



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART III

NEW ROADS

21 Requirement of consent for new roads built other than by roads authority.

- (1) A person other than a roads authority who wishes to construct a new road or an extension of an existing road shall before commencing such construction obtain the consent (in this section and in sections 22 and 23 of this Act referred to as “construction consent”) thereto of the local roads authority.
- (2) An application for construction consent—
 - (a) shall be in writing in such form as the local roads authority may determine; and
 - (b) shall by notice be intimated by the applicant to—
 - (i) the owners of all land which would front, abut or be comprehended in the new road or the extension of the existing road; and
 - (ii) such other persons, if any, as the authority may, for the purposes of the application, specify.
- (3) The local roads authority shall consider any written representations, made to them within 28 days of the date of intimation, by any person to whom an application has been intimated under subsection (2)(b) above, and may thereafter—
 - (a) subject to subsection (4) below, grant construction consent, either without conditions or subject to such conditions as they think fit; or
 - (b) refuse construction consent;and before granting the consent subject to a condition (other than the condition mentioned in subsection (4) below) or refusing consent, the authority shall allow the person applying for the consent an opportunity to be heard by them as regards his application.
- (4) It shall be a condition of any construction consent that the construction be completed within such period, being a period of not less than three years from the date on which

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the consent is given, as the local roads authority may specify in writing in the consent; but the authority may subsequently by notice extend the period so specified.

- (5) Without prejudice to section 22(b) of this Act, where a condition imposed by a construction consent has been contravened or not complied with, the local roads authority may, by notice served on the person holding the consent, require him to bring the new road into conformity with the construction consent within such reasonable period as they shall specify in the notice.
- (6) An applicant for construction consent may, within 28 days of the date of the intimation to him of a decision of the local roads authority—
 - (a) refusing his application; or
 - (b) granting it subject to conditions other than a condition that the construction be completed within 3 years of the date on which the consent was given,appeal to the Secretary of State in accordance with the procedure prescribed by any regulations under subsection (7) below.
- (7) The Secretary of State may by regulations prescribe the procedure to be followed in relation to an appeal to him under subsection (6) above, and such regulations may, without prejudice to the foregoing generality, make provision for the determination of any such appeal by a person appointed by the Secretary of State and for the powers and duties of such a person in that regard.
- (8) The determination of an appeal under subsection (6) above may allow or dismiss the appeal, may modify any part of the decision of the local roads authority and shall be final.

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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\(2\)](#)