



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART IV

IMPROVEMENTS AND MAINTENANCE

^{F1}*Other traffic calming works*

Textual Amendments

- F1** Heading before ss. 39A-39C inserted (16.5.1992) by [Traffic Calming Act 1992 \(c. 30\)](#), ss. 2(1), 3, [Sch. 2](#)

^{F2}**39A Powers to carry out traffic calming works.**

- (1) A roads authority may, in a road maintainable by them, construct traffic calming works which—
 - (a) are of a description prescribed by regulations under section 39B of this Act, or
 - (b) are authorised,and may remove such works (whenever constructed).
- (2) A roads authority shall not exercise the powers conferred by subsection (1) above except in accordance with any requirements imposed by the regulations or authorisation concerned.
- (3) Requirements imposed by an authorisation given under this section may relate to any matter with respect to which regulations may be made under section 39B of this Act.
- (4) Nothing in this section shall prejudice any power of a roads authority to construct or remove traffic calming works which are neither of a description prescribed by regulations under section 39B of this Act nor authorised.

Changes to legislation: Roads (Scotland) Act 1984, Cross Heading: Other traffic calming works is up to date with all changes known to be in force on or before 28 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. (See end of Document for details) View outstanding changes

Textual Amendments

F2 S. 39A inserted (16. 5. 1992) by [Traffic Calming Act 1992 \(c. 30\)](#), ss. 2(1), 3, **Sch. 2**

Modifications etc. (not altering text)

C1 S. 39A: transfer of functions (23.3.2005) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2005 \(S.I. 2005/849\)](#), art. 1, **Sch.** (with art. 6)

^{F3}39B Prescribing of works.

- (1) The Secretary of State may make regulations—
- (a) prescribing any description of traffic calming works for the purposes of section 39A of this Act, and
 - (b) making such provision (if any) as appears to him necessary or expedient in relation to the construction, maintenance and removal of works of a prescribed description.
- (2) Regulations under this section may in particular—
- (a) provide that works of a prescribed description shall be constructed only in roads of such descriptions and in such circumstances as may be prescribed by the regulations;
 - (b) impose requirements as to—
 - (i) the dimensions and location of works;
 - (ii) the placing of signs;
 - (iii) the carrying out and maintenance of ancillary or consequential works;
 - (c) impose requirements as to consultation and publicity in respect of proposed works.

Textual Amendments

F3 S. 39B inserted (16. 5. 1992) by [Traffic Calming Act 1992 \(c. 30\)](#), ss. 2(1), 3, **Sch. 2**

Modifications etc. (not altering text)

C2 S. 39B: transfer of functions (23.3.2005) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2005 \(S.I. 2005/849\)](#), art. 1, **Sch.** (with art. 6)

^I^{F4}39BA Prescribing of works for anti-terrorism purposes

- ^{F5}(1)
- ^{F5}(2)

- (3) Regulations under section 39B of this Act may, if they are made [^{F6}for the purpose of, or in connection with, avoiding or reducing, or reducing the likelihood of, danger connected with terrorism within the meaning of section 1 of the Terrorism Act 2000] provide that, in such circumstances as the regulations may specify, works may be constructed or removed only with the consent of a police officer of such class as the regulations may specify.]

Changes to legislation: Roads (Scotland) Act 1984, Cross Heading: Other traffic calming works is up to date with all changes known to be in force on or before 28 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. (See end of Document for details) View outstanding changes

Textual Amendments

- F4** S. 39BA inserted (19.1.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), s. 34(1), **Sch. 2 para. 17(1)**; [S.I. 2004/3281](#), art. 2(3)(4)(a)
- F5** S. 39BA(1)(2) repealed (23.3.2005) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2005 \(S.I. 2005/849\)](#), arts. 1, **4(2)(a)** (with art. 6)
- F6** Words in s. 39BA(3) substituted (23.3.2005) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2005 \(S.I. 2005/849\)](#), arts. 1, **4(2)(b)** (with art. 6)

Modifications etc. (not altering text)

- C3** S. 39BA: transfer of functions (23.3.2005) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2005 \(S.I. 2005/849\)](#), art. 1, **Sch.** (with art. 6)

^{F7}39C Status of works authorised by section 39A.

Works (whenever constructed) of a description prescribed by regulations under section 39B, or authorised under section 39A, of this Act, which conform to any requirements imposed by the regulations or authorisation shall not be treated as constituting an obstruction to the road but as part of the road, so that in particular—

- (a) the obligation of any person to maintain the road, and
- (b) the obligation of any person having power to break open the road to make good any damage or otherwise reinstate the road,

extend to maintaining or, as the case may be, making good any damage to or otherwise reinstating the works.]

Textual Amendments

- F7** S. 39C inserted (16. 5. 1992) by [Traffic Calming Act 1992 \(c. 30\)](#), ss. 2(1), 3, **Sch. 2**

Changes to legislation:

Roads (Scotland) Act 1984, Cross Heading: Other traffic calming works is up to date with all changes known to be in force on or before 28 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.

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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\(2\)](#)