

---

STATUTORY INSTRUMENTS

---

**1991 No. 2152 (S. 177)**

**ROADS AND BRIDGES, SCOTLAND**

**The Assignment Statement (Prescribed Information) (Scotland) Regulations 1991**

*Made* - - - - - *26th September 1991*  
*Laid before Parliament* *30th September 1991*  
*Coming into force* - - - *21st October 1991*

The Secretary of State, in exercise of the powers conferred on him by paragraphs 14A(3) and (4) of Part IIA of Schedule 1 to the Roads (Scotland) Act 1984<sup>(1)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Assignment Statement (Prescribed Information) (Scotland) Regulations 1991 and shall come into force on 21st October 1991.

**Interpretation**

2. In these Regulations—

“the 1984 Act” means the Roads (Scotland) Act 1984;

“the 1991 Act” means the New Roads and Street Works Act 1991;

“assignment” means an assignment under section 28(1) of the 1991 Act, to be granted in favour of the concessionaire, of the special road authority’s rights under a toll order to charge and to collect tolls;

“assignment statement” means a statement made in terms of paragraph 14A(3) of Part IIA of Schedule 1 to the 1984 Act containing information with respect to the assignment and the concessionaire;

“concessionaire” means the person to whom the rights to charge and to collect tolls under a toll order are intended to be assigned as referred to in paragraph 14A(3) of Part IIA of Schedule 1 to the 1984 Act;

“concession period” means the period during which the concessionaire will have the rights to charge and to collect tolls;

---

(1) 1984 c. 54; Part IIA of Schedule 1 was inserted by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraph 96(1).

“toll order” means an order under section 27 of the 1991 Act authorising the charging of tolls;  
“toll road” means a special road in respect of which the toll order will be made.

**The information to be contained in the assignation statement**

3. An assignation statement shall contain the following information:—
- (a) the identity of the concessionaire;
  - (b) where the concessionaire is a company with issued share capital, the identity of each member of the company who is the registered owner of at least ten per cent of the issued share capital at the time the assignation statement is made available for inspection under paragraph 14A(3) of Part IIA of Schedule 1 to the 1984 Act;
  - (c) the proposed length of the concession period and any provision to be incorporated in the assignation for early termination of the concession period;
  - (d) a summary of any obligations to be undertaken by the concessionaire during the concession period in relation to the maintenance, operation, or improvement of the toll road;
  - (e) a summary of any obligations undertaken by the concessionaire in return for the rights to charge and to collect tolls in relation to—
    - (i) the steps to be taken to minimise the risk of adverse environmental effects arising out of the construction or operation of the toll road;
    - (ii) the provision of service stations or other buildings or facilities to be used in connection with the toll road and any special requirements for services to be offered by such stations or other buildings or facilities;
  - (f) a summary of any undertakings to be given by the concessionaire with regard to the stopping up, diversion, improvement or any other alteration of any road which will cross or enter the route of the toll road or will be otherwise affected by the construction or improvement of the toll road, and with regard to the construction of any new road for purposes connected with any such alterations as aforesaid.

St Andrew’s House,  
Edinburgh  
26th September 1991

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the information which must be contained in the statement required to be published together with a draft toll order promoted under section 27 of the New Roads and Street Works Act 1991 if that toll order authorises the special road authority to assign their rights to charge and to collect tolls to a third party (the “concessionaire”).

Regulation 2 deals with interpretation. Regulation 3 prescribes information to be included in the statement and covers such matters as the identity of the concessionaire and, where the concessionaire is a company, certain details regarding its shareholders (paragraphs (a) and (b)); the proposed length of the period during which the concessionaire will be entitled to charge and collect tolls (the “concession period”) and provision for early termination of that period (paragraph (c)); a summary of obligations undertaken by the concessionaire during the concession period in respect of maintenance of the toll road and other responsibilities in relation thereto (paragraph (d)); a summary of obligations undertaken by the concessionaire in return for the rights to charge and to collect tolls in respect of environmental matters, and provision of service facilities (paragraph (e)); and a summary of any undertakings by the concessionaire with regard to other roads affected by the toll road (paragraph (f)).