

## CHAPTER 13:13

### TOLL ROADS ACT

*Act 20/1995, 22/2001 (s. 4), 3/2009 (ss. 46-47).*

**AN ACT To provide for the charging, levying and collecting of tolls for the use of vehicles on certain roads; and to provide for matters connected with or incidental to the foregoing.**

[Date of commencement: 8th December, 1995.]

#### **1 Short title**

This Act may be cited as the Toll-roads Act [*Chapter 13:13*].

#### **2 Interpretation**

In this Act—

“authorized person”, in relation to any toll-road, means the person authorized in regulations referred to in paragraph (b) of subsection (1) of section *three* to collect tolls on vehicles using that toll-road;

“Exchange Control (General) Order” means the Exchange Control (General) Order, 1996, published in Statutory Instrument 110 of 1996, or any other enactment that may be substituted for the same;

[Definition inserted by Act 3 of 2009]

“foreign currency” means the British pound, euro, United States dollar, South African rand, Botswana pula and any other foreign currency denominated under the Exchange Control (General) Order.

[Definition inserted by Act 3 of 2009]

“Minister” means the Minister of Transport and Energy or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“road” means any highway, street or other road to which the public or any section of the public has access, and includes—

(a) any bridge, ferry or pontoon over which such a road passes; and

(b) any drift in the line of such a road; and

(c) any work or thing belonging to or connected with or forming part of such a road;

“toll road” means a road declared to be a toll-road in regulations referred to in paragraph (a) of subsection (1) of section *three*;

“vehicle” includes an animal-drawn vehicle.

#### **3 Toll-roads authorized persons and tolls**

(1) Subject to this section, the Minister may, by regulation— (a) declare any road to be a toll-road for the purposes of this Act; and

(b) specify the person who is authorized to levy and collect tolls on vehicles using any toll-road; and

(c) after consulting the Minister responsible for finance, fix the amount of any toll that may be levied and collected by any authorized person.

(2) Before declaring a road to be a toll-road in terms of subsection (1), the Minister shall consult the local authority concerned, where the road is within the area of jurisdiction of a local authority.

(3) The Minister shall not specify any person as an authorized person unless that person constructed the tollroad concerned and additionally, or alternatively, is responsible for its maintenance.

(4) The Minister shall not specify any person, other than the State, as an authorized person unless that person has consented to being so specified.

(5) Where the Minister has specified the State as an authorized person, he shall specify the Minister or other official who will be responsible for levying and collecting the tolls concerned.

(6) Before fixing the amount of any toll to be levied by an authorized person other than the State, the Minister shall consult that person.

#### **4 Levying of tolls**

(1) Subject to this Act, where—

(a) the State has been declared an authorized person in respect of any toll-road, the Minister or official specified in terms of subsection (5) of section *three* shall levy and collect, for the benefit of the Consolidated Revenue fund, the tolls fixed in terms of this Act on vehicles using the toll-road;

- (b) any person other than the State has been declared an authorized person in respect of any toll-road, that person may levy and collect, for his own benefit, the tolls fixed in terms of this Act on vehicles using the toll-road.

(1a) Notwithstanding section 41 of the Reserve Bank of Zimbabwe Act [*Chapter 22:15*] and the Exchange Control Act [*Chapter 22:05*], road tolls on vehicles using a toll-road may be fixed in a foreign currency.

[Section inserted by Act 3 of 2009]

(2) An authorized person may establish, and erect toll-bars, toll-gates and other structures and works on his toll-road to permit or facilitate the levying and collection of tolls.

(3) An authorized person may prevent any person from using a vehicle on his toll-road if that person has not paid the toll payable on the vehicle concerned.

(4) Subject to this Act, any person who uses a vehicle on a toll-road without paying the toll payable on the vehicle concerned shall be guilty of an offence and liable to a fine not exceeding level four.

[Subsection as amended by section 4 of Act No. 22 of 2001]

(5) If a person is convicted of an offence in terms of subsection (4), the court convicting him or her may, on the application of the prosecutor and in addition to any penalty it may impose, give summary judgment against the convicted person in favour of the authorised person concerned for twice the amount of the unpaid toll.

[Subsection inserted by Act 3 of 2009]

## **5 Act not to restrict rights in respect of private roads**

(1) In subsection (2)—

“private road” means any road—

- (a) for the maintenance of which neither the State nor a local authority has assumed responsibility; and
- (b) which is not commonly used by the public or any section of the public; but does not include a declared road as defined in the Roads Act [*Chapter 13:12*].

(2) This Act shall not be construed as affecting any right a person may have under any other law to restrict or prohibit the use of a private road or to impose any charge or toll upon the use of such a road.

## **6 Regulations**

(1) The Minister may make regulations providing for all matters which by this Act are required or permitted to be done or prescribed in regulations or which, in his opinion, are necessary or convenient to be prescribed in order to carry out or give effect to this Act.

(2) Regulations made in terms of subsection (1) may provide for exemptions from the payment of any toll in such circumstances and subject to such conditions as may be prescribed in the regulations.

(3) Regulations made in terms of subsection (1) may provide for the designation at places where tolls are levied of parking spaces for vehicles, the conditions for the parking of vehicles thereat, the creation of offences and imposition of penalties for the parking of vehicles in contravention of those conditions, the payment of deposit fines for breaches of regulations made in terms of this subsection, and the impoundment of vehicles in respect of which it is alleged that any offence against regulations made in terms of this subsection has been committed:

Provided that, notwithstanding section 41 of the Reserve Bank of Zimbabwe Act [*Chapter 22:15*] and the Exchange Control Act [*Chapter 22:05*], every fine payable for breaches of regulations made in terms of this subsection shall be payable in a foreign currency specified in those regulations.

[Subsection inserted by Act 3 of 2009]