



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART II

#### NEW ROADS IN SCOTLAND

##### *Toll Roads*

#### **28**     **Assignment of rights under a toll order.**

- (1) A toll order may authorise the special road authority in whose name it is made to assign, subject to subsection (2), to a person, for such period and subject to such terms and conditions as they think fit, their rights under a toll order to charge and to collect tolls.
- (2) A special road authority may grant such an assignment only to a person who has undertaken such obligations as may be specified in the assignment with respect to the design, construction, maintenance, operation or improvement of the road.
- (3) In this Part, a person to whom the rights under a toll order to charge and to collect tolls have been assigned is referred to as a concessionaire.
- (4) References in this Part to a person authorised to charge tolls include references to a concessionaire.
- (5) Where a special road authority grants an assignment under this section, they shall also assign to the concessionaire such income as they receive in respect of—
  - (a) charging for the occupation of the road,
  - (b) charging for any services in relation to the road other than services which they themselves have supplied, or
  - (c) any contribution made by a third party towards the cost of maintenance or improvement of the road,except to the extent that they themselves have incurred expense in such cases.

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*Status: Point in time view as at 26/11/2007.*

**Changes to legislation:** *New Roads and Street Works Act 1991, Section 28 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (6) A special road authority shall not make a charge as mentioned in subsection (5) without consulting the concessionaire with regard to the amount to be charged in such cases as the authority has discretion as to the amount to be charged.

**Status:**

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