

Status: Point in time view as at 25/02/2020.

Changes to legislation: New Roads and Street Works Act 1991, Paragraph 96 is up to date with all changes known to be in force on or before 30 June 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)

SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS

Extent Information

- E1** [Sch. 8](#) extends to England and Wales and to Scotland or Northern Ireland also if amended enactment so extends see [s. 169](#)

PART III

AMENDMENTS OF THE ROADS (SCOTLAND) ACT 1984

- 96 (1) In Schedule 1 to the Roads (Scotland) Act 1984 (procedures for making or confirming certain orders or schemes), after paragraph 14 there shall be inserted the following Part—

“PART IIA

TOLL ORDERS UNDER SECTION 27 OF THE NEW ROADS AND STREET WORKS ACT 1991

- 14A (1) Where the Secretary of State proposes to make a toll order under section 27 of the New Roads and Street Works Act 1991, he shall prepare a draft of the order and shall publish in at least one newspaper circulating in the area in which the proposed special road is to be situated, and in the Edinburgh Gazette, a notice—
- (a) stating the general effect of the proposed order;
 - (b) naming a place in that area where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period specified in the notice, being a period of not less than six weeks from the date of the publication of the notice; and
 - (c) stating that, within that period, any person may by notice to the Secretary of State object to the making of the order.
- (2) Where a toll order is submitted to the Secretary of State by a local roads authority, the authority shall publish in at least one newspaper circulating in the area in which the proposed special road is to be situated, and in the Edinburgh Gazette, a notice—
- (a) stating the general effect of the order as submitted to the Secretary of State;
 - (b) naming a place in that area where a copy of the order may be inspected by any person free of charge at all reasonable hours

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- during a period specified in the notice, being a period of not less than six weeks from the date of the publication of the notice; and
- (c) stating that, within that period, any person may by notice to the Secretary of State object to the confirmation of the order.
- (3) Where it is intended that the proposed toll order shall authorise the special road authority to assign their rights to charge and collect tolls, the Secretary of State or, as the case may be, the local roads authority shall make a statement containing such information as may be prescribed with respect to that assignation and the person to whom the rights are intended to be assigned and—
- (a) the statement shall be made available for inspection with the copy of the order to which the notice under subparagraph (1) or (2) relates; and
- (b) the notice shall state that such a statement will be so available.
- (4) In sub-paragraph (3) “prescribed” means prescribed by the Secretary of State by regulations made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- 14B. The Secretary of State may, if he is satisfied that in the circumstances of the case the holding of an inquiry is unnecessary, dispense with such an inquiry.
- 14C (1) Subject to paragraph 19 below, after considering objections (if any) to the proposed order which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry, the Secretary of State may make or confirm the order either without modification or subject to such modifications as he thinks fit.
- (2) The power under this paragraph to make or confirm the order includes power to make or confirm it so far as relating to part of the proposals contained in it (either without modification or subject to such modifications as the Secretary of State thinks fit) while deferring consideration of the remaining part.
- 14D (1) A toll order shall be subject to special parliamentary procedure where—
- (a) the relevant special road scheme provides for the appropriation by or transfer to the special road authority of an existing public road comprised in the route prescribed by the scheme, and
- (b) the toll order authorises the charging of tolls for the use of that existing road or any part of it,
- unless the Secretary of State is satisfied as regards all classes of traffic entitled to use the existing road that another reasonably convenient route free of toll is available, or will be provided before the date on which the appropriation or transfer takes effect, and certifies accordingly.
- (2) Where the Secretary of State proposes to give such a certificate, he shall—
- (a) give public notice of his intention to do so,
- (b) afford an opportunity to all persons interested to make representations and objections, and

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(c) cause a public local inquiry to be held if it appears to him to be expedient to do so, having regard to representations or objections made,

and before deciding whether to give the certificate he shall consider any representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry.

(3) As soon as may be after giving a certificate, the Secretary of State shall publish in the Edinburgh Gazette, and in such other manner as he thinks best for informing persons affected, a notice stating that the certificate has been given.

14E. In this Part of this Schedule “proposed order” includes an order made by a local roads authority and submitted to the Secretary of State.”.

(2) In paragraph 18 of that Schedule, for the words “5 or 11” there shall be substituted the words “5, 11 or 14B”.

^{F1}(3)

Textual Amendments

F1 Sch. 8 para. 96(3) repealed (28.12.2007) by Transport and Works (Scotland) Act 2007 (asp 8), s. 30(4), sch. 3; S.S.I. 2007/516, art. 2

Commencement Information

I1 Sch. 8 para. 96 wholly in force; Sch. 8 para. 96 in force at 21.10.1991, see s. 170(1) and S.I. 1991/2286, art. 2(1), Sch. 1

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