Roads (Scotland) Act 1984

1984 CHAPTER 54

PART VIII

INTERFERENCE AND DAMAGE

General obstruction

86 Removal of builders' skips causing danger or obstruction.

(1) Notwithstanding that there is in force a permission granted under section 85 of this Act for the depositing of a builders' skip on a road, a constable in uniform may require the removal or repositioning of, or himself cause to be removed or repositioned, any builders' skip which, in his opinion, is causing, or is likely to cause, a danger or obstruction

(2) The roads authority may require the removal or repositioning of a builders' skip where there is a contravention of section 85 of this Act, and failing removal or repositioning within a reasonable period of time after so requiring, may remove or reposition it themselves.

(3) Subsections (1) and (2) above are without prejudice to section 129(2) of this Act.

(4) Any expenses reasonably incurred by the **[**[F1] Scottish Police Authority **]** under subsection (1), or the roads authority under subsection (2), above in the removal or repositioning of a builders' skip may be recovered from its owner.

(5) The **[**[F2] Scottish Police Authority **]** or, as the case may be, the roads authority shall, where practicable, notify the owner of the skip of its removal under subsection (1) or (2) above; but if the owner cannot be traced or if a reasonable period of time after his being so notified has elapsed and he has not recovered the skip, the **[**[F2] Scottish Police Authority **]** or roads authority may dispose of the skip and its contents.

(6) Any proceeds of a disposal under subsection (5) above shall be used in the first place to meet the expenses reasonably incurred in the said removal and thereafter any surplus

Changes to legislation: *Roads (Scotland) Act 1984, Section 86 is up to date with all changes known to be in force on or before 18 July 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*

shall be given to the owner if he can be traced and if he cannot may be retained by the **[**[F3] Scottish Police Authority **]** , or roads authority, as the case may be.

Textual Amendments

F1 Words in s. 86(4) substituted (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 7(5)(a)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

F2 Words in s. 86(5) substituted (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 7(5)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

F3 Words in s. 86(6) substituted (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 7(5)(c)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

Modifications etc. (not altering text)

C1 S. 86: power to contract out functions of Secretary of State (16.3.1996) by S.I. 1996/878, art. 2, **Sch. para. 5(w)**

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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)