



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART IX

ACQUISITION, TRANSFER, VESTING AND COMPENSATION

Acquisition

110 General provisions as to acquisition of land.

- (1) Any power to acquire land compulsorily conferred by sections 104 to 107 of this Act on a local roads authority shall be exercisable in any particular case on their being authorised to do so by the Secretary of State.
- (2) Any power to acquire land compulsorily conferred by any of the said sections shall include power to acquire a servitude or other right in or over land by the creation of a new right.
- (3) In relation to the compulsory acquisition of land under any of sections 104 to 108 of this Act by a roads authority, the ^{M1}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall have effect as if this Act had been in force immediately before the commencement of that Act and, in a case where the compulsory acquisition is by the Secretary of State, as if the said sections were included among the enactments specified in section 1(1)(b) of that Act.
- (4) In assessing the compensation payable in respect of the compulsory acquisition of land by a roads authority under powers conferred by section 104 or sections 106 to 108 of this Act, the Lands Tribunal for Scotland—
 - (a) shall have regard to the extent to which the remaining contiguous land belonging to the same person may be benefited by the purpose for which the land is authorised to be acquired;
 - (b) without prejudice to the generality of paragraph (a) above shall, in the case of land authorised to be acquired for widening a public road, set off against the value of the land to be acquired any increase in the value of other land

Changes to legislation: *Roads (Scotland) Act 1984, Section 110 is up to date with all changes known to be in force on or before 21 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*

belonging to the same person which will accrue to him by reason of the creation of a frontage to the road as widened;

(c) shall take into account, and embody in its award, any undertaking given by the authority as to the use to which the land, or any part of it, will be put;

and the ^{M2}Land Compensation (Scotland) Act 1963 shall, in its application to a compulsory acquisition by a roads authority under any of the said sections, have effect subject to the provisions of this subsection.

(5) Where under any of sections 104 to 108 of this Act a roads authority are authorised to acquire land by agreement, the Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections 120 to 125 of the ^{M3}Lands Clauses Consolidation (Scotland) Act 1845) and sections 6 and 70 of the ^{M4}Railways Clauses Consolidation (Scotland) Act 1845, and sections 71 to 78 of that Act, as originally enacted and not as amended for certain purposes by section 15 of the ^{M5}Mines (Working Facilities and Support) Act 1923, shall be incorporated with this Act; and in construing those Acts for the purposes of this subsection this Act shall be deemed to be a special Act, and the roads authority to be the promoters of the undertaking or company, as the case may require, and the word “land” shall have the meaning assigned to it by Schedule 1 to the ^{M6}Interpretation Act 1978.

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.

Marginal Citations

M1 1947 c. 42.
M2 1963 c. 51.
M3 1845 c. 19.
M4 1845 c. 33.
M5 1923 c. 20.
M6 1978 c. 30.

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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\(2\)](#)