



Transport (Scotland) Act 2001

2001 asp 2

PART 4

MISCELLANEOUS

Public rights of passage: redetermination orders

75 Amendment of Roads (Scotland) Act 1984

In section 152 of the Roads (Scotland) Act 1984 (c.54) (further provision as to interpretation and certain ancillary powers)—

(a) after subsection (3) there shall be inserted—

“(3A) Where an order under subsection (2) above states that it has effect only for such period not exceeding 18 months as is specified in the order, the order shall have effect during that period notwithstanding any failure to comply with—

- (a) any regulations made under subsection (1) of section 71 of this Act; or
- (b) subsection (2) of that section.

(3B) Subject to subsection (3C) below, an order which—

- (a) has effect by virtue of subsection (3A) above; and
- (b) makes the same provision in relation to the same right of public passage as was made in an order which has ceased to have effect,

may not have effect for a period which, when taken together with the period for which any order such as is mentioned in paragraph (b) above had effect, amounts to more than 18 months.

(3C) An order may have effect for a period which, when taken together with the period for which any order such as is mentioned in subsection (3B) (b) above had effect, amounts to more than 18 months only for the purpose of enabling the authority who made the order to take any steps necessary to seek to comply with—

Changes to legislation: Transport (Scotland) Act 2001, Section 75 is up to date with all changes known to be in force on or before 14 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

(a) any regulations made under subsection (1) of section 71 of this Act; or

(b) subsection (2) of that section.”;

and

(b) after subsection (4) there shall be added—

“(5) Where—

(a) during the period when an order under subsection (2) above has effect by virtue of subsection (3A) above, the authority carry out any works necessary for giving effect to the order (including any works carried out by virtue of subsection (4) above); and

(b) on the order ceasing to have effect, no further order under subsection (2) above making the same provision in relation to the same right of public passage has effect,

the authority who made the order shall carry out any works necessary to reinstate the conditions pertaining before such works were carried out.”.

Changes to legislation:

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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):

- Pt. 2 Ch. 3 applied in part by [2019 asp 17 s. 47\(1\)\(2\)](#)
- Pt. 2 Ch. 3 inserted by [2019 asp 17 s. 41\(2\)](#)
- Pt. 2 Ch. 4 heading inserted by [2019 asp 17 sch. para. 3\(2\)](#)
- s. 27B and cross-heading inserted by [2019 asp 17 s. 42\(2\)](#)
- s. 29(3A)-(3C) inserted by [2019 asp 17 s. 44\(2\)\(a\)](#)
- s. 29(7)(8) inserted by [2019 asp 17 s. 44\(2\)\(c\)](#)
- s. 30(3)(ca)-(cc) inserted by [2019 asp 17 s. 44\(3\)\(b\)](#)
- s. 31(1A) inserted by [2019 asp 17 s. 44\(4\)\(a\)](#)
- s. 31(3)(ca) inserted by [2019 asp 17 s. 44\(4\)\(b\)\(iii\)](#)
- s. 31(5)-(7) inserted by [2019 asp 17 s. 44\(4\)\(d\)](#)
- s. 32A inserted by [2019 asp 17 s. 45\(2\)](#)
- s. 32B and cross-heading inserted by [2019 asp 17 s. 46\(2\)](#)
- s. 35A inserted by [2019 asp 17 s. 40\(2\)](#)
- s. 39(1)(ca) inserted by [2019 asp 17 s. 40\(3\)](#)
- s. 79(1)(ca) inserted by [2019 asp 17 s. 48\(2\)\(b\)](#)