



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART II

PRIVATE ROADS

18 Power of local roads authority to take over footpaths associated with development.

- (1) A local roads authority may enter into an agreement—
- (a) with every owner of land which is associated with or forms part of a development and on which there is, or is to be constructed, a footpath so associated; or
 - (b) where a person other than the owner of the land is or will be responsible for the maintenance or construction of the footpath, with that other person,
- whereby, if the footpath, is made up to the satisfaction of the authority, they shall enter it in their list of public roads; but where the owner or other person fails within such reasonable period as may be specified in the agreement to make up the footpath to the authority's satisfaction, they may themselves carry out the work and recover from him such expenses as are reasonably incurred in so doing.
- (2) Subject to subsection (3) below, where as regards an existing footpath a local roads authority are of the opinion that the obtaining of such agreement as is mentioned in subsection (1) above is not reasonably practicable, they may notwithstanding the absence of such agreement, enter the footpath in their list of public roads.
- (3) A local roads authority shall not exercise the power conferred on them by subsection (2) above unless they have taken all reasonable steps to ascertain the identity of every owner of the land on which the footpath is, or is to be constructed and have obtained the consent to such exercise of a majority of those owners whose identities they have ascertained.
- (4) In the foregoing provisions of this section "development" means residential or commercial building operations which will be, are being, or have been, carried out on land.

Changes to legislation:

Roads (Scotland) Act 1984, Section 18 is up to date with all changes known to be in force on or before 04 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.

[View outstanding changes](#)

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\(2\)](#)