



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART I

PUBLIC ROADS

Special roads

7 General provision as to special roads.

- (1) Subject to the provisions of this Act, all such roads as immediately before the commencement of this Act were special roads, being roads provided in pursuance of a scheme made under section 1 of the ^{M1}Special Roads Act 1949, shall continue to be, and to be known as, special roads.
- (2) Roads which continue to be special roads by virtue of subsection (1) above shall continue, subject to the provisions of this Act, to be special roads for the use of traffic of the classes for the use of which they were special roads immediately before the commencement of this Act.
- (3) A roads authority may be authorised by means of a scheme under this section to provide, along a route prescribed by the scheme, a special road for the use of traffic of any class so prescribed.
- (4) Subject to subsection (10) below, a roads authority authorised by a scheme under this section, or by any such scheme as is referred to in subsection (1) above, to provide a special road are in this Act referred to in relation to that road as the “special road authority”.
- (5) A special road authorised by a scheme under this section may be provided by means of—
 - (a) the construction by the special road authority of a new road along the route prescribed by the scheme or along any part of that route;
 - (b) the appropriation under this Act of any road (or proposed road in course of construction) comprised in that route for which the special road authority are the roads authority;

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- (c) the transfer to that authority under this Act of any road (or proposed road in course of construction) comprised in that route for which they are not the roads authority.
- (6) A scheme under this section authorising the provision of a special road shall—
- (a) in the case of a road to be provided by the Secretary of State, be made by the Secretary of State, and
 - (b) in the case of a road to be provided by a local roads authority, be made by that authority and confirmed by the Secretary of State,
- in accordance with the provisions of Parts II and III of Schedule 1 to this Act.
- (7) Before making or confirming a scheme under this section, the Secretary of State shall give due consideration to the requirements of local and national planning, and to the requirements of agriculture and industry.
- (8) If objection to a scheme under this section is duly made in accordance with Schedule 1 to this Act—
- (a) by the roads authority for any road (or proposed road) comprised in the route of the special road authorised by the scheme;
 - (b) by
 - [^{F1}(i)] any navigation authority ^{F2} . . . on whom notice is required to be served under paragraph 3 of that Schedule [^{F3}, or
 - (ii) Scottish Water,] on the ground that any bridge or tunnel over or under navigable waters for which provision is made by the scheme is likely to obstruct or impede the performance of their [^{F4}or, as the case may be, its] functions under any enactment or to interfere with the reasonable requirements of navigation over the waters affected by the scheme,

and is not withdrawn, the scheme shall be subject to special parliamentary procedure.
- (9) Part IV of Schedule 1 to this Act shall have effect for the purposes of the application to schemes under this section of the ^{M2} Statutory Orders (Special Procedure) Act 1945; and Schedule 2 to this Act shall have effect with respect to the validity and date of operation of such schemes.
- (10) A scheme under this section 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 special road authority for the special road and may provide—
- (a) for the performance by the special road authority, in relation to the road, of any roads functions of another authority who are party to the submission; and
 - (b) for the making of contributions by that other authority to the special road authority in respect of expenditure incurred in the performance of those functions.

Textual Amendments

- F1** Words in s. 7(8)(b) renumbered (1.4.2002) as s. 7(8)(b)(i) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(2), [Sch. 7 para. 14\(2\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F2** Words in s. 7(8)(b) repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(2), [Sch. 7 para. 14\(2\)\(b\)](#) (with s. 67); S.S.I 2002/118, {art. 2(3)}

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F3 S. 7(8)(b)(ii) and preceding word inserted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(2), [Sch. 7 para. 14\(2\)\(c\)](#) (with s. 67); S.S.I. 2002/118, {art. 2(3)}

F4 Words in s. 7(8)(b) inserted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(2), [Sch. 7 para. 14\(2\)\(d\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

Modifications etc. (not altering text)

C1 S. 7 definition of "special road scheme" applied (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), [s. 47\(1\)](#)(with savings s. 47(4)); S.I. 1991/2286, [art. 2\(1\)](#), [Sch. 1](#)

Marginal Citations

M1 1949 c. 32.

M2 9 & 10 Geo. 6 c. 18.

8 Further provision as regards classification of traffic for purposes of special roads.

(1) Different classes of traffic may be prescribed by a scheme under section 7 of this Act in relation to different parts of the special road to which the scheme relates.

(2) The classes of traffic prescribed by any such scheme shall be prescribed by reference to the classes set out in Schedule 3 to this Act.

(3) The Secretary of State may by order vary the classes of traffic specified in the said Schedule 3 and the composition of any such class;^{F5} . . .

[^{F6}(4) A variation order may contain provision applying the variations made by the order to existing schemes (whether made by the Secretary of State or a local roads authority); and in the absence of such provision a variation order does not affect the classes of traffic prescribed in an existing scheme.

