



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART II

PRIVATE ROADS

13 Making up and maintenance of private roads

- (1) The local roads authority may by notice to the frontagers of a private road require them to make the road up to, and maintain it at, such reasonable standard as may be specified in the notice.
- (2) Without prejudice to the generality of subsection (1) above there may be required by notice under that subsection work as regards levelling, paving, lighting or drainage.
- (3) A notice under subsection (1) above shall, without prejudice to the generality of section 136 of this Act, specify—
 - (a) the local roads authority's estimate of the cost of the work required by the notice ;
 - (b) a scheme whereby the cost is to be apportioned among the frontagers (being a scheme which is equitable in the opinion of the authority and which describes for each frontager the proportion of cost to be paid by him); and
 - (c) the dates by which the work shall be commenced and completed :

Provided that the authority may subsequently by notice allow a postponement of commencement or completion (or both).

- (4) Without prejudice to subsection (5) below, a requirement imposed on frontagers by a notice under subsection (1) above may, if the requisite number of the frontagers so agree, be fulfilled on behalf of the frontagers by the local roads authority.
- (5) Where the date specified in a notice under subsection (1) above for the commencement or, as the case may be, completion of the work specified in the notice expires without the work having been commenced or, as the case may be, completed, the local roads authority may carry out or complete the work.

Status: This is the original version (as it was originally enacted).

- (6) Without prejudice to section 14 of this Act, the expenses incurred by a local roads authority under subsection (4) or (5) above shall be recoverable from the frontagers in accordance with the scheme referred to in the notice mentioned in those subsections.
- (7) A person upon whom a notice has been served under subsection (1) above may within 28 days of such service appeal by summary application to the sheriff; and the sheriff's decision on the matter shall be final.
- (8) In subsection (4) above, " the requisite number " has the same meaning in relation to the private road and the land fronting or abutting the road as it has in section 1(7) of this Act in relation to the road and land mentioned in that section.