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THE TOLLS ACT, 1851

ACT NO. VIII OF 1851

[4th July, 1851]

An Act for enabling Government to levy Tolls on Public Roads and Bridges.

Preamble WHEREAS it is expedient to enable Government to levy tolls upon roads and bridges;

It is enacted as follows:—

1. [*Repealed by the Repealing Act, 1870 (Act XIV of 1870).*]

Extent 1A. ¹[This Act extends to the whole of Bangladesh].

Power to cause levy of tolls on roads and bridges, and to appoint collectors 2. The ²[* * *] Government may cause such rates of toll, as it thinks fit, to be levied upon any road or bridge which has been, or shall hereafter be, made or repaired at the expense of the ³[* * *] Government; and may place the collection of such tolls under the management of such persons as may appear to it proper: and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of the land-revenue.

Recovery of tolls 3. In case of non-payment of any such toll on demand, the officer appointed to collect the same may seize any of the carriages or animals on which it is chargeable, or any part of their burden of sufficient value to defray the toll; and, if any toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the officer appointed to superintend the collection of the said toll, who may sell the property seized for discharge of the toll, and

¹ The words "This Act extends to the whole of Bangladesh" were substituted, for section 1A by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The word "Provincial" was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The words "Central or any Provincial" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

all expenses occasioned by such non-payment, seizure and sale, and cause any balance that may remain to be returned, on demand, to the owner of the property; and the said officer, on receipt of the property, shall forthwith issue a notice that, at noon of the next day, exclusive of Sunday, or any closed holiday, he will sell the property by auction:

Provided that, if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized.

Release of seized property on tender of dues

4. The following persons and things shall be exempt from payment of tolls:—

Exemption from payment of tolls

- (a) Government Stores and persons in charge thereof;
- (b) Public servants travelling on duty, and the vehicles and animals employed by the persons aforesaid;
- (c) Any other class of persons or things which may be exempted by order of the ¹[Government] provided that no exemption shall be granted during the currency of a lease.

5. All Police-officers shall be bound to assist the toll-collectors, when required, in the execution of this Act; and, for that purpose, shall have the same power which they have in the exercise of their common police-duties.

Assistance by Police-officers

6. Every person, other than the persons appointed to collect the tolls under this Act, who shall levy or demand any toll on any public road or bridge, or for passing through any bazar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Act seize or sell any property knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be liable on conviction before a

Penalty for offences

¹ The word “Government” was substituted, for the words “Provincial Government” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Compensation to person aggrieved, etc.

Magistrate to imprisonment for any term not exceeding six calendar months, or to fine not exceeding two hundred ¹[Taka], any part of which fine may be awarded by the Magistrate to the person aggrieved; but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court.

Exhibition of table of tolls, and Statement of penalties

7. A table of the tolls authorized to be taken at any toll-gate or station shall be put up in a conspicuous place near such gate or station legibly written or printed in ²[Bengali] words and figures, ³[* * *] to which shall be annexed, written or printed in like manner, a statement of the penalties for refusing to pay the tolls and for taking any unlawful toll.

Tolls levied deemed to be public revenue

8. The tolls levied under this Act shall be deemed public revenue.

Lease of the levy of tolls

⁴**[9.**(1) The Government may, from time to time, lease by public auction the levy of tolls upon any public road or bridge, for any period not exceeding 3 years, on such terms and conditions as it may deem fit.

(2) The levy of tolls shall be settled with the highest bidder by open public auction:

Provided that the Government may, for sufficient reasons to be recorded in writing, refuse to accept the offer of the highest bidder, and may accept any other bid or may withdraw the tolls from such auction.

¹ The word "Taka" was substituted, for the word "rupees" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The word "Bengali" was substituted, for the word "English" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The words and comma "and also in those of the vernacular language of the district," were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁴ Sections 9 to 14 were inserted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(3) The lessee shall give security for the due fulfilment of the conditions of the lease, and the sums payable under the terms of the lease shall be recoverable as a public demand.

10. When the right to collect tolls on any public road or bridge has been duly leased, the lessee and the persons employed by the lessee as his agent for collecting tolls shall be deemed to be persons appointed to collect tolls under this Act, and shall exercise all the powers and be subject to all the responsibilities attaching to persons so appointed.

Lessee and person appointed by lessee deemed to be appointed to collect tolls

11. The lessee of any toll *bar* may compound with any person for a certain sum to be paid by such person for himself or for any vehicles or animals kept by him in lieu of the prescribed rates.

Lessee may compound with any person

12. Whoever, having rendered himself liable to payment of tolls, refuses to pay such tolls, shall be liable to fine which may extend to one hundred Taka.

Penalty for refusal to pay toll

13. The Government may, by notification in the official Gazette, direct that any power or duty which is conferred or imposed by this Act upon the Government, shall be exercised or discharged by any officer subordinate to it.

Government may direct any officer to discharge its power

14. The Government may make rules, not inconsistent with the provisions of this Act, “to carry out the purposes of this Act.”]

Rule making power

SCHEDULE.— [Repealed by section 2 and Schedule I of the Devolution Act, 1920 (Act No. XXXVIII of 1920).]
