



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART VII

#### BRIDGES, TUNNELS AND DIVERSION OF WATER

#### **75 Bridges over and tunnels under navigable waters.**

- (1) Provision may be made by an order under section 5 of this Act or under this subsection for the construction of a bridge over or a tunnel under any specified navigable waters as part of a trunk road.
- (2) Provision may be made by a scheme under section 7 of this Act for the construction, as part of a special road, of a bridge over or a tunnel under any specified navigable waters.
- (3) Provision may be made by a scheme under this subsection—
  - (a) made by a local roads authority and confirmed by the Secretary of State, or
  - (b) where the Secretary of State is the roads authority, made by him.for the construction, as part of a public road (other than a special road) of a bridge over or a tunnel under any specified navigable waters.
- (4) Parts I and III of Schedule 1 to this Act shall have effect as to the making of an order under subsection (1) above, Parts II and III of that Schedule shall have effect as to the making of a scheme under subsection (3) above and Schedule 2 to this Act shall have effect as to the validity and date of operation of any such order or scheme.
- (5) A scheme under subsection (3)(a) above may be submitted to the Secretary of State jointly by any two or more local roads authorities, and any such scheme may determine which of those authorities shall be the roads authority for the bridge or tunnel or any part of it, and may provide—
  - (a) for the performance by that authority, in relation to the bridge or tunnel or that part of it, of any of the roads functions of any other authority who are party to the application, and
  - (b) for the making of contributions by that other authority to the roads authority in respect of expenditure incurred in the performance of those functions.

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*Changes to legislation: Roads (Scotland) Act 1984, Section 75 is up to date with all changes known to be in force on or before 24 February 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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- (6) The reference in—
- (a) subsection (1) above to a trunk road;
  - (b) subsection (2) above to a special road; or
  - (c) subsection (3) above to a public road,
- shall be construed as including a reference to a proposed trunk, special or public road as the case may be.
- (7) References in this section, in relation to any order or scheme, to “specified navigable waters” are references to such navigable waters (whether the sea, a river or other waters) as may be specified in the order or scheme.
- (8) References in section 76 of this Act to an order or scheme which provides for the construction of a bridge over or a tunnel under navigable waters are references to any order or scheme made under or, as the case may be, by virtue of subsection (1), (2) or (3) above.
- (9) [<sup>F1</sup>Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)] (which provides a procedure for certain cases where works involve the alteration of [<sup>F2</sup>electronic communications apparatus]) shall, subject to subsection (10) below, apply, for the purposes of any works authorised by a scheme made under subsection (3) above, to the roads authority.
- (10) Where the roads authority is the Secretary of State, [<sup>F3</sup>paragraph 68] of [<sup>F4</sup>the electronic communications code] (offence) shall be omitted for the purposes of the application of [<sup>F5</sup>Part 10 of the code] to him by subsection (9) above.

#### Textual Amendments

- F1** Words in s. 75(9) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(6\), Sch. 3 para. 15\(2\)](#); S.I. 2017/1286, reg. 2(d)
- F2** Words in s. 75 substituted (17.9.2003) by [The Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\), art. 1\(1\), Sch. 1 para. 10\(1\)\(b\)\(2\)\(b\)](#)
- F3** Words in s. 75(10) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(6\), Sch. 3 para. 15\(3\)\(a\)](#); S.I. 2017/1286, reg. 2(d)
- F4** Words in s. 75 substituted (17.9.2003) by [The Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\), art. 1\(1\), Sch. 1 para. 10\(1\)\(b\)\(2\)\(a\)](#)
- F5** Words in s. 75(10) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(6\), Sch. 3 para. 15\(3\)\(b\)](#); S.I. 2017/1286, reg. 2(d)

**Changes to legislation:**

Roads (Scotland) Act 1984, Section 75 is up to date with all changes known to be in force on or before 24 February 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.

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**Changes and effects yet to be applied to :**

- s. 75 word substituted by [S.I. 2003/2155 Sch. 1 para. 10\(1\)\(b\)para. 10\(2\)\(d\)](#)
- s. 75 words substituted by [S.I. 2003/2155 Sch. 1 para. 10\(1\)\(b\)para. 10\(2\)\(c\)](#)

**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\(2\)](#)