



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART V

ROADS AND BUILDING CONTROL

Works and excavations

61 Granting of permission to place and maintain etc. apparatus under a road.

- (1) Subject to subsections (3) and (5) below, the roads authority may permit, subject to such reasonable conditions as they consider appropriate (including, without prejudice to the generality of this subsection, conditions as to future cessation or withdrawal of the permission and indemnification of the authority against claims arising out of what is so permitted), a person to place and leave, or to retain, and thereafter (in either case) to maintain, repair and reinstate, apparatus in or under a public road or proposed public road and to break open, and to have access to, the road or proposed road, for those purposes [^{F1}; and such permission shall be in writing].
- (2) In subsection (1) above, “proposed public road” means a new road in course of construction by or on behalf of the roads authority.
- (3) Before giving permission under subsection (1) above, the roads authority shall give not less than 28 days notice of their intention so to do to any other person whose apparatus is, or plans for the installation of apparatus are, likely to be affected by the works which would thereby be authorised.
- (4) [^{F2}Works carried out by a person in pursuance of permission under subsection (1) above are not][^{F3}road works within the meaning of section 107 of the New Roads and Street Works Act 1991].
- (5) Subsection (1) above does not apply to the apparatus of statutory undertakers or of local authorities [^{F4}nor does it apply to apparatus in respect of which permission has been granted under section 109 of the New Roads and Street Works Act 1991 to execute road works].

Status: Point in time view as at 18/03/2011. This version of this provision has been superseded.

Changes to legislation: Roads (Scotland) Act 1984, Section 61 is up to date with all changes known to be in force on or before 10 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. (See end of Document for details)

Textual Amendments

- F1** Words in s. 61(1) inserted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 87\(a\)](#); S.I. 1992/2990, art. 2(2), [Sch. 2](#)
- F2** Words in s. 61(4) substituted by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 30, Sch. 17 paras. 33, [35\(1\)](#)
- F3** Words in s. 61(4) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 87\(b\)](#); S.I. 1992/2990, art. 2(2), [Sch. 2](#)
- F4** Words in s. 61(5) inserted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 87\(c\)](#); S.I. 1992/2990, art. 2(2), [Sch. 2](#)

Modifications etc. (not altering text)

- C1** [S. 61](#) power to contract out functions of the Secretary of State (16.3.1996) by [S.I. 1996/878](#), [art. 2](#), [Sch. para. 5\(q\)](#)
- 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.](#)

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