



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART IX

#### ROADS, FOOTPATHS AND RIGHTS OF WAY

##### *Powers of local authorities to extinguish certain rights*

#### **205 Provision of amenity for road reserved to pedestrians.**

- (1) Where an order has been made under section 203(2) in relation to a road, a competent authority may carry out and maintain any such works on or in the road, or place on or in it any such objects or structures, as appear to them—
  - (a) to be expedient for the purposes of—
    - (i) giving effect to the order, or
    - (ii) enhancing the amenity of the road and its immediate surroundings, or
  - (b) to be otherwise desirable for a purpose beneficial to the public.
- (2) The powers exercisable by a competent authority under this section include—
  - (a) laying out any part of the road with lawns, trees, shrubs and flowerbeds, and
  - (b) providing facilities for recreation or refreshment.
- (3) A competent authority may so exercise their powers under this section as to restrict the access of the public to any part of the road, but shall not so exercise them as—
  - (a) to prevent persons from entering the road at any place where they could enter it before the order under section 203 was made,
  - (b) to prevent the passage of the public along the road,
  - (c) to prevent normal access by pedestrians to premises adjoining the road,
  - (d) to prevent any use of vehicles which is permitted by an order made under section 203 and applying to the road,

**Changes to legislation:** *Town and Country Planning (Scotland) Act 1997, Section 205 is up to date with all changes known to be in force on or before 21 August 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*

- (e) to prevent statutory undertakers from having access to any works of theirs under, in, on, over, along or across the road, or
  - (f) to prevent the operator of [<sup>F1</sup>an electronic communications code network] from having access to any works of his under, in, on, over, along or across the road.
- (4) An order under section 203(6) may make provision requiring the removal of any obstruction of the road resulting from the exercise by a competent authority of their powers under this section.
- (5) The competent authorities for the purposes of this section are local authorities, and a competent authority shall not exercise any powers conferred by this section, if they are not the roads authority, without obtaining the consent of that authority.

#### **Textual Amendments**

- F1** Words in s. 205(3) substituted (17.9.2003) by [Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\)](#), art. 1(1), Sch. 1 para. 13(1)(c)(2)(a)

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

- C1** S. 205: power to modify conferred (27.5.1997) by [1980 c. 65, Sch. 30 Pt. II para. 7](#) (as replaced (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 31\(12\)](#))

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#### Changes and effects yet to be applied to :

- s. 205(3) word substituted by S.I. 2003/2155 Sch. 1 para. 13(1)(c)para. 13(2)(f)
- s. 205(3) words substituted by S.I. 2003/2155 Sch. 1 para. 13(1)(c)para. 13(2)(b)
- s. 205(3) words substituted by S.I. 2003/2155 Sch. 1 para. 13(1)(c)para. 13(2)(c)
- s. 205(3) words substituted by S.I. 2003/2155 Sch. 1 para. 13(1)(c)para. 13(2)(d)
- s. 205(3) words substituted by S.I. 2003/2155 Sch. 1 para. 13(1)(c)para. 13(2)(e)

#### Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by S.S.I. 2008/189 art. 53(3)
- Act power to apply (with or without modifications) conferred by 2021 asp 9 s. 45(3)(b)(c)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 11A inserted by 2006 asp 17 s. 29
- Pt. 12A inserted by 2006 asp 17 s. 30
- Pt. 12A inserted by 2019 asp 13 s. 46(2)
- s. 3CD inserted by 2019 asp 13 s. 4(2)
- s. 20AA(4)(a)(iii) inserted by 2019 asp 13 s. 14(6)
- s. 29(1)(ca) inserted by 2019 asp 13 Sch. 2 para. 5(3)(b)
- s. 36(1)(ca) inserted by 2019 asp 13 Sch. 2 para. 5(4)(b)
- s. 36(5)(6) inserted by 2019 asp 13 s. 36(2)
- s. 40A inserted by 2019 asp 13 s. 19(2)
- s. 43A-43AD substituted for s. 43A by 2019 asp 13 s. 28(2)
- s. 47(2)(aa) inserted by 2019 asp 13 s. 28(3)(a)
- s. 47(2A) inserted by 2019 asp 13 s. 28(3)(b)
- s. 47(6) inserted by 2019 asp 13 s. 31(2)(c)
- s. 54A-54F and cross-heading inserted by 2019 asp 13 s. 15(2)
- s. 57(2C)(2D) inserted by 2021 asp 9 s. 44(2)
- s. 58(4)(fa) inserted by 2019 asp 13 Sch. 2 para. 5(5)(b)
- s. 61(1)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(6)(b)
- s. 75(4A) inserted by 2019 asp 13 s. 35(2)
- s. 75A(5A) inserted by 2019 asp 13 s. 35(3)
- s. 77A inserted by 2019 asp 13 s. 39(2)
- s. 135(4A) inserted by 2019 asp 13 s. 43(2)(c)
- s. 154(1)(c) and word inserted by 2019 asp 13 s. 28(4)(a)(ii)
- s. 154(1A) inserted by 2019 asp 13 s. 28(4)(b)
- s. 158A(1A) inserted by 2019 asp 13 s. 44(2)
- s. 158B-158F and cross-heading inserted by 2019 asp 13 s. 43(3)
- s. 183(1)(c) inserted by 2019 asp 13 Sch. 2 para. 5(7)(b)
- s. 237(1)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(8)
- s. 238(3)(a)-(c) inserted by 2019 asp 13 Sch. 2 para. 5(9)(a)(ii)
- s. 238(5)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(9)(b)
- s. 238(7) inserted by 2019 asp 13 Sch. 2 para. 5(9)(c)