



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART X

#### MISCELLANEOUS

#### **120 Duty to have regard to needs of disabled and blind in executing works etc.**

- (1) A roads authority, local authority or other person exercising a statutory power to execute works in a road shall have regard to—
  - (a) the needs of disabled or blind persons whose mobility may be impeded by the works; and
  - (b) without prejudice to the generality of paragraph (a) above, the needs of blind persons to have any openings, whether temporary or permanent, in the road properly protected.
- (2) An authority or person mentioned in subsection (1) above shall have regard to the needs of disabled persons and blind persons when placing lamp-posts, bollards, traffic signs, apparatus or other permanent obstructions in a road.
- (3) A roads authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways.
- (4) Section 28 of the <sup>MI</sup>Chronically Sick and Disabled Persons Act 1970 (power to define certain expressions for the purposes of provisions of that Act) shall have effect as if any reference in it to a provision of that Act included a reference to this section.
- (5) In the foregoing provisions of this section, references to a road shall be construed as including references to a proposed road.

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

- C1 [S. 120](#): power to contract out functions of Secretary of State (16.3.1996) by [S.I. 1996/878](#), art. 2, [Sch. para. 5\(ai\)](#)

*Status: Point in time view as at 01/04/1991.*

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#### Marginal Citations

M1 1970 c. 44.

### 121 Power to obtain road-making materials.

- (1) The roads authority may enter land to search for, dig and carry away materials for the purpose of making or repairing a public road or of repairing a prospective public road and may carry such materials through any land.
- (2) In subsection (1) above “prospective public road” has the same meaning as in the <sup>M2</sup>Public Utilities Street Works Act 1950.
- (3) Before carrying out any operations under this section, the roads authority shall serve on the owner and occupier of the land affected notice of their intention to carry out the operations, describing the proposed works and informing him that he may object to the proposed works by notice to the authority within 28 days of the notice of intention being served on him.
- (4) Where an owner or occupier of land affected objects to the proposed works in accordance with subsection (3) above and the objection is not withdrawn, then—
  - (a) if the roads authority is the Secretary of State, he shall consider the objection before carrying out the proposed works, and
  - (b) if the roads authority are a local roads authority, they shall not carry out the proposed works without the consent of the Secretary of State who may grant such consent either unconditionally or subject to such conditions as he thinks fit.
- (5) The roads authority shall pay compensation to the owner or occupier of the land for any damage done to it by exercise of their powers under this section and for the value of the materials carried away by them.
- (6) Where an excavation is made by the roads authority in exercise of their powers under this section, they shall—
  - (a) while the work is in progress, and thereafter so long as the excavation remains open, keep the excavation sufficiently fenced to prevent accidents to persons or animals;
  - (b) as soon as reasonably practicable after completion of the work either—
    - (i) fill up the excavation; or
    - (ii) slope it down and fence it off, if the owner or occupier so requires, and thereafter keep it so fenced;
  - (c) so far as is reasonably practicable, when filling up the excavation, make good, and level, the ground.

#### Marginal Citations

M2 1950 c.39.

### 122 Saving for Coast Protection Act 1949.

Nothing in this Act authorises—

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- (a) the excavation or removal of any materials the excavation or removal of which is prohibited by section 18 of the <sup>M3</sup>Coast Protection Act 1949 (prohibition of excavation, etc., of materials on or under seashore); or
- (b) the carrying out of any operation in contravention of section 34 of that Act (restriction of works detrimental to navigation).

**Marginal Citations**

M3 1949 c. 74.

**123 Saving for obligation to obtain planning permission.**

Subject to any express provision to the contrary, nothing in this Act authorises the carrying out of any development of land for which permission is required by virtue of section 20 of the <sup>M4</sup>Town and Country Planning (Scotland) Act 1972 (development requiring planning permission) and which is not authorised by permission granted or deemed to be granted under or for the purposes of Part III of that Act.

**Marginal Citations**

M4 1972 c. 52.

**124 Power to conduct experiments as regards roads construction etc.**

- (1) The Secretary of State may, either by himself or through any authority or other organisation approved by him, conduct experiments or trials for the improvement of the construction of roads, or for testing the effect of various classes of vehicles on various types of roads, and may construct such roads and works, erect such plant, provide such accommodation and, subject to the approval of the Treasury, incur such expenditure as may be necessary.
- (2) An experiment or trial under this section shall not be conducted on a road which is maintainable by a local roads authority except with the consent of that authority.

**125 Extension of section 34 of Road Traffic Regulation Act 1984.**

Section 34 of the <sup>M5</sup>Road Traffic Regulation Act 1984 (which makes provision for access to premises through off-street parking places) shall extend to Scotland; and accordingly in subsection (1) of that section the words “in England and Wales” shall cease to have effect.

**Marginal Citations**

M5 1984 c.27

**126 Restricted roads: amendment of Road Traffic Regulation Act 1984.**

Schedule 7 to this Act (which amends provision regarding restricted roads under the Road Traffic Regulation Act 1984) shall have effect.

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## 127 Power of Secretary of State to extend provisions of Road Traffic Regulation Act 1984 to proposed roads in Scotland.

After section 132 of the <sup>M6</sup>Road Traffic Regulation Act 1984 there shall be inserted the following section—

### “132A Power of Secretary of State to extend provisions of this Act etc. to proposed roads in Scotland.

- (1) Subject to subsections (2) and (3) below, there may be prescribed relevant references which are to be construed as including references to proposed roads.
- (2) No regulation under subsection (1) above shall have, or purport to have, the effect of rendering criminal conduct (or omissions) which, but for the regulations, would not be criminal.
- (3) the foregoing provisions of this section are without prejudice to the exercise of any other power under this Act.
- (4) In subsections (1) and (2) above—
  - “proposed road” has the same meaning as in the Roads (Scotland) Act 1984; and
  - “relevant reference” means a reference to a road in a provision of, or made by, under or by virtue of, this Act.”

#### Marginal Citations

M6 1984 c. 27.

## 128 Saving for, and extension of section 80 of, Health and Safety at Work etc. Act 1974.

- (1) Nothing in this Act authorises the carrying out of any operation in contravention of “the relevant statutory provisions” defined in Part I of the <sup>M7</sup>Health and Safety at Work etc. Act 1974 or in contravention of any regulation made, or prohibition notice or improvement notice served, under or by virtue of that Act or any of those provisions.
- (2) For the purpose of the application of section 80 (1) of the said Act of 1974 (general power to repeal or modify Acts and instruments where such repeal or modification appears expedient in consequence of or in connection with any provision made by or under Part I of that Act), this Act shall be deemed an Act passed before that Act.

#### Marginal Citations

M7 1974 c. 37.

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