

Status: Point in time view as at 01/09/2009.

Changes to legislation: Roads (Scotland) Act 1984 is up to date with all changes known to be in force on or before 22 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 1

Sections, 5, 7, 9, 12, 75 and 77.

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**

PART I

ORDERS

- 1 Where the Secretary of State proposes to make an order under section 5, 9, 12, 75 or 77 of this Act he shall publish in at least one newspaper circulating in the area in which any road to which the order relates is situated and in the Edinburgh Gazette a notice—
 - (a) stating the general effect of the proposed order;
 - (b) specifying a place in the said area where a copy of the draft order and of any relevant map or plan may be inspected free of charge at all reasonable hours during a period specified in the notice, being not less than six weeks from the date of the publication of the notice; and
 - (c) stating that, within the said period, any person may by notice to the Secretary of State object to the making of the order.
- 2 Where an order under the said section 9 or 12 is submitted to the Secretary of State by a local roads authority, that authority shall publish in the manner specified in paragraph 1 above the notice there referred to, and that paragraph shall have effect in relation to a notice published by any such authority as if the references to the draft order and the making of the order were references to the order as submitted to the Secretary of State and the confirmation of the order respectively.
- 3 Not later than the day on which the said notice is published or, if it is published on two or more days, the day on which it is first published, the Secretary of State or the local roads authority, as the case may be, shall serve on each person (other than himself or as the case may be themselves) specified in such head or heads of the Table set out at the end of this paragraph as apply in the case of the order in question—
 - (a) a copy of the notice;
 - (b) a copy of the draft order or, as the case may be, the order; and
 - (c) a copy of any relevant map or plan.

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TABLE

Persons to be served with copies of the documents specified in paragraph 3 of this schedule

	<i>Nature of order or proposed order</i>	<i>Persons to be served</i>
(i)	Order proposed to be made under section 5, 12 or 75.	[^{F1} Every local authority in whose area] any road to which the proposed order applies is situated.
(ii)	Order proposed to be made under section 5, 9 or 12 which provides for the construction of a bridge over or a tunnel under navigable waters, and order under section 75.	Every navigation authority ^{F2} . . . concerned with or having jurisdiction over the waters affected or over the area comprising those waters [^{F3} and Scottish Water] .
(iii)	Order proposed to be made under section 12 authorising the carrying out of new works.	[^{F1} Every local authority] on whose area works authorised by the proposed order are to be carried out.
(iv)	Order under section 9 transferring a road from one roads authority to another.	The roads authorities to and from whom the road is to be transferred.
(v)	Order proposed to be made under section 77.	[^{F1} Every local authority in whose area] the bridge or its approaches is situated and every navigation authority concerned with or having jurisdiction over the waters affected or over the area comprising those waters.
(vi)	Order proposed to be made under section 9 or 12 which authorises the stopping up of	The owner and the occupier of the land.

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	a private means of access to land.	
(vii)	Order proposed to be made under section 9 or 12 which authorises the stopping up or diversion of a public road.	[^{F1} Every local authority in whose area] the road is situated, and any statutory undertakers having apparatus under, in, upon, over, along or across the road.
(viii)	Order proposed to be made under section 9 which authorises entry by the special road authority on land.	The occupier of that land.

Textual Amendments

- F1** Words in entries (i)(iii)(v)(vii) of the Table in Sch. 1 Pt. I para. 3 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 135(11)(a)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Words in entry (ii) of the Table in Sch. 1 Pt. I para. 3 repealed (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(2), **Sch. 7 para. 14(6)(a)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F3** Words in entry (ii) of the Table in Sch. 1 Pt. I para. 3 inserted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(2), **Sch. 7 para. 14(6)(a)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

- 4 Where the order provides for the stopping up or diversion of a public road, the Secretary of State shall, not later than the day on which the notice is published or, if it is published on two or more days, the day on which it is first published, cause a copy of it to be displayed in a prominent position at the ends of so much of any road as is proposed to be stopped up or diverted under the order.
- 5 If before the expiration of the period specified in pursuance of paragraph 1(b) above an objection is received by the Secretary of State from any person on whom a copy of the notice is required to be served under paragraph 3 above, or from any other person appearing to the Secretary of State to be affected, and the objection is not withdrawn, the Secretary of State shall, subject to [^{F4} paragraph 6] below, cause a local inquiry to be held.

Textual Amendments

- F4** Words in Sch. 1 para. 5 substituted (28.12.2007) by Transport and Works (Scotland) Act 2007 (asp 8), s. 30(4), **sch. 2 para. 3(a)**; S.S.I. 2007/516, **art. 2** (with S.S.I. 2007/517, arts. 1(1), 4(2)-(4))

- 6 Except where the objection is made by any person on whom a copy of the notice is required to be served by virtue of paragraph 3 above as read with such one or more of heads (i) to (v) of the Table at the end of that paragraph as apply in the case of the order in question, the Secretary of State may, if he is satisfied that in the circumstances of the case the holding of an inquiry under paragraph 5 above is not necessary, dispense with such an inquiry.

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- 7 (1) ^{F5} ... after considering objections (if any) to the proposed order or, as the case may be, the 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 of confirm the order either without modification or subject to such modifications as he thinks fit.
- ^{F6}(1A) Where the Scottish Ministers have published an environmental statement they shall take into consideration—
- (a) that statement; ^{F7} ...
 - ^{F8}(b) any opinion on that statement or the project which is expressed in writing by any of the consultation bodies or by any other person and is received by the Scottish Ministers within any period specified for the purpose by them; and
 - (c) where section 20B applies and the EEA State has indicated in accordance with subsection (4) of that section that it wishes to participate in the environmental impact assessment procedure, any opinion on that statement or the project which is expressed in writing by the EEA State, by a member of the public in the EEA State or by any of the authorities referred to in Article 6(1) of the Directive and is received by the Scottish Ministers within any period specified for the purpose by them.]
- (1B) When the Scottish Ministers have decided whether to proceed with the project in relation to which an environmental impact assessment has been made they shall publish their decision together with a statement confirming that they have complied with sub-paragraph (1A) above and shall ^{F9}notify the consultation bodies and] make available to the public documents containing—
- (a) the content of the decision and any conditions attached to it;
 - (b) the main reasons and considerations on which the decision is based ^{F10}including, if relevant, information about the participation of the public and details of how information, evidence and representations submitted were taken into account] ; ^{F11} ...
 - ^{F12}(bb) [information regarding the right to challenge the validity of the decision and the procedures for doing so; and]
 - (c) where their decision is to proceed with the project, a description of the main measures which will be taken to avoid, reduce and if possible offset any major adverse effects of the project.
- [Where—
- ^{F13}(1BA) (a) the Scottish Ministers publish under sub-paragraph (1B) above a decision to proceed with a project; and
- (b) the statutory instrument giving effect to that decision is to be laid before the Scottish Parliament under section 143A(3)(a) of this Act,
- they shall publish together with the decision a statement to the effect that the instrument cannot come into force until the Scottish Parliament, by resolution, approves it.]
- (1C) Any requirement for publication in connection with an environmental impact assessment shall be met by publication in The Edinburgh Gazette and in at least one local newspaper circulating in the area in which the project is situated ^{F14}and where the Scottish Ministers use a website for the purpose of giving information to the public about projects of a category into which the project in question falls, by publication on that website] .]

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- [^{F15}(1D) Any non-governmental organisation promoting environmental protection and meeting any requirements under the law shall be deemed to have an interest for the purposes of Article 10a(a) of the Directive and rights capable of being impaired for the purposes of Article 10a(b) of the Directive.]
- (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 he thinks fit) while deferring consideration of the remaining part.

Textual Amendments

- F5** Words in Sch. 1 para. 7(1) 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))
- F6** Sch. 1 para. 7(1A)-(1C) substituted for Sch. 1 para. 7(1A)(1B) (1.8.1999) by [S.S.I. 1999/1](#), [reg. 52](#)
- F7** Word in Sch. 1 para. 7(1A) omitted (1.2.2007) by virtue of [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(a\)](#)
- F8** Sch. 1 para. 7(1A)(b)(c) substituted for Sch. 1 para. 7(1A)(b) (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(a\)](#)
- F9** Words in Sch. 1 para. 7(1B) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(b\)\(i\)](#)
- F10** Words in Sch. 1 para. 7(1B)(b) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(b\)\(ii\)](#)
- F11** Word in Sch. 1 para. 7(1B)(b) omitted (1.2.2007) by virtue of [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(b\)\(iii\)](#)
- F12** Sch. 1 para. 7(1B)(bb) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(b\)\(iii\)](#)
- F13** Sch. 1 para. 7(1BA) inserted (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), [ss. 24\(4\)\(a\)](#), 30(4); [S.S.I. 2007/516](#), art. 2
- F14** Words in Sch. 1 para. 7(1C) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(c\)](#)
- F15** Sch. 1 para. 7(1D) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(d\)](#)

- 8 In this Part of this Schedule references to a proposed order or an order proposed to be made include references to an order made by a local roads authority and submitted to the Secretary of State.

PART II

SCHEMES UNDER SECTIONS 7 AND 75(3)

- 9 Where the Secretary of State proposes to make a scheme under section 7 or 75(3) of this Act, or where a scheme under either of those sections is submitted to the Secretary of State by a local roads authority, the Secretary of State or that authority, as the case may be, shall publish in at least one newspaper circulating in the area in which the road, or as the case may be the site of the bridge or tunnel, to which the scheme relates is situated and in the Edinburgh Gazette a notice—
- stating the general effect of the proposed scheme;
 - specifying a place in the said area where copies of a draft of the scheme, or of the scheme as submitted to the Secretary of State, as the case may

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- be, and of any relevant map or plan may be inspected free of charge, at all reasonable hours during a period specified in the notice, being not less than six weeks from the date of the publication of the notice; and
- (c) stating that, within the said period, any person may by notice to the Secretary of State object to the making or confirmation of the scheme.
- 10 Not later than the day on which the said notice is published or, if it is published on two more days, the day on which it is first published, the Secretary of State or the local roads authority, as the case may be, shall serve a copy of it (together with a copy of draft scheme or of the scheme, as the case may be, and of any relevant map of plan)—
- (a) on [^{F16}every local authority] in whose area any part of the route of the special road, or as the case may be the site of the bridge or tunnel, is situated; and
- (b) where the scheme provides for the construction of a bridge over or tunnel under any navigable waters, on
- [^{F17}(i) every navigation authority ^{F18} . . . concerned with or having jurisdiction over the waters affected or over the area comprising those waters]^{F19}, and
- (ii) Scottish Water.]

Textual Amendments

- F16** Words in Sch. 1 Pt. II para. 10(a) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 135(11)(b)**; S.I. 1996/323, **art. 4(1)(c)**
- F17** Words in Sch. 1 Pt. II para. 10(b) renumbered (1.4.2002) as Sch. 1 Pt. II para. 10(b)(i) by *Water Industry (Scotland) Act 2002 (asp 3)*, s. 71(2), **Sch. 7 para. 14(6)(b)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F18** Words in Sch. 1 Pt. II para. 10(b) repealed (1.4.2002) by *Water Industry (Scotland) Act 2002 (asp 3)*, s. 71(2), **Sch. 7 para. 14(6)(b)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F19** Sch. 1 Pt. II para. 10(b)(ii) and preceding word inserted (1.4.2002) by *Water Industry (Scotland) Act 2002 (asp 3)*, s. 71(2), **Sch. 7 para. 14(6)(b)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

- 11 If before the expiration of the period specified in pursuance of paragraph 9(b) above an objection is received by the Secretary of State from any person on whom a copy of the notice is required to be served under paragraph 10 above or from any other person appearing to him affected by the proposed scheme, and the objection is not withdrawn, the Secretary of State shall, subject to [^{F20} paragraph 12] below, cause a local inquiry to be held.

Textual Amendments

- F20** Words in Sch. 1 para. 11 substituted (28.12.2007) by *Transport and Works (Scotland) Act 2007 (asp 8)*, s. 30(4), **sch. 2 para. 3(b)**; S.S.I. 2007/516, **art. 2**

- 12 Except where the objection is made by any person on whom notice is required to be served under paragraph 10 above, the Secretary of State may, if he is satisfied that in the circumstances of the case the holding of an inquiry under paragraph 11 above is unnecessary, dispense with such an inquiry.
- 13 (1) ^{F21}...after considering objections (if any) to the proposed scheme which are not withdrawn and, where a local inquiry is held, the report of the person who held

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the inquiry, the Secretary of State may make or confirm the scheme either without modification or subject to such modifications as he thinks fit.

[^{F22}(1A) Where the Scottish Ministers have published an environmental statement they shall take into consideration—

(a) that statement; ^{F23} ...

[^{F24}(b) any opinion on that statement or the project which is expressed in writing by any of the consultation bodies or by any other person and is received by the Scottish Ministers within any period specified for the purpose by them; and

(c) where section 20B applies and the EEA State has indicated in accordance with subsection (4) of that section that it wishes to participate in the environmental impact assessment procedure, any opinion on that statement or the project which is expressed in writing by the EEA State, by a member of the public in the EEA State or by any of the authorities referred to in Article 6(1) of the Directive and is received by the Scottish Ministers within any period specified for the purpose by them.]

(1B) When the Scottish Ministers have decided whether to proceed with the project in relation to which an environmental impact assessment has been made they shall publish their decision together with a statement confirming that they have complied with sub-paragraph (1A) above and shall [^{F25}notify the consultation bodies and] make available to the public documents containing—

(a) the content of the decision and any conditions attached to it;

(b) the main reasons and considerations on which the decision is based [^{F26}including, if relevant, information about the participation of the public and details of how information, evidence and representations submitted were taken into account] ; ^{F27} ...

[information regarding the right to challenge the validity of the decision and ^{F28}(bb) the procedures for doing so; and]

(c) where their decision is to proceed with the project, a description of the main measures which will be taken to avoid, reduce and if possible offset any major adverse effects of the project.

[Where—

^{F29}(1BA) (a) the Scottish Ministers publish under sub-paragraph (1B) above a decision to proceed with a project; and

(b) the statutory instrument giving effect to that decision is to be laid before the Scottish Parliament under section 143A(3)(a) of this Act,

they shall publish together with the decision a statement to the effect that the instrument cannot come into force until the Scottish Parliament, by resolution, approves it.]

(1C) Any requirement for publication in connection with an environmental impact assessment shall be met by publication in The Edinburgh Gazette and in at least one local newspaper circulating in the area in which the project is situated [^{F30}and where the Scottish Ministers use a website for the purpose of giving information to the public about projects of a category into which the project in question falls, by publication on that website] .]

[^{F31}(1D) Any non-governmental organisation promoting environmental protection and meeting any requirements under the law shall be deemed to have an interest for the

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purposes of Article 10a(a) of the Directive and rights capable of being impaired for the purposes of Article 10a(b) of the Directive.]

- (2) The power under this paragraph to make or confirm the scheme 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

- F21** Words in Sch. 1 para. 13(1) 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))
- F22** Sch. 1 para. 13(1A)-(1C) substituted for Sch. 1 para. 13(1A)(1B) (1.8.1999) by [S.S.I. 1999/1](#), [reg. 52](#)
- F23** Word in Sch. 1 para. 13(1A) omitted (1.2.2007) by virtue of [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(a\)](#)
- F24** Sch. 1 para. 13(1A)(b)(c) substituted for Sch. 1 para. 13(1A)(b) (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(a\)](#)
- F25** Words in Sch. 1 para. 13(1B) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(b\)\(i\)](#)
- F26** Words in Sch. 1 para. 13(1B)(b) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(b\)\(ii\)](#)
- F27** Word in Sch. 1 para. 13(1B)(b) omitted (1.2.2007) by virtue of [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(b\)\(iii\)](#)
- F28** Sch. 1 para. 13(1B)(bb) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(b\)\(iii\)](#)
- F29** Sch. 1 para. 13(1BA) inserted (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), [ss. 24\(4\)\(b\)](#), 30(4); [S.S.I. 2007/516](#), art. 2
- F30** Words in Sch. 1 para. 13(1C) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(c\)](#)
- F31** Sch. 1 para. 13(1D) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, [6\(5\)\(d\)](#)

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

F32 [PART IIA

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

Textual Amendments

- F32** 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)

- C2** 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](#)

- F33 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

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- 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
 - (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

F33 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](#)

^{F34}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

F34 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](#)

^{F35}14C(1) ^{F36}... 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.

