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# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART IV

#### IMPROVEMENTS AND MAINTENANCE

#### *[<sup>F1</sup> Equipment for detection of traffic offences]*

##### Textual Amendments

- F1** S. 49A and preceding cross-heading inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. [40\(2\)](#); S.I. 1992/1286, art. 2, [Sch](#)

#### **[<sup>F2</sup>49A Power to install equipment for detection of traffic offences.**

A roads authority may install and maintain on or near a road structures and equipment for the detection of traffic offences.]

##### Textual Amendments

- F2** S. 49A and preceding cross-heading inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. [40\(2\)](#); S.I. 1992/1286, art. 2, [Sch](#)

#### **50 Planting of trees, shrubs and grass or other plants by roads authority.**

- (1) The roads authority may plant trees, shrubs, grass or other plants within, or partly within, the boundaries of a public road or of a proposed public road which is in course of construction; and may erect and maintain guards of fences, and otherwise do anything expedient, for maintenance and protection of trees, shrubs, grass and other plants there planted (whether or not by them).
- (2) No such tree, shrub, grass other plant, guard or fence shall be planted (or as the case may be erected) or allowed to remain in such a situation as to hinder the reasonable

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use of the road (or proposed road) by persons entitled to the use thereof, or so as to be a nuisance or injurious to the owner or occupier of any land fronting or abutting the road (or proposed road).

- (3) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall, subject to subsection (4) below, apply, for the purposes of any works which may be done in exercise of the powers conferred by this section, to the roads authority.
- (4) Where the roads authority is the Secretary of State, sub-paragraph (8) of paragraph 23 of the telecommunications code (offence) shall be omitted for the purposes of the application of that paragraph to him by subsection (3) above.

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

- C1** S. 50: power to contract out functions of Secretary of State (16.3.1996) by [S.I. 1996/878, art. 2, Sch. para. 5\(j\)](#)

**51 Planting of trees, shrubs and grass or other plants by person other than roads authority.**

- (1) The roads authority may in writing authorise an owner or occupier of land adjoining a public road, or any other person, to plant or maintain trees, shrubs, grass or other plants within, or partly within, the boundaries of that road subject to such conditions as the authority may specify in the authorisation.
- (2) The conditions referred, to in subsection (1) above may include a requirement that the authorised person give any written undertaking which, in the opinion of the authority, is necessary—
  - (a) to ensure the safety and convenience of road users; or
  - (b) to protect the apparatus of statutory undertakers.
- (3) The roads authority may at any time withdraw an authorisation under subsection (1) above by giving 28 days notice to the authorised person; and such notice may require that person within the 28 days—
  - (a) to remove all or any of the trees, shrubs, grass or other plants to which the authorisation related; and
  - (b) to reinstate the road.

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

- C2** S. 51 power to contract out functions to the Secretary of State (16.3.1996) by [S.I. 1998/878, art. 2, Sch. para. 5\(k\)](#)

**52 Power to execute works to mitigate adverse effect of constructing or improving etc. road.**

- (1) A roads authority may carry out on—
  - (a) land acquired by them under section 106 of this Act;
  - (b) other land belonging to them;
  - (c) a road for which they are the roads authority;

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- (d) a road which they have been authorised to improve or, as the case may be construct, by an order under section 9 or 12 of this Act.,  
works for mitigating any adverse effect which the construction, improvement, existence or use of any road has or will have on the surroundings of the last mentioned road.
- (2) Without prejudice to the generality of subsection (1) above, the works that may be carried out under that subsection include the planting of trees, shrubs or plants of any other description and the laying out of any area as grassland.
- (3) A roads authority may develop or redevelop land acquired by them under section 106 of this Act, or any other land belonging to them, for the purpose of improving the surroundings of a road or proposed road.

### 53 Agreements as to use of land near roads.

- (1) For the purpose of mitigating any adverse effect which the construction, improvement, existence or use of a road (or proposed road) has or will have on its surroundings, a roads authority may enter into an agreement with any person having an interest in land adjoining or in the vicinity of the road (or proposed road) for restricting or regulating the use of the land either permanently or during such period as may be specified in the agreement; and any such agreement may, in particular, make provision for the planting and maintenance of trees, shrubs or plants of any other description on the land and for restricting the lopping or removal of trees, shrubs or other plants on the land.
- (2) An agreement under this section may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the roads authority to be necessary or expedient.
- (3) Subject to subsection (4) below, the provisions of an agreement made under this section with a person interested in land shall be binding on persons deriving title from that person in respect of the land.
- (4) No provision shall be enforceable by virtue of subsection (3) above against a third party who shall have in good faith and for value acquired right (whether completed by infertment or not) to land prior to the agreement being registered in the Land Register of Scotland or, as the case may be, recorded in the Register of Sasines, or against any person deriving title from such third party.
- (5) This section is without prejudice to section 50 of the <sup>M1</sup>Town and Country Planning (Scotland) Act 1972 (agreements regulating development or use of land).

