



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART V

#### ROADS AND BUILDING CONTROL

##### *Works and excavations*

#### **57 Dangerous works.**

- (1) Where, in the opinion of the roads authority, works which a person is executing in, or excavations which he is making under, a road are causing, or are likely to cause, a danger the authority may by notice to him require him within such period as may be specified in the notice to take such steps as will ensure that such danger is brought to an end or as the case may be does not arise.
- (2) Notwithstanding any consent granted under section 56 <sup>F1</sup>... of this Act and without prejudice to the generality of subsection (1) above, steps specified in the notice under that subsection may include the removal of the works or filling in of the excavations.
- (3) Subsections (1) and (2) above do not apply to works or excavations which are in contravention of section 56(1) <sup>F2</sup>... of this Act.
- (4) Without prejudice to [<sup>F3</sup>section 56] of this Act, but notwithstanding any consent granted under either of those sections, a person executing works, or making excavations—
  - (a) which constitute a danger; or
  - (b) who permits them to become a danger,commits an offence.
- (5) This section does not apply to works or excavations to which the [<sup>F4</sup>provisions of Part IV of the New Roads and Street Works Act 1991 apply].
- (6) A person upon whom a notice has been served under subsection (1)

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*Changes to legislation: Roads (Scotland) Act 1984, Section 57 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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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.

#### Textual Amendments

- F1** Words in s. 57(2) repealed (10.1.2022) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 5(3)(a)** (with s. 126); S.S.I. 2021/428, reg. 2, sch.
- F2** Words in s. 57(3) repealed (10.1.2022) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 5(3)(b)** (with s. 126); S.S.I. 2021/428, reg. 2, sch.
- F3** Words in s. 57(4) substituted (10.1.2022) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 5(3)(c)** (with s. 126); S.S.I. 2021/428, reg. 2, sch.
- F4** Words in s. 57(5) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 84**; S.I. 1992/2990, art. 2(2), **Sch. 2**

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

- C1** S. 57: power to contract out functions of the Secretary of State (16.3.1996) art. 2, Sch. para. 5(m)
- C2** Ss. 56-61A excluded (18.3.2011) by Forth Crossing Act 2011 (asp 2), **ss. 20(3)**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.
- C3** Ss. 56-61A excluded (11.4.2017) by The Network Rail (Glasgow Queen Street Station) Order 2017 (S.S.I. 2017/100), arts. 1, **9(a)** (with art. 37)

**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\(2\)](#)