



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART IV

#### IMPROVEMENTS AND MAINTENANCE

##### *Cattle-grids*

#### **42 Removal of cattle-grids and discontinuance of by-passes.**

- (1) Where it appears to the roads authority, after such consultation with owners and occupiers of agricultural land as the authority consider requisite, that a cattle-grid provided under this Act is no longer required, the authority may remove the cattle-grid and any gate or other works on the road which have been provided for use in connection with the cattle-grid, and shall make good the site thereof.
- (2) Where a by-pass has been provided for use in connection with a cattle-grid and the authority remove the cattle-grid, they may direct that the by-pass shall be discontinued and may, where they give such a direction, remove all or any of the gates or other works provided for the purposes of the by-pass.
- (3) If a direction under subsection (2) above so provides, then subject to subsection (4) below, as from such date as may be specified in the direction the public right of passage over the by-pass shall be extinguished.
- (4) Where the whole or any part of a by-pass has been provided along an existing road then—
  - (a) notwithstanding subsection (3) above, a direction under subsection (2) above shall not extinguish any right of passage which existed before the by-pass was provided; and
  - (b) if the cattle-grid for which the by-pass was provided is removed, as soon as may be thereafter the authority shall (whether or not they direct that the by-pass shall be discontinued, but without prejudice to their powers under subsection (2) above to remove gates or other works if they so direct) remove so much of the gates or other works provided for the purpose of the by-pass

*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** *Roads (Scotland) Act 1984, Section 42 is up to date with all changes known to be in force on or before 21 August 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)*

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as obstructs the exercise of the right of passage which existed before the by-pass was provided.

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