

Terms and conditions of the Thomas Clarke Bridge Rebate scheme.

1. So as to facilitate those companies whose Heavy Goods Vehicles (HGVs) will be affected by the closed city centre HGV ban, the Council has decided to put in place a discretionary rebate system that will operate in respect of tolls, payable using electronic toll facility or cash, by such HGVs as use the Thomas Clarke Toll Bridge for the purpose of travelling between the north and south port areas of Dublin Port during the hours when the prohibition on travel within the HGV Cordon is in place.
2. The fundamental principle governing the application of the discretionary rebate system in respect of the Thomas Clarke Toll Bridge tolls will be the full compliance by the claimant of the prohibition and, in the case of travel within the HGV cordon area between 07h00 hours in the morning and 19h00 in the evening, the full compliance by the haulier of each and every condition specified in the permit given in respect of such travel. Decisions of the Council to disallow, in whole or in part, rebate claims may, at the behest of the claimant, be subject to review by an independent review board (hereinafter “the Board”).
3. This Agreement shall in all respects (including the formation thereof and performance thereunder) be governed by and construed in accordance with the laws of Ireland. The Irish courts shall have exclusive jurisdiction to deal with any dispute, of whatever nature, as may arise as a result or from the operation of this Agreement.
4. This rebate scheme will remain in operation while the following applies:
 - a. The only route available for vehicles to travel between the North and South port areas without entering the HGV cordon area is the Thomas Clarke Toll Bridge.
 - b. The HGV cordon is in place and has not been extended to cover either port area.
 - c. The current arrangement to operate the bridge between Dublin City Council and Ringsend Toll Bridge DAC remains in place.
5. The claimant to qualify for a rebate must have a C2 Tax Clearance Certificate or its equivalent.
6. The claimant agrees, for the purposes of the Data Protection Acts 1988 and 2003, to authorise electronic toll operators to release to the Council information containing details of all northbound and southbound travel by affected vehicles of the claimant across the Thomas Clarke Toll Bridge. The Council undertakes to respect all of the obligations of a “data controller” under the Data Protection Acts 1988 and 2003 in respect of the said information and, in particular, to retain the said records for no more than six months, save in the case of a dispute regarding the content of that information.
7. A company may apply to the Council's Roads and Traffic Department, Block 2, Floor 5, Civic Offices, Wood Quay, Dublin 8 during the third month following a given two months for a rebate of tolls paid in accordance with the terms hereof.
 - a. Claimant must submit a detailed breakdown of all journeys for which rebates are claimed including vehicle registration number, number of axles on the vehicle, date and time of journey
 - b. Claimant must submit copies of relevant receipts.

- c. The Council reserves the right to undertake such investigation as is necessary to ensure that claims are valid under these terms and condition.
8. Payment of the reimbursement shall, however, be subject to the affected vehicles of the claimant, or any of them, not having been found, either by a court order or as a result of criminal conviction, to have infringed the prohibition on travel between 07h00 hours and 19h00 hours, or the terms of any permit pursuant to which an affected vehicle(s) has been permitted to travel during those hours within the Canal Cordon, in any of the following periods:
 - a. the two-month period before the month in question;
 - b. the month in question;
 - c. the two-month period after the month in question.
9. Where such a breach of the prohibition or of the terms of a permit by the claimant, and/or by one or more of the affected vehicles of the claimant is established as specified in 8 above, the Council may, at its absolute discretion, and after having given the claimant an opportunity to make submissions in respect thereof, decide to reimburse some or all of the tolls paid in the month in question. In exercising this discretion in circumstances where a financial penalty has been imposed on the claimant as a result of a criminal conviction arising out of an infringement of the prohibition, the Council in particular undertakes to have regard to the amount of the said sanction when determining at its absolute discretion, what, if any, proportion of the tolls paid in the month in question, should be reimbursed to the claimant.
10. The claimant may request the Board, within two months of receipt of the notification of a decision to refuse, wholly or in part, a reimbursement, or within two months in the case of a claimant registered in another EU Member State or in an EEA state, to review any decision made by the Council in respect of particular rebate claim. The making of such a request shall not act to suspend the payment of that part of the rebate claimed that has been awarded by the Council. If the Board decides to raise the level of a rebate, the Council agrees that it may, in its absolute discretion, decide to award interest, at the applicable European Central Bank reference rate at the time of its decision, on the amount of the difference between the initial reimbursement agreed by the Council and the amount fixed by the Board.