



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART VIII

#### INTERFERENCE AND DAMAGE

##### *Miscellaneous*

#### **98 Control of stray and other animals on roads.**

(1) An animal which is left on, or allowed to stray onto, a road other than at a place where that road is running through unenclosed [<sup>F1</sup>land] may be seized and detained by the roads authority or by a constable; and the person so leaving an animal or allowing it so to stray commits an offence.

(2) Subject to subsection (3) below, the owner of an animal seized or detained under subsection (1) above may recover it from the roads authority, or as the case may be from the [<sup>F2</sup> Scottish Police Authority ], on payment to them of their reasonable expenses in acting under the said subsection (1):

Provided that no such payment shall be exigible where the owner took all reasonable steps to ensure that the animal was not so left as is mentioned in subsection (1) above or, as the case may be, did not so stray as is there mentioned.

(3) Subject to the proviso to subsection (2) above, the roads authority, or as the case may be [<sup>F3</sup> Scottish Police Authority ], may sell, or otherwise dispose of, an animal so detained by them if, within three days of their giving intimation, in a newspaper circulating in their area, of the seizure, detention and prospective sale or disposal, the said expenses are not paid.

(4) Any proceeds of a sale or disposal under subsection (2) above shall be used to meet the said expenses. Thereafter any surplus shall be given to the owner of the animal if he can be traced and if he cannot may be retained by the roads authority or as the case may be [<sup>F4</sup> Scottish Police Authority ] .

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**Changes to legislation:** Roads (Scotland) Act 1984, Section 98 is up to date with all changes known to be in force on or before 15 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. (See end of Document for details) View outstanding changes

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- (5) In proceedings for an offence under subsection (1) above, it shall be a defence for a person accused of allowing an animal to stray onto a road to prove that he took all reasonable steps to prevent such straying.

<sup>F5</sup>(6) .....

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**Textual Amendments**

- F1** Word in s. 98(1) substituted (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(1), **Sch. 10 para. 11(3)**; S.I. 1991/2633, **art. 4**
- F2** Words in s. 98(2) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 7 para. 7(6)(a)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F3** Words in s. 98(3) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 7 para. 7(6)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F4** Words in s. 98(4) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 7 para. 7(6)(c)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F5** S. 98(6) repealed (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 27(2), **Sch. 11**; S.I. 1991/2633, **art. 4**

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**Modifications etc. (not altering text)**

- C1** S. 98: power to contract out functions of Secretary of State (16.3.1996) by S.I. 1996/878, art. 2, **Sch. para. 5(ag)**

**Changes to legislation:**

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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\(2\)](#)