



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.
- (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) A person receiving permission under subsection (1) above is not for the purposes of section 17 of the Schedule to the Electric Lighting (Clauses) Act 1899 (power to alter apparatus under streets etc.) a person in whom powers in relation to a street or place are vested nor are any works carried out by the person in pursuance of such permission undertakers' works within the meaning of section 1 of the Public Utilities Street Works Act 1950.
- (5) Subsection (1) above does not apply to the apparatus of statutory undertakers or of local authorities.