



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART II

PRIVATE ROADS

16 Application for private road to become public road.

(1) If a private road—

- (a) is of such standard as has last been required by relevant notice under section 13(1) of this Act; or
- (b) where no such standard has been so required, is of a standard satisfactory to the local roads authority,

then, if application is made to them under this subsection by the requisite number of frontagers for such addition, the authority shall, subject to subsection (4) below, within 12 months of the application add the road to their list of public roads:

Provided that where the requirement mentioned in paragraph (a) above has been fulfilled by the authority under subsection (4) of the said section 13 or the work specified in the notice has been carried out or completed by them under subsection (5) thereof no such application shall be required and the authority shall add the road to the said list forthwith.

(2) If, on completion of a private road constructed in accordance with a construction consent granted under section 21(3) of this Act, the person granted such consent applies, as respects the road, under this subsection to the local roads authority they shall within 12 months of the application add the road to their list of public roads.

(3) Any dispute in relation to—

- (a) subsection (1) above, between the local roads authority and any frontager; or
- (b) subsection (2) above, between that authority and a person applying (or purporting to apply) under that subsection,

shall be determined by arbitration by a single arbiter appointed in default of agreement by the sheriff on the application of either party.

Changes to legislation: Roads (Scotland) Act 1984, Section 16 is up to date with all changes known to be in force on or before 05 February 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](#)

- (4) Without prejudice to any addition made under subsection (1) or (2) above, the said subsection (1) or as the case may be (2) does not impose a duty as respects a road which within the period there allowed for such addition deteriorates to a standard below that mentioned in the said subsection (1).
- (5) In the foregoing provisions of this section—
“road” does not include a footpath; and
“the requisite number” has the same meaning in relation to that road and the land fronting or abutting the road as it has in section 1(7) of this Act in relation to the road and land mentioned in that section.

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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\(2\)](#)