but less than 5.5 metres long	\$110.00
Class 3	Motor vehicles more than 1.7 metres high and more than 5.5 metres long	\$200.00

(3) The maximum amounts of the toll to be charged during the concession period shall be the sums arrived at, from time to time, in accordance with paragraphs 4 and 5 of Schedule Fifteen to the concession agreement, subject to the approval of the toll regulator.

(4) The basis for the calculation of such maximum amounts shall be the formulae set out in paragraphs 4 and 5 of Schedule Fifteen to the concession agreement.

7. The following motor vehicles shall be exempt from payment of toll, that is to say—

- (a) motor vehicles used by the concessionaire in the performance of his duties in relation to the toll road; and
- (b) motor vehicles used by or for emergency services.

8. Subject to the provisions of the Act and the concession agreement, toll is payable at the toll plaza or by such other pre-paid mode of collection of the toll as may be determined by the concessionaire.

9. The concession period shall be thirty-five years commencing on the 21st day of November, 2001.

10.—(1) Subject to sub-paragraph (2), every driver of a motor vehicle reaching a toll lane area at a toll plaza shall stop the vehicle in a position where he can without leaving the vehicle—

- (a) in accordance with this paragraph, pay any toll leviable in respect of the vehicle; or
- (b) present or display evidence of exemption from payment of toll or payment of toll in compliance with any pre-payment scheme.

(2) When a red light is displayed at a toll plaza or a barrier is blocking the exit from a toll plaza, the driver of a vehicle shall not allow the motor vehicle to proceed beyond the toll plaza until a green light is displayed and any barrier blocking the exit is raised or a constable or an appointed person allows or directs him to proceed.

(3) Where a motor vehicle, its trailer or its load exceeds 5.5 metres in width at any point along its length the driver shall—

- (a) use the route approved for wide motor vehicles;
- (b) stop the vehicle where indicated to do so by a sign; and
- (c) pay any toll leviable in respect of the vehicle or present or display evidence of exemption from payment of toll or payment of toll in compliance with any pre-payment scheme.

11. Where a driver of a vehicle is unable or refuses to pay toll in accordance with this Order he shall, on being required to do so by a constable or the concessionaire, give his name and address to the constable or the concessionaire.

12. Where it appears to the concessionaire to be necessary or expedient for the collection of toll to regulate traffic—

- (a) the concessionaire may direct the driver of a vehicle to stop the vehicle or to cause it to proceed forwards or backwards in, or keep to, a particular line or direction; and
- (b) the driver shall comply with such direction.

13. No person shall drive any vehicle, or cause or permit it to be driven, into or through the toll lane area alongside any toll booth at a toll plaza which is shown by a barrier or sign to be out of use unless instructed to do so by a constable or the concessionaire.

14.—(1) The following information shall be conspicuously and prominently displayed 500 metres ahead of the toll plaza, 100 metres ahead of the toll plaza and at the toll plaza—

- (a) rates of toll;
- (b) the categories of vehicles exempted from payment of toll; and
- (c) the name, address and telephone number of the Toll Authority, to which complaints, suggestions and other submissions may be made.

(2) The height of the display boards and the size of letters shall be approved by the chief executive officer of the National Works Agency.

15. A person liable to pay toll shall not use, or cause or permit, any vehicle or person of which he is in charge to use the toll road concerned unless the toll has been paid or arrangements to the satisfaction of the concessionaire for its payment has been made.