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(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

- F35** 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**
- F36** 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))

^{F37F38}14D]

Textual Amendments

- F37** 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))
- F38** 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**

^{F39}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

- F39** 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**

PART III

GENERAL

15 Any person who objects to the making or confirmation of an order or scheme pursuant to this Schedule shall include in the notice of objection a statement of the grounds of objection; and the Secretary of State may disregard any such notice of objection which does not contain such a statement.

Modifications etc. (not altering text)

- C3** Sch. 1 para. 15 applied (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 27(3)(with savings ss. 47(4), 167(2)); S.I. 1991/2286, art. 2(1), **Sch. 1**

16 The Secretary of State may, by notice served on a person objecting to the making or confirmation of an order or scheme pursuant to this Schedule who submits that any road to which the order or scheme relates should follow an alternative route, require such person within such period as may be specified in the notice to give sufficient details of the alternative route to enable it to be identified and may disregard so much of the objection as consists of a submission to which the notice applies unless the person making the objection has complied with the notice.

Status: Point in time view as at 01/09/2009.

Changes to legislation: Roads (Scotland) Act 1984 is up to date with all changes known to be in force on or before 22 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)

- 17 Proceedings required to be taken for the purposes of an order under section 9 of this Act relating to a special road or for the purposes of an order under section 12 of this Act relating to a trunk road may be taken concurrently with proceedings required by this Schedule to be taken for the purposes of an order under section 5 of this Act or, as the case may be for the purposes of a scheme under section 7 of this Act, relating to that road.
- 18 Section 210(2) to (8) of the ^{M1}Local Government (Scotland) Act 1973 shall apply to any inquiry held under paragraph ^{F40}5, 11 or 14B] above as it applies in relation to a local inquiry under that section ^{F41}....

Textual Amendments

- F40** Words in Sch. 1 para. 18 substituted (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 96\(2\)](#); S.I. 1991/2286, art. 2(1), [Sch. 1](#)
- F41** Words in Sch. 1 para. 18 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))

Modifications etc. (not altering text)

- C4** Sch. 1 para. 18 applied (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 27(3)(with savings ss. 47(4), 167(2)); S.I. 1991/2286, art. 2(1), [Sch. 1](#)

Marginal Citations

- M1** 1973 c. 65.

PART IV

APPLICATION OF STATUTORY ORDERS (SPECIAL PROCEDURE)ACT1945

Modifications etc. (not altering text)

- C5** Sch. 1 Pt. IV applied (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 27(3)(with savings ss. 47(4), 167(2)); S.I. 1991/2286, art. 2(1), [Sch. 1](#)

^{F42}19

Textual Amendments

- F42** Sch. 1 para. 19 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))

Status: Point in time view as at 01/09/2009.

Changes to legislation: Roads (Scotland) Act 1984 is up to date with all changes known to be in force on or before 22 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)

SCHEDULE 2

Sections, 5, 7, 9, 12, 75 and 77.

VALIDITY AND DATE OF OPERATION OF CERTAIN ORDERS AND SCHEMES

Modifications etc. (not altering text)

C6 Sch. 2 excluded (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), **s. 30(6)**, **34(7)** (with savings **ss. 47(4)**, **167(2)**); S.I. 1991/2286, art. 2(1), **Sch. 1**

- 1 As soon as may be after a scheme or order to which this Schedule applies has been made or confirmed by the Secretary of State, he shall publish in the Edinburgh Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice,
- [^{F43}(a)] stating that the scheme or order has been made or confirmed ^{F44}...
 - [^{F45}(b)] naming a place where a copy thereof may be inspected free of charge at all reasonable hours
 - [^{F46}(c)] if subsection (3) of section 143A of this Act does not apply to the statutory instrument containing or confirming the scheme or order, giving information regarding—
 - (i) the date on which the scheme or order will become operative; and
 - (ii) the right to challenge the validity of the scheme or order and the procedure for doing so; and
 - (d) if that subsection does apply to the relevant statutory instrument, stating that the instrument cannot come into force until the Scottish Parliament, by resolution, approves it.]

Textual Amendments

- F43** Words in Sch. 2 para. 1 renumbered as Sch. 2 para. 1(a) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 24(5)(a)(i)**, 30(4); S.S.I. 2007/516, art. 2
- F44** Word in Sch. 2 para. 1 repealed (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 24(5)(a)(ii)**, 30(4); S.S.I. 2007/516, art. 2
- F45** Words in Sch. 2 para. 1 renumbered as Sch. 2 para. 1(b) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 24(5)(a)(iii)**, 30(4); S.S.I. 2007/516, art. 2
- F46** Sch. 2 para. 1(c)(d) added (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 24(5)(a)(iv)**, 30(4); S.S.I. 2007/516, art. 2

- [^{F47}1A] As soon as may be after the Scottish Parliament has decided whether or not to approve a statutory instrument under section 143A(3)(b) of this Act, the Scottish Ministers shall publish in the Edinburgh Gazette, and in such other manner as they think best adapted for informing persons affected, a notice—
- (a) stating that the Parliament has, or as the case may be has not, passed a resolution approving the instrument; and
 - (b) where a resolution has been passed, providing information regarding—
 - (i) the date on which the relevant scheme or order will become operative;
 - (ii) the place where a copy of it may be inspected free of charge at all reasonable hours; and
 - (iii) the right to challenge the validity of the scheme or order and the procedure for doing so.]

Status: Point in time view as at 01/09/2009.

Changes to legislation: Roads (Scotland) Act 1984 is up to date with all changes known to be in force on or before 22 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)

Textual Amendments

F47 Sch. 2 para. 1A inserted (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 24(5)(b)**, 30(4); S.S.I. 2007/516, art. 2

- 2 If any person aggrieved by the scheme or order desires to question the validity thereof, or of any provision contained therein, on the grounds that it is not within the powers of this Act or that any requirement of this Act or of any regulations made thereunder has not been complied with in relation to the scheme or order, he may, within six weeks of the
- [^{F48}(a)] date on which the notice required by paragraph 1 above is first published, [^{F49}or
- (b) in a case where a notice under paragraph 1A above is required, the date on which that notice is first published,]
- make an application as regards that validity to the Court of Session.

Textual Amendments

F48 Words in Sch. 2 para. 2 renumbered as Sch. 2 para. 2(a) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 24(5)(c)(i)**, 30(4); S.S.I. 2007/516, art. 2

F49 Sch. 2 para. 2(b) and word inserted (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 24(5)(c)(ii)**, 30(4); S.S.I. 2007/516, art. 2

- 3 On any such application the Court—
- (a) may by interim order suspend the operation of the scheme or order or of any provision contained in it, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and
- (b) if satisfied that the scheme or order or any provision contained in it is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by failure to comply with any such requirement as aforesaid, may quash the scheme or order or any provision contained in it, either generally or in so far as it effects the property of the applicant.
- 4 Subject to paragraph 3 above, a scheme or order to which this Schedule applies shall not, either before or after it as been made or confirmed, be questioned in any legal proceedings whatever, and shall become operative on the date on which the notice required by paragraph 1 above is first published or on such later date, if any, as may be specified in the scheme or order.

^{F50}5

Textual Amendments

F50 Sch. 2 para. 5 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))

^{F51} [^{F52}6

Status: Point in time view as at 01/09/2009.

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Textual Amendments

- F51** Sch. 2 para. 6 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))
- F52** Sch. 2 para. 6 inserted (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 108\)](#), s. 168(1), [Sch. 8 para 97](#); [S.I. 1991/2286](#), [art. 2\(1\)](#), [Sch. 1](#)

SCHEDULE 3

Section 8(2).

CLASSES OF TRAFFIC FOR PURPOSES OF SPECIAL ROADS

CLASS I:

Heavy and light locomotives,

motor tractors,

heavy motor cars,

motor cars,

motor cycles whereof the cylinder capacity of the engine is not less than 50 cubic centimetres, and

trailers drawn thereby,

which comply with general regulations as to construction and use made under section 40 of the ^{M2}Road Traffic Act 1972 and in the case of which—

- (i) the whole weight of the vehicle is transmitted to the road surface by means of wheels;
- (ii) all wheels of the vehicle are equipped with pneumatic tyres;
- (iii) the vehicle is not controlled by a pedestrian;
- (iv) the vehicle is not a vehicle chargeable with duty under paragraph 2 of Part I of Schedule 3 to the ^{M3}Vehicles (Excise) Act 1971; and
- (v) it is so constructed, being a motor vehicle, as to be capable of attaining a speed of 25 miles per hour on the level under its own power, when unladen and not drawing a trailer.

Marginal Citations

- M2** 1972 c. 20.
M3 1971 c. 10.

CLASS II:

Motor vehicles and trailers the use of which for or in connection with the conveyance of abnormal indivisible loads is authorised by order made by the Secretary of State under section 42(1) of the Road Traffic Act 1972.

Status: Point in time view as at 01/09/2009.

Changes to legislation: Roads (Scotland) Act 1984 is up to date with all changes known to be in force on or before 22 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)

Motor vehicles and trailers constructed for naval, military, air force or other defence purposes, the use of which is authorised by order made by the Secretary of State under section 42(1) of the Road Traffic Act 1972.

Motor vehicles and trailers, to which Articles 16 (which relates to vehicles for moving excavated material), 17 (which relates among other things to vehicles constructed for use outside the United Kingdom) and 21 (which relates to engineering plant) of the ^{M4}Motor Vehicles (Authorisation of Special Types) General Order 1973 relate and which are authorised to be used by those Articles or by any other Order under section 42(1) of the Road Traffic Act 1972, the said motor vehicles being so constructed as to be capable of attaining a speed of 25 miles per hour on the level under their own power, when unladen and not drawing a trailer.

Marginal Citations

M4 [S.I. 1973/1101.](#)

CLASS III: Motor vehicles controlled by pedestrians.

CLASS IV: All motor vehicles (other than invalid carriages and motor cycles whereof the cylinder capacity of the engine is less than 50 cubic centimetres) not comprised in Class I, Class II or Class III.

CLASS V: Vehicles drawn by animals.

CLASS VI: Vehicles (other than pedal cycles, perambulators, push-chairs and other forms of baby-carriages) drawn or propelled by pedestrians.

CLASS VII: Pedal cycles, motor cycles whereof the cylinder capacity of the engine is less than 50 cubic centimetres and invalid carriages.

CLASS VIII: Animals ridden, led or driven (other than dogs held on a lead).

CLASS IX: Pedestrians, perambulators, push-chairs and other forms of baby carriages, and dogs held on a lead.

In this Schedule any expression defined for the purposes of the ^{M5}Road Traffic Act 1972 has the same meaning as in that Act and the expression “abnormal indivisible load” has the same meaning as in the Motor Vehicles (Authorisation of Special Types) General Order 1973.

Marginal Citations

M5 [1972 c. 20.](#)

SCHEDULE 4

Sections 41 and 45.

PROCEDURE FOR DETERMINATION BY ROADS AUTHORITY OF
CERTAIN QUESTIONS IN CONNECTION WITH CATTLE-GRIDS

- 1 (1) Before determining, under section 41 or 45 of this Act, the question—
- (a) whether it is expedient to place any part of a cattle-grid, or provide a by-pass, on any such land not forming part of a road and not belonging to the roads authority as is mentioned in subsection (4) of the said section 41;

Status: Point in time view as at 01/09/2009.

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- (b) whether it is expedient to provide a by-pass along any part of a road; or
 - (c) whether the purpose for which a right to instal gates is exercisable will be adequately achieved by the provision of a cattle-grid,
- the authority shall comply with the requirements of sub-paragraph (2) below.

- (2) The requirements referred to in sub-paragraph (1) above are that the authority shall—
- (a) publish in two successive weeks in one or more newspapers circulating in the area where the cattle-grid is to be, or has been, provided a notice—
 - (i) stating generally the question for determination;
 - (ii) naming a place within the said area where a copy may be inspected free of charge at all reasonable hours of such plans as appear, or other descriptive matter as appears, to the authority to be requisite for enabling the nature of the question to be understood; and
 - (iii) specifying the time (not being less than 28 days from the date of the first publication of the notice) within which and the manner in which representations may be made to the authority; and
 - (b) display a like notice in a prominent position at the place where the cattle-grid is to be or has been provided.
- 2 If no representation is duly made under paragraph 1 above, or every representation so made is withdrawn, the authority may proceed to determine the question.
- 3 (1) Where a representation is duly made as aforesaid and not withdrawn the following provisions of this paragraph shall have effect.
- (2) Where the authority is not the Secretary of State, they shall forward the representation to him, together with their observations thereon and their proposals, in the light of the representation, for determining the question.
- (3) The Secretary of State shall consider any representations received by him (and, where the authority is not the Secretary of State, their observations and proposals forwarded to him as aforesaid) and shall either cause a local inquiry to be held or afford to any person by whom a representation has been duly made and not withdrawn and, where the authority is not the Secretary of State, to that authority, an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) After the Secretary of State has considered the report of the person who held the inquiry under sub-paragraph (3) above, or of the person appointed under that sub-paragraph, as the case may be—
- (a) the Secretary of State may, where he is the roads authority, proceed to determine the question;
 - (b) where he is not the roads authority, the authority may determine the question in the affirmative if the Secretary of State consents, but otherwise, and subject to compliance with any conditions subject to which his consent is given.
- (5) Notwithstanding anything in sub-paragraph (3) above, except where a representation is made by a roads authority other than the Secretary of State, the Secretary of State may, if satisfied that in the special circumstances of the case the holding of a local inquiry or the affording to the person making such representation as aforesaid of an opportunity to be heard by a person appointed by the Secretary of State is unnecessary, proceed without compliance with the provisions of the said sub-paragraph (3).

Status: Point in time view as at 01/09/2009.

Changes to legislation: Roads (Scotland) Act 1984 is up to date with all changes known to be in force on or before 22 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)

- (6) As soon as may be after the determination of the question, a notice of the determination shall be sent by the Secretary of State to any person by whom a representation has been made under the foregoing provisions of this Schedule.
- (7) Subsections (2) to (8) of section 210 of the ^{M6}Local Government (Scotland) Act 1973 (procedure for holding local inquiries) shall apply to a local inquiry held under subparagraph (3) above as they apply to the inquiries mentioned in subsection (1) of the said section 210.

Marginal Citations

M6 1973 c. 65.

- 4 For the purpose of displaying a notice as required by paragraph 1 of this Schedule, the roads authority may, in the road or on adjoining land (whether or not belonging to the authority) erect and maintain posts or boards or affix a notice to any building or structure; but the powers conferred by this paragraph shall not be exercised on occupied land adjoining the road except with the consent of the occupier.
- 5 The Secretary of State may make regulations for securing that proceedings required by the First Schedule to the ^{M7}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 to be taken in respect of the compulsory acquisition of land under section 106 of this Act may be taken concurrently (so far as practicable) with proceedings required to be taken under the foregoing provisions of this Schedule.

Marginal Citations

M7 1947 c. 42.

- 6 In relation to the exercise by a local roads authority of functions of the Secretary of State delegated to them under section 4 of this Act, the foregoing provisions of this Schedule shall apply as if they, and not the Secretary of State, were the roads authority.

SCHEDULE 5

Section 109.

DISTANCE LIMITS FROM PUBLIC ROAD FOR PURPOSES OF COMPULSORY ACQUISITION

PART I

TABLE OF LIMITS

<i>Acquisition provision</i>	<i>Distance limit</i>
1. Section 104(1)(a).	200 metres from the middle of the road.
2. Section 104(2)(a) or (3)(a) or (b).	200 metres from the middle of the trunk road or the special road, as the case may be or, where the land is required in connection with the improvement, alteration or construction

Status: Point in time view as at 01/09/2009.

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	of any other road, from the middle of that other road.
3. Section 105(2) in so far as it relates to works authorised by an order relating to a public road under section 12 of this Act.	200 metres from the middle of a side-road.
4. Section 105(2) in so far as it relates to works authorised by section 69 or 70 of this Act.	800 metres from the middle of the road from which new means of access are to be provided.
5. Section 108.	800 metres from the middle of the trunk road.

PART II

FURTHER PROVISION WITH RESPECT TO LIMITS

- 1 In the entries numbered 2 and 3 in Part I of this Schedule the distance limit specified in column 2 shall, in relation to land required for the provision of new means of access to premises from a public road, have effect with the substitution for the distance there mentioned of a distance of 800 metres from the middle of the road.
- 2 Where the boundaries of any road will be altered in consequence of an improvement proposed to be made under any enactment in relation to the road then, for the purposes of this Act, the middle of that road shall be the middle of it as proposed to be improved.

