



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART XIII **S**

GENERAL

Interpretation

152 Further provision as to interpretation and certain ancillary powers. **S**

- (1) A power conferred on a roads authority by, under or by virtue of this Act to provide, erect, construct, lay or plant includes a power to alter, remove, re-lay, or, as the case may be, re-plant; and in relation to the power conferred by section 25 of this Act also includes the power temporarily to close:

Provided that the foregoing provisions of this subsection shall not apply where the context otherwise requires or where or in so far as such application would result in overlap with, or would admit avoidance of, express provisions of this Act.

- (2) The power conferred on a roads authority by section 1(1)
or 2(1)

of this Act to determine the means of exercise of a public right of passage includes the power to redetermine by order under this subsection such means of exercise.

- (3) Subsections (1) and (2) of section 71 of this Act shall apply in relation to an order under subsection (2) above as they apply to an order under section 68 or 69 of this Act.

^{F1}(3A) Where an order under subsection (2) above states that it has effect only for such period not exceeding 18 months as is specified in the order, the order shall have effect during that period notwithstanding any failure to comply with—

- (a) any regulations made under subsection (1) of section 71 of this Act; or
(b) subsection (2) of that section.

^{F1}(3B) Subject to subsection (3C) below, an order which—

Changes to legislation: Roads (Scotland) Act 1984, Section 152 is up to date with all changes known to be in force on or before 02 September 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) View outstanding changes

- (a) has effect by virtue of subsection (3A) above; and
- (b) makes the same provision in relation to the same right of public passage as was made in an order which has ceased to have effect,

may not have effect for a period which, when taken together with the period for which any order such as is mentioned in paragraph (b) above had effect, amounts to more than 18 months.

^{F1}(3C) An order may have effect for a period which, when taken together with the period for which any order such as is mentioned in subsection (3B)(b) above had effect, amounts to more than 18 months only for the purpose of enabling the authority who made the order to take any steps necessary to seek to comply with—

- (a) any regulations made under subsection (1) of section 71 of this Act; or
- (b) subsection (2) of that section.]

(4) A local roads authority shall have power to carry out any works necessary for giving effect to an order by them under subsection (2) above; and in so far as the carrying out of any such works, or any change in the use of land resulting from any such order, constitutes development within the meaning of [^{F2}the Town and Country Planning (Scotland) Act 1997], permission for that development shall be deemed granted under Part III of that Act.

[^{F3}(5) Where—

- (a) during the period when an order under subsection (2) above has effect by virtue of subsection (3A) above, the authority carry out any works necessary for giving effect to the order (including any works carried out by virtue of subsection (4) above); and
- (b) on the order ceasing to have effect, no further order under subsection (2) above making the same provision in relation to the same right of public passage has effect,

the authority who made the order shall carry out any works necessary to reinstate the conditions pertaining before such works were carried out.]

Textual Amendments

F1 S. 152(3A)-(3C) inserted (1.4.2001) by 2001 asp 2, s. 75(a) (with s. 66); S.S.I. 2001/132, art. 2, **Sch. Pt. I**

F2 Words in S. 152(4) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(16)**

F3 S. 152(5) added (1.4.2001) by 2001 asp 2, s. 75(b) (with s. 66); S.S.I. 2001/132, art. 2, **Sch. Pt. I**

Modifications etc. (not altering text)

C1 S. 152(4) restricted (30.10.1994) by S.I. 1994/2716, **reg. 70**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 152(3)(3ZA) substituted for s. 152(3) by [2019 asp 17 s. 124\(2\)](#)