

Changes to legislation: Roads (Scotland) Act 1984, Part IIA is up to date with all changes known to be in force on or before 26 March 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) View outstanding changes

SCHEDULES

SCHEDULE 1

PROCEDURES FOR MAKING OR CONFIRMING CERTAIN ORDERS AND SCHEMES

Modifications etc. (not altering text)

- C1** Sch. 1 excluded (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), **ss. 30(6), 34(7)**(with savings ss. 47(4), 167(2)); [S.I. 1991/2286, art. 2\(1\)](#), **Sch. 1**

^{F1} PART IIA

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

Textual Amendments

- F1** Sch. 1 Pt. IIA inserted (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), **Sch. 8 para. 96(1)**; [S.I. 1991/2286, art. 2\(1\)](#), **Sch. 1**

Modifications etc. (not altering text)

- C1** Sch. 1 Pt. IIA applied (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 27(3)(with savings s. 47(4), 167(2)); [S.I. 1991/2286, art. 2\(1\)](#), **Sch. 1**

- ^{F2}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 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

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- (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.

Textual Amendments
F2 Sch. 1 Pt. IIA (paras. 14A-14E) inserted (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8 para. 96\(1\); S.I. 1991/2286, art. 2\(1\), Sch. 1](#)

^{F3}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.

Textual Amendments
F3 Sch. 1 Pt. IIA (paras. 14A-14E) inserted (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8 para. 96\(1\); S.I. 1991/2286, art. 2\(1\), Sch. 1](#)

^{F4}14C (1) ^{F5}... 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.

Textual Amendments
F4 Sch. 1 Pt. IIA (paras. 14A-14E) inserted (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8 para. 96\(1\); S.I. 1991/2286, art. 2\(1\), Sch. 1](#)
F5 Words in Sch. 1 para. 14C 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 \(with S.S.I. 2007/517, arts. 1\(1\), 4\(2\)-\(4\)\)](#)

^{F6F7}14D]

Textual Amendments
F6 Sch. 1 para. 14D 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 \(with S.S.I. 2007/517, arts. 1\(1\), 4\(2\)-\(4\)\)](#)

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F7 Sch. 1 Pt. IIA (paras. 14A-14E) inserted (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 96\(1\)](#); S.I. 1991/2286, art. 2(1), [Sch. 1](#)

F8 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.

Textual Amendments

F8 Sch. 1 Pt. IIA (paras. 14A-14E) inserted (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 96\(1\)](#); S.I. 1991/2286, art. 2(1), [Sch. 1](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 152(3)(3ZA) substituted for s. 152(3) by [2019 asp 17 s. 124\(2\)](#)