



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART V

ROADS AND BUILDING CONTROL

Works and excavations

60 Fencing and lighting of obstructions and excavations.

- (1) Without prejudice to ^{F1} . . . sections 57 to 59 or section 85 of this Act, where any person [^{F2}(other than a roads authority)] places or deposits anything on a road so as to cause an obstruction, or executes works in a road, he shall, whether or not the obstruction is, or works are, on or in the road with the consent of the roads authority—
 - (a) cause the obstruction or works to be marked in such manner and with such materials as may, for the purpose of making it or them immediately visible to oncoming traffic, be specified;
 - (b) provide such lighting of the obstruction or works during the hours of darkness as is necessary for preventing danger to traffic and for warning traffic of danger;
 - (c) erect such fences, barriers and traffic signs for preventing danger to traffic, for regulating traffic, and for warning traffic of danger, as may be necessary and remove them as soon as they cease to be necessary therefor; and
 - (d) in the case of an obstruction or works whose nature so requires, cause any building adjoining the road to be shored up or otherwise protected.
- (2) If the person referred to in subsection (1) above fails to fulfil a requirement imposed on him by that subsection, the roads authority may fulfil the requirement and recover the expenses reasonably incurred by them in so doing from that person.
- (3) A person who fails to fulfil a requirement imposed on him by subsection (1) above commits an offence.

Status: Point in time view as at 10/01/2022.

Changes to legislation: Roads (Scotland) Act 1984, Section 60 is up to date with all changes known to be in force on or before 22 July 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)

- [^{F3}(3A) Where the roads authority places or deposits anything on a road so as to cause an obstruction, or executes works in a road, they must comply with the requirements in paragraphs (a) to (d) of subsection (1).]
- (4) A person who, without lawful authority or reasonable excuse, takes down, alters or removes any fence, barrier, shoring or other support or protection, or any traffic sign erected in pursuance of subsection (1) [^{F4}, (2) or (3A)] above, or removes, interferes with or extinguishes any light placed in pursuance of [^{F5}any] of those subsections to indicate an obstruction or works on or in any road commits an offence.
- (5) In this section—
 “hours of darkness” means the time between half an hour after sunset and half an hour before sunrise; and
 “specified” means specified by the Secretary of State in regulations.
- ^{F6}[(6) This section shall not apply to an undertaker executing road works, within the meaning of Part IV of the New Roads and Street Works Act 1991.]

Textual Amendments

- F1** Words in s. 60(1) omitted (1.1.1993) by virtue of New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 86(a)**; S.I. 1992/2990, art. 2(2), **Sch. 2**
- F2** Words in s. 60(1) inserted (10.1.2022) by Transport (Scotland) Act 2019 (asp 17), **ss. 115(2)(a)**, 130(2) (with s. 126); S.S.I. 2021/428, reg. 2, sch.
- F3** S. 60(3A) inserted (10.1.2022) by Transport (Scotland) Act 2019 (asp 17), **ss. 115(2)(b)**, 130(2) (with s. 126); S.S.I. 2021/428, reg. 2, sch.
- F4** Words in s. 60(4) substituted (10.1.2022) by Transport (Scotland) Act 2019 (asp 17), **ss. 115(2)(c)(i)**, 130(2) (with s. 126); S.S.I. 2021/428, reg. 2, sch.
- F5** Word in s. 60(4) substituted (10.1.2022) by Transport (Scotland) Act 2019 (asp 17), **ss. 115(2)(c)(ii)**, 130(2) (with s. 126); S.S.I. 2021/428, reg. 2, sch.
- F6** S. 60(6) inserted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 86(b)**; S.I. 1992/2990, art. 2(2), **Sch. 2**

Modifications etc. (not altering text)

- C1** S. 60: power to contract out functions of Secretary of State (16.3.1996) by S.I. 1996/878, art. 2, **Sch. para. 5(p)**
- C2** Ss. 56-61A excluded (18.3.2011) by Forth Crossing Act 2011 (asp 2), **ss. 20(3)**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.
- C3** Ss. 56-61A excluded (11.4.2017) by The Network Rail (Glasgow Queen Street Station) Order 2017 (S.S.I. 2017/100), arts. 1, **9(a)** (with art. 37)

Status:

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