



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART II

#### NEW ROADS IN SCOTLAND

##### *Toll Roads*

#### **35 Transfer or termination of assignation.**

- (1) The rights of a concessionaire under an assignation granted under section 28(1) may, with the consent of the special road authority, be assigned by the concessionaire.
- (2) Where an assignation granted by the special road authority under section 28(1) terminates or is terminated before the end of the toll period, the authority shall take reasonable steps to grant a fresh assignation to a new concessionaire and the authority may charge and collect tolls in the same way as a concessionaire within the period of two years beginning with that termination but, within that period, only until the earliest, if any, of the following events—
  - (a) the granting of a fresh assignation;
  - (b) the expiry of the toll period;
  - (c) the commencement of an extension toll order.
- (3) References in this Part (including this section) to an assignation granted under section 28(1) shall include references to a fresh assignation granted by virtue of subsection (2) above.
- (4) An assignation granted under section 28(1) may contain provision as to the circumstances in which, and the extent to which, any sum received by the special road authority—
  - (a) in consideration for the appointment of a new concessionaire, or
  - (b) by way of tolls collected by virtue of subsection (2),is to be applied for the benefit of the former concessionaire or his creditors, as the case may be.

---

*Status: Point in time view as at 04/03/2020.*

*Changes to legislation: New Roads and Street Works Act 1991, Section 35 is up to date with all changes known to be in force on or before 25 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)*

---

- (5) Where an assignation granted by the special road authority under section 28(1) terminates or is terminated before the end of the toll period and the authority either intends to grant a fresh assignation or to charge and collect tolls itself then, for the purposes of the <sup>M1</sup>Transfer of Undertakings (Protection of Employment) Regulations 1981, or any regulations replacing those regulations, the concessionaire shall be treated as transferring to the authority an undertaking which, if a new concessionaire is appointed, the authority shall be treated as then transferring to the new concessionaire.
- (6) References in this Part to the termination of an assignation are references to the termination of the rights assigned under the assignation.

---

**Marginal Citations**

**M1** [S.I. 1981/1794.](#)

**Status:**

Point in time view as at 04/03/2020.

**Changes to legislation:**

New Roads and Street Works Act 1991, Section 35 is up to date with all changes known to be in force on or before 25 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.