SCHEDULE 6

Section 112(10).

SPECIAL TRANSITIONAL PROVISIONS FOR TRUNK ROADS

PART I

- 1 All orders and regulations made, and all directions, consents and notices given, with respect to a road which becomes a trunk road, by the former roads authority for the purpose of their functions with respect to that road shall, if they were in force immediately before the road became a trunk road, have effect with respect to the trunk road as if made or given by the Secretary of State; but nothing in this paragraph shall be taken as transferring to the Secretary of State any liability not transferred to him by or under section 112 of this Act.
- 2 All contracts, deeds, bonds or agreements entered into or made by the former roads authority for a road which becomes a trunk road, being contracts, deeds, bonds or agreements subsisting on the day on which it so becomes, shall, in so far as they relate to property and liabilities transferred to the Secretary of State in respect of that road, have effect with the substitution of the Secretary of State for the authority and may be enforced by or against the Secretary of State accordingly.
- 3 The provisions of this Schedule shall apply in a case where a road ceases to be a trunk road in like manner as they apply where a road becomes a trunk road, with the substitution for the references to the former roads authority, and to any local authority, of references to the Secretary of State, and for references to the Secretary

Status: Point in time view as at 01/09/2009.

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of State of references to the authority which becomes the local roads authority for the roads.

PART II

- 4 Section 6 of this Act applies to a road which at the commencement of this Act is a trunk road as it applies to a road which becomes a trunk road after the said commencement.
- 5 An order under section 1(3) of the ^{M8} Trunk Roads Act 1936 (power to provide that a road superseding part of a trunk road should itself become a trunk road) continued in force by the proviso to section 12(3) of the ^{M9} Trunk Roads Act 1946 and section 14(7) of the ^{M10} Special Roads Act 1949, and still in force (whether or not varied under those provisions) immediately before the commencement of this Act, shall continue in force and may be varied or revoked by a subsequent order made in the like manner subject to the like provisions

Marginal Citations

- M8** 1 Edw. 8 & 1 Geo. 6 c.5.
M9 9 & 10 Geo. 6 c.30.
M10 12 & 13 Geo. 6 c.32.

- 6 An order under section 4 of the Trunk Roads Act 1946 (certain powers relating to side roads connected with trunk roads) continued in force by section 14(6) of the Special Roads Act 1949 and still in force (whether or not varied under the said section 14(6)) immediately before the commencement of this Act, shall continue in force and the provisions of the said section 4 shall continue to apply to any such order as if that section had not been repealed.

SCHEDULE 7

RESTRICTED ROADS

Amendment of Road Traffic Regulation Act 1984 (c.27)

- 1 The Road Traffic Regulation Act 1984 shall be amended in accordance with this Schedule.

^{F53}2

Textual Amendments

- F53** Sch. 7 para. 2 repealed (01.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch. 9](#); S.I. 1991/2286, art. 2(2), [Sch. 2](#)

- 3 In section 85 (traffic signs for indicating speed restrictions)—

^{F54}(a)

^{F54}(b)

Status: Point in time view as at 01/09/2009.

Changes to legislation: Roads (Scotland) Act 1984 is up to date with all changes known to be in force on or before 22 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)

(c) after subsection (5) there shall be inserted the following subsection—

“(5A) In any proceedings for a contravention of section 81 of this Act, a certificate of an officer of the Secretary of State that a road is of a specified classification or type shall be sufficient evidence of the facts certified; and a document purporting to be such a certificate and to be signed by such an officer shall be deemed to be such a certificate unless the contrary is shown.”.

Textual Amendments

F54 Sch. 7 para. 3(a)(b) repealed (01.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch. 9](#); S.I. 1991/2286, art. 2(2), [Sch. 2](#)

F55⁴

Textual Amendments

F55 Sch. 7 para. 4 repealed (01.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch. 9](#); S.I. 1991/2286, art. 2(2), [Sch. 2](#)

Transitional provision

5 Where, immediately prior to the commencement of this Schedule—

- (a) a road is or is deemed to be a restricted road for the purposes of section 81 of the ^{M11}Road Traffic Regulation Act 1984, and that road would, apart from this paragraph, cease to be a restricted road in consequence of the first regulations made by the Secretary of State under section 82(1) of that Act as amended by paragraph 2 above; or
- (b) a road is not and is not deemed to be a restricted road for those purposes and that road would, apart from this paragraph, become a restricted road in consequence of those regulations,

the roads authority may, prior to the commencement of the regulations, make an order specifying the road, and the road shall, notwithstanding the commencement of the regulations, continue to be, or to be deemed to be, a restricted road or as the case may be, a road which is not a restricted road until such time as the order is superseded, in relation to that road, by a direction under section 82(2) of that Act (directions making specified roads restricted or not restricted) or an order under section 84(1) of that Act (power to fix speed limits).

Marginal Citations

M11 1984 c. 27.

Status: Point in time view as at 01/09/2009.

Changes to legislation: Roads (Scotland) Act 1984 is up to date with all changes known to be in force on or before 22 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)

SCHEDULE 8

Section 131(2).

PENALTIES FOR OFFENCES

<i>Section of this Act</i>	<i>Penalty</i>
1. Section 22 (failure to obtain, or contravention of, construction consent).	On summary conviction, the statutory maximum; and on conviction on indictment a fine.
2. Section 31(5) (interference with drain or barrier).	Level 3.
3. Section 56(6)(a) (works or excavations without consent).	Level 3.
4. Section 56(6)(b) (failure to provide, or to provide proper, door or cover).	Level 3.
5. Section 57(4) (works or excavations constituting or becoming a danger).	Level 4.
6. Section 58(1) or (3) (depositing building materials etc. in road without permission).	Level 4.
7. Section 59(2) (depositing materials in road without permission so as to cause obstruction).	Level 4.
8. Section 59(3) (failure to remove obstruction when required to do so).	Level 1.
9. Section 60(3) (failure to fence or light, etc. obstruction or excavation).	Level 3.
10. Section 60(4) (interference with fencing, lighting, etc. of obstructions and excavations).	Level 3.
11. Section 62(5) (contravention of temporary restriction or prohibition of traffic or foot passage on road).	Level 2.
12. Section 65(1) (conveying insecure load on drawn vehicle).	Level 4.
13. Section 65(2) (permitting child to drive drawn vehicle).	Level 2.
14. Section 71(5) (using stopped up public access).	Level 3.
15. Section 72(4) (using stopped up private access).	Level 3.
16. Section 83(7) (contravention of obstruction notice).	Level 1.
17. Section 85(3) and (4) (improper use of builders' skip).	Level 3.

Status: Point in time view as at 01/09/2009.

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| 18. Section 90(2) (improper fixing or placing of overhead bridges, etc.). | Level 3. |
| 19. Section 92(3) (planting trees, etc. near carriageway without consent). | Level 1. |
| 20. Section 94(2) (opening up filled in dangerous ditch). | Level 3. |
| 21. Section 95(1) dropping and failing to remove mud, etc.). | Level 1. |
| 22. Section 97(3) (trading in or near road without consent). | Level 3. |
| 23. Section 98(1) (leaving animal on, or allowing it to stray onto, road). | Level 3. |
| 24. Section 99(6) (failing to prevent flow of water, etc. onto road). | Level 4. |
| 25. Section 100 (causing damage to road, etc.). | Level 3. |
| 26. Section 101 (placing rope, etc. across road without adequate warning). | Level 3. |
| 27. Section 102 (failing to make side ridges when ploughing unenclosed land). | Level 2. |
| 28. Section 129(1) (leaving vault or cellar open and unfenced). | Level 2. |
| 29. Section 129(2) (placing or depositing in road something which obstructs or endangers road users). | Level 2. |
| 30. Section 129(3) (carrying projecting load). | Level 3. |
| 31. Section 129(4) (camping in road). | Level 2. |
| 32. Section 129(5) (driving on footway, etc.). | Level 2. |
| 33. Section 129(6) (parking motor vehicle on cycle track). | Level 2. |
| 34. Section 129(7) (reckless or careless riding, etc.). | Level 3. |
| 35. Section 129(8) (improper placing of shade, awning, etc.). | Level 2. |
| 36. Section 129(9) (displaying in footway goods for sale). | Level 3. |
| 37. Section 129(10) (taking away road construction materials, etc.). | Level 3. |
| 38. Section 140(3) and (5) (carrying out works without proper notice). | Level 3. |
| 39. Section 140(4) and (5) (carrying out works without requisite authority). | Level 3. |

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40. Section 140(9) (obstruction of person exercising powers of entry). Level 3.

[^{F56}SCHEDULE 8A

FIXED PENALTY OFFENCES

Textual Amendments

F56 Sch. 8A inserted (1.10.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), sch. 6; S.S.I. 2008/15, art. 2(3), sch. 2

<i>Offence</i>	<i>Brief description</i>
An offence under section 58(1)	Deposit of building materials in in or erection of scaffolding over road without or other than in accordance with permission.
An offence under section 85(3) as read with (4)	Deposit of builder's skip on road without permission of roads authority. Failure of owner of skip or other person to ensure conditions of permission complied with.]

[^{F57}SCHEDULE 8B

FIXED PENALTIES FOR CERTAIN OFFENCES

Textual Amendments

F57 Sch. 8B inserted (1.10.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), sch. 7; S.S.I. 2008/15, art. 2(3), sch. 2

Power to give fixed penalty notices

- (1) An authorised officer of a roads authority may, if having reason to believe that a person is committing or has committed a fixed penalty offence, give that person a fixed penalty notice in relation to that offence.
 - (2) In this Schedule “fixed penalty notice” means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty.
- 2 A fixed penalty notice for an offence may not be given after such time relating to the offence as the Scottish Ministers may by regulations prescribe.

Status: Point in time view as at 01/09/2009.

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Contents of fixed penalty notice

- 3 (1) A fixed penalty notice shall identify the offence to which it relates and give reasonable particulars of the circumstances alleged to constitute that offence.
- (2) A fixed penalty notice shall also state—
- (a) the amount of the penalty and the period within which it may be paid;
 - (b) the discounted amount and the period within which it may be paid;
 - (c) the person to whom and the address at which payment may be made;
 - (d) the method or methods by which payment may be made;
 - (e) the person to whom and the address at which any representations relating to the notice may be made;
 - (f) the consequences of not making a payment within the period for payment.
- (3) The person specified under sub-paragraph (2)(c) must be the roads authority or a person acting on their behalf.

The amount of the penalty and the period for payment

- 4 (1) The penalty for a fixed penalty offence is (subject to paragraph 5) such amount, not exceeding 30 per cent. of the maximum fine for that offence, as the Scottish Ministers may by regulations prescribe.
- (2) The period for payment of the penalty is the period of [^{F58}36] days beginning with the day on which the notice is given.
- (3) The roads authority may extend the period for paying the penalty in any particular case if they consider it appropriate to do so.

Textual Amendments

F58 Word in *Sch. 8B para. 4(2)* substituted (1.10.2008) by *The Roads (Scotland) Act 1984 (Fixed Penalty) Regulations 2008 (S.S.I. 2008/243)*, regs. 1, **7(a)**

The discounted amount

- 5 (1) A discounted amount is payable instead of the amount prescribed under paragraph 4(1) if payment is made before the end of the period of [^{F59}29] days beginning with the day on which the notice is given.
- (2) The discounted amount for a fixed penalty offence is such amount, not exceeding 25 per cent. of the maximum fine for the offence, as the Scottish Ministers may by regulations prescribe.
- (3) If the last day of the period specified in sub-paragraph (1) does not fall on a working day, the period for payment of the discounted amount is extended until the end of the next working day.

Textual Amendments

F59 Word in *Sch. 8B para. 5(1)* substituted (1.10.2008) by *The Roads (Scotland) Act 1984 (Fixed Penalty) Regulations 2008 (S.S.I. 2008/243)*, regs. 1, **7(b)**

Status: Point in time view as at 01/09/2009.

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Effect of notice and payment of penalty

- 6
- (1) This paragraph applies where a person is served with a fixed penalty notice in respect of a fixed penalty offence.
 - (2) No proceedings for the offence may be commenced before the end of the period for payment of the penalty.
 - (3) No such proceedings may be commenced or continued if payment of the penalty is made before the end of that period or is accepted by the roads authority after that time.
 - (4) Payment of the discounted amount counts for the purposes of sub-paragraph (3) only if it is made before the end of the period for payment of the discounted amount.
 - (5) In proceedings for the offence a certificate which—
 - (a) purports to be signed by or on behalf of a person having responsibility for the financial affairs of the roads authority; and
 - (b) states that payment of an amount specified in the certificate was or was not received by a date so specified,is sufficient evidence of the facts stated.

Request for hearing

- 7
- (1) A person to whom a fixed penalty notice has been given may, before the expiry of the period for payment of the penalty, give notice requesting a hearing in respect of the offence to which the fixed penalty notice relates.
 - (2) A notice requesting a hearing under sub-paragraph (1) shall be in writing and shall be sent by post or delivered to the person specified under paragraph 3(2)(c) in the fixed penalty notice at the address so specified.
 - (3) For the purposes of this paragraph and unless the contrary is proved, the sending of a notice by post is deemed to have been effected at the time at which the notice would be delivered in the ordinary course of post.
 - (4) Where a person has requested a hearing in accordance with this section—
 - (a) the roads authority shall hold the hearing;
 - (b) a person authorised for the purpose by the roads authority in whose area the offence was committed shall notify the procurator fiscal of the request; and
 - (c) the period for payment of the fixed penalty shall be calculated so that the period beginning with the giving of the notice under this paragraph and ending with the receipt by the person who gave that notice of the decision reached at the hearing is left out of account.

Power to withdraw notices

- 8
- (1) If the roads authority consider (whether after holding a hearing under paragraph 7 or not) that a fixed penalty notice which has been given ought not to have been given, they may give to the person to whom it was given a notice withdrawing the fixed penalty notice.
 - (2) Where a notice under sub-paragraph (1) is given—
 - (a) the roads authority shall repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice; and

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(b) no proceedings shall be commenced or continued against that person for the offence in question.

(3) The roads authority shall consider any representations made by or on behalf of the recipient of a fixed penalty notice and decide in all the circumstances whether to withdraw the notice.

Effect of prosecution on notice

9 Where proceedings for an offence in respect of which a fixed penalty notice has been given are commenced, the notice is to be treated as withdrawn.

Recovery of unpaid fixed penalties

10 Subject to paragraphs 8 and 9, where a fixed penalty remains unpaid after the expiry of the period for payment of the penalty it shall be enforceable in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff for any sheriffdom.

Judicial determination of enforcement of fixed penalty

11 (1) A person against whom a fixed penalty bears to be enforceable under paragraph 10 may apply to the sheriff by summary application for a declaration that the fixed penalty is not enforceable on the ground that—

- (a) the fixed penalty was paid before the expiry of the period for paying; or
- (b) the person has made a request for a hearing in accordance with paragraph 7 and no hearing has been held within a reasonable time after the request.

(2) On an application under sub-paragraph (1), the sheriff may declare—

- (a) that the person has or, as the case may be, has not paid the fixed penalty within the period for payment of the penalty;
- (b) that the person has or, as the case may be, has not requested a hearing in accordance with paragraph 7;
- (c) that, where such a request has been made, a hearing has or, as the case may be, has not been held within a reasonable time after the request, and accordingly, that the fixed penalty is or, as the case may be, is not enforceable.

General and supplementary

12 (1) The roads authority shall, subject to sub-paragraph (2), remit the money received by them by way of fixed penalties under this Schedule to the Scottish Ministers.

(2) The Scottish Ministers may, by regulations, provide that the roads authority may retain as much of that money as is sufficient to meet such of their expenditure as is described in the regulations.

(3) The Scottish Ministers may make regulations about the keeping of accounts, and the preparation and publication of statements of account, relating to fixed penalties under this Schedule.

13 The Scottish Ministers may by regulations—

- (a) prescribe circumstances in which fixed penalty notices may not be given;

Status: Point in time view as at 01/09/2009.

