



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART III

NEW ROADS

19 Construction of new roads by Secretary of State as roads authority

- (1) Subject to subsections (2) and (3) below, the Secretary of State, with the consent of the Treasury, may construct new trunk and other roads.
- (2) Without prejudice to section 5(4) and (5) of this Act, before constructing a road other than a trunk road under subsection (1) above, the Secretary of State shall consult every local roads authority in whose area any part of the road will be situated and shall consider any objections to the road which he may receive from them.
- (3) Without prejudice to section 7(3) and (5)(a) of this Act, the " other roads " referred to in subsection (1) above do not include special roads.

20 Construction of new roads other than special roads by local roads authority; and entry of such new roads and of special roads in list of public roads

- (1) Without prejudice to section 7(3) and (5)(a) of this Act, a local roads authority may construct in their area any new road, other than a special road, which they consider requisite.
- (2) When such construction by them as is mentioned in subsection (1) above or in the said section 7(5)(a) is completed, the local roads authority shall enter the road (or as the case may be special road) in their list of public roads.

21 Requirement of consent for new roads built other than by roads authority

- (1) A person other than a roads authority who wishes to construct a new road or an extension of an existing road shall before commencing such construction obtain the consent (in this section and in sections 22 and 23 of this Act referred to as " construction consent ") thereto of the local roads authority.

Status: This is the original version (as it was originally enacted).

- (2) An application for construction consent—
- (a) shall be in writing in such form as the local roads authority may determine ; and
 - (b) shall by notice be intimated by the applicant to—
 - (i) the owners of all land which would front, abut or be comprehended in the new road or the extension of the existing road ; and
 - (ii) such other persons, if any, as the authority may, for the purposes of the application, specify.
- (3) The local roads authority shall consider any written representations, made to them within 28 days of the date of intimation, by any person to whom an application has been intimated under subsection (2)(b) above, and may thereafter—
- (a) subject to subsection (4) below, grant construction consent, either without conditions or subject to such conditions as they think fit; or
 - (b) refuse construction consent;
- and before granting the consent subject to a condition (other than the condition mentioned in subsection (4) below) or refusing consent, the authority shall allow the person applying for the consent an opportunity to be heard by them as regards his application.
- (4) It shall be a condition of any construction consent that the construction be completed within such period, being a period of not less than three years from the date on which the consent is given, as the local roads authority may specify in writing in the consent; but the authority may subsequently by notice extend the period so specified.
- (5) Without prejudice to section 22(b) of this Act, where a condition imposed by a construction consent has been contravened or not complied with, the local roads authority may, by notice served on the person holding the consent, require him to bring the new road into conformity with the construction consent within such reasonable period as they shall specify in the notice.
- (6) An applicant for construction consent may, within 28 days of the date of the intimation to him of a decision of the local roads authority—
- (a) refusing his application ; or
 - (b) granting it subject to conditions other than a condition that the construction be completed within 3 years of the date on which the consent was given,
- appeal to the Secretary of State in accordance with the procedure prescribed by any regulations under subsection (7) below.
- (7) The Secretary of State may by regulations prescribe the procedure to be followed in relation to an appeal to him under subsection (6) above, and such regulations may, without prejudice to the foregoing generality, make provision for the determination of any such appeal by a person appointed by the Secretary of State and for the powers and duties of such a person in that regard.
- (8) The determination of an appeal under subsection (6) above may allow or dismiss the appeal, may modify any part of the decision of the local roads authority and shall be final.

22 Offences in relation to construction of new roads

Any person (other than a roads authority)—

- (a) who constructs a new road or an extension of an existing road without construction consent; or
 - (b) who contravenes, or fails to comply with, a condition (other than such condition as is mentioned in section 21(4) of this Act) imposed by a construction consent,
- commits an offence, which shall be triable either summarily or on indictment.

23 Power to stop up or temporarily close new road where construction consent absent or not conformed with

- (1) The local roads authority may stop up or temporarily close any new road which another person (other than a roads authority) has constructed—
 - (a) without construction consent; or
 - (b) in contravention of, or non-compliance with, a condition imposed by a construction consent.
- (2) Stopping up or temporary closure under subsection (1) above may take place whether or not proceedings are pending under section 22 of this Act but shall be ended if, in any such proceedings, it is found—
 - (a) in a case where the stopping up or closure took place on the basis that there was no construction consent, that there was such consent; or
 - (b) in any other case, that there was no contravention of, or failure to comply with, the construction consent condition to which the proceedings relate.