



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART VI

ACCESS AND STOPPING UP

71 Provisions supplementary to sections 68 to 70

- (1) Subject to subsection (2) below, the Secretary of State may by regulations prescribe the procedure to be followed in making an order under section 68 or 69 of this Act; and such regulations may in particular make provision as to—
 - (a) the content of the order; and
 - (b) the means of public notification of the proposal to make such an order.
- (2) Where a roads authority propose to make an order under the said section 68 or 69, then, before the expiry of 28 days from the date of the first public notification, in accordance with regulations under subsection (1) above, of the proposal to make the order, any person may object to it to the authority, and—
 - (a) where the roads authority is a local roads authority—
 - (i) if no such objection is made, or objection is made but withdrawn, they may confirm the order themselves; and
 - (ii) if such objection is made and not withdrawn, the Secretary of State shall determine the matter, and may confirm the order with or without modification or refuse to confirm it;
 - (b) where the roads authority is the Secretary of State, he shall not make the order without having considered any such objection.
- (3) Before stopping up the access to any land under section 69 or by virtue of section 70 of this Act, the roads authority shall satisfy themselves—
 - (a) that no access to the land is reasonably required; or
 - (b) that another reasonably convenient means of access to the land is available or will be provided in pursuance of an order made under the said section 69, or by virtue of the said section 70 as the case may be.

Status: This is the original version (as it was originally enacted).

- (4) The roads authority may stop up a means of access under section 69 or by virtue of section 70 of this Act in any way which seems to them appropriate, but not so as to obstruct any public right of way on foot.
- (5) A person who uses a means of access which has been stopped up under section 69 or by virtue of section 70 of this Act, other than a person exercising a public right of way on foot, commits an offence.
- (6) Where access to any land has been stopped up under section 69 or by virtue of section 70 of this Act, or, as the case may be, is limited by virtue of the restrictions imposed under this Act on the use of a special road, and any person has suffered damage in consequence thereof by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, he shall be entitled to recover from the roads authority compensation in respect of that damage; and in assessing such compensation regard shall be had to any new means of access provided by the roads authority.