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- (b) modify paragraph 4(2) or 5(1) so as to substitute a different period for the period for the time being specified there;
 - (c) prescribe the method or methods by which penalties may be paid.
- 14 The Scottish Ministers may issue or approve for the purposes of this Schedule a code of practice giving guidance to roads authorities and their authorised officers as to the performance of their functions under this Schedule; and in performing those functions those authorities and officers shall have regard to that code of practice.]

SCHEDULE 9

Section 156(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Highway (Railway Crossings) Act 1839 (c. 45)

- 1 In section 1 of the Highway (Railway Crossings) Act 1839 (duty of proprietors of railways to maintain gates where railway crosses highway)—
- (a) for the words “any turnpike road or any highway or statute labour road for carts or carriages in Great Britain” there shall be substituted the words “the carriageway of a public road (within the meaning of the Roads (Scotland) Act 1984)”; and
 - (b) for the words “turnpike or other road as aforesaid” and “turnpike or highway” there shall in each case be substituted the word “carriageway”.

The Railway Regulation Act 1842 (c. 55)

- 2 In section 9 of the Railway Regulation Act 1842 (gates at level crossing to be kept closed across road)—
- (a) for the words “any turnpike road, or any other highway or statute labour road for carts or carriages, in Great Britain” there shall be substituted the words “the carriageway of a public road (within the meaning of the Roads (Scotland) Act 1984)”; and
 - (b) for the words “turnpike or other road” and “turnpike or other roads”, wherever either expression occurs, there shall be substituted the word “carriageway”.

The Railways Clauses Consolidation(Scotland) Act 1845 (c. 33)

- 3 (1) The Railways Clauses Consolidation (Scotland) Act 1845 shall be amended in accordance with this paragraph.
- (2) In section 3 (interpretation), at the end shall be inserted the words—
- “The expressions “carriageway”, “cycle track”, “footpath”, “footway”, “road”, “private road” and “public road” have the meaning given them by section 151 of the Roads (Scotland) Act 1984.”.
- (3) In section 11 (limiting deviation from datum line described on sections, etc.)—
- (a) for the word “street”, where it first occurs, there shall be substituted the word “road”;

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- (b) for the words “street or public highway”, in both places where they occur, there shall be substituted the word “road”;
 - (c) for the words “trustees or commissioners”, in the first two places where they occur, there shall be substituted the words “roads authority”; and
 - (d) the word “streets” shall cease to have effect.
- (4) In section 12 (previous notice of deviation), for the word “street” there shall be substituted the word “road”.
- (5) In section 16 (general provisions as regards work, repairs and damages etc.)—
- (a) the word “streets,” where it first occurs, shall cease to have effect; and
 - (b) for the words “roads, streets or ways”, in both places where they occur, there shall be substituted the words “or roads”.
- (6) In section 39 (crossing of road by railway)—
- (a) for the words “any turnpike road or public highway” there shall be substituted the words “the carriageway of any public road”; and
 - (b) in the proviso—
 - (i) for the word “highway” there shall be substituted the word “road”; and
 - (ii) for the words “a public carriage” there shall be substituted the words “the carriageway of any public”.
- (7) In section 40 (provision where road crossed on the level), for the words “any turnpike road or public carriage” there shall be substituted the words “the carriageway of any public”.
- (8) In section 41 (crossing of turnpike road adjoining railway station), for the word “turnpike” there shall be substituted the word “public”.
- (9) In section 42 (construction of bridges over roads)—
- (a) for the words from “thirty-five feet” to “twelve feet” where they first occur there shall be substituted the words “7.62 metres if the arch is over a public road and 3.66 metres”;
 - (b) for the words from “sixteen” where it first occurs to “cases”, there shall be substituted the words “4.57 metres for a space of 3.05 metres if the arch is over a public road; and”; and
 - (c) for the words from “twelve” where it occurs for the third time to “private carriage” where they first occur there shall be substituted the words—

“3.66 metres:

The clear height of the arch for a space of 2.74 metres shall not be less than 4.27 metres over a private”; and
 - (d) for the words from “foot”, where it first occurs, to the end there shall be substituted the words “metre in 20 metres if the bridge is over a public road and one metre in 16 metres if over a private road.”.
- (10) In section 43 (construction of bridges over railways)—
- (a) for the words “four feet” and “three feet” there shall be substituted, respectively, the words “1.22 metres” and “0.91 metres”; and
 - (b) for the words from “thirty-five” to the end there shall be substituted the words—

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“7.62 metres if the road is a public road and 3.66 metres if a private road:

The ascent shall not be more than one metre in 20 metres if the road is a public road and one metre in 16 metres if a private road.”.

- (11) In section 44 (further provision as regards construction of bridges)—
- (a) for the words “turnpike road or public carriage” there shall be substituted the words “a road which includes a carriageway”; and
 - (b) for the words “trustees or surveyors of” there shall be substituted the words “roads authority for”.
- (12) In section 47 (penalty for not providing a substitute road for road rendered impassable or dangerous by railway works) for the words “trustees, commissioners, surveyor, or other person having the management of” there shall be substituted the words “roads authority for”.
- (13) In section 49 (period for restoration of roads interfered with)—
- (a) for the words from “trustee” to “consent” there shall be substituted the words “roads authority for the public road to be restored consent, or as the case may be the owner of the private road to be restored consents, in writing,”;
 - (b) for the word “turnpike”, where it first occurs, there shall be substituted the word “public”; and
 - (c) for the words “not a turnpike” there shall be substituted the words “a private”.
- (14) In section 50 (penalty for failure to restore a road), for the words “trustees, commissioners, surveyor, or other person having the management of” there shall be substituted the words “roads authority for”.
- (15) In section 51 (damage to road in course of making railway)—
- (a) for the words “surveyor or other person having the management of” there shall be substituted the words “roads authority for”; and
 - (b) in the proviso, for the word “turnpike” there shall be substituted the word “public”.
- (16) In section 52 (sufficient approaches and fences to bridleways and footways crossing a railway on the level)—
- (a) for the word “highway”, in both places where it occurs, there shall be substituted the word “road”;
 - (b) for the words “a public carriageway” there shall be substituted the words “the carriageway of a public road”;
 - (c) for the words “highway be a” there shall be substituted the words “road be a cycle track or”; and
 - (d) for the word “footway” there shall be inserted the words “or footpath”.
- (17) In section 53 (proceedings as regards consent to level crossings of bridleways and footways)—
- (a) for the words “highway other than a public carriage” there shall be substituted the words “road other than the carriageway of a public”;
 - (b) for the words “such highway at the proper crossing thereof is situate” there shall be substituted the words “the proposed crossing would be situated”; and

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- (c) for the words “such highway”, where they occur for the second time, there shall be substituted the words “the road”.
- (18) In section 54 (orders as respects approaches etc. to level crossing)—
 - (a) for the word “highway” there shall be substituted the word “road”; and
 - (b) for the words “surveyor of roads” there shall be substituted the words “roads authority”.
- (19) In section 55 (screening between railway and road)—
 - (a) for the words “commissioners or trustees of any turnpike road, or the surveyor of any highway” there shall be substituted the words “roads authority for any road”; and
 - (b) for the words “such commissioners or trustees or surveyor” there shall be substituted the words “that authority”.
- (20) In section 56 (penalty for failing to construct requisite screening), for the words “commissioners or trustees or surveyor” there shall be substituted the words “roads authority”.
- (21) In section 57 (power to order repair of bridges etc.), for the words “surveyor of roads” there shall be substituted the words “roads authority”.

The Railways Clauses Act 1863 (c. 92)

- 4 (1) The Railways Clauses Act 1863 shall be amended in accordance with this paragraph.
- (2) In section 5 (restriction on shunting trains), for the words “a turnpike road or public carriage” there shall be substituted the words “the carriageway of a public”.
- (3) In each of sections 6 (erection of lodge at level crossing) and 7 (requirement for bridge instead of level crossing), for the words “turnpike road or public carriage” there shall be substituted the words “carriageway of a public”.
- (4) In section 16 (access to shore under or across railway)—
 - (a) after the word “footways” there shall be inserted the word “, footpaths”; and
 - (b) after the word “footway”, wherever it occurs, there shall be inserted the word “, footpath”.

The Trespass (Scotland) Act 1865 (c. 56)

- 5 (1) The Trespass (Scotland) Act 1865 shall be amended in accordance with this paragraph.
- (2) In section 2 (interpretation), at the end there shall be added the following definition—

““Road” shall mean and include any way, other than—

 - (a) a waterway; or
 - (b) without prejudice to section 100(c) (damage to roads by fire) or 129(4) (camping in a road) of the Roads (Scotland) Act 1984, a road within the meaning of that Act.”.
- (3) In section 3 (offences), the words “private”, where it occurs for the second time, and “, or on or near any highway,” shall cease to have effect.

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The Tramways Act 1870 (c. 78)

F60 6

Textual Amendments

F60 Sch. 9 para. 6 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), s. 68(1), [Sch. 4 Pt. I](#); [S.I. 1992/2784](#), art. 2, [Schs. 1, 2 Pt. I](#)

The Explosives Act 1875 (c. 17)

7 (1) The Explosives Act 1875 shall be amended in accordance with this paragraph.

F61 (2)

(3) In section 30 (restriction on sale of gunpowder), for the words “highway, street, public thoroughfare, or” there shall be substituted the words “road or in any”.

(4) In section 80 (penalty for throwing fireworks in thoroughfare), for the words “highway, street thoroughfare,” there shall be substituted the word “road”.

(5) In section 108 (interpretation), at the end there shall be added the following definition—

“The expression ”road’ has the same meaning as in the Roads (Scotland) Act 1984.”.

Textual Amendments

F61 Sch. 9 para. 7(2) repealed (26.4.2005) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), reg. 1(1), [Sch. 5 para. 18](#), [Sch. 6](#) (with reg. 3)

The Entail Amendment (Scotland) Act 1875 (c. 61)

8 In section 3 of the Entail Amendment (Scotland) Act 1875 (interpretation), in paragraph 5 of the definition of “Improvements”—

(a) for the words “private roads” there shall be substituted the words “roads (other than roads within the meaning of the Roads (Scotland) Act 1984)”; and

(b) for the words “roads or streets” there shall be substituted the words “private roads (within the meaning of the said Act of 1984)”.

The Settled Land Act 1882 (c. 38)

9 In section 25 of the Settled Land Act 1882 (description of authorised improvements)

(a) in paragraph (viii), for the words “private roads; roads or streets” there shall be substituted the words “roads (other than roads within the meaning of the Roads (Scotland) Act 1984); private roads (within the meaning of the said Act of 1984)”; and

(b) in paragraph (xvii), the word “Streets” shall cease to have effect.

Status: Point in time view as at 01/09/2009.

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10 F62

Textual Amendments

F62 Sch. 9 paras. 10, 13, 19, 23 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), [Sch. 18](#)

The Crofters Holdings (Scotland) Act 1886 (c. 29)

11 In paragraph 9 of the Schedule to the Crofters Holdings (Scotland) Act 1886, after the words “public road” there shall be inserted the words “(within the meaning of the Roads (Scotland) Act 1984)”.

The Military Tramways Act 1887 (c. 65)

F63 12

Textual Amendments

F63 Sch. 9 para. 12 repealed (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), s. 68(1), [Sch. 4 Pt. I](#); [S.I. 1992/2784](#), art. 2, [Schs. 1, 2 Pt. I](#)

13 F64

Textual Amendments

F64 Sch. 9 paras. 10, 13, 19, 23 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), [Sch. 18](#)

The Railway and Canal Traffic Act 1888 (c. 25)

14 In section 16 of the Railway and Canal Traffic Act 1888 (power to apportion expenses between railway company and applicants for works)—

- (a) in subsection (1), for the words “highway board, surveyor of highways acting with the consent of the vestry of his parish” there shall be substituted the words “or local roads authority (within the meaning of the Roads (Scotland) Act 1984)”; and
- (b) subsection (3) shall cease to have effect.

The Military Lands Act 1892 (c. 43)

15 (1) The Military Lands Act 1892 shall be amended in accordance with this paragraph.

(2) For section 13 (power to stop or divert footpaths) there shall be substituted the following section—

“**13** In relation to a footpath crossing or near to land leased under this Act, the Roads (Scotland) Act 1984 shall have effect as if in subsection one of section sixty-eight thereof (power of roads authorities to stop up roads by order) there were added to the grounds for stopping up a road the ground that the road crosses or runs inconveniently or dangerously near to such land.

Status: Point in time view as at 01/09/2009.

Changes to legislation: Roads (Scotland) Act 1984 is up to date with all changes known to be in force on or before 22 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)

In this section “footpath” has the same meaning as in the said Act of 1984.”.

- (3) In section 25 (application to Scotland)—
- (a) subsection (7) shall cease to have effect; and
 - (b) at the end there shall be added the following subsection—
 - “(10) In section 16 of this Act—
 - (a) for the references to “highway” there shall be substituted references to “road”; and
 - (b) after the word “footpath” in subsection (2) there shall be inserted the words “within the meaning of the Roads (Scotland) Act 1984”.”.

The Light Railways Act 1896 (c. 48)

- 16 In section 7(1) of the Light Railways Act 1896 (application for authorising light railway), for the words “road authorities” there shall be substituted the words “local roads authorities (within the meaning of the Roads (Scotland) Act 1984”.

The Public Health (Scotland) Act 1897 (c. 38)

- 17 (1) The Public Health (Scotland) Act 1897 shall be amended in accordance with this paragraph.
- (2) In section 3 (interpretation) there shall be inserted after the definition of the word “ship” the following definition—

“The word “road” has the meaning ascribed to it by section 151 of the Roads (Scotland) Act 1984.”.

^{F65}(3)

- (4) In section 56(1)(a) (penalty on exposure of infected persons), for the word “street” there shall be substituted the word “road”.
- (5) In section 74 (rules as to underground dwellings), for the word “street”, wherever it occurs, there shall be substituted the word “road”.

Textual Amendments

F65 Sch. 9 para. 17(3) repealed (1.4.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(xxii)

The Congested Districts (Scotland) Act 1897 (c. 53)

- 18 In section 10 of the Congested Districts (Scotland) Act 1897 (interpretation), at the end there shall be added the following definitions—
- “The expressions “footpath” and “public road” have the same meanings as in the roads (Scotland) Act 1984”.

19 ^{F66}

Status: Point in time view as at 01/09/2009.

Changes to legislation: Roads (Scotland) Act 1984 is up to date with all changes known to be in force on or before 22 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)

Textual Amendments

F66 Sch. 9 paras. 10, 13, 19, 23 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), [Sch. 18](#)

The Dogs Act 1906 (c. 32)

- 20 In section 3 of the Dogs Act 1906 (seizure of stray dogs)—
 - (a) in subsection (1), for the word “highway” there shall be substituted the word “road”;
 - (b) in subsection (1A), for the words “a highway” there shall be substituted the words “in a road”; and
 - (c) after subsection (1A) there shall be added the following subsection—
 - “(1B) In subsections (1) and (1A) above “road” has the same meaning as in the Roads (Scotland) Act 1984.”.

The Light Railways Act 1912 (c. 19)

- 21 In section 6 of the Light Railways Act 1912 (amendment of section 24 of the Light Railways Act 1896)—
 - (a) for the words “road authorities” there shall be substituted the words “roads authority”;
 - (b) the existing words, as amended by paragraph (a) above, shall be subsection (1) of the section; and
 - (c) after that subsection there shall be inserted the following subsection—
 - “(2) In subsection (1) above, “public road” and “local roads authority” have the same meanings as in the Roads (Scotland) Act 1984.”.

The Defence of the Realm (Acquisition of Land) Act 1916 (c. 63)

- 22 In section 15 of the Defence of the Realm (Acquisition of Land) Act 1916 (application to Scotland), at the end there shall be added the following paragraph—
 - “(d) for references to “highway” and “street” there shall be substituted references to a road within the meaning of the Roads (Scotland) Act 1984.”.

23 **F67**

Textual Amendments

F67 Sch. 9 paras. 10, 13, 19, 23 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), [Sch. 18](#)

The Roads Act 1920 (c. 72)

F6824

Status: Point in time view as at 01/09/2009.

Changes to legislation: Roads (Scotland) Act 1984 is up to date with all changes known to be in force on or before 22 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)

Textual Amendments

F68 Sch. 9 para. 24 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 14](#)

The Railways Act 1921 (c. 55)

- 25 In section 73(3) of the Railways Act 1921 (interpretation), for the words “a public carriageway” there shall be substituted the words “the carriageway of a public road (within the meaning of the Roads (Scotland) Act 1984)”.

