



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART I

PUBLIC ROADS

Supplementary

12 Powers as respects roads that cross or join public roads other than special roads.

- (1) Subject to section 113, and without prejudice to section 9(1)(c), of this Act, provision may be made by the roads authority by an order under this section in relation to a public road (or proposed public road) other than a special road (or proposed public road which is to be a special road)—
- (a) for authorising the roads authority for the road or proposed road (such road (or proposed road) being in this section referred to as the “main road”)—
 - (i) to stop up, divert, improve or otherwise alter a road (in this section referred to as the “side road”) which crosses or enters the route of the main road or is or will be otherwise affected by the construction or improvement of the main road;
 - (ii) to construct a new road for purposes concerned with any such operation as is mentioned in sub-paragraph (i) above or for any other purpose connected with the main road or its construction, and to close after such period as may be specified in the order any new road temporarily so constructed;
 - (b) for transferring to such other roads authority as may be specified in the order, as from such date as may be so specified, a road constructed in pursuance of the order or of any previous order made under this section;
 - (c) for any purpose incidental to the purposes aforesaid.
- (2) Parts I and III of Schedule 1 to this Act shall have effect as to the making of an order under this section by the Secretary of State as roads authority; and Schedule 2 to this Act shall have effect as to the validity and date of operation of any such order.

Changes to legislation: Roads (Scotland) Act 1984, Section 12 is up to date with all changes known to be in force on or before 22 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

- (3) No order under this section authorising the stopping up of a road shall be made by the Secretary of State unless he is satisfied that another reasonably convenient route is available or will be provided before the road is stopped up.
- (4) An order under this section may provide for the payment of contributions—
- (a) by the roads authority to any other roads authority in respect of any additional liabilities imposed on that other authority in consequence of the order or of any previous order made under this section;
 - (b) to the roads authority by any other roads authority in respect of any liabilities so imposed on the first mentioned authority which would otherwise have fallen to be discharged by that other authority;
- and may also provide for the determination by arbitration of disputes as to the payment of such contributions.
- (5) Except in a case to which section 132 of this Act applies, an order under this section shall include provision for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the side road.
- (6) The Secretary of State may by regulations prescribe the procedure to be followed by a local roads authority in making an order under this section; and such regulations may in particular make provision as to the means of public notification of the proposal to make such an order and may make like provision in relation to the local roads authority as is made by subsection (3) above in relation to the Secretary of State.
- (7) Where a local roads authority propose to make an order under this section, then, before the expiry of 28 days from the date of the first public notification, in accordance with regulations under subsection (6) above, of the proposal to make the order, any person may object to it to the authority, and—
- (a) if no such objection is made, or objection is made but withdrawn, they may confirm the order themselves and
 - (b) if such objection is made and not withdrawn, the Secretary of State shall determine the matter, and may confirm the order with or without modification or refuse to confirm it.

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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\(2\)](#)