



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART VIII

INTERFERENCE AND DAMAGE

General obstruction

92 Restriction on planting of trees etc. near carriageway.

- (1) No tree or shrub planted in accordance with section 51 of this Act shall be planted within 5 metres of the edge of a made-up carriageway without the roads authority's consent which shall not be unreasonably withheld.
- (2) If a tree or shrub is planted in contravention of this section, the roads authority may, by notice served either on the owner or on the occupier of the land in which the tree or shrub is planted, require him to remove it within 28 days from the date of the service of the notice.
- (3) A person who fails to comply with a notice given under subsection (2) above commits an offence.
- (4) In this section, "made-up carriageway" means a carriageway, or part thereof, which has been metalled or in any way provided with a surface suitable for the passage of vehicles.

Modifications etc. (not altering text)

- C1** [S. 92](#): power to contract out functions of the Secretary of State (16.3.1996) by [S.I. 1996/878](#), [art. 2](#), [Sch. para. 5\(ac\)](#)

Changes to legislation:

Roads (Scotland) Act 1984, Section 92 is up to date with all changes known to be in force on or before 01 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.

[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\(2\)](#)