The Rating and Valuation (Apportionment) Act 1928 (c. 44)

^{F69}26

Textual Amendments

F69 Sch. 9 para. 26 repealed (19.5.1997) by [1997 c. 29, s. 33\(2\)](#), [Sch. 4](#); [S.I. 1997/1097](#), [art. 3\(d\)](#), [Sch](#)

The Road Traffic Act 1930 (c. 43)

- 27 (1) The Road Traffic Act 1930 shall be amended in accordance with this paragraph.
- (2) In section 101(2)(d) (limitation on power to run public service vehicles), for the word “highway” there shall be substituted the words “public road”.
- (3) In section 119(3) (power of local highway authority to borrow for purposes related to running public service vehicles)—
- ^{F70}(a)
- (b) the words “for the purpose of the payment of the consideration for a transfer under section fifty-three of this Act or” shall cease to have effect; and
- (c) at the end there shall be added the words “of this Act”.
- (4) In section 121 (interpretation)—
- (a) in subsection (1), for the definition of “road” there shall be substituted the following definition—
- ““road” has the same meaning as in the Roads (Scotland) Act 1984”;
- and
- (b) in subsection (1A), for the words “Road Traffic Act 1960” there shall be substituted the words “Public Passenger Vehicles Act 1981”.

Textual Amendments

F70 Sch. 9 para. 27(3)(a) repealed (1.4.1996) by [1994 c. 39, s. 180\(2\)](#), [Sch. 14](#); [S.I. 1996/323](#), [art. 4\(d\)](#), [Sch. 2](#)

The Road and Rail Traffic Act 1933 (c. 53)

- 28 In section 45 of the Road and Rail Traffic Act 1933 (interpretation)—
- (a) after the word “them:—” there shall be inserted the following definition—

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““Carriageway” has the same meaning as in the Roads (Scotland) Act 1984;”;

- (b) after the definition of “Minister” there shall be inserted the following definition—

““Public road” has the same meaning as in the Roads (Scotland) Act 1984;”;

- (c) in the definition of “Railway”, for the words “a public carriageway” there shall be substituted the words “the carriageway of a public road”.

29 F71

Textual Amendments

F71 Sch. 9 para. 29 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\)](#), **Sch. 1 Pt. VII**

The Public Order Act 1936 (c. 6)

- 30 In section 9(1) of the Public Order Act 1936 (interpretation), in the definition of “public place”, after the word “highway” there shall be inserted the words “, or in Scotland any road within the meaning of the Roads (Scotland) Act 1984.”.

The Coal Act 1938 (c. 52).

F72 31

Textual Amendments

F72 Sch. 9 para. 31 repealed (31.10.1994) by [1994 c. 21, s. 67](#), **Sch. 11 Pt. II** (with s. 40(7)); [S.I. 1994/2553 art. 2](#)

The Civil Defence Act 1939 (c. 31)

- 32 In section 90(1) of the Civil Defence Act 1939 (interpretation), in the definition of “public utility undertakers”, for the word “highway” there shall be substituted the word “road”.

The Requisitioned Land and War Works Act 1945 (c. 43)

- 33 (1) The Requisitioned Land and War Works Act 1945 shall be amended in accordance with this paragraph.
- (2) In section 15(2)(c) (stopping up or diversion of roads), for the words “Trunk Road Act, 1936” there shall be substituted the words “provisions of the Roads (Scotland) Act 1984 relating to trunk roads”.
- (3) In section 60(3) (application to Scotland), after the word “Gazette;”, in the second place where it occurs, there shall be inserted the words “for any reference to a “highway” there shall be substituted a reference to a road within the meaning of the Roads (Scotland) Act 1984.”.

Status: Point in time view as at 01/09/2009.

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The Fire Services Act 1947 (c. 41)

F73 34

Textual Amendments

F73 Sch. 9 para. 34 repealed (2.8.2005) by [Fire \(Scotland\) Act 2005 \(asp 5\)](#), s. 90, [sch. 4](#) (with s. 77); [S.S.I. 2005/392](#), art. 2(k)

The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42)

35 In paragraph 11(1)(b) of the first Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (procedure for authorising compulsory purchases), for the word “highway” there shall be substituted the words “public road (within the meaning of the Roads (Scotland) Act 1984)”.

The Local Government Act 1948 (c. 26)

36 In section 144(1) of the Local Government Act 1948 (interpretation), in the definition of “railway”, for the word “highway” there shall be substituted the word “road”.

The Civil Defence Act 1948 (12, 13 & 14 Geo. 6. c. 5)

37 In section 4(2) of the Civil Defence Act 1948 (powers as to land), for the word “highway” in each of the three places where it occurs there shall be substituted the word “road”.

The Coast Protection Act 1949 (c.74)

38 (1) The Coast Protection Act 1949 shall be amended in accordance with this paragraph.

(2) In section 17(1) (notification to coast protection authority of certain works)—

- (a) for the words “highway authority” there shall be substituted the words “roads authority”; and
- (b) for the word “highway”, where it occurs for the second time, there shall be substituted the word “road”.

(3) In section 20(3) (contributions towards expenses of coast protection)—

- (a) for the word “highway”, where it first occurs, there shall be substituted the word “road”; and
- (b) for the words “highway authority” there shall be substituted the words “roads authority”.

(4) In section 21(3)(a) (exchequer grants), for the words “highway authority” there shall be substituted the words “roads authority” and for the word “highways” there shall be substituted the words “roads”.

(5) In section 49(4) (interpretation), at the end there shall be inserted the words—

“and the following definitions shall be inserted in the alphabetically appropriate place—

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“local roads authority” has the meaning given to it by section 151(1) of the Roads (Scotland) Act 1984;

“road” has the meaning given to it by section 151(1) of the Roads (Scotland) Act 1984;”.

The Public Utilities Street Works Act 1950 (c.39)

^{F74}39

Textual Amendments

F74 Sch. 9 para. 39 repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), ss. 168(2), 170(1), [Sch. 9](#); [S.I. 1992/2990](#), art. 2(2), [Sch. 2](#)

The Pet Animals Act 1951 (c. 35)

- 40 (1) The Pet Animals Act 1951 shall be amended in accordance with this paragraph.
- (2) In section 2 (pets not to be sold in streets or public places), for the word “street” there shall be substituted the word “road”.
- (3) In section 7(3) (interpretation), after the definition of “pedigree animal” there shall be inserted the following definition—

““road” has the same meaning as in the Roads (Scotland) Act 1984;”.

The Mineral Workings Act 1951 (c. 60)

41 ^{F75}

Textual Amendments

F75 Sch. 9 para. 41 repealed (27.5.1997) by [1997 c. 11, ss. 3, 6\(2\)](#), [Sch. 1 Pt. I](#); (with Sch. 3)

The Prevention of Crime Act 1953 (c. 14)

- 42 In section 1(4) of the Prevention of Crime Act 1953 (interpretation), after the word “highway” there shall be inserted the words “, or in Scotland any road within the meaning of the Roads (Scotland) Act 1984;”.

The Atomic Energy Authority Act 1954 (c.69)

- 43 In section 5(2) of the Atomic Energy Authority Act 1954 (powers of Atomic Energy Authority), after the word “highway”, in both places where it occurs, there shall be inserted the words “or road”.

The Mines and Quarries Act 1954 (c. 70)

- 44 In section 151(2) of the Mines and Quarries Act 1954 (fencing of abandoned and disused mines and of quarries) in each of paragraphs (b)(ii) and (c)(ii), for the word

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“highway” there shall be substituted the words “road (within the meaning of the Roads (Scotland) Act 1984)”.

The Crofters (Scotland) Act 1955 (c. 21)

45 In section 37(1) of the Crofters (Scotland) Act 1955 (interpretation), after the definition of “predecessors in the tenancy” there shall be inserted the following definition—

““public road” has the same meaning as in the Roads (Scotland) Act 1984;”.

The Coal-Mining (Subsidence) Act 1957 (c. 59)

^{F76}46

Textual Amendments

F76 Sch. 9 para 46 repealed (30.11.1991) by [Coal Mining Subsidence Act 1991 \(c. 45, SIF 86\)](#), s. 53(2), [Sch. 8](#) (with savings s. 37(4), [Sch. 7](#)); S.I. 1991/2508, [art. 2](#)

The Land Powers (Defence) Act 1958 (c.30)

47 In section 9(4) of the Land Powers (Defence) Act 1958 (supplementary provisions with respect to stopping up and diversion of highways), for the words from the beginning to “right of way”, where it first occurs, there shall be substituted the words—

“(4) In section 8 of this Act and this section, in their application to Scotland, “highway” means a road within the meaning of the Roads (Scotland) Act 1984.”.

The Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958 (c. 50)

48 (1) The Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958 shall be amended in accordance with this paragraph.

(2) In section 1(1) (provision of omnibus shelters)—

- (a) for the words “highway within their district” there shall be substituted the words “road within their area”; and
- (b) for the word “highway” where it occurs for the second time there shall be substituted the word “road”.

(3) In the Table to section 2(1) (consents to exercise of powers under section 1), for the word “highway”, wherever it occurs as part of the expression “highway authority”, there shall be substituted the word “roads”; and for every other occurrence of the word “highway” there shall be substituted the word “road”,

(4) In section 7(1) (interpretation), after the definition of “local authority” there shall be inserted the following definition—

““local roads authority” has the same meaning as in the Roads (Scotland) Act 1984.”.

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The Opencast Coal Act 1958 (c. 69)

F77 49

Textual Amendments

F77 Sch. 9 para. 49 repealed (31.10.1994) by 1994 c. 21, s. 67, **Sch. 11** (with s. 40(7)); S.I. 1994/2553 art. 2

The Manoeuvres Act 1958 (7 & 8 Eliz. 2. c. 7)

- 50 (1) The Manoeuvres Act 1958 shall be amended in accordance with this paragraph.
- (2) In section 3 (powers to close roads)—
- (a) in subsection (1), for the words “Special Roads Act, 1949”, there shall be substituted the words “Roads (Scotland) Act 1984”; and
 - (b) subsection (5)(a) shall cease to have effect.
- (3) In section 9 (interpretation), after the definition of “authorised forces”, there shall be inserted the following definition—
- ““highway”, in relation to Scotland, means a road within the meaning of the Roads (Scotland) Act 1984;”.

The Building (Scotland) Act 1959 (c. 24)

F78 51

Textual Amendments

F78 Sch. 9 para. 51 repealed (1.5.2005) by **Building (Scotland) Act 2003 (asp 8)**, s. 59(1), **sch. 6 para. 15** (with s. 53); S.S.I. 2004/404, art. 2(1)

The Weeds Act 1959 (c. 54)

- 52 In section 11(2) of the Weeds Act 1959 (interpretation), in the definition of “occupier”—
- (a) for the words “the authority by whom the road is being maintained” there shall be substituted the words “the roads authority (“public road” and “roads authority” having the same meanings as in the Roads (Scotland) Act 1984)”; and
 - (b) at the end there shall be added the following proviso—

“: Provided that this Act does not apply as regards a road for which the roads authority is the Secretary of State”.

The Road Traffic Act 1960 (c. 16)

- 53 In section 257(1) of the Road Traffic Act 1960 (general interpretation), for the definition of “road” there shall be substituted the following definition—
- ““road” has the same meaning as in the Roads (Scotland) Act 1984;”.

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The Flood Prevention (Scotland) Act 1961 (c. 41)

54 In section 15(1) of the Flood Prevention (Scotland) Act 1961 (interpretation), after the definition of “maintenance and management operations” there shall be inserted the following definition—

““road” has the meaning given to it by section 151(1) of the Roads (Scotland) Act 1984;”.

The Pipe-lines Act 1962 (c. 58)

55 (1) The Pipe-lines Act 1962 shall be amended in accordance with this paragraph.

(2) In section 15 (power to place pipe-lines in streets)—

- ^{F79}(a)
- (b) in subsection (4), in each of the paragraphs (c) to (d), for the word “highway” there shall be substituted the words “road over which there is a public right of passage”;
- (c) in subsection (7), for the words from “shall be determined” to the end there shall be substituted the words “shall be referred to the arbitration of a single arbiter appointed by agreement between the parties concerned or, in default of agreement, by the sheriff; and in any such arbitration the arbiter may, and, if so directed by the Court of Session, shall, state a case for the decision of that court on any question of law arising in the arbitration.”; and
- ^{F79}(d)

^{F80}(3)

(4) In section 66(1) (interpretation), in the definition of “in”, for the word “street” there shall be substituted the word “road”.

Textual Amendments

F79 Sch. 9 para. 55(2)(a)(d) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch. 9](#); [S.I. 1992/2990](#), art. 2(2), [Sch. 2](#)

F80 Sch. 9 para. 55(3) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#) s. 168(2), [Sch. 9](#); [S.I. 1992/2990](#), art. 2(2), [Sch. 2](#)

The Weights and Measures Act 1963 (c. 31)

56 (1) The Weights and Measures Act 1963 shall be amended in accordance with this paragraph.

(2) In section 21(2)(h) (requirement of document as to weight of vehicle and its load), for the word “highway” there shall be substituted the word “road”.

(3) In section 58(1) (interpretation), after the definition of “prescribed” there shall be inserted the following definition—

““road” has same meaning as in the Roads (Scotland) Act 1984;”.

(4) In Schedule 6 (provisions as to solid fuel)—

- (a) in each of paragraphs 3B(1) and (2), 3C(1) and 10, for the word “highway” there shall be substituted the word “road”; and

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- (b) in paragraph 6A(1), for the word “highways” there shall be substituted the word “roads”.

The Agriculture and Horticulture Act 1964 (c. 28)

- 57 In each of sections 13(7) and 21(2)(a) of the Agriculture and Horticulture Act 1964 (reservation as regards powers of entry), for the word “highway” there shall be substituted the word “road”.

The Local Government (Scotland) Act 1966 (c. 51)

- 58 In section 46(1) of the Local Government (Scotland) Act 1966 (interpretation), for the definition of “road” there shall be substituted the following definition—

““road” has the same meaning as in the Roads (Scotland) Act 1984;”.

The Agriculture Act 1967 (c. 22)

- 59 In section 23(5) of the Agriculture Act 1967 (reservation as regards powers of entry), for the word “highway” there shall be substituted the word “road”.

The Countryside (Scotland) Act 1967 (c. 86)

- 60 (1) The Countryside (Scotland) Act 1967 shall be amended in accordance with this paragraph.

- (2) In section 46 (protection and maintenance of public rights of way)—

- (a) in subsection (2), for the words “footpath at the side of a road” there shall be substituted the word “footway”; and
- (b) in subsection (3), after the words “than a” there shall be inserted the word “public”.

- (3) In section 47 (interpretation), at the end there shall be added the following definition—

“; and

“public road” has the same meaning as in the Roads (Scotland) Act 1984.”.

- (4) In section 51(1), for the word “highway” there shall be substituted the word “roads”.

- (5) In section 54 (power to make byelaws for the preservation of order etc.)—

- (a) in subsection (1)—

(i) the word “or” immediately following paragraph (d) shall cease to have effect;

(ii) after paragraph (e) there shall be inserted the following words—

“; or

(f) a picnic site managed by them by virtue of section 4 of the Roads (Scotland) Act 1984;”;

(iii) for the words “or waterway”, in both places where they occur, there shall be substituted the words “, waterway or picnic site”; and

- (b) in subsection (2), for the words “or waterway”, in both places where they occur, there shall be substituted the words “, waterway or picnic site”.

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- (6) In section 78(1) (interpretation)—
- (a) after the definition of “enactment” there shall be inserted the following definition—
- ““footway” has the same meaning as in the Roads (Scotland) Act 1984;”; and
- (b) for the definition of “road” there shall be substituted the following definition—
- ““road” has the same meaning as in the Roads (Scotland) Act 1984;”.

