



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART I

PUBLIC ROADS

General powers and duties of roads authorities

3 Power of Secretary of State to make advances to local roads authorities etc.

- (1) The Secretary of State^{F1} . . . may subject to subsection (2)(b)(iii) below make to a local roads authority—
- (a) advances (other than advances in respect of the acquisition of land) in respect of the construction of new roads or the maintenance or improvement of roads or make such advances in conjunction with such an authority (whether or not that authority is the roads authority by whom the road is, or as the case may be will be, maintainable) to any person;
 - (b) advances in respect of the acquisition of land by them where he is satisfied that the land has been or is to be acquired by the authority with a view to the construction of a new road or the improvement of a road.
- (2) The advances mentioned—
- (a) in paragraph (a) of subsection (1) above may include advances for the purpose of carrying out surveys with a view to ascertaining the need for the construction or improvement of roads (whether or not such construction or improvement is thereafter proceeded with); and
 - (b) in paragraphs (a) and (b) of that subsection—
 - (i) may include advances in connection with the exercise of any power conferred on a local roads authority by section 52, 53 or 106 of this Act;
 - (ii) may include advances for any purpose incidental, or conducive, to the purposes mentioned in those paragraphs; and

Changes to legislation: Roads (Scotland) Act 1984, Section 3 is up to date with all changes known to be in force on or before 04 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](#)

- (iii) shall be made only where it appears to the Secretary of State that the whole or any part of the expenditure in respect of which such advances could be made should not fall on the authority.
- (3) Without prejudice to subsection (2)(b)(iii) above, the advances mentioned in paragraph (b) of subsection (1) above may include, where the land is acquired by the authority, either or both of—
- (a) any amount by which the annual expenditure incurred by the authority in maintaining the land, during the period between its acquisition and the construction or improvement of the road in question, and in the payment of loan charges accruing due during that period in respect of any debt incurred by the authority for the purpose of acquiring the land, exceeds the annual income accruing to the authority from the land during that period; and
 - (b) any loan charges accruing due after the end of that period in respect of any money borrowed by the authority for the purpose of acquiring the land.
- (4) An advance under subsection (1)(a) or (b) above may be either by way of grant or by way of loan, or partly in one way and partly in the other, and shall be upon such terms and subject to such conditions as the Secretary of State thinks fit.
- (5) In subsection (3) above, “loan charges”, in relation to any borrowed money, means the sums required for the payment of interest on that money and for the repayment thereof by instalments or by means of a sinking fund.

Textual Amendments

- F1** Words in [s. 3\(1\)](#) repealed (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, [Sch. 2 Pt. I para. 76\(1\)\(2\)](#), Pt. IV (with [art. 5](#))

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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\(2\)](#)