



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART V

#### ROADS AND BUILDING CONTROL

##### *Footpaths, footways and verges*

#### **63 New access over verges and footways.**

- (1) Where, in the opinion of the roads authority, vehicles when driven to or from premises adjacent to a public road are habitually being taken across that road's verge or footway other than by way of a satisfactory vehicular crossing they may serve a notice on the owner or occupier of the premises requiring that—
  - (a) by such date as is specified in the notice he shall have commenced; and
  - (b) within such period thereafter as is, and to such detailed specifications as are, so specified he shall have completed,the construction of such a crossing over the affected part of the verge or footway.
- (2) A vehicular crossing constructed under or by virtue of this section shall on completion be part of the public road.
- (3) A person upon whom a notice has been served under sub-section (1) above may within 28 days of such service refer the matter by summary application to the sheriff; and the decision of the sheriff on the matter shall be final.

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

- C1** [S. 63](#) power to contract out functions of the Secretary of State (16.3.1996) by [S.I. 1996/878, art. 2](#), [Sch. para. 5\(r\)](#)

*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** Roads (Scotland) Act 1984, Cross Heading: Footpaths, footways and verges is up to date with all changes known to be in force on or before 12 July 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)

## 64 Use of appliances etc. on footways, footpaths and cycle tracks.

- (1) No enactment prohibiting or restricting the use of footways, footpaths or cycle tracks shall affect the use of appliances or vehicles—
  - (a) for the construction, maintenance, improvement or cleansing of a road;
  - (b) subject to subsection (2) below, by statutory undertakers for works on footways, footpaths or cycle tracks maintainable by a roads authority, in connection with apparatus belonging to the statutory undertakers.
- (2) Statutory undertakers may exercise rights enjoyed by them by virtue of subsection (1) (b) above only if they have obtained the consent of the roads authority; and such consent may be subject to such reasonable conditions as the authority think fit.
- (3) In this section “statutory undertakers” includes an authority responsible for sewerage.

### Modifications etc. (not altering text)

- C2 [S. 64](#): power to contract out functions of Secretary of State (16.3.1996) by [S.I. 1996/878](#), [art. 2](#), [Sch. para. 5\(s\)](#)

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