The New Towns (Scotland) Act 1968 (c. 16)

- 61 (1) The New Towns (Scotland) Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 6 (planning control in new towns)—
- (a) in subsection (4), for the words “local highway authority or the Secretary of State” there shall be substituted the words “roads authority”; and
- (b) in subsection (5)—
- (i) after the word “into” there shall be inserted the words “be registered in the Land Register of Scotland or, as the case may”; and
- (ii) after the word “so” there shall be inserted the words “registered or”; and
- (iii) for the words “local highway authority or the Secretary of State, as the case may be,” there shall be substituted the words “roads authority”.
- (3) In section 8 (acquisition of land for roads in connection with new towns), in each of subsections (1) and (6), for the word “highway” there shall be substituted the word “roads”.
- (4) In section 9 (recording of compulsory purchase orders), after the word “shall” there shall be inserted the words “register it in the Land Register of Scotland or as the case may be”.
- (5) In section 10(1)(a), (special procedure for acquisition of statutory undertakers’ operational land), for the word “highway”, in both places where it occurs, there shall be substituted the word “roads”.
- (6) In section 19 (power to override servitudes and other rights, in each of subsections (1), (3), (4) and (6), for the word “highway” there shall be substituted the word “roads”.
- (7) In section 20(1)
- (use and development of churches and burial grounds)—
- (a) for the words “local highway authority, or which has been acquired under this Act by the Secretary of State” there shall be substituted the words “roads authority”; and
- (b) in paragraph (a), for the words “such a corporation or” there shall be substituted the words “a development corporation or local roads”.

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- (8) In section 21(1) (use and development of open spaces)—
- (a) for the words “local highway authority, or which has been acquired under this Act by the Secretary of State” there shall be substituted the words “roads authority”; and
 - (b) in paragraph (a), for the words “such a corporation or” there shall be substituted the words “a development corporation or local roads”.
- (9) In section 22 (displacement of persons from land acquired)—
- (a) in subsection (3), for the word “highway” there shall be substituted the word “roads”; and
 - (b) in subsection (4), for the words “local highway, or has been acquired under this Act by the Secretary of State” there shall be substituted the words “roads authority”.
- (10) In section 23 (extinguishment of public rights of way over land acquired)—
- (a) in subsection (1)(a), for the word “highway” there shall be substituted the word “roads”;
 - (b) in subsection (2), for sub-paragraph (ii) and the words from “In this Subsection” to the end, there shall be substituted the following sub-paragraph—

“(ii) on the local roads authority, unless they applied for the order to be made.”; and
 - (c) in subsection (5), for the word “highway” there shall be substituted the word “road”.
- (11) In section 24(1) (provision as to telegraphic lines), for the word “highway” there shall be substituted the word “roads”.
- (12) In section 26 (extinguishment of rights of way, and rights as to apparatus of statutory undertakers), in each of subsections (1)(a) and (5), for the word “highway” there shall be substituted the word “roads”.
- (13) In section 32(2)(a) (construction and maintenance of works or equipment required in connection with trolley vehicles services by development corporation), for the word “highways” there shall be substituted the word “roads”.
- (14) In section 42(1)
- (powers of entry), for the word “highway” there shall be substituted the word “roads”.
- (15) In section 47(1)
- (interpretation)—
- (a) in the definition of “acquiring authority”, for the word “highway” there shall be substituted the word “roads”;
 - (b) for the definition of “local highway authority” there shall be substituted the following definition—

““local roads authority” has the same meaning as in the Roads (Scotland) Act 1984.”;
 - (c) in the definition of “planning permission”, for the words “the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “Part III of the Town and Country Planning (Scotland) Act 1972”; and

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- (d) after the definitions of “regional planning authority” and “district planning authority” there shall be inserted the following definition—
- ““roads authority” has the same meaning as in the Roads (Scotland) Act 1984.”.
- (16) In Schedule 3 (procedure for authorising compulsory acquisitions)—
- (a) in paragraph 1(1), for the word “highway” there shall be substituted the word “roads”;
- (b) in paragraph 7(2)(b), for the words from “section 1” to the end there shall be substituted the words “section 5 or 15 of the Roads (Scotland) Act 1984, or of either of the following enactments no longer in force—
- (i) section 1 of the Trunk Roads Act 1946 (additional trunk roads and reorganisation of trunk road system);
- (ii) section 14(1) of the Special Roads Act 1949 (amendments of law relating to trunk roads).”;
- (c) in paragraph 8(b), for the word “highway” there shall be substituted the word “roads”; and
- (d) in paragraph 13(1)(b), for the word “highway” there shall be substituted the word “road”.
- (17) In Schedule 4(1) (procedure for authorising compulsory acquisition of statutory undertakers’ operational land), for the word “highway” there shall be substituted the word “roads”.

The Firearms Act 1968 (c. 27)

- 62 In section 57(4) of the Firearms Act 1968 (interpretation), in the definition of “public place”, for the word “highway” there shall be substituted the words “road (within the meaning of the Roads (Scotland) Act 1984)”.

The Countryside Act 1968 (c. 41)

- 63 In section 32 of the Countryside Act 1968 (traffic regulation orders for the countryside)—
- (a) in subsection (8), for the word “highway” there shall be substituted the word “roads”;
- (b) in subsection (10)—
- (i) in the definition of “Crown road”, for the word “highway” there shall be substituted the words “public road”; and
- (ii) for the definition of “road” there shall be substituted the following definitions—
- ““road”, “public road” and “trunk road” have the same meanings as in the Roads (Scotland) Act 1984.”.

The Sewerage (Scotland) Act 1968 (c. 47)

- 64 (1) The Sewerage (Scotland) Act 1968 shall be amended in accordance with this paragraph.

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- (2) In section 3(1) and (2) (construction of public sewers and public sewage treatment works), for the word “street”, wherever it occurs, there shall be substituted the word “road”.
- (3) In section 12(7) (breaking open street in relation to connecting premises with public sewer etc.), for the word “street”, in both places where it occurs, there shall be substituted the word “road”.
- (4) In section 41 (power to break open streets)—
- (a) for the words “the carriageway and footways of any street and of any bridge carrying a street” there shall be substituted the words “any road, any bridge carrying a road,”;
 - (b) for the words from “or vault” to “footway”, where it first occurs, there shall be substituted the words “, vault, sewer, drain or tunnel in or under a road”;
 - and
 - (c) for the words “carriageway or footway”, where they occur for the second time, there shall be substituted the word “road”.
- (5) In section 59(1)
- (interpretation)—
- (a) after the definition of “river purification authority” there shall be inserted the following definition—

““road” has the same meaning as in the Public Utilities Street Works Act 1950;”;
 - (b) the definition of “street” shall cease to have effect; and
 - ^{F81}(c)

Textual Amendments

F81 Sch. 9 para. 64(5)(c) repealed (1.4.1996) by 1994 c. 39, s. 180(2), Sch. 14; S.I. 1996/323, art. 4(d) Sch. 2

The Caravan Sites Act 1968 (c. 52)

- 65 In section 13(1) of the Caravan Sites Act 1968 (twin-unit caravans) for the word “highway” there shall be substituted the word “road”.

The Transport Act 1968 (c. 73)

- 66 (1) The Transport Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 116 (transfer of responsibility for maintenance of highways on bridges)—
- (a) in subsection (3), for the word “highway” where it occurs for the first and fourth times there shall in each case be substituted the word “roads”, and where it occurs for the second, third and fifth times there shall in each case be substituted the word “road”;
 - (b) for subsection (4) and (5) there shall be substituted the following subsection—

“(4) Where paragraphs (a) and (b) of subsection (1) of this section are not satisfied immediately before the appointed day in the case of

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any bridge as is mentioned in that subsection, or such a bridge as aforesaid is constructed after that day, then if on any subsequent day—

- (a) the Board or Boards concerned are responsible for maintaining the road carried by the bridge, or that road together with the road giving access to the bridge (the “access road”); and
- (b) the road at each end—
 - (ii) if the Board or Boards are also responsible for maintaining the access road, of the bridge and the access road,

is a public road,

the road (or roads) for which they are so responsible shall forthwith be entered by the local roads authority in the list of public roads kept by the authority under section 1 of the Roads (Scotland) Act 1984.”;

- (c) in subsection (6)—
 - (i) at the beginning there shall be inserted the words “Without prejudice to the provisions of the said Act of 1984,” and
 - (ii) for the word “highway” where it occurs for the first, third, fourth and fifth times there shall in each case be substituted the word “road”, and where it occurs for the second time there shall be substituted the word “roads”; and
- (d) in subsection (7), for the word “highway” there shall be substituted the word “road”.

(3) In section 117 (duties as respects bridges carrying highways)—

- (a) in subsection (1)(a), for the word “highways” there shall be substituted the word “road”;
- (b) in subsection (3)(b), for the words “when it is opened for traffic” there shall be substituted the words—
 - “(i) when the bridge is opened (the date of opening being before 1st January 1985) for traffic on the highway so carried;
 - (ii) when the bridge is opened (the date of opening being on or after 1st January 1985) for traffic on the road so carried.”;and
- (c) in subsection (5), after the word “highway” there shall be inserted the words “, or as the case may be road.”

(4) In section 118(1) (duty of highway authority as respects road bridge over railway or inland waterway)—

- (a) in paragraph (a), for the “highway” there shall be substituted the word “road”; and
- (b) in paragraph (b), for the word “highway” there shall be substituted the word “roads”.

(5) In section 119(1) (ending of liability of certain Boards to make payments in being relieved of responsibility for bridges carrying trunk or special roads)—

- (a) for the words “229 of the Highways Act 1959 or section 7 of the Trunk Roads Act 1946” there shall be substituted the words “266 of the Highways Act 1980 or section 80 of the Roads (Scotland) Act 1984”;

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- (b) after the word “highways”, in both places where it occurs, there shall be inserted the words “, or as the case may be roads,”;
 - (c) for the words “230 of the said Act of 1959 or section 8 of the Special Roads Act 1949” there shall be substituted the words “267 of the said Act of 1980 or section 81 of the said Act of 1984”;
 - (d) in paragraph (a), for the words “58(2) of the said Act of 1959, section 7(3) of the said Act of 1946 or section 8(2) of the said Act of 1949” there shall be substituted the words “55(2) of the said Act of 1980 or subsection (4) of the said section 80 (or that subsection as applied by subsection (2) of the said section 81)”, and after the word “highway” there shall be inserted the words “, or as the case may be road,”; and
 - (e) in paragraph (b), for the words “229(3) or 230(2) of the said Act of 1959 or the said section 7(3) or 8(2)” there shall be substituted the words “266(5) or 267(2) of the said Act of 1980 or subsection (4) of the said section 80 (or that subsection applied as aforesaid)”.
- (6) In section 121(8) (interpretation), at the end there shall be added the words “; and in the application of the said subsection (5) to Scotland the reference to a highway authority shall be construed as a reference to a roads authority.”.
- (7) In section 122 (further provision as regards interpretation)—
- (a) in subsections (1) and (3), for the word “highway”, wherever it occurs, there shall be substituted the word “road”; and
 - (b) subsection (4) shall cease to have effect.
- (8) In section 123 (power of highway and other authorities to contribute to cost of barriers, etc., at level crossings), for the word “highway” there shall be substituted the word “roads”.
- (9) In section 124(1)(a) (Railways Board’s obligations at level crossings with roads other than public carriage roads), for the words “public carriage” there shall be substituted the words “carriageway of a public”.
- (10) In section 159(1) (general interpretation)—
- (a) after the definition of “bus service” there shall be inserted the following definition—
 - ““carriageway” has the same meaning as in the Roads (Scotland) Act 1984;”;
 - (b) in the definition of “highway authority”, paragraph (b) shall cease to have effect;
 - (c) after the definition of “liability” there shall be inserted the following definition—
 - ““local roads authority” has the same meaning as in the Roads (Scotland) Act 1984;”;
 - (d) after the definition of “plated weight” there shall be inserted the following definition—
 - ““public road” has the same meaning as in the Roads (Scotland) Act 1984;”; and
 - (e) after of “the Railways Board” there shall be inserted the following definitions—

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““road” and “roads authority” have the same meaning as in the Roads (Scotland) Act 1984;”.

The Vehicles Excise Act 1971 (c. 10)

^{F82}67

Textual Amendments

F82 Sch. 9 para. 67 repealed (1.9.1994) by 1994 c. 22, ss. 65, 66(1), **Sch. 54 Pt. I** (with s. 57(4))

68 ^{F83}

Textual Amendments

F83 Sch. 9 para. 68 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt I, **Sch. 4 paras. 1–3**

The Roads Traffic (Foreign Vehicles) Act 1972 (c. 27)

69 In section 7(1) of the Road Traffic (Foreign Vehicles) Act 1972 (interpretation), for the definition of “road” there shall be substituted the following definition—

““road” has the same meaning as in the Roads (Scotland) Act 1984.”.

The Town and Country Planning (Scotland) Act 1972 (c. 52)

^{F84}70

Textual Amendments

F84 Sch. 9 para. 70 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2) Sch. 1 Pt. I (with Sch. 3)

71 ^{F85}

Textual Amendments

F85 Sch. 9 para. 71 repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**

The Land Compensation (Scotland) Act 1973 (c. 56)

72 (1) The Land Compensation (Scotland) Act 1973 shall be amended in accordance with this paragraph.

(2) Subject to sub-paragraph (4) below, in the sections referred to in sub-paragraph (3) below for references (whether in the singular or plural) to “highway authority” and “local highway authority” there shall be substituted respectively references to “road”, “roads authority” and “local roads authority”.

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- (3) The sections to which sub-paragraph (2) above refers are sections 1(3), (4), (6), (7), and (9), 9(1), (2), and (5), 13(1) and (3), 17(1) and (3), 18(9) and 26(1) and (2).
- (4) In section 17(1) (interpretation of Part I) the definitions of “highway” and “highway authority” shall cease to have effect.
- (5) In section 18(9), for the words “section 8 of the Development and Road Improvement funds Act 1909” there shall be substituted the words “section 3 of the Roads (Scotland) Act 1984”.

(6) Section 26(4)(a) shall cease to have effect.

^{F86}(7)

^{F86}(8)

(9) In section 80 (general interpretation)—

(a) in subsection (1)—

(i) there shall be inserted in the appropriate places in alphabetical order the following definitions—

““carriageway” has the same meaning as in the Roads (Scotland) Act 1984;

“local roads authority” has the same meaning as in the Roads (Scotland) Act 1984;

“roads authority” has the same meaning as in the Roads (Scotland) Act 1984;”;

(ii) for the definition of “road” there shall be substituted the following definition—

““road” has the same meaning as in the Roads (Scotland) Act 1984;”;

(b) subsection (2) shall cease to have effect.

Textual Amendments
F86 Sch. 9 para. 72(7)(8) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), Sch. 1 Pt. I (with Sch. 3)

The Local Government (Scotland) Act 1973 (c. 65)

73 In section 133 of the Local Government (Scotland) Act 1973 (roads), for the words “local highway authority” in both places where they occur there shall be substituted the words “local roads authority”.

The Control of Pollution Act 1974 (c. 40)

74 (1) The Control of Pollution Act 1974 shall be amended in accordance with this paragraph.

(2) In section 13 (dustbins etc.)—

(a) in subsection (7)(c), for the word “highways” there shall be substituted the word “roads”; and

(b) in subsection (7A)—

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- (i) for the word “highway”, where it first occurs, there shall be substituted the word “road”; and
 - (ii) in paragraph (a), for the words “relevant highway authority” there shall be substituted the words “roads authority”.
- (3) In section 27(1) (interference with refuse tips and dustbins etc.)—
 - (a) in paragraph (a), for the words “parish or community council” there shall be substituted the words “roads authority”;
 - (b) in paragraph (b), for the word “highway” there shall be substituted the word “road”; and
 - (c) the words “or council” and from “In the application” to “1970” shall cease to have effect.
- (4) In section 32(1)(c) (control of discharge of matter other than trade or sewage effluent)—
 - (a) for the words “works which a highway authority is obliged or entitled to keep open by virtue of section 10 of the Roads (Scotland) Act 1970” there shall be substituted the words “a drain which a roads authority is obliged or entitled to keep open by virtue of section 31 of the Roads (Scotland) Act 1984”; and
 - (b) for the word “highway”, where it occurs for the third time, there shall be substituted the word “roads”.
- (5) In section 62 (noise in streets)—
 - (a) in subsection (1)—
 - (i) for the word “street”, where it first occurs, there shall be substituted the word “road”; and
 - (ii) the words from “In this subsection” to “public” shall cease to have effect; and
 - (b) in subsection (2)(e), for the word “highway” there shall be substituted the words “public road (within the meaning of the Roads (Scotland) Act 1984)”.
- (6) In section 105(1) (interpretation), after the definition of “regulations” there shall be inserted the following definitions—
 - ““road” (except where the context otherwise requires) has the same meaning as in the Public Utilities Street Works Act 1950;
 - “roads authority” has the same meaning as in the Roads (Scotland) Act 1984;”.
- (7) In section 106 (general application to Scotland), subsection (4) shall cease to have effect.

