



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART III

#### NEW ROADS

- 23 Power to stop up or temporarily close new road where construction consent absent or not conformed with.**
- (1) The local roads authority may stop up or temporarily close any new road which another person (other than a roads authority) has constructed—
- (a) without construction consent; or
  - (b) in contravention of, or non-compliance with, a condition imposed by a construction consent.
- (2) Stopping up or temporary closure under subsection (1) above may take place whether or not proceedings are pending under section 22 of this Act but shall be ended if, in any such proceedings, it is found—
- (a) in a case where the stopping up or closure took place on the basis that there was no construction consent, that there was such consent; or
  - (b) in any other case, that there was no contravention of, or failure to comply with, the construction consent condition to which the proceedings relate.

**Changes to legislation:**

Roads (Scotland) Act 1984, Section 23 is up to date with all changes known to be in force on or before 21 June 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.

[View outstanding changes](#)

**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\(2\)](#)