16. Toll shall be levied and collected in Jamaican dollars.

SCHEDULE

(Paragraph 3)

PART A

Description of Areas Designated as Highway 2000 Phase I

The areas designated as a toll road to be known as "Highway 2000 Phase 1" are as follows—

1. Kingston to Williamsfield (approximately 72 kilometres incorporating approximately 13 kilometres of the 2-lane Old Harbour Bypass currently under construction, portions of the proposed Porus Bypass within the pre-defined Right of Way, 5 kilometres of the existing Melrose Bypass (2 and 3-lane provision) and including connections to Dyke Road and the Mandela Highway in Kingston and to Highway A2 at Williamsfield).
2. Portmore Causeway/Dyke Road Upgrading (approximately 11.5 kilometres of 6 and 2-lane arterial roadway from 100 metres east and 100 metres north of the Marcus Garvey Drive/Causeway Road intersection, including upgrading and reconstruction of the intersection to the Dyke Road/Portmore Access Road Interchange and including a new 6-lane crossing of Hunt's Bay and demolition of the existing bridge) and including a new 2-lane road link through Portmore and along the existing Dyke Road

PART B

Description of Part of Highway 2000 Phase I on which Toll may be levied under this Order

1. In relation to the area specified in paragraph 1 of Part A—
 - (a) a distance of 44.69 kilometres to be known as part of Highway 2000, measured along the median separating the northern and southern carriageways, including the Highway 2000/Nelson Mandela Highway Interchange entry and exit ramps, from a point on the Nelson Mandela Highway, 966 metres east of its junction with the main road to Gregory Park in the parish of Saint Catherine, thereafter south-westerly through Lakes Pen, Bernard Lodge, Hartlands, Cherry Garden and Bushy Park, proceeding through the Vineyards Toll Plaza, and thereafter through New Market (South of Old Harbour Railway Station) in the parish of St. Catherine and Toby Abbotts Pen Inverness, Savannah Cross and Hunts Pen, thence through May Pen Toll Plaza, crossing the Halse Hall Main Road and ending at the roundabout along the May Pen Bypass, in the parish of Clarendon;
 - (b) a total of 0.67 kilometres of roadways comprising the new Highway 2000/Portmore Interchange which is situated along Highway 2000 at a point 1.56 kilometres in a south-westerly direction from the intersection of the entry ramp and the Nelson Mandela Highway;
 - (c) a distance of 1.31 kilometres measured from a point south of the new roundabout on the road from the Spanish Town Bypass to Hill Run,

SCHEDULE, *contd.*

proceeding south-easterly and southerly through the Spanish Town Toll Plaza to Highway 2000, including the entry and exit ramps of the Highway 2000/Spanish Town East Interchange;

- (d) a distance of 0.65 kilometres comprising the entry and exit ramps of the Highway 2000/Spanish Town West Interchange located at the intersection of Highway 2000 and the road from the Spanish Town Bypass to Hill Run;
- (e) a total of 1.295 kilometres of roadways comprising the Highway 2000/Old Harbour Interchange located at the intersection of Highway 2000 and the main road from Old Harbour to Old Harbour Bay;
- (f) a total of 0.50 kilometre of roadways comprising the entry and exit ramps of the Highway 2000/Freetown Interchange located in the vicinity of Bodles at the intersection of Highway 2000 and the main road from Old Harbour to Freetown;
- (g) A total of 0.484 kilometre of roadways comprising the entry and exit ramps of the Halse Hall Interchange, located at the intersection of Highway 2000 and the Halse Hall Main Road.

2. In relation to the area specified in paragraph 2 of Part A—

Highway 2000 (Marcus Garvey Drive to Portmore) comprises a total distance of 9.23 kilometres as follows:

- (a) a six lane highway covering a distance of 5.724 kilometres, measured along the median separating the four lanes and commencing at a point 217 metres north-west of the Marcus Garvey Drive Underpass, thence generally westerly for a distance of 1.437 kilometres, thence generally southerly through the Hunts Bay Bridge for a distance of 2.393 kilometres, thence generally westerly for a distance of 1.894 kilometres through the Portmore Toll Plaza, terminating at a point 245 metres south-east of the Dawkins Drive Underpass;
- (b) the Marcus Garvey Drive Interchange comprising a total distance of 1.203 kilometres;
- (c) the Fort Augusta Interchange comprising a total distance of 1.155 kilometres;
- (d) the Dawkins Drive Interchange comprising a total distance of 1.143 kilometres.