The Safety of Sports Grounds Act 1975 (c. 52)

- 75 In section 17(1) of the Safety of Sports Grounds Act 1975, in the definition of “means of access”, for the word “highway” there shall be substituted the word “road”.

The Airports Authority Act 1975 (c. 78)

- 76 (1) The Airports Authority Act 1975 shall be amended in accordance with this paragraph.

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(2) In section 13 (control of road traffic), in subsection (8), for the words from “or local” to the end there shall be substituted the words “highway authority or local authority” there shall be substituted the words “roads authority as defined in section 151(1) of the Roads (Scotland) Act 1984”.

(3) In section 20 (provisions as to telegraphic lines), at the end there shall be inserted the following subsection—

“(8) In the application of this section to Scotland, the reference to the highway authority shall be construed as a reference to the roads authority within the meaning of section 151(1) of the Roads (Scotland) Act 1984, and the reference to a highway shall be construed as a reference to a road within the meaning of the said section 151(1).”

The Licensing (Scotland) Act 1976 (c. 66)

F8777

Textual Amendments

F87 Sch. 9 para. 77 repealed (1.9.2009 at 5.00 a.m.) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), [sch. 7](#) (with s. 143); S.S.I. 2007/472, art. 3

The Refuse Disposal (Amenity) Act 1978 (c. 3)

78 (1) The Refuse Disposal (Amenity) Act 1978 shall be amended in accordance with this paragraph.

(2) In section 2(1)(a) (unauthorised dumping of motor vehicles etc.), for the word “highway” there shall be substituted the word “road”.

(3) In section 3 (removal of abandoned vehicles)—
(a) in subsection (1), for the word “highway” there shall be substituted the word “road”;
(b) in subsection (3), the words “within the meaning of the Highways Act 1959” and “within the meaning of that Act” shall cease to have effect; and
(c) subsection (4) shall cease to have effect.

(4) In section 6(1)
(removal and disposal of things other than motor vehicles), for the word “highway” there shall be substituted the word “road”.

(5) In section 11(1) (interpretation)—
(a) for the definition of “highway” there shall be substituted the following definition—
““carriageway” has the same meaning as in the Roads (Scotland) Act 1984;” and
(b) after the definition of “the relevant date” there shall be inserted the following definition—

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““road” has the same meaning as in the Roads (Scotland) Act 1984.”.

79 F88

Textual Amendments

F88 Sch. 9 para. 79 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), [Sch. 18](#)

The Education (Scotland) Act 1980 (c. 44)

80 In section 18 of the Education (Scotland) Act 1980 (improvements as to premises of educational establishments for the safety of pupils), for subsection (5) there shall be substituted the following subsection—

“(5) In this section “road”, “public road” and “private road” have the meanings ascribed to them by section 151(1) of the Roads (Scotland) Act 1984.”.

The Water (Scotland) Act 1980 (c. 45)

81 (1) The Water (Scotland) Act 1980 shall be amended in accordance with this paragraph.

(2) In section 9(5) (powers of water authority as regards supply of water for non-domestic purposes), for the word “streets” there shall be substituted the word “roads”.

(3) In section 10(5)

(interpretation)—

(a) for paragraph (b) there shall be substituted the following paragraph—

“(b) roads authorities as defined in section 151(1) of the Roads (Scotland) Act 1984;”;

(b) for paragraph (d) there shall be substituted the following paragraph—

“(d) road managers as defined in section 2(5) of the said Act of 1950;”.

(4) In each of sections 13(5) (accelerated procedure for supply of water in bulk) and 22 (power to break open streets), for the word “streets” there shall be substituted the word “roads”.

(5) In section 23 (power to lay mains etc.)—

(a) in subsection (1)—

(i) in paragraph (a), for the word “street” where it occurs for the first and second times there shall in each case be substituted the word “road” and for the words from “the persons” to “street” where it occurs for the third time there shall be substituted the words—

“(i) where the road is a public road, the roads authority; and

(ii) in any other case, the authority or person responsible for the maintenance of the road, or, if no authority or person is so responsible, to the owners of the solum of the road;”;

(ii) in paragraph (b), for the word “street” there shall be substituted the word “road”; and

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- (b) in subsection (2), for the word “street” there shall be substituted the word “road”.
- (6) In section 24 (communication and supply pipes), in each of subsections (1) and (4) for the word “street” there shall be substituted the word “road”.
- (7) In section 25(2) (power of islands or district council to erect and maintain drinking fountain or trough)—
- (a) for the word “street”, where it first occurs, there shall be substituted the word “road”; and
 - (b) for the words from “if” to “authority” where it occurs for the second time there shall be substituted the words “there shall be no such erection by the district council without the roads authority’s consent”.
- (8) In section 33 (temporary discharge of water into watercourse)—
- (a) in subsection (1), for the word “street”, in both places where it occurs, there shall be substituted the word “road” and for the word “streets” there shall be substituted the word “roads”;
 - (b) in subsection (2), for the word “street” there shall be substituted the word “road”; and
 - (c) in subsection (10), for the word “highway” there shall be substituted the words “public road”.
- (9) In section 75(2)(b) (saving as regards penalty for polluting water), for the words “highway, so long as the highway” there shall be substituted the words “public road, so long as the roads”.
- (10) In section 76(3) (carrying of drain etc. under, across or along any street)—
- (a) for the word “highway”, wherever it occurs, there shall be substituted the word “roads”;
 - (b) for the words “street”, where it first occurs, and “streets” there shall be substituted, respectively, the words “road” and “roads”; and
 - (c) for the words “street maintainable at the public expense” there shall be substituted the words “public road”.
- (11) In section 77(3)(c) (application of order relating to obtaining supplies of water to meet drought), for the word “streets” there shall be substituted the word “roads”.
- (12) In section 109 (interpretation)—
- (a) in subsection (1)—
 - (i) the definition of “bridge authority” shall cease to have effect;
 - (ii) in the definition of “communication pipe” for the word “street”, wherever it occurs, there shall be substituted the word “road”;
 - (iii) the definitions of “highway” and “highway authority” shall cease to have effect;
 - (iv) after the definition of “prescribed” there shall be inserted the following definitions—

““private road” and “public road” have the same meaning as in the Roads (Scotland) Act 1984;”;
 - (v) after the definition of “river purification authority” there shall be inserted the following definitions—

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- ““road” has the same meaning as in the Public Utilities Street Works Act 1950;
- “roads authority” has the same meaning as in the Roads (Scotland) Act 1984;”;
- (vi) the definition of “street” shall cease to have effect; and
- (b) subsection (2) shall cease to have effect.
- (13) in section 110 (further provision as to communication pipes) in each of subsections (1) and (2), for the word “street”, wherever it occurs, there shall be substituted the word “road”.
- (14) In Schedule 3 (provisions as to breaking open streets and laying communication and supply pipes)—
- (a) in paragraph 1—
- (i) for the words “the roadway and footpaths of any street and of any bridge carrying a street” there shall be substituted the words “a road”;
- (ii) for the word “street” where it occurs for the third time there shall be substituted the word “road”; and
- (iii) for the words “roadway or footpath”, in both places where they occur, there shall be substituted the word “road”;
- (b) in paragraph 2—
- (i) in sub-paragraph (1), for the words “the roadway or footpath of a street or bridge (not being a street or bridge maintainable at the public expense) which is” there shall be substituted the words “a private road”; and
- (ii) in sub-paragraph (2), for the words “the roadway or footpath of any length of street” there shall be substituted the words “any length of road”;
- (c) paragraph 3 shall cease to have effect;
- (d) in paragraph 4—
- (i) in sub-paragraph (1), for the word “street” where it occurs for the first and second times there shall in each case be substituted the word “road”, and in the proviso, for the words “the persons having control or management of the street” there shall be substituted the words—
- “(i) where the road is a public road, the roads authority; and
- (ii) in any other case, the authority or person responsible for the maintenance of the road, or, if no authority or person is so responsible, to the owners of the solum of the road”;
- (ii) in sub-paragraph (2), for the word “street” there shall be substituted the word “road”;
- (e) in each of paragraphs 5, 6(1), 7(2) and 8 for the word “street”, wherever it occurs, there shall be substituted the word “road”; and
- (f) in paragraph 9, in the proviso to sub-paragraph (2)—
- (i) for the word “street”, in both places where it occurs, there shall be substituted the word “road”; and
- (ii) for the word “highway” there shall be substituted the word “roads”.
- (15) In Schedule 4 (provisions to be included in orders relating to water undertakings)—

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- (a) in paragraph 2 for the word “street” in both places where it occurs, there shall be substituted the word “road”;
- (b) in paragraph 22, for the word “street” there shall be substituted the word “road”;
- (c) in paragraph 24—
 - (i) in sub-paragraph (1), for the word “streets” there shall be substituted the word “roads”; and
 - (ii) in sub-paragraph (2), for the word “highway” there shall be substituted the words “roads”;
- (d) in paragraph 36, for the word “streets”, in both places where it occurs, there shall be substituted the word “roads” and for the word “street” there shall be substituted the word “road”;
- (e) in paragraph 39—
 - (i) in the proviso to sub-paragraph (1) for the words “to the persons having the control or management of the street or other place where they propose to open the ground, and” there shall be substituted the following words—
 - “(a) where the ground is, or comprehends, part of—
 - (i) a public road, to the roads authority; or
 - (ii) any road, to the person responsible for the maintenance of that road, or, if no authority or person is so responsible, to the owners of the solum of that part; and
 - (b) where or in so far as the ground is not mentioned in head (a) above, to the person having the control or management of the ground;

and the undertakers”;

and for the word “streets” there shall be substituted the word “roads”; and

- (ii) in sub-paragraph (2), for the word “street” there shall be substituted the word “road”.

The Local Government, Planning and Land Act 1980 (c. 65)

- 82 In section 20(1) of the Local Government, Planning and Land Act 1980 (interpretation), after the definition of “functional work” there shall be inserted the following definition—

““highway”, in relation to Scotland, means a road as defined in section 151 of the Roads (Scotland) Act 1984;”.

The Public Passenger Vehicles Act 1981 (c. 14)

- 83 In section 82(1) of the Public Passenger Vehicles Act 1981 (interpretation), in the definition of “road”, at the end there shall be added the words “except that in Scotland it has the same meaning as in the Roads (Scotland) Act 1984”.

The Wildlife and Countryside Act 1981 (c. 69)

- 84 In section 72(1) of the Wildlife and Countryside Act 1981 (general interpretation)—

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- (a) for the words from the beginning to “restrictions)” there shall be substituted the words “Section 29 of the Roads (Scotland) Act 1984 (further provision as to fences)”;
- (b) for the words “highway authority” there shall be substituted the words “roads authority”.

The Civil Aviation Act 1982 (c. 16)

- 85 (1) The Civil Aviation Act 1982 shall be amended in accordance with this paragraph.
- (2) In section 105 (general interpretation), after subsection (5) there shall be inserted the following subsection—
- “(5A) In the application of this Act to Scotland references to a highway shall have effect as references to a road within the meaning of section 151(1) of the Roads (Scotland) Act 1984.”.
- (3) In paragraph 4 of Schedule 2 (application to Civil Aviation Authority of enactments relating to statutory undertakings)—
- (a) the words “section 40 of the Roads (Scotland) Act 1970” shall cease to have effect; and
 - (b) at the end there shall be added the words “; section 140 of the Roads (Scotland) Act 1984.”.

The Local Government and Planning (Scotland) Act 1982 (c. 43)

- 86 (1) The Local Government and Planning (Scotland) Act 1982 shall be amended in accordance with this paragraph.
- (2) In section 25 (islands or district council’s functions in relation to street cleansing)—
- (a) in subsection (1), for the word “streets” there shall be substituted the word “roads”;
 - (b) in subsection (3)—
 - (i) for the word “street”, where it first occurs, there shall be substituted the word “road”; and
 - (ii) for the words from “street”, where it occurs for the second time, to the end there shall be substituted the following definition—

““road” means any public road other than a trunk road or special road (“public road”, “trunk road” and “special road” having the same meanings as in the Roads (Scotland) Act 1984).”.
- (3) In section 30 (power of islands and district councils to provide and maintain roadside seats)—
- (a) in subsection (1), for the words “islands and district councils” there shall be substituted the words “an islands council or, with the consent of the roads authority, a district council”; and
 - (b) for subsection (2) there shall be substituted the following subsection—

“(2) In subsection (1) above, “footway” and “roads authority” have the same meanings as in the Roads (Scotland) Act 1984.”.

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The Civic Government (Scotland) Act 1982 (c. 45)

87 (1) The Civic Government (Scotland) Act 1982 shall be amended with this paragraph.

(2) In section 19(5) (restriction on power to appoint taxi stance)—

- (a) for the words “highway authority (within the meaning of the Roads (Scotland) Act 1970)” there shall be substituted the words “roads authority”;
- (b) for the “highway”, where it occurs for the second time, there shall be substituted the word “road”; and
- (c) the words “being a highway” shall cease to have effect.

(3) In section 48(4)

(interpretation of provisions relating to fouling of pavements by dogs), for the words “meanings respectively assigned to them by section 50(1) of the Roads (Scotland) Act 1970” there shall be substituted the words “same meanings as in the Roads (Scotland) Act 1984”.

(4) In section 54(3)(e) (non-application of provisions relating to annoyance caused by playing instruments etc.), for the word “highway” there shall be substituted the word “road”.

(5) In the proviso to section 96(1) (restriction on exercise of certain powers as regards statutes and monuments), for head (ii) there shall be substituted the following head—
“(ii) where such land is a road, the roads authority,”

(6) In section 125(1) (interference with dustbins etc.) for the word “highway” there shall be substituted the word “road”.

(7) In section 128(2) (control of stray dogs), for the word “highways” there shall be substituted the words “in roads”.

(8) In section 133 (interpretation), after the definition of “public place” there shall be inserted the following definitions—

““public road”, “road” and “roads authority” have the same meanings as in the Roads (Scotland) Act 1984;”.

The Transport Act 1982 (c. 49)

88 (1) In section 75 of the Transport Act 1982 (interpretation), in the definition of “road”, at the end there shall be added the words “except that in Scotland it has the same meaning as in the Roads (Scotland) Act 1984”.

(2) F89

Textual Amendments
F89 Sch. 9 para. 88(2) repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3, 5, [Sch. 1 Pt. I](#), [Sch. 4 paras. 1–3](#)

The Level Crossings Act 1983 (c. 16)

89 In section 1(11) of the Level Crossings Act 1983 (interpretation), for the definition of “road”, there shall be substituted the following definition—

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““road” has the same meaning as in the Roads (Scotland) Act 1984;”.

The Litter Act 1983 (c. 35)

90 In section 7(1) of the Litter Act 1983 (litter bins in Scotland), for paragraph (a), there shall be substituted the following paragraph—

“(a) in or adjacent to any road (within the meaning of the Roads (Scotland) Act 1984) maintainable or maintained by a local authority;”.

91 F90

Textual Amendments

F90 Sch. 9 para. 91 repealed by [Prevention of Terrorism \(Temporary Provisions\) Act 1989 \(c. 4, SIF 39:2\)](#), s. 25(2), [Sch. 9 Pt. I](#)

The Telecommunications Act 1984 (c. 12)

92 (1) The Telecommunications Act 1984 shall be amended in accordance with this paragraph.

(2) In section 10(4)(b) (exceptions and conditions in licence under section 7), for the word “streets” there shall be substituted the word “roads”.

(3) In section 98 (use of conduits for telecommunication purposes)—

- (a) in subsection (5), for the word “streets” there shall be substituted the word “roads”; and
- (b) in subsection (9), for the word “street” there shall be substituted the word “road”.

(4) In Schedule 2 (the Telecommunications Code)—

- (a) in paragraph 1(1)—
 - (i) the definitions of “maintainable highway” and “street” shall cease to have effect;
 - (ii) the following definitions shall be inserted in the appropriate place in alphabetical order—

““public road” means a public road within the meaning of the Public Utilities Street Works Act 1950 other than one which is a footpath or a bridleway that crosses, and forms part of, any agricultural land or any land which is being brought into use for agriculture; “road” has the meaning given by section 1(3) of the said Act of 1950;”;

- (b) in paragraph 1(3), for the word “street” there shall be substituted the word “road”;

^{F91}(c)

- (d) paragraph 1(5) shall cease to have effect;

^{F91}(e)

- (f) in paragraph 3(5), for the word “street” there shall be substituted the word “road”;

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- F91(g)
- F91(h)
- F91(i)
- (j) in paragraph 19(1), for the word “street” there shall be substituted the word “road”; and
- (k) in paragraph 21(10), for the word “street” there shall be substituted the word “road”.

