



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART IV

#### IMPROVEMENTS AND MAINTENANCE

##### *Safety*

#### **29 Further provision as to fences.**

- (1) Subject to subsection (2) below, the roads authority may erect and maintain—
- (a) fences or posts for the purpose of preventing access to a road or proposed road; and
  - (b) fences, posts, stones or other markers for the purpose of delimiting the road or proposed road.
- (2) The powers conferred by subsection (1) above shall not be exercised so as to—
- (a) interfere with a fence or gate required for the purposes of agriculture;
  - (b) obstruct a public right of way;
  - (c) obstruct a means of access for the construction, formation or laying out of which planning permission has been granted under [<sup>F1</sup>the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997] (general planning control) or under any enactment replaced by the said Part III; or
  - (d) obstruct any means of access which was constructed, formed or laid out before 1st July 1948, unless it was so constructed, formed or laid out in contravention of restrictions in force under section 1 or 2 of the Restriction of Ribbon Development Act 1935.

#### **Textual Amendments**

**F1** Words in s. 29(2)(c) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(3)**

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**Changes to legislation:** Roads (Scotland) Act 1984, Section 29 is up to date with all changes known to be in force on or before 30 March 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](#)

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**Modifications etc. (not altering text)**

- C1 S. 29: power to contract out functions of Secretary of State (16.3.1996) by [S.I. 1996/878](#), art. 2, [Sch. para. 5\(f\)](#)

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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\(2\)](#)