SCHEDULE, *contd.*

proceeding south-easterly and southerly through the Spanish Town Toll Plaza to Highway 2000, including the entry and exit ramps of the Highway 2000/Spanish Town East Interchange;

- (d) a distance of 0.65 kilometres comprising the entry and exit ramps of the Highway 2000/Spanish Town West Interchange located at the intersection of Highway 2000 and the road from the Spanish Town Bypass to Hill Run;
 - (e) a total of 1.295 kilometres of roadways comprising the Highway 2000/Old Harbour Interchange located at the intersection of Highway 2000 and the main road from Old Harbour to Old Harbour Bay;
 - (f) a total of 0.50 kilometre of roadways comprising the entry and exit ramps of the Highway 2000/Freetown Interchange located in the vicinity of Bodles at the intersection of Highway 2000 and the main road from Old Harbour to Freetown;
 - (g) A total of 0.484 kilometre of roadways comprising the entry and exit ramps of the Halse Hall Interchange, located at the intersection of Highway 2000 and the Halse Hall Main Road.
2. In relation to the area specified in paragraph 2 of Part A—

Highway 2000 (Marcus Garvey Drive to Portmore) comprises a total distance of 9.23 kilometres as follows:

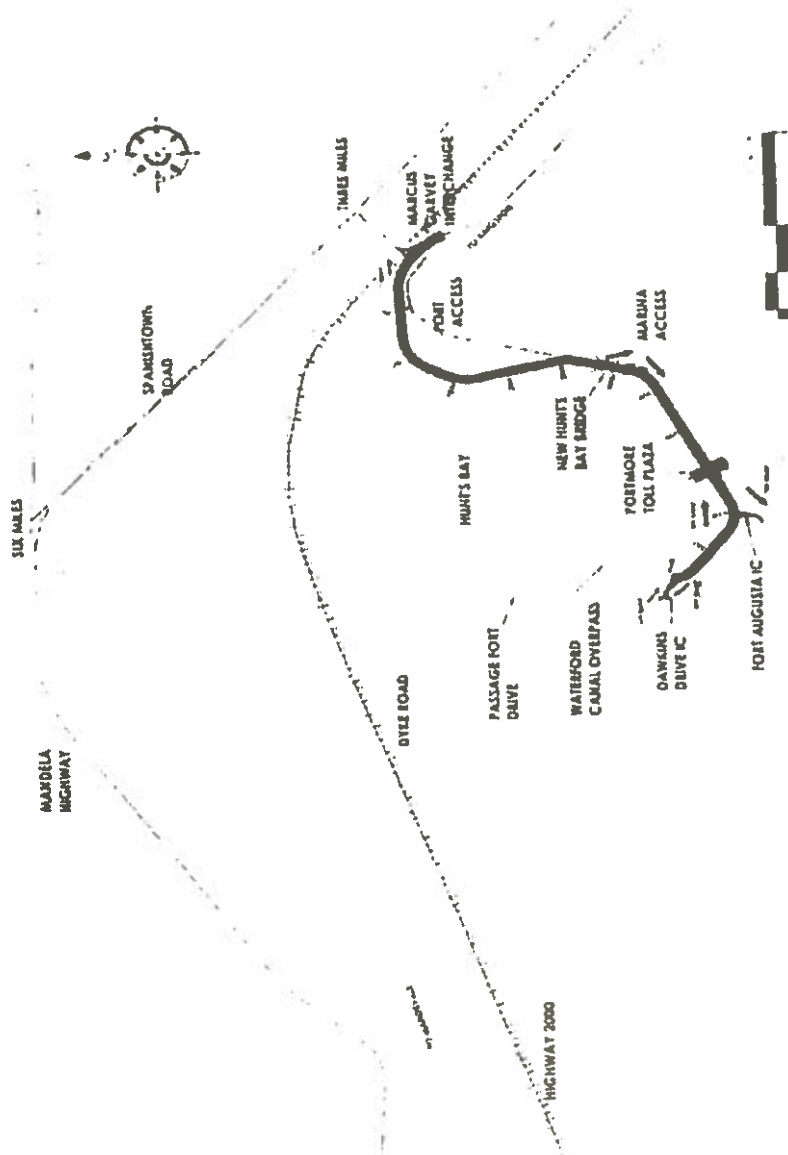
- (a) a six lane highway covering a distance of 5.724 kilometres, measured along the median separating the four lanes and commencing at a point 217 metres north-west of the Marcus Garvey Drive Underpass, thence generally westerly for a distance of 1.437 kilometres, thence generally southerly through the Hunts Bay Bridge for a distance of 2.393 kilometres, thence generally westerly for a distance of 1.894 kilometres through the Portmore Toll Plaza, terminating at a point 245 metres south-east of the Dawkins Drive Underpass;
- (b) the Marcus Garvey Drive Interchange comprising a total distance of 1.203 kilometres;
- (c) the Fort Augusta Interchange comprising a total distance of 1.155 kilometres;
- (d) the Dawkins Drive Interchange comprising a total distance of 1.143 kilometres.