Textual Amendments

F91 Sch. 9 para. 92(4)(c)(e)(g)-(i) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch. 9](#); S.I. 1992/2990, art. 2(2), [Sch. 2](#)

The Road Traffic Regulation Act 1984 (c. 27)

93 (1) The Road Traffic Regulation Act 1984 shall be amended in accordance with this paragraph.

F92(2)

(23) In section 66 (traffic signs for giving effect to local traffic regulations etc.)—

- F92(a)
- (b) in subsection (2)(d), for the words “385 of the Burgh Police (Scotland) Act 1892” there shall be substituted the words “62 of the Roads (Scotland) Act 1984”.

F92(24)

F93(39)

F92(40)

(41) In section 131 (application of road traffic enactments to Crown roads)—

- (a) in subsection (2), in each of paragraphs (a) and (b), for the word “highway”, wherever it occurs, there shall be substituted the word “roads”; and
- (b) in subsection (7)(b), for the word “highway” there shall be substituted the words “public road”.

F92(42)

(43) In section 134(4) (provisions as to regulations), for the words “or section” there shall be substituted the words “, 132A or”.

(44) In sections 142(1) (interpretation)—

- F92(a)
- F92(b)
- (c) after the definition of “prescribed” there shall be inserted the following definition—

““public road” has the same meaning as in the Roads (Scotland) Act 1984;”;

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F92(d)

F92(e)

(45) In Schedule 9 (special provisions as to certain orders)—

(a) in paragraph 19(b), for the words “28(2) of the Local Government (Scotland) Act 1966” there shall be substituted the words “11(1) of the Roads (Scotland) Act 1984”; and

F92(b)

Textual Amendments

F92 Sch. 9 para. 93(2)-(22)(23)(a)(24)-(38)(40)(42)(44)(a)(b)(d)(e)(45)(b) repealed (01.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch. 9](#); [S.I. 1991/2286](#), art. 2(2), [Sch. 2](#)

F93 Sch. 9 para. 93(39) repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3, 5, [Sch. 1 Pt. I](#), [Sch. 4 paras. 1–3](#)

SCHEDULE 10

Section 156(2).

TRANSITIONAL PROVISIONS AND SAVINGS

- 1 (1) Subject to paragraph 4 of this Schedule, in so far as anything done or having effect as if done under or in pursuance of any of the enactments repealed by this Act (in this Schedule referred to as “the repealed enactments”) could have been done under or in pursuance of a corresponding provision of this Act, it shall not be invalidated by reason only of the repeal but shall have effect as if done under or in pursuance of that provision; and anything begun under any of the repealed enactments may be continued under the corresponding provision of this Act as if begun under that provision.
- (2) Sub-paragraph (1) above applies in particular to any regulation, byelaw, determination, decision, authorisation, application, licence, renewal, suspension, revocation, notice, purchase, disposal, charge, certificate, prohibition, registration, refusal, cancellation, variation, appeal, objection, advertisement, specification, condition or penalty prescribed, responsibility imposed or warrant granted.
- 2 Without prejudice to any express amendment made by this Act, where any enactment or document refers, either expressly or by implication, to any of the repealed enactments, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.
- 3 Where any period of time specified in any of the repealed enactments is current at the commencement of this Act, this Act shall have effect as if the corresponding provision of this Act had been in force when that period began to run.
- 4 (1) Nothing in this Act shall affect the repealed enactments in their operation in relation to offences committed before the commencement of this Act.
- (2) Where an offence, for the continuance of which a penalty was provided, has been committed under any of the repealed enactments proceedings may, in the same manner as if the offence had been committed under the corresponding provision

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of this Act, be taken under this Act in respect of the continuance, after the commencement of this Act, of the offence.

- 5 Without prejudice to paragraph 1 or 4 above, any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or omitted to be done, or to any event which has occurred, under or for the purposes of or by reference to or in contravention of any of the provisions of this Act shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done or required or authorised to be done, or omitted, or to the corresponding event which occurred as the case may be, under or for the purposes of or by reference to or in contravention of the corresponding provisions of the repealed enactments and of the enactments repealed by those enactments.

F94 6

Textual Amendments

F94 Sch. 10 para. 6 repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch. 9](#); S.I. 1992/2990, art. 2(2), [Sch. 2](#)

- 7 In relation to an order under section 3 of the ^{M12}Special Roads Act 1949 coming into force before the appointed day within the meaning of section 2 of the ^{M13}Telecommunications Act 1984, section 20 of the said Act of 1949 shall have effect, notwithstanding any repeal made by this Act, as it had effect immediately before that appointed day.

Marginal Citations

M12 1949 c. 32.

M13 1984 c. 12.

SCHEDULE 11

Section 156(3)

REPEALS

Chapter	Short title	Extent of repeal
8 & 9 Vict.c. 33	The Railway Clauses Consolidation (Scotland) Act 1845	In section 11, the word “streets”. In section 16, the word “streets,” where it first occurs. In section 18, the words “pavements,” “streets, highways, lanes,” and “passages and”. In section 46, the words “whether carriage road, horse

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		road, tramroad or railway, either public or private.”.
28 & 29 Vict.c. 56.	The Trespass (Scotland) Act 1865.	In section 3, the words “private”, where it occurs for the second time, and “, or on or near any highway,”.
41 & 42 Vict. c. 51.	The Roads and Bridges (Scotland) Act 1878.	The whole Act.
45 & 46 Vict.c. 38.	The Settled Land Act 1882.	In section 25 (xvii), the word “Streets”.
45 & 46 Vict.c. 56.	The Electric Lighting Act 1882.	In section 36, the definition of “local authority”.
51 & 52 Vict.c. 9.	The Roads and Bridges (Scotland) Act 1878, Amendment Act 1888.	The whole Act.
51 & 52 Vict. c. 12.	The Electric Lighting Act 1888.	In section 4(5), the words “the term ”street’ shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place whatever, and”.
51 & 52 Vict.c. 25.	The Railway and Canal Traffic Act 1888.	Section 16(3).
55 & 56 Vict.c. 12.	The Roads and Bridges (Scotland) Amendment Act 1892.	The whole Act.
55 & 56 Vict.c. 43.	The Military Lands Act 1892.	Section 25(7).
56 & 57 Vict.c. 32	The Barbed Wire Act 1893.	The whole Act.
57 & 58 Vict.c. 58.	The Local Government (Scotland) Act 1894.	Section 29.
60 & 61 Vict.c. 38.	The Public Health (Scotland) Act 1897.	In section 3, the definition of “street”. In section 16(5), the word “public”. Section 39.
9 Edw. 7.c. 34.	The Electric Lighting Act 1909.	In section 25, the definition of “road”.
9 Edw.7.c. 47.	The Development and Road Improvement Funds Act 1909.	Part II.
9 & 10 Geo. 5. c. 50.	The Ministry of Transport Act 1919.	Schedule 2.
10 & 11 Geo. 5. c. 72.	The Roads Act 1920.	Section 3(6).

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		Section 4.
		Schedule 1.
15 & 16 Geo. 5. c. 68.	The Roads Improvement Act 1925.	The whole Act.
19 & 20 Geo. 5. c. 33.	The Bridges Act 1929.	The whole Act.
20 & 21 Geo. 5. c. 43.	The Road Traffic Act 1930.	Part III. Section 117. In section 119, in subsection (3) the words “ for the purpose of the payment of the consideration for a transfer under section fifty-three of this Act or”; and subsections (4) to (9). In section 121(1), the definitions of “Forestry” and “Highway authority”.
24 & 25 Geo. 5 c. 50	The Road Traffic Act 1934.	The whole Act.
25 & 26 Geo. 5. c. 47.	The Restriction of Ribbon Development Act 1935.	The whole Act except sections 17, 23(2), 24 and 26.
1 Edw. 8. & 1 Geo. 6. c. 5.	The Trunk Roads Act 1936.	The whole Act.
9 & 10 Geo. 6. c. 30.	The Trunk Roads Act 1946.	The whole Act.
10 & 11 Geo. 6. c. 53.	The Town and Country Planning (Scotland) Act 1947.	Section 44(1). Section 45. Section 113(1) except the definitions of “land” and “local authority”. In Schedule 8, the entry relating to the Restriction of Ribbon Development Act 1935.
12 & 13 Geo. 6. c. 32.	The Special Roads Act 1949.	The whole Act.
14 Geo. 6. c. 24.	The Highways (Provision of Cattle-Grids) Act 1950.	The whole Act.
14 Geo. 6. c. 39.	The Public Utilities Street Works Act 1950.	In section 12(2), the word “sewer” where it occurs for the second time. Section 23(6). Section 30(2). Section 36(1) to (11).

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		In section 39(1), the definitions of “appropriate local authority”, “highway authority”, “maintainable highway”, “street”, “street authority” and “street managers”.
		In Schedule 5, the entries relating to section 13 of the Electric Lighting Act 1882 and to section 12 of the Schedule to the Electric Lighting (Clauses) Act 1899.
		In Schedule 6, paragraph 8.
4 Eliz. 2. c. 20.	The Agriculture (Improvement of Roads) Act 1955.	The whole Act.
4 & 5 Eliz. 2. c. 67.	The Road Traffic Act 1956.	The whole Act.
6. & 7. Eliz. 2. c. 69.	The Opencast Coal Act 1958.	In section 13(6), the words “highway” includes a public right of way;”.
7 & 8 Eliz. 2. c. 7.	The Manoeuvres Act 1958.	Section 3(5)(a).
7 & 8 Eliz. 2 c. 24.	The Building (Scotland) Act 1959.	Section 8.
7 & 8 Eliz. 2. c. 70.	The Town and Country Planning (Scotland) Act 1959.	Section 47.
8 & 9 Eliz. 2. c. 63.	The Road Traffic and Roads Improvement Act 1960.	The whole Act.
10 & 11 Eliz. 2. c. 58.	The Pipe-lines Act 1962.	In section 66(1), the definition of “carriageway”.
1964 c. 33.	The Burgh Police (Amendment) (Scotland) Act 1964.	The whole Act.
...
F95	F95	F95
1966 c. 51.	The Local Government (Scotland) Act 1966.	Part III.
		In section 46(1), the definitions of “highway authority” and “local highway authority”.
1967 c. 76.	The Road Traffic Regulation Act 1967.	In section 29A(1), the words “in England and Wales”.

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1967 c. 86.	The Countryside (Scotland) Act 1967.	Section 37(3). In section 54(1), the word “or” immediately following paragraph (d).
1968 c. 16.	The New Towns (Scotland) Act 1968	Section 25. Section 41(2).
1968 c. 47.	The Sewerage (Scotland) Act 1968.	In section 59(1), the definition of “street”.
1968 c. 73.	The Transport Act 1968.	In section 119(1)(a), the word “repair”. Section 121(6) and (7). Section 122(4). Section 139. In section 159(1), in the definition of “highway authority” paragraph (b).
1970 c. 20.	The Roads (Scotland) Act 1970.	The whole Act.
1970 c. 28.	The Local Government (Footpaths and Open Spaces) (Scotland) Act 1970.	Sections 1 and 2. In section 5, the definitions of “carriageway”, “development” and “footpath”; and in the definition of “local authority” the words “in sections 1 and 2, a regional or islands council, and in section 3.”.
1972 c. 20.	The Road Traffic Act 1972.	Section 13(b). Section 19(2)(b). In section 160(4), the words “the Lord Chief Justice of England or, as the case may be,”.
1972 c. 52.	The Town and Country Planning (Scotland) Act 1972.	Sub-paragraph (ii) of section 198(3)(a) and the word “or” immediately preceding that sub-paragraph. In section 198A(2)(b)(i), the words “sub-paragraphs (i) and (ii) of”.

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Section 200.

In section 201(10)(b)(i), the words “sub-paragraphs (i) and (ii) of”.

In section 204(1), the words “200”.

In section 205, in each of subsections (1) and (5), the words “or 200”.

In section 205A, in subsection (1), paragraph (b), the word “or” immediately preceding that paragraph, and the word “relevant” in both places where it occurs; in each of subsections (2) to (4) the word “relevant” wherever it occurs; and subsection (5).

In section 206, in subsection (1) the words “, section 200 thereof by a highway authority”; in subsection (2) the words “(or that section as applied by section 200(3))”; in subsection (3) the words “or 200”; and in subsection (4) the words “200”.

Section 207.

In section 208(1), the words “200”.

In section 209(1), the words “, 200”.

Section 210.

Section 210A(2)(c) and (e).

In section 232(3), in paragraph (a) the words “under section 200 by the Secretary of State,” and “200,”; and in paragraph (b) the words “under section 200 by a highway authority,”.

In section 236(1), the words “200,”.

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		In Schedule 18, in each of paragraphs 1(1), 4(1), 5 and 6, the words “200”.
		In Schedule 20, paragraph 3.
1972 c. 60.	The Gas Act 1972.	In Schedule 4, in paragraph 1(4), the words from “In the application” to “1970”.
1973 c. 56.	The Land Compensation (Scotland) Act 1973.	In section 17(1), the definitions of “highway” and “highway authority”.
		Sections 20 to 23.
		Section 26(4)(a).
		Section 65(1).
		Section 70.
		Section 73(5).
		Section 80(2).
1973 c. 65.	The Local Government (Scotland) Act 1973.	In Schedule 14, paragraphs 1 to 30, 31(b), 32 to 41, 43 to 50, 51(a) and (b), 52 to 54, 57, 58, 74, 76 to 79, 87 and 88.
1974 c. 40.	The Control of Pollution Act 1974.	In section 27(1), the words “or council”; and from “In the application” to “1970”.
		In section 62(1), the words from “In this subsection” to “public”.
		Section 106(4).
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedule 7D, paragraphs 1 and 47.
1975 c. 30.	The Local Government (Scotland) Act 1975.	In section 14(1), paragraph (a) and the words “local highway authority,” where they occur other than in that paragraph.
		Section 20.
1978 c. 3.	The Refuse Disposal (Amenity) Act 1978.	In section 3, in subsection (3) the words “within the meaning of the Highways Act 1959” and “within the meaning of that Act”; and subsection (4).
1980 c. 45.	The Water (Scotland) Act 1980.	In section 109, in subsection (1) the definitions

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		of “bridge authority”, “highway”, “highway authority” and “street”; and subsection (2).
		In Schedule 3, paragraph 3.
1981 c. 23.	The Local Government (Miscellaneous Provisions) (Scotland) Act 1981	In Schedule 2, paragraph 26.
		In Schedule 3, paragraph 21.
1981 c. 56.	The Transport Act 1981.	Section 32. Schedule 10.
1982 c. 16.	The Civil Aviation Act 1982.	In paragraph 4 of Schedule 2, the words “section 39 of the Roads (Scotland) Act 1970;”.
1982 c. 45.	The Civic Government (Scotland) Act 1982.	In section 13(6), the words “within the meaning of the Road Traffic Act 1972”. In section 19(5), the words “being a highway”. In section 97, the words “street or” and “to which the public have access”.
1982 c. 49.	The Transport Act 1982.	In Schedule 2, the entry relating to the Roads (Scotland) Act 1970.
1984 c. 12.	The Telecommunications Act 1984.	In Schedule 2, in paragraph 1, in sub-paragraph (1) the definitions of “maintainable highway” and “street”, and sub-paragraph (5); and in paragraph 2(8)(a) the words “(which for this purpose shall be deemed to extend to Northern Ireland)”.
		In Schedule 4, paragraphs 9(4)(g), 17, 19, 26, and 51.
1984 c. 27.	The Road Traffic Regulation Act 1984.	In section 1(3), the word “trunk” where it occurs for the second time. In section 34(1), the words “in England or Wales”. Section 55(5). In section 142(1), in the definition of “highway authority”, paragraph (b) and

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the word “and” immediately preceding that paragraph.

In Schedule 10, paragraphs 14 to 16.

Textual Amendments

F95 Entry relating to Gas Act 1965 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. X](#)

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