



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART VI

ACCESS AND STOPPING UP

72 Stopping up private access to land by agreement.

- (1) Without prejudice to sections 69 and 70 of this Act, the roads authority may agree with the occupier of land and with any other person having an interest in the land that a private means of access from a public road, or proposed public road, to the land shall be stopped up by the authority; and such agreement may provide for the payment by the roads authority to the other party of compensation in respect of any damage suffered in consequence of the stopping up.
- (2) The roads authority may stop up a means of access by virtue of this section in any way which seems to them to be appropriate; but not so as to obstruct any public right of way on foot.
- (3) Without prejudice to subsection (4) below, the provisions of any agreement made under this section shall be binding on persons deriving title from the occupier or the other person; except that no provision shall be enforceable by virtue of this subsection against a third party who shall have in good faith and for value, acquired right (whether ^{F1}title has been completed] or not) to land prior to the agreement being either registered in the Land Register of Scotland or as the case may be recorded in the Register of Sasines.
- (4) A person who uses a means of access which has been stopped up by virtue of this section, other than a person exercising a public right of way on foot, commits an offence.

Textual Amendments

- F1** Words in s. 72(3) substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), [sch. 12 para. 45](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Changes to legislation:

Roads (Scotland) Act 1984, Section 72 is up to date with all changes known to be in force on or before 09 April 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.

[View outstanding changes](#)

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\(2\)](#)