SCHEDULE, *contd.*

PART C

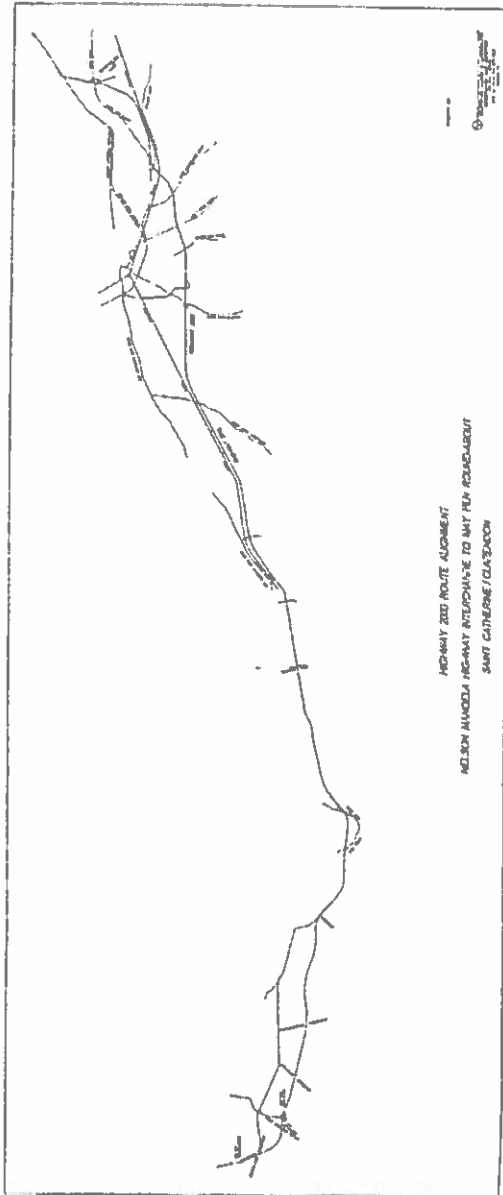
Delineation of Areas of Part of Phase I of Highway 2000

1. Portmore Causeway/Dyke Road



SCHEDULE, *contd.*

2. Kingston to May Pen



THE TOLL ROADS ACT

NOTICE
(under section 23(3)(a))THE TOLL ROADS (PARTICULARS REQUIRED IN APPLICATION FOR PERMISSION
TO LEVY TOLL) NOTICE, 2003*(Made by the Toll Regulator on the 19th day of September, 2003)*

L.N. 114A/2003

1. This Notice may be cited as the Toll Roads (Particulars Required in Application for Permission to Levy Toll) Notice, 2003.

2. Every application under section 23(2) of the Act by a concessionaire for permission to levy toll shall contain the particulars set out in the Schedule.

Schedule.

