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# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART I

#### PUBLIC ROADS

##### *Trunk roads*

VALID FROM 27/05/1997

#### **5 Trunk roads.**

- (1) Subject to the provisions of this section, all roads which immediately before the commencement of this section were trunk roads within the meaning of the Trunk Roads Acts <sup>M1</sup> 1936 and <sup>M2</sup> 1946 shall continue to be, and to be known as, trunk roads.
- (2) The Secretary of State shall keep under review the national system of routes for through traffic in Scotland, and if he is satisfied, after taking into consideration the requirements of local and national planning, including the requirements of agriculture and industry, that it is expedient for the purpose of extending, improving or reorganising that system either—
  - (a) that any existing road, or any road proposed to be constructed by him, should become a trunk road, or
  - (b) that any trunk road should cease to be a trunk road,he may by order direct that the road shall become, or as the case may be shall cease to be, a trunk road as from such date as may be specified in that regard in the order.
- (3) The power of the Secretary of State under subsection (2)(a) above shall include power to direct that a road, or a proposed road, which he considers suitable for the purpose of relieving the trunk road from local traffic shall become part of the trunk road, whether or not there is (or will be) intervening land between those roads.
- (4) Subject to subsection (7)(i) below, Parts I and III of Schedule 1 to this Act shall have effect in connection with the making of an order under this section, and Schedule 2

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to this Act shall have effect in connection with the validity and date of operation of any such order.

- (5) If objection to an order under this section is duly made in accordance with Schedule 1 to this Act by the local roads authority who are responsible for the maintenance of any road to which the order relates, or who will become so responsible by virtue of the order, and that objection is not withdrawn, the order shall be subject to special parliamentary procedure, and Part IV of that Schedule shall have effect for the purposes of the application to the order of the<sup>M3</sup> Statutory Orders (Special Procedure) Act 1945.
- (6) Where an order under this section directs that a road shall cease to be a trunk road it may also direct that—
- (a) as from the date specified in that regard in the order, the local roads authority for the area shall become the roads authority for the road; and
  - (b) the authority shall enter the road in their list of public roads.
- (7) If an order—
- (a) under this section, or
  - (b) under section 1(3) of the<sup>M4</sup> Trunk Roads Act 1936 and continuing in force by virtue of paragraph 5 of Schedule 6 to this Act,
- directing that a road which the Secretary of State proposes to construct shall become a trunk road—
- (i) is revoked by a subsequent order made at any time before the date on which that road is opened for the purposes of through traffic, Schedules 1 and 2 to this Act shall have no effect as regards the revoking order, but within 28 days of the revoking order's having been made notice of the revocation shall be published by the Secretary of State in the Edinburgh Gazette and in such other manner as he thinks best adapted for informing persons affected;
  - (ii) is revoked or varied by a subsequent order made at any such time as aforesaid, the revoking or varying order shall not be deemed for the purposes of subsection (6) above to be an order directing that a road shall cease to be a trunk road.
- (8) Without prejudice to the powers of the Secretary of State under this Act—
- (a) to improve trunk roads by the construction of cycle tracks and footways for use in connection therewith, or
  - (b) to provide such tracks or footways as part of any trunk road which he is authorised to construct,
- the power to make an order under this section directing that a road proposed to be constructed by the Secretary of State shall become a trunk road may be exercised in relation to any cycle track or footpath which the Secretary of State proposes to construct upon land separated by intervening land from the trunk road in connection with which it is to be used.
- (9) A local roads authority, if they think fit, may contribute towards costs incurred by the Secretary of State in the construction or improvement of any trunk road.

#### Marginal Citations

**M1** Edw. 8 & 1 Geo. 6 c. 5.

**M2** 9 & 10 Geo. 6 c. 30.

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**M3** 9 & 10 Feo. 6 c. 18.

**M4** Edw. 8 & 1 Geo. 6 c.5.

## **6 Local and private Act functions with respect to trunk roads.**

As from the date when a road becomes a trunk road, any functions of construction, maintenance or improvement exercisable as respects that road by a local roads authority under any local or private Act shall instead be exercisable by the Secretary of State.

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