



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART IV

#### IMPROVEMENTS AND MAINTENANCE

##### *Safety*

#### 25 Provision of footways.

A roads authority shall provide, wherever it appears to them necessary or desirable for the safety or convenience of pedestrians so to do, proper and sufficient footways for public roads.

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

- C1 S. 25 power to contract out functions of Secretary of State (16.3.1996) by S.I. 1996/878, art. 2, Sch. para. 5(d)

#### 26 Pedestrian subways and footbridges.

The roads authority may, for the purpose of making the crossing of a public road less dangerous for pedestrians or of protecting traffic along the road from danger, construct, light, and maintain subways under, or footbridges over, the road for the use of pedestrians.

#### 27 Dual carriageways, roundabouts and refuges.

The roads authority may construct and maintain works in the carriageway of a public road—

- (a) along any length of the road for separating a part which is to be used by traffic moving in one direction from a part which is to be used (whether at all times or at particular times only) by traffic moving in the other;

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- (b) at junctions of the road for regulating the movement of traffic; or
- (c) for providing places of refuge for the protection of pedestrians crossing the road.

## 28 Fences etc. to safeguard persons using public roads.

The roads authority may, for the purpose of safeguarding persons using a public road, provide and maintain such raised paving, pillars, walls, rails, fences or barriers as they think necessary at any of the following places—

- (a) between any of the following and any other of the following—
  - (i) a footway;
  - (ii) a footpath;
  - (iii) a cycle track;
  - (iv) a carriageway,
- (b) along a cycle track so as to segregate classes of users thereof,
- (c) where a footpath gives direct access to the road on the footpath at or near the point of access, or
- (d) along the sides of bridges, embankments or other dangerous parts of the road.

### Modifications etc. (not altering text)

**C2** S. 28: power to contract out functions of Secretary of State (16.3.1996) by [S.I. 1996/878](#), arts. 2, [Sch. para. 5\(e\)](#)

## 29 Further provision as to fences.

- (1) Subject to subsection (2) below, the roads authority may erect and maintain—
  - (a) fences or posts for the purpose of preventing access to a road or proposed road; and
  - (b) fences, posts, stones or other markers for the purpose of delimiting the road or proposed road.
- (2) The powers conferred by subsection (1) above shall not be exercised so as to—
  - (a) interfere with a fence or gate required for the purposes of agriculture;
  - (b) obstruct a public right of way;
  - (c) obstruct a means of access for the construction, formation or laying out of which planning permission has been granted under [<sup>F1</sup>the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997] (general planning control) or under any enactment replaced by the said Part III; or
  - (d) obstruct any means of access which was constructed, formed or laid out before 1st July 1948, unless it was so constructed, formed or laid out in contravention of restrictions in force under section 1 or 2 of the Restriction of Ribbon Development Act 1935.

### Textual Amendments

**F1** Words in s. 29(2)(c) substituted (27.5.1997) by [1997 c. 11](#), ss. 4, 6(2), [Sch. 2 para. 38\(3\)](#)

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

- C3** S. 29: power to contract out functions of Secretary of State (16.3.1996) by [S.I. 1996/878](#), art. 2, [Sch. para. 5\(f\)](#)

**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\(2\)](#)