



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART II

#### NEW ROADS IN SCOTLAND

##### *Supplementary provisions*

#### **42 Environmental assessment of projects involving special roads.**

- (1) In section 20A of the <sup>M1</sup>Roads (Scotland) Act 1984 (environmental assessment of certain road construction projects), after subsection (2) (cases in which environmental statement must be published) insert—

“(2A) Any project for the construction of a special road which falls within Annex II to the Directive shall be treated as having such characteristics that it should be made subject to an environmental assessment in accordance with the Directive.”.

- (2) In section 55A of that Act (environmental assessment of certain road improvement projects), in subsection (2) (cases in which environmental statement must be published) after the word “and” there shall be inserted the words “ either the project is in respect of a special road or the project ”.

#### **Marginal Citations**

**M1** 1984 c. 54.

#### **43 Provisions as to traffic regulation.**

- (1) The following provisions have effect with respect to the operation of the <sup>M2</sup>Road Traffic Regulation Act 1984 (“the 1984 Act”) in relation to a road in respect of which an assignation has been granted under section 28(1).

*Status: Point in time view as at 07/09/2023.*

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- (2) The traffic authority shall consult the concessionaire before making any regulations or order under the 1984 Act specifically relating to the road.
- (3) The concessionaire may cause or permit traffic signs (within the meaning of section 64(1) of the 1984 Act) to be placed on or near the road, but subject to any directions given by the traffic authority.

If the concessionaire fails to comply with a direction of the traffic authority as to the placing of traffic signs, the authority may themselves carry out the work required and recover from the concessionaire the expenses reasonably incurred by them in doing so.

- (4) The concessionaire may issue a notice under section 14 of the 1984 Act (temporary restriction or prohibition of traffic) having the same effect as a notice issued under that section by the traffic authority.

The Secretary of State may by regulations make provision excluding in relation to such a notice issued by a concessionaire the provisions of the 1984 Act relating to—

- (a) the procedure in connection with the issue of the notice,
- (b) the maximum duration of the notice, and
- (c) the making of provision in relation to alternative roads,

and making instead such other provision as appears to him to be appropriate.

- (5) A notice issued by the concessionaire by virtue of subsection (4) may be revoked or varied by the traffic authority and shall cease to have effect if provision inconsistent with it is made by that authority by order or notice under section 14 of the 1984 Act.
- (6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Marginal Citations

M2 1984 c. 27.

#### 44 Exercise of road traffic regulation powers.

In Part X of the <sup>M3</sup>Road Traffic Regulation Act 1984 (general and supplementary provisions), after section 122 insert—

##### “122A Prospective exercise of powers.

- (1) Any power under this Act to make an order or give a direction may be exercised before the road to which it relates is open for public use, so as to take effect immediately on the road’s becoming open for public use.
- (2) The procedure for making an order or giving a direction applies in such a case with such modifications as may be prescribed.”.

#### Marginal Citations

M3 1984 c. 27.

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#### **45 Classification of traffic for purposes of special roads.**

In section 8 of the <sup>M4</sup>Roads (Scotland) Act 1984 (classification of traffic for purposes of special roads), in subsection (3) there shall be omitted the words from “and where” to the end (which relate to the effect of a variation order on existing schemes) and after that subsection there shall be inserted—

“(4) A variation order may contain provision applying the variations made by the order to existing schemes (whether made by the Secretary of State or a local roads authority); and in the absence of such provision a variation order does not affect the classes of traffic prescribed in an existing scheme.

(5) In subsection (4) above an “existing scheme” means a scheme under section 7 made before the order comes into operation.”.

#### **Marginal Citations**

**M4** 1984 c. 54.

#### **46 Special roads not necessarily to be trunk roads.**

In section 10 of the Roads (Scotland) Act 1984 (under which a special road provided by the Secretary of State becomes a trunk road), after subsection (2) there shall be inserted—

“(3) Subsections (1) and (2) above shall have effect subject to any provision of the scheme under section 7 of this Act directing that the special road in question or any part of it shall not be a trunk road; but any such provision shall not affect the power of the Secretary of State to make an order under section 5(2)(a) of this Act with respect to the special road or part.”.

#### **47 The Roads (Scotland) Act 1984 and the interpretation of Part II.**

(1) In this Part—

“extension toll order” means a toll order made under section 30(1) authorising the charging of tolls for a new toll period;

“roads authority”, “local roads authority” and “special road authority” have the same meaning as in the <sup>M5</sup>Roads (Scotland) Act 1984;

“special road” has the same meaning as in that Act;

“special road scheme” means a scheme under section 7 of that Act authorising the provision of a special road;

“toll order” means an order under section 27 authorising the charging of tolls;

“toll period” has the meaning given in section 29(1).

(2) The following provisions of the Roads (Scotland) Act 1984 apply for the purposes of this Part as if it were a part of that Act—

sections 136 to 138 (provisions as to notices), and  
section 139 (inquiries).

(3) Where an assignation is granted jointly under section 28(1) by two or more local roads authorities references in this Part to the roads authority shall be construed—

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- (a) as references to each of those authorities in relation to times, circumstances and purposes before the special road scheme becomes operative, and
  - (b) in relation to times, circumstances and purposes after the special road scheme becomes operative, as references to the authority which in accordance with the scheme is the special road authority.
- (4) Nothing in this Part shall be construed as restricting the powers of a roads authority with respect to a road subject to a toll order in respect of which an assignation has been granted under section 28(1)—
- (a) as to the matters which may be provided for in the assignation or as to the making of agreements of any other description for any purpose connected with the special road, or
  - (b) as to the acquisition, by agreement or compulsorily, of any land which in the opinion of the authority is required, in connection with the road, for any purpose for which the authority may acquire land under Part IX of the <sup>M6</sup>Roads (Scotland) Act 1984.

**Marginal Citations**

**M5** 1984 c. 54.

**M6** 1984 c. 54.

**Status:**

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