



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART I

PUBLIC ROADS

Special roads

7 General provision as to special roads.

- (1) Subject to the provisions of this Act, all such roads as immediately before the commencement of this Act were special roads, being roads provided in pursuance of a scheme made under section 1 of the ^{M1}Special Roads Act 1949, shall continue to be, and to be known as, special roads.
- (2) Roads which continue to be special roads by virtue of subsection (1) above shall continue, subject to the provisions of this Act, to be special roads for the use of traffic of the classes for the use of which they were special roads immediately before the commencement of this Act.
- (3) A roads authority may be authorised by means of a scheme under this section to provide, along a route prescribed by the scheme, a special road for the use of traffic of any class so prescribed.
- (4) Subject to subsection (10) below, a roads authority authorised by a scheme under this section, or by any such scheme as is referred to in subsection (1) above, to provide a special road are in this Act referred to in relation to that road as the “special road authority”.
- (5) A special road authorised by a scheme under this section may be provided by means of—
 - (a) the construction by the special road authority of a new road along the route prescribed by the scheme or along any part of that route;
 - (b) the appropriation under this Act of any road (or proposed road in course of construction) comprised in that route for which the special road authority are the roads authority;

Status: Point in time view as at 01/04/2002. This version of this provision has been superseded.

Changes to legislation: Roads (Scotland) Act 1984, Section 7 is up to date with all changes known to be in force on or before 21 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)

- (c) the transfer to that authority under this Act of any road (or proposed road in course of construction) comprised in that route for which they are not the roads authority.
- (6) A scheme under this section authorising the provision of a special road shall—
- (a) in the case of a road to be provided by the Secretary of State, be made by the Secretary of State, and
 - (b) in the case of a road to be provided by a local roads authority, be made by that authority and confirmed by the Secretary of State,
- in accordance with the provisions of Parts II and III of Schedule 1 to this Act.
- (7) Before making or confirming a scheme under this section, the Secretary of State shall give due consideration to the requirements of local and national planning, and to the requirements of agriculture and industry.
- (8) If objection to a scheme under this section is duly made in accordance with Schedule 1 to this Act—
- (a) by the roads authority for any road (or proposed road) comprised in the route of the special road authorised by the scheme;
 - (b) by
 - [^{F1}(i)] any navigation authority ^{F2}. . . on whom notice is required to be served under paragraph 3 of that Schedule [^{F3}, or
 - (ii) Scottish Water,] on the ground that any bridge or tunnel over or under navigable waters for which provision is made by the scheme is likely to obstruct or impede the performance of their [^{F4}or, as the case may be, its] functions under any enactment or to interfere with the reasonable requirements of navigation over the waters affected by the scheme,

and is not withdrawn, the scheme shall be subject to special parliamentary procedure.
- (9) Part IV of Schedule 1 to this Act shall have effect for the purposes of the application to schemes under this section of the ^{M2} Statutory Orders (Special Procedure) Act 1945; and Schedule 2 to this Act shall have effect with respect to the validity and date of operation of such schemes.
- (10) A scheme under this section may be submitted to the Secretary of State jointly by any two or more local roads authorities, and any such scheme may determine which of those authorities shall be the special road authority for the special road and may provide—
- (a) for the performance by the special road authority, in relation to the road, of any roads functions of another authority who are party to the submission; and
 - (b) for the making of contributions by that other authority to the special road authority in respect of expenditure incurred in the performance of those functions.

Textual Amendments

- F1** Words in s. 7(8)(b) renumbered (1.4.2002) as s. 7(8)(b)(i) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(2), [Sch. 7 para. 14\(2\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F2** Words in s. 7(8)(b) repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(2), [Sch. 7 para. 14\(2\)\(b\)](#) (with s. 67); S.S.I 2002/118, {art. 2(3)}

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- F3** S. 7(8)(b)(ii) and preceding word inserted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(2), [Sch. 7 para. 14\(2\)\(c\)](#) (with s. 67); S.S.I. 2002/118, {art. 2(3)}
- F4** Words in s. 7(8)(b) inserted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(2), [Sch. 7 para. 14\(2\)\(d\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

Modifications etc. (not altering text)

- C1** S. 7 definition of "special road scheme" applied (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), [s. 47\(1\)](#)(with savings s. 47(4)); S.I. 1991/2286, art. 2(1), [Sch. 1](#)

Marginal Citations

- M1** 1949 c. 32.
- M2** 9 & 10 Geo. 6 c. 18.

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