



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART X

#### MISCELLANEOUS

#### **121 Power to obtain road-making materials.**

- (1) The roads authority may enter land to search for, dig and carry away materials for the purpose of making or repairing a public road or of repairing a prospective public road and may carry such materials through any land.
- (2) In subsection (1) above “prospective public road” has the same meaning as in the [F1Part IV of the New Roads and Street Works Act 1991].
- (3) Before carrying out any operations under this section, the roads authority shall serve on the owner and occupier of the land affected notice of their intention to carry out the operations, describing the proposed works and informing him that he may object to the proposed works by notice to the authority within 28 days of the notice of intention being served on him.
- (4) Where an owner or occupier of land affected objects to the proposed works in accordance with subsection (3) above and the objection is not withdrawn, then—
  - (a) if the roads authority is the Secretary of State, he shall consider the objection before carrying out the proposed works, and
  - (b) if the roads authority are a local roads authority, they shall not carry out the proposed works without the consent of the Secretary of State who may grant such consent either unconditionally or subject to such conditions as he thinks fit.
- (5) The roads authority shall pay compensation to the owner or occupier of the land for any damage done to it by exercise of their powers under this section and for the value of the materials carried away by them.
- (6) Where an excavation is made by the roads authority in exercise of their powers under this section, they shall—

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**Changes to legislation:** Roads (Scotland) Act 1984, Section 121 is up to date with all changes known to be in force on or before 05 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (a) while the work is in progress, and thereafter so long as the excavation remains open, keep the excavation sufficiently fenced to prevent accidents to persons or animals;
- (b) as soon as reasonably practicable after completion of the work either—
  - (i) fill up the excavation; or
  - (ii) slope it down and fence it off, if the owner or occupier so requires, and thereafter keep it so fenced;
- (c) so far as is reasonably practicable, when filling up the excavation, make good, and level, the ground.

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#### Textual Amendments

- F1** Words in s. 121(2) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 90](#); S.I. 1992/2990, art. 2(2), [Sch. 2](#)

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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\(2\)](#)