
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

**The Forestry and Land Management (Scotland) Act
2018 (Consequential Amendments) Regulations 2019**

Roads (Scotland) Act 1984

5.—(1) The Roads (Scotland) Act 1984⁽¹⁾ is amended as follows.

(2) In section 46 (agreements for use of land for cattle-grids or by-passes)—

(a) for subsection (3) substitute—

“(3) An agreement under this section may be recorded in the General Register of Sasines or (as the case may be) registered in the Land Register of Scotland and, on being so recorded or registered, shall be enforceable at the instance of the roads authority against any person having an interest in the land and against any person deriving title from that person:

Provided that such an agreement shall not be so enforceable against any third party who has in good faith and for value acquired right (whether title has been completed or not) to an interest in the land prior to the agreement being recorded or registered as aforesaid, or against any person deriving title from any such third party.”,

(b) after subsection (3) insert—

“(4) In the case of land in Scotland, a liferenter in possession of the land shall have the power to enter into agreements under this section relating to, or to any part of, the land.

(5) The Trusts (Scotland) Act 1921 shall have effect as if among the powers conferred on trustees by section 4 thereof (which relates to the general powers of trustees) there were included a power to enter into agreements under this section relating to the trust estate or any part thereof.”.