#### Marginal Citations

M1 1972 c. 52.

### 54 Power to instal refuse or storage bins in roads.

The roads authority may provide and maintain in or under a road, or a proposed road in course of construction, bins or other receptacles, of such dimensions and in such positions as the authority may determine, for the collection and temporary deposit of road refuse and waste paper, or the storage of sand, grit or other materials.

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## 55 Provision of picnic sites for trunk roads etc.

- (1) The Secretary of State may provide on land adjoining, or in the vicinity of, a trunk road, or a proposed public road which is to be a trunk road, a picnic site with space for parking vehicles and with means of access from and egress to the road or proposed road; and subject to subsection (3) below he may manage and maintain the site (including such buildings, works or facilities as are mentioned in subsection (2) below.)
- (2) The Secretary of State may erect and equip buildings, and execute works, on the picnic site so as to provide such facilities as he considers appropriate for that site; and without prejudice to the generality of this subsection those facilities may include—
  - (a) water closets, urinals, and washing facilities for use in connection with either; and
  - (b) facilities for the provision and consumption of meals and refreshments.
- (3) The Secretary of State shall not provide meals or refreshments on the picnic site but may make arrangements for some person other than a regional, islands or district council so to provide and may for the purpose of those arrangements lease the site, or a part thereof, to that other person.

### [<sup>F3</sup>55A Environmental assessment of certain road improvement projects.

- (1) In any case where the Secretary of State has under consideration—
  - (a) the making of an order such as is mentioned in paragraph 1 of Schedule 1 to this Act relating to the improvement of a road, or
  - (b) the improvement of a road without such an order,
 he shall determine before the relevant date whether or not the project falls within Annex I or Annex II to Council Directive No.85/337/EEC on the assessment of the effects of certain public and private projects on the environment.
- (2) If he determines that the project falls within Annex I, or that it falls within Annex II and [<sup>F4</sup>either the project is in respect of a special road or the project] has such characteristics that it should be made subject to an environmental assessment, he shall publish an environmental statement not later than the relevant date.
- (3) In this section “the relevant date” means—
  - (a) in a case falling within paragraph (a) of subsection (1) above, the date of the publication of the draft order; and
  - (b) in a case falling within paragraph (b), the date of the publication of details of the project.
- (4) If the Secretary of State publishes an environmental statement under this section, he shall ensure that the public concerned is given an opportunity to express an opinion before the project is initiated.
- (5) If on completion of the project any part of the road would lie on, or within 100 metres of, land such as is mentioned in section 20A(5) of this Act, the Secretary of State shall ensure that the appropriate environmental body is given an opportunity to express an opinion before the project is initiated.
- (6) In a case falling within subsection (1)(b) above, the Secretary of State—
  - (a) shall consider
    - (i) the environmental statement;

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- (ii) any opinion expressed by a member of the public; and
  - (iii) if the statement relates to land such as is mentioned in section 20A(5) of this Act, any opinion expressed by the appropriate environmental body; and
- (b) shall publish his decision as to whether or not to initiate the project.
- (7) This section does not apply—
- (a) where a draft order relating to an improvement is published before the coming into force of the Environmental Assessment (Scotland) Regulations 1988; or
  - (b) where the Secretary of State has under consideration before that date the making of an improvement without an order.]

#### Textual Amendments

**F3** S. 55A inserted by S.I. 1988/1221, **reg. 71**

**F4** Words in s. 55A(2) inserted (21.10.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 58, 108), s. 42(2)(with savings s. 47(4), 167(2)); S.I. 1991/2286, art. 2(1), **Sch. 1**

VALID FROM 01/08/1999

#### [<sup>F5</sup>55B Application of section 20B

The provisions of section 20B of this Act shall apply to a project in terms of section 55A of this Act as they apply to a project in terms of section 20A of this Act.]

#### Textual Amendments

**F5** Ss. 55A and 55B substituted for s. 55A (1.8.1999) by S.I. 1999/1, **regs. 1, 50**

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