



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART IX

ACQUISITION, TRANSFER, VESTING AND COMPENSATION

Acquisition

104 Acquisition of land for construction, improvement or protection of public roads etc.

- (1) Subject to section 109 of this Act, a roads authority may acquire land required—
- (a) in connection with the construction, improvement or protection of a public road under or by virtue of this Act; or
 - (b) for the purpose—
 - (i) of providing or improving a road which is to be provided or improved in pursuance of an order under [F1section 202, 203 or 207 of the Town and Country Planning (Scotland) Act 1997]; or
 - (ii) of providing a public right of way which is to be provided as an alternative to a right of way extinguished under [F1section 206(1)(a) or (b)],or for any other purpose for which land is required in connection with such an order as is mentioned in sub-paragraph (i) above.
- (2) Subject to section 109 of this Act, the Secretary of State may acquire land which is required in connection with—
- (a) the carrying out of any works authorised by an order relating to a trunk road under section 12 of this Act; or
 - (b) the provision of buildings or facilities for the purposes of constructing, improving, maintaining or servicing a trunk road other than a special road.
- (3) Subject to section 109 of this Act, the special road authority may acquire land which is required—

Changes to legislation: Roads (Scotland) Act 1984, Section 104 is up to date with all changes known to be in force on or before 03 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

- (a) in connection with the improvement of a road which is included in the route of a special road but has not been transferred to the authority by means of an order under section 9 of this Act,
 - (b) for the purpose of any order made in relation to a special road under the said section 9, or
 - (c) in connection with the provision of service stations or other buildings or facilities to be used in connection with a special road.
- (4) Where, in the exercise of any of the powers conferred by subsections (1) to (3) above or section 106 of this Act, a roads authority have acquired, or propose to acquire, land forming part of a common or open space, and other land is required for the purpose of being given in exchange for the first-mentioned land, the authority may acquire that other land as if it were land required by them in connection with the construction or improvement of a public road; and nothing in section 109 of this Act applies to an acquisition by virtue of this subsection.
- (5) In the foregoing provisions of this section any reference to—
- (a) a public road shall be construed as including a reference to a proposed public road;
 - (b) a trunk road shall be construed as including a reference to a proposed public road which is to be a trunk road; and
 - (c) a special road shall be construed as including a reference to a proposed public road which is to be a special road.

Textual Amendments

F1 Words in s. 104(1)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2**, para. 38(7)

Modifications etc. (not altering text)

C1 Ss. 103-111 excluded (18.3.2011) by Forth Crossing Act 2011 (asp 2), **ss. 20(4)**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.

C2 S. 104(1)(b)(ii): power to modify conferred (27.5.1997) by 1997 c. 8 ss. 211(2)(b), 278(2)

C3 S. 104(3)(c) extended (21.10.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), **s. 39(3)**(with savings in s. 47(4), 167(2)); S.I. 1991/2286, art. 2(1), **Sch. 1**

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\(2\)](#)