SCHEDULE

(Paragraph 2)

PARTICULARS REQUIRED IN APPLICATION FOR
PERMISSION TO LEVY TOLL

1. The name and description of the road in respect of which the permission is sought.
2. The name and description of the alternative route.
3. The name, company registration number, address of the registered office and the principal office in Jamaica of the applicant.
4. The names, occupation and addresses of the shareholders of the applicant, the class and number of shares held (save that individual shareholdings of less than ten per cent of the total number of shares need not be disclosed) and details of any loans by shareholders to the applicant.
5. If the applicant is not the owner of the road, details of any lease or contractual arrangements with the owner of the road.
6. If the applicant is a subsidiary of another company, the name and address of the parent company and of any ultimate holding company and of any other subsidiaries of the parent company or the ultimate holding company.
7. If the applicant is not to be the operator of the road, the name, company registration number and address of the registered office and the principal office in Jamaica of the operator.
8. If the operator is a subsidiary of another company, the name and address of the parent company and of any ultimate holding company and of any other subsidiaries of the parent company of the ultimate holding company.
9. The names of any other toll roads operated by the applicant or the operator or which are owned, operated or managed either by the applicant or the operator or by members of the same group of companies.

10. The names, addresses, and positions of the principal executive officers of the applicant and the operator.

11. Such additional information as the Toll Regulator may reasonably require for the discharge of his duties in relation to the application.

THE TOLL ROADS ACT

REGULATIONS
(*under section 32 (1)*)THE TOLL ROADS (PUBLICATION OF PARTICULARS TO BE INCLUDED IN TOLL
APPLICATION) REGULATIONS, 2003

(*Made by the Toll Authority, with the approval of the Minister,
on the 19th day of September, 2003*)

L.N. 114D/2003

1. These Regulations may be cited as the Toll Roads Regulations, 2003.
2. A notice by the Toll Regulator under section 23(3) (a) of the Act shall be published in the *Gazette* and in a daily newspaper circulated in the island.
3. The fee payable by a concessionaire on an application for permission to levy toll shall be one hundred and fifty thousand dollars.

THE TOLL ROADS ACT

NOTICE
(under section 32(1))

THE TOLL ROADS (TYRE DEFLATION DEVICE) REGULATIONS, 2013

*(Made by the Toll Authority, with the approval of the Minister,
on the 3rd day of January, 2013)*

L.N. 1/2013

1. These Regulations may be cited as the Toll Roads (Tyre Deflation Device) Regulations, 2013.

Citation.

2. In these Regulations—

Interpretation.

“certificate” means a certificate of inspection issued in accordance with regulation 8;

“tyre deflation device” means a retractable spike system designed to puncture and deflate tyres of motor vehicles and trailers proceeding in a direction contrary to the direction in which traffic is permitted to proceed;

3.—(1) No person shall install a tyre deflation device without approval granted by the Authority under regulation 5.

Prohibition of installation of tyre deflation device.

(2) Any person who installs a tyre deflation device without approval under regulation 5, commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding eighty thousand dollars or to imprisonment for one month or to both such fine and imprisonment.

4.—(1) A concessionaire who proposes to install, alter, operate, commission, remove or caused to be installed, altered, operated, commissioned or removed, a tyre deflation device at any location on a toll road shall apply in writing to the Toll Authority for approval to do so and state reasons therefor.

Application for approval to install, etc. tyre deflation device.

(2) An application for approval to install a tyre deflation device shall be accompanied by the maintenance procedure in relation to the tyre deflation device.

5.—(1) Upon receipt of an application under regulation 4 to install, alter, operate, commission or remove a tyre deflation device, the Toll Authority shall cause an inspector to carry out an inspection of the area or location to which the application relates and the tyre deflation device to be installed, altered, operated, commissioned or removed.

Approval of application to install or alter etc. a tyre deflation device.

(2) Upon receipt of the inspection report and any written comments or recommendations made therewith, and after consultation with the National Works Agency on the application being considered, the Toll Authority may, grant the approval or refuse to grant the approval.

(3) The Toll Authority shall advise the applicant of any decision taken with respect to an application received under this regulation within sixty days of the decision being made, and of the reasons for any refusal to grant an approval.

