



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART IV

#### IMPROVEMENTS AND MAINTENANCE

##### *Natural dangers*

#### **31 Drainage of roads.**

- (1) The roads authority may, for the purpose of draining a public road or proposed public road or of otherwise preventing surface water from flowing onto it—
  - (a) construct or lay, in it or in land adjoining or lying near to it, such drains as they consider necessary;
  - (b) erect and maintain barriers in it or in such land as aforesaid to divert surface water into or through any existing drain;
  - (c) scour, cleanse and keep open all drains in it or in such land as aforesaid;
  - (d) drain surface water from it into any inland waters (whether natural or artificial) or tidal waters.
- (2) Without prejudice to subsection (1)(c) above, where any drain referred to therein was constructed or laid by the roads authority, they shall scour, cleanse and keep it open.
- (3) Before carrying out any works under this section, the roads authority shall serve on the owner and the occupier of the land affected notice of the intention to do so, describing the proposed works, and informing them that they may object to the proposed works by notice to the authority within 28 days of service of the notice.
- (4) Where an owner or occupier of the land affected objects in accordance with subsection (3) above to the proposed works and the objection is not withdrawn, then—
  - (a) if the roads authority is the Secretary of State, he shall not carry out the proposed works without having considered the objection; and
  - (b) if the roads authority is a local roads authority, they shall not carry out the proposed works without the consent of the Secretary of State who may grant

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**Changes to legislation:** Roads (Scotland) Act 1984, Section 31 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](#)

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such consent either unconditionally or subject to such terms and conditions as he thinks fit and whose decision shall be final.

- (5) If a person, without the consent of the roads authority, alters, obstructs or interferes with any drain or barrier which has been constructed, laid or erected by the authority in exercise of their functions under subsection (1) above or which is under their control, then—
- (a) the authority may carry out any work of repair or reinstatement necessitated by his action and may recover from him the expenses reasonably incurred by them in so doing, and
  - (b) without prejudice to their right to exercise that power, he commits an offence.
- (6) In the foregoing provisions of this section, except where the context otherwise requires, “drain” includes a ditch, gutter, watercourse, bridge, culvert, tunnel, pipe or holding pond and any pumping machinery associated with any of those things.

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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\(2\)](#)