



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART I

#### PUBLIC ROADS

##### *General powers and duties of roads authorities*

#### **1 Powers and duties of local roads authorities.**

- (1) Subject to subsection (10) below, a local roads authority shall manage and maintain all such roads in their area as are for the time being entered in a list (in this Act referred to as their “list of public roads”) prepared and kept by them under this section; and for the purposes of such management and maintenance (and without prejudice to this subsection’s generality) they shall, subject to the provisions of this Act, have power to reconstruct, alter, widen, improve or renew any such road or to determine the means by which the public right of passage over it, or over any part of it, may be exercised.
- (2) Subject to subsection (10) below, the list of public roads prepared by the local roads authority shall, at the date of commencement of this section, comprise all public roads which immediately prior to that date were required to be entered by the local highway authority for the area in a list of the roads highways and bridges under their management and control under section 41 of the <sup>M1</sup>Roads and Bridges (Scotland) Act 1878 or in a register of streets under section 5 of the <sup>M2</sup>Burgh Police (Scotland) Act 1903 or any corresponding local enactment.
- (3) The list of public roads shall be open for inspection free of charge at such reasonable times and places as the local roads authority may determine.
- (4) The local roads authority may, subject to the provisions of this Act, add to or delete from their list of public roads; but before any entry for a road which for the time being is a private road is so added or any entry for a public road is so deleted they shall—
  - (a) give notice of their intention in that regard to the frontages of that road; and
  - (b) publish a notice of such intention in at least one newspaper circulating in the area,

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and, where any representation is made within 28 days after the requirements of paragraphs (a) and (b) above have been fulfilled, the authority shall consider that representation and give notice to the person making it and, with a note or copy of the representation, to the frontagers (or to the other frontagers if it was a representation by a frontager) of the authority's decision as regards whether or not to proceed with the addition or deletion following the representation:

Provided that—

- (i) any addition or deletion giving effect to a decision under subsection (5) below;
- (ii) any deletion in consequence of the stopping up of a public road under this Act; or
- (iii) any deletion on transfer of such a road to another roads authority,

shall not require such intimation or publication as is mentioned in paragraphs (a) and (b) above.

- (5) The requisite number of frontagers to whom notice of a decision following a representation is given under subsection (4) above may, within 28 days of such notice, refer the matter by summary application to the sheriff. His decision thereon shall, subject to subsection (8) below, be final and, where that decision requires the addition or deletion to be proceeded with, shall be given effect to forthwith by the local roads authority.
- (6) A decision of which notice is given under subsection (4) above shall not be given effect to until the 28 days mentioned in subsection (5) above have expired or, if the matter has been referred under the said subsection (5) to the sheriff, until the summary application has been disposed of or abandoned.
- (7) In subsection (5) above, “the requisite number” means—
  - (a) a majority; or
  - (b) such number as together owns land which . . . <sup>F1</sup> . . . <sup>F1</sup> includes not less than half of the boundary between the land fronting or abutting the road mentioned in subsection (4)(a) above and that road; . . . <sup>F1</sup> . . . <sup>F1</sup>
- (8) Subsection (5) above is without prejudice to the rights of the local roads authority to proceed again under subsection (4) above as regards the same addition or deletion (or as regards an addition or deletion which comprehends, or is comprehended in, the same addition or deletion) where there has been a material change of circumstances since the publication, in relation to the original proposed addition or deletion, of the notice under subsection (4)(b) above.
- (9) Subject to subsection (10) below, every road which is entered in the list of public roads kept by a local roads authority shall vest in the authority for the purposes of their functions as roads authority: but such vesting shall not confer on an authority any heritable right in relation to a road.
- (10) There shall not vest under subsection (9) above any bridge which both—
  - (a) immediately prior to the commencement of this section was not so managed and controlled as is mentioned in subsection (2) above; and
  - (b) has not since such commencement been acquired (whether compulsorily or by agreement) by the local roads authority,

and without prejudice to sections 79 to 81 of this Act, until such acquisition the authority shall not manage and maintain the bridge (as distinct from any road carried by it) and any entry in their list of public roads in respect of such a road shall include a

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statement to the effect that the road does not, for the purposes of subsection (1) above, comprise the bridge carrying the road.

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#### Textual Amendments

- F1** Words “either—(i)”, “or” and subparagraph (ii) repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), ss. 34, 35(2)(3), **Sch. 6**
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#### Marginal Citations

- M1** 1878 c. 51.  
**M2** 1903 c. 33.

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

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

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