



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART IV

#### IMPROVEMENTS AND MAINTENANCE

##### *Lighting*

#### **35 Provision of lighting by roads authorities.**

- (1) A local roads authority shall provide and maintain lighting for roads, or proposed roads, which are, or will be, maintainable by them and which in their opinion ought to be lit.
- (2) In subsection (1) above, the reference to roads, or proposed roads, which will be maintainable by the local roads authority does not include a reference to—
  - (a) an existing road which is a prospective public road within the meaning of the [F1Part IV of the New Roads and Street Works Act 1991];
  - (b) a new road in course of construction, or to be constructed, other than by or on behalf of the authority; or
  - (c) a road which would be maintainable by them only if application were made to them under section 16(1) of this Act.
- (3) The Secretary of State may provide and maintain lighting for roads, or proposed roads, which are, or will be, maintainable by him.
- (4) A local roads authority may, within their area, provide and maintain lighting for any road, or proposed road, which in their opinion ought to be lit and as regards which no duty is imposed on them by subsection (1) above.
- (5) Without prejudice to the generality of this section and after giving 28 days notice to the owner or occupier of any land affected, a roads authority may, in acting under subsection (1), (3) or (4) above, fix to rails, walls or buildings fronting or abutting the road or proposed road, such lamps and related structures as they consider requisite.
- (6) No compensation shall be payable by a roads authority by reason only of—

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**Changes to legislation:** Roads (Scotland) Act 1984, Section 35 is up to date with all changes known to be in force on or before 17 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. (See end of Document for details) View outstanding changes

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- (a) the maintenance of lighting under subsection (1), (3) or (4) above; and
  - (b) such fixing as is mentioned in subsection (5) above.
- (7) A person upon whom a notice has been served under subsection (5) above may within 28 days of such service refer the matter by summary application to the sheriff; and the decision of the sheriff on the matter shall be final.

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**Textual Amendments**

**F1** Words in s. 35(2)(a) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 81](#); [S.I. 1992/2990](#), art. 2(2), [Sch. 2](#)

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

**C1** S. 35 power to contract out functions of the Secretary of State (16.3.1996) by [S.I. 1996/878](#), arts. 2, [Sch. para. 5\(i\)](#)

**Changes to legislation:**

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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\(2\)](#)