



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART IV

IMPROVEMENTS AND MAINTENANCE

Road humps

36 Construction of road humps by roads authority.

A roads authority may construct road humps in a road maintainable by them if—

- (a) the road is subject to a statutory speed limit for motor vehicles of 30 miles per hour or less; or
- (b) [^{F1}(whether or not the road is subject to such a limit)]the road humps are authorised.

Textual Amendments

- F1** Words in s. 36(b) inserted (1. 7. 1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 38\(1\)](#); [S.I. 1992/1286](#), art. 2, [Sch.](#), with [S.I. 1992/1410](#)

37 Consultation and local inquiries as regards road humps.

(1) Where a roads authority propose to construct a road hump under section 36 of this Act, they shall consult with—

- (a) the chief [^{F2} constable of the Police Service of Scotland] ; and
- (b) such other persons or bodies as may be prescribed by regulations made by the Secretary of State.

(2) The roads authority shall also—

- (a) publish in one or more newspapers circulating in the area in which the road concerned is situated; and
- (b) place at appropriate points on that road,

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notice of the proposal stating the nature, dimensions and location of the proposed road hump and the address to which and the period within which any objections to the proposal may be sent.

- (3) The period stated in the notice under subsection (2) above shall be not less than 28 days beginning with the date on which notice is first published in accordance with paragraph (a) of that subsection.
- (4) The roads authority shall consider any objections sent to them in accordance with a notice under subsection (2) above and may, if they think fit, cause a local inquiry to be held.
- (5) Subsections (2) to (8) of section 210 of the ^{M1}Local Government (Scotland) Act 1973 (provisions as to inquiries) shall apply to an inquiry under subsection (4) above as they apply to a local inquiry under that section, but with such modifications as may be prescribed by regulations made by the Secretary of State.
- (6) Before making regulations under this section the Secretary of State shall consult such representative organisations as he thinks fit.

Textual Amendments

- F2** Words in s. 37(1)(a) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 7\(3\)](#); [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))

Marginal Citations

- M1** 1973 c. 65.

38 Regulations concerning construction and maintenance of road humps.

- (1) The Secretary of State may by regulations make such provision in relation to the construction and maintenance of road humps as appears to him to be necessary or expedient in the interests of safety and the free movement of traffic, and may in particular—
 - (a) provide that road humps shall be constructed only on roads of such descriptions and in such circumstances as may be prescribed by the regulations;
 - (b) impose requirements as to—
 - (i) the nature, dimensions, location and spacing of road humps;
 - (ii) the placing of signs of such type or character as may be so prescribed;
 - (iii) the carrying out and maintenance of other ancillary or consequential works.
- (2) Before making any regulations under this section the Secretary of State shall consult such representative organisations as he thinks fit.
- (3) Regulations under this section shall not apply where a road hump is authorised but conditions attached by the Secretary of State to the authorisation may, in particular, relate to any of the matters with respect to which regulations may be made under this section.

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39 Status of road humps.

- (1) Where a road hump conforms to regulations under section 38 of this Act and the further condition mentioned in subsection (2) below as being applicable is satisfied, the road hump shall not be treated as constituting an obstruction to the road but as part of the road, so that in particular—
 - (a) the obligation of any person to maintain the road, and
 - (b) the obligation of any person having power to break open the road to make good any damage or otherwise reinstate the road,extend to maintaining or, as the case may be, to making good any damage to, or otherwise reinstating, the road hump.
- (2) The further condition applicable is that either—
 - (a) the road concerned is for the time being subject to a statutory speed limit for motor vehicles of 30 miles per hour or less; or
 - (b) the road hump is authorised.
- (3) In relation to an authorised road hump the reference in subsection (1) above to conformity with regulations shall be construed as a reference to conformity with the conditions attached to the authorisation.
- (4) In so far as it does not apply apart from this subsection [^{F3}section 117 of the New Roads and Street Works Act 1991 (restricting road works following substantial works for roads purposes)] applies in relation to the construction, maintenance and removal of a road hump as if the works were executed for road purposes and were mentioned in [^{F3}subsection (3) of that section] and as if the person executing them were the promoting authority within the meaning of that [^{F3}section].

Textual Amendments

- F3** Words in s. 39(4) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8 para.82](#); S.I. 1992/2990, art. 2(2), [Sch. 2](#)

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