



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART II

#### NEW ROADS IN SCOTLAND

##### *Further provision with respect to tolls*

#### **36 Further provision as to charging of tolls.**

- (1) A toll order may contain provision exempting from liability for tolls such descriptions of traffic as may be specified in the order.

This does not affect the power of the person authorised to charge tolls to grant such other exemptions from toll as he thinks fit.

- (2) A toll order shall contain provision exempting from liability to pay any toll—
- (a) a police vehicle, identifiable as such by writing or markings on it or otherwise by its appearance, if being used for police purposes;
  - [<sup>F1</sup>(b) a vehicle which is exempt from vehicle excise duty under—
    - (i) paragraph 4 (fire engines),
    - (ii) paragraph 6 (ambulances),
    - (iii) paragraph 18 (invalid carriages),
    - (iv) paragraph 19 (vehicles for use by or for purposes of certain disabled people), or
    - (v) paragraph 20 (vehicles used for carriage of disabled people by recognised bodies),of Schedule 2 to the Vehicle Excise and Registration Act 1994.]
- (3) A person authorised to charge tolls may, subject to the provisions of the order—
- (a) suspend the collection of tolls;
  - (b) enter into agreements under which persons compound in advance, on such terms as may be agreed, for the payment of tolls;
  - (c) charge different tolls according to—

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- (i) the distance travelled; or
- (ii) the day, time of day, week, month or other period; and
- (d) charge different tolls for different descriptions of traffic.

In the case of a concessionaire the powers mentioned above are exercisable subject to the provisions of the assignment.

#### Textual Amendments

- F1** S. 36(2)(b) substituted (for s. 36(2)(b)-(d)) by (1.9.1994) by 1994 c. 22 ss. 63, 66, Sch. 3, para. 28; (with s. 57(4))

### 37 Collection of tolls.

- (1) The Secretary of State may make provision by regulations with respect to the collection of tolls in pursuance of a toll order.
- (2) Different provision may be made for different types of road or different types of toll, or for particular roads or particular tolls.
- (3) Regulations may, in particular, impose requirements with respect to—
  - (a) the displaying of lists of tolls, and
  - (b) the manner of implementing changes in the amount of tolls;
 and where any such requirements are imposed, a toll may not be demanded unless they are, or as the case may be have been, complied with.
- (4) A person who in respect of the use of a road to which a toll order relates demands a toll—
  - (a) which he is not authorised to charge, or
  - (b) which by virtue of subsection (3) may not be demanded,
 commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### 38 Refusal or failure to pay tolls.

- (1) A person who without reasonable excuse refuses or fails to pay, or who attempts to evade payment of, a toll which he is liable to pay by virtue of a toll order commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) If it appears to a person employed for the purpose of collecting tolls that a person has, without reasonable excuse, refused or failed to pay a toll which he is liable to pay by virtue of a toll order, he may—
  - (a) refuse to permit him to pass, or prevent him from passing, through any place at which tolls are payable, and
  - (b) require him to remove his vehicle from any such place by a particular route, and if he does not comply with such a requirement cause the vehicle to be so removed;

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and for the purpose of exercising the powers conferred by this subsection, a person employed for the purpose of the collection of tolls may call upon such assistance as he thinks necessary.

- (3) Where a person does not comply with a requirement under subsection (2)(b) as to the removal of his vehicle, he is liable to pay a prescribed charge in respect of the removal of the vehicle.
- (4) Where there remains unpaid—
  - (a) a toll which a person is liable to pay by virtue of a toll order, or
  - (b) a prescribed charge which he is liable to pay by virtue of subsection (3),the person authorised to charge tolls may recover from the person liable the amount of the toll or charge together with a reasonable sum to cover administrative expenses.
- (5) In this section a “prescribed charge” means such charge as may be specified in, or calculated in accordance with, regulations made by the Secretary of State.

The regulations may provide for the amount of the charge, or any amount used for the purpose of calculating the charge, to be varied in accordance with a formula specified in the regulations.

- (6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **39 Facilities for collection of tolls.**

- (1) A person authorised to charge tolls may set up and maintain facilities for the collection of tolls.

The consent of the special road authority is required for the setting up of any such facilities by a concessionaire.

- (2) Those responsible for the design and construction of facilities for the collection of tolls, and those responsible for the collection of tolls at such facilities, shall have due regard to the need to avoid delaying the passage of such vehicles as are mentioned in section 36(2)(a), (b) or (c) (police vehicles, ambulances and fire engines).
- (3) The power of the special road authority under section 104(3)(c) of the <sup>M1</sup>Roads (Scotland) Act 1984 to acquire land for the provision of buildings or facilities to be used in connection with the use of the special road includes, in the case of a road subject to a toll order, power to acquire any land required for the purpose of setting up facilities for the collection of tolls.
- (4) In this section “facilities for the collection of tolls” means such buildings, structures or other facilities within the boundary of the road, or on land adjoining the road, as are reasonably required for the purpose of or in connection with the collection of tolls in pursuance of a toll order.

#### **Marginal Citations**

**M1** 1984 c. 54.

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#### **40 Restriction of access to toll roads.**

- (1) Where a toll order is in force in relation to a road, no road or private means of access to land shall be so constructed as to afford access to the road except with the consent of the special road authority and, where an assignation has been granted under section 28(1), the concessionaire.
- (2) Subsection (1) does not apply to the construction of a road or private means of access by or on behalf of a government department or Minister of the Crown which the department or Minister is satisfied is reasonably required for discharging any function of the department or Minister.

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