(5) In subsection (4) above an “existing scheme” means a scheme under section 7 made before the order comes into operation.]

Textual Amendments

F5 Words in s. 8(3) omitted (21.10.1991) by virtue of [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), [s. 45](#) (with savings s. 47(4)); S.I. 1991/2286, [art. 2\(1\)](#), [Sch. 1](#)

F6 S. 8(4)(5) inserted (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), [s. 45](#) (with savings s. 47(4)); S.I. 1991/2286, [art. 2\(1\)](#), [Sch. 1](#)

9 Supplementary orders relating to special roads.

(1) Subject to section 113 of this Act, provision in relation to a special road may be made by an order under this section—

(a) for appropriating as part of the special road, as from such date as may be specified in the order, any road (or proposed road in course of construction) comprised in the route prescribed by the scheme authorising the special road and which is a road (or proposed road) for which the special road authority are the roads authority;

(b) for transferring to the special road authority, as from such date as may be specified in the order, any road (or proposed road in course of construction) comprised in that route and for which they are not the roads authority;

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- (c) for authorising the special road authority—
 - (i) to stop up, divert, improve or otherwise alter any road which crosses or enters the route of the special road or is or will be otherwise affected by the construction or improvement of the special road;
 - (ii) to construct any new road for purposes connected with any such alterations as aforesaid or for any other purpose connected with the special road or its construction and to close after such period as may be specified in the order any new road temporarily so constructed;
 - (d) for transferring to such roads authority as may be specified in the order, as from such date as may be so specified any road constructed by the special road authority in pursuance of the order or any previous order made under this section;
 - (e) for authorising or requiring the special road authority to exercise, either concurrently with or to the exclusion of any [^{F7}local authority], any functions which, apart from the order, would be exercisable by that [^{F7}local authority] in relation to the special road or any part thereof other than functions of [^{F7}special road] authority as regional or general planning authority within the meaning of the ^{M3}Town and Country Planning (Scotland) Act 1972; or
 - (f) for any other purpose incidental to the purposes aforesaid or otherwise incidental to the construction or maintenance of, or other dealing with, the special road.
- (2) An order under this section shall—
- (a) in the case of a special road provided or to be provided by the Secretary of State, be made by the Secretary of State;
 - (b) in the case of a special road provided or to be provided by a local roads authority, be made by that authority and confirmed by the Secretary of State, in accordance with Parts I and III of Schedule 1 to this Act; and Schedule 2 to this Act shall have effect with respect to the validity and date of operation of any such order.
- (3) No order authorising the stopping up of a road shall be made or confirmed by the Secretary of State under this section unless he is satisfied that another reasonably convenient route is available or will be provided in pursuance of an order under this section before the road is stopped up.
- (4) No order providing for the appropriation by or transfer to a special road authority of an existing road comprised in the route prescribed by the scheme authorising the special road shall be made or confirmed by the Secretary of State under this section unless he is satisfied—
- (a) that another reasonably convenient route is available for traffic other than traffic of the class authorised by the scheme, or will be provided in pursuance of an order under this section before the date on which the appropriation or transfer takes effect, or
 - (b) that no such other route is reasonably required for any such other traffic.
- (5) An order under this section may provide for the payment of contributions—
- (a) by the special road authority to any other roads authority in respect of any additional liabilities imposed on that other authority in consequence of the provisions of the order or of any previous order made under this section;
 - (b) to the special road authority by any other authority in respect of any liabilities so imposed on the special road authority, being liabilities which would otherwise have fallen to be discharged by the other authority;

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and may also provide for the determination by arbitration of disputes as to the payment of such contributions.

Textual Amendments

F7 Words in s. 9(1)(e) substituted (1.4.1996) by 1994 c. 39 s. 180(1), Sch. 13, para. 135(2); S.I. 1996/323 art. 4(c)

Marginal Citations

M3 1972 c. 52.

10 Certain special roads to be trunk roads.

(1) A special road to be provided by the Secretary of State in accordance with a scheme under section 7 of this Act shall, except in so far as it is provided by means of the appropriation or transfer of any existing road, become a trunk road on such date as may be specified in the scheme.

(2) A road (not being a trunk road) which, by means of an order under section 9 of this Act, is appropriated as a special road to be provided by the Secretary of State, and a road which, by means of such an order, is transferred to the Secretary of State, shall become a trunk road on the date on which it is so appropriated or is so transferred, as the case may be.

[^{F8}(3) Subsections (1) and (2) above shall have effect subject to any provision of the scheme under section 7 of this Act directing that the special road in question or any part of it shall not be a trunk road; but any such provision shall not affect the power of the Secretary of State to make an order under section 5(2)(a) of this Act with respect to the special road or part.]

Textual Amendments

F8 S. 10(3) inserted (21.10.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 46 (with saving s. 47(4)); S.I. 1991/2286, art. 2(1), Sch. 1

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