



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART VIII

#### INTERFERENCE AND DAMAGE

##### *Vehicles*

#### **96 Extraordinary expenses in repairing roads damaged by heavy vehicles etc.**

- (1) Subject to subsection (3) below, where as respects any public road it appears to the roads authority (where they are a local roads authority from a certificate of the proper officer of the authority) that having regard to the average expense of maintaining the road, or other similar roads in their area, extraordinary expenses have been, or will be, incurred by them in maintaining the road by reason of damage caused to it by excessively heavy, or other extraordinary, vehicles or traffic, they may recover from any person (in this section referred to as the "operator") by or in consequence of whose orders the vehicles have, or traffic has, been on the road, so much of the expenses of maintenance as is, or is likely to be, attributable to that damage.
- (2) In subsection (1) above the expenses incurred by a roads authority in maintaining a road are (without prejudice to the application of this section to a by-pass provided under this Act for use in connection with a cattle-grid) to be taken to include expenses incurred by them in maintaining a cattle-grid provided for the road under this Act.
- (3) If, before operations which may cause such damage commence, the operator admits liability in respect of the vehicles or traffic, he and the authority may agree the payment by him to them of a sum by way of a composition of such liability, or either party may require that a sum to be so paid shall be determined by arbitration; and where a sum has been so agreed or determined the operator shall be liable to pay that sum to the roads authority and shall not be liable to proceedings for such recovery as is mentioned in subsection (1) above.
- (4) Subject to subsection (5) below, sums recoverable under this section shall be recoverable before the sheriff.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Such proceedings as are provided for in subsection (4) above shall not be commenced later than 12 months after the damage has been done unless that damage is the consequence of a particular building contract or of work extending over a long period, in which case they may, notwithstanding that such period of 12 months has elapsed, be Commenced within six months of completion of the contract or work.