



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART XI

OFFENCES

129 Miscellaneous summary offences

- (1) A person who in or beside any road leaves open and unfenced, or insufficiently covered or insufficiently fenced, an opening into a vault or cellar commits an offence:

Provided that the foregoing provisions of this subsection do not apply in relation to the duty under section 56(5) of this Act first to provide a door or cover.

- (2) A person who, without lawful authority or reasonable excuse, places or deposits anything in a road so as to obstruct the passage of, or to endanger, road users commits an offence:

Provided that no person shall, in respect of the same actings, be convicted both under the foregoing provisions of this subsection and under section 59(2), 90, 95, 100(a) or 101 of this Act, or subsection (9) of this section, of an offence.

- (3) A person who, in a road, as the case may be drives, leads or propels a vehicle or animal commits an offence if any load which is thereby being carried projects beyond the vehicle or animal so as in any way to obstruct or endanger other road users.

- (4) Without prejudice to subsection (2) above, a person who, in a road, pitches a tent or encamps commits an offence.

- (5) Subject to section 64 of this Act, a person who, in a footway, footpath or cycle track, as the case may be drives, rides, leads or propels a vehicle or horse, or any swine or cattle, commits an offence:

Provided that the foregoing provisions of this subsection do not apply—

- (a) where and in so far as the vehicle or animal is being taken across the footway, footpath or cycle track ;

Status: This is the original version (as it was originally enacted).

- (b) in relation to a pedal cycle which is either not being ridden or is being ridden on a cycle track ;
 - (c) except on a cycle track where there is no public right of passage on foot, in relation to—
 - (i) a perambulator, push-chair or other form of baby carriage; or
 - (ii) an invalid carriage whose motive power is provided solely by its rider or some other person, or by an electric motor, or by a combination of these sources; or
 - (d) where there is a specific right so to drive, ride, lead or propel.
- (6) A person who parks a motor vehicle (" motor vehicle " having the same meaning as in the Road Traffic Act 1972) wholly or partly on a cycle track commits an offence.
- (7) A person who in a road rides or drives furiously, recklessly or carelessly a horse or other animal (whether or not that horse or animal is attached to a cart or carriage) commits an offence.
- (8) Without prejudice to subsection (2) above, a person who, over or along a footway, places a shade, awning or other projection less than either or both—
- (a) 2.25 metres above the level of the footway;
 - (b) 50 centimetres inwards from a carriageway,
- commits an offence.
- (9) A person who displays goods for sale by placing them in, or hanging them over, a footway or footpath commits an offence:

Provided that the foregoing provisions of this subsection do not apply to—

- (a) the offer or exposure for sale of newspapers ;
- (b) the display of goods for sale by a street trader trading under and in accordance with a street trader's licence ;
- (c) the display of goods for sale in connection with the carrying on of a private market under and in accordance with a market operator's licence; or
- (d) any activity in respect of which a certificate under the Pedlars Act 1871 has been granted,

and in the foregoing paragraphs of this proviso " street trader's licence ", " private market " and " market operator's licence " shall be construed in accordance with section 97(6) of this Act.

- (10) Where materials, tools, machinery or other equipment—
- (a) have been deposited in any place for use by the roads authority in constructing or maintaining a road ; or
 - (b) are in a quarry which has been opened by the authority for the purpose of their obtaining such materials for that use,
- a person who without reasonable excuse takes away, or displaces, the materials, tools, machinery or equipment commits an offence.

130 Offences by bodies corporate

- (1) Where an offence under or by virtue of this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in such capacity,

he as well as the body corporate is guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

131 Penalties and mode of trial

- (1) An offence under this Act shall, unless there is express provision to the contrary, be triable only summarily.
- (2) The penalty on conviction of any offence under this Act shall be determined in accordance with Schedule 8 thereto; and in that Schedule—
- (a) column 1 specifies the provision of this Act creating the offence and column 2 the maximum penalty which may be imposed in respect of that offence ;
 - (b) references to a level on the standard scale are references to the standard scale as defined in section 75 of the Criminal Justice Act 1982 ; and
 - (c) "the statutory maximum" has the meaning ascribed to it by section 74 of that Act.