(4) The Toll Authority shall by notice published in the *Gazette*, give notification forthwith of each location approved pursuant to an application under regulation 4.

Warning signs.

6.—(1) The concessionaire shall place warning signs not less than seven metres, in each direction, from any tyre deflation device installed or altered pursuant to these Regulations.

(2) A warning sign referred to in paragraph (1) shall indicate the presence of and effect of the tyre deflation device and be of such dimensions, height and colour as may be approved in writing by the Toll Authority.

A concessionaire shall not operate tyre deflation device without inspection.

7. Notwithstanding regulation 5, a concessionaire shall not operate a tyre deflation device without a valid certificate under regulation 8 being in force in respect of the device.

Inspector shall inspect tyre deflation device before its operation.

8.—(1) Upon the installation of a tyre deflation device the inspector shall carry out a further inspection on that device and shall prepare an inspection report to the Authority within seven days of such further inspection.

(2) Where the inspector has inspected the tyre deflation device and has determined the tyre deflation device to be in good working order, the inspector shall issue a certificate of inspection in the form prescribed in the Schedule.

Schedule.

(3) A certificate issued pursuant to paragraph (2), shall be valid for six months from the date of issue.

Renewal of certificate of inspection.

9.—(1) A concessionaire may apply in writing, for renewal of a certificate.

(2) An application for the renewal of a certificate shall be made on each occasion no later than one month before the date of expiry of the certificate.

(3) The requirements set out in regulations 7 and 8 shall apply, with such modification as may be necessary with respect to the renewal procedure.

(4) A certificate renewed under this regulation shall be valid for six months from the date of issue.

10. A concessionaire shall, not less than seven days before the commencement of operation of or alteration of a tyre deflation device installed pursuant to these Regulations, notify its intention to commence such operation or alteration by notice published at least once in a daily newspaper circulating in Jamaica.

Notice of commencement of operation or alteration of tyre deflation device.

11. Any person who without lawful authority, interferes with, alters, damages, destroys or removes, a tyre deflation device on any toll road, commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court, to a fine not exceeding eighty thousand dollars or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

Offences.

12. Where a dispatcher or an authorized person of the emergency services gives reasonable notice to the concessionaire that a vehicle registered as an emergency service needs to traverse an exit ramp of a toll road in a direction contrary to the direction in which traffic is permitted to proceed, the concessionaire shall retract or cause any tyre deflation device installed on the exit ramp to be retracted so as to permit the motor vehicle to proceed in the contrary direction.

Emergency services.

13. A concessionaire who is granted an approval pursuant to regulation 5 (2), shall, during the period of the concession—

Concessionaire shall be responsible for cost for procuring, installing, maintaining etc. tyre deflation device.

- (a) be responsible for the cost of procuring, installing, maintaining, altering, operating and removing the tyre deflation device; and
- (b) maintain and keep any tyre deflation device so approved in good working order.

14. A concessionaire shall not be liable for any death, injury, loss or damage sustained by any person, caused by a tyre deflation device installed on a ramp, except where at all material times the vehicle affected by the tyre deflation device installed on that ramp was—

Liability for death, personal injury, etc.

- (a) proceeding in the direction in which traffic is permitted to proceed; and
- (b) driving within the prescribed speed limit.

SCHEDULE (Paragraph 8(2))
 THE TOLL ROADS ACT
 THE TOLL ROADS (TYRE DEFLATION DEVICE) REGULATIONS, 2013
 TOLL AUTHORITY
 CERTIFICATE OF INSPECTION
 (Pursuant to Regulation 8)

Date Issued: _____

I, _____, an inspector of the Toll Authority having
Name of Inspector

personally inspected the tyre deflation device located at _____
Insert Specific Ramp and Place of Installation

on the _____ day of _____, 2013, in relation to an application made under regulation 4,
 hereby certify that the said tyre deflation device is in good working order.

This certificate shall be valid for six months, from the date of issue.

 Signature of Inspector
 Toll Authority

 Date