



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART IV

IMPROVEMENTS AND MAINTENANCE

[^{F1}Equipment for detection of traffic offences]

Textual Amendments

- F1** S. 49A and preceding cross-heading inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. [40\(2\)](#); S.I. 1992/1286, art. 2, [Sch](#)

[^{F3}49A Power to install equipment for detection of traffic offences [^{F2}etc] .

A roads authority may install and maintain on or near a road structures and equipment for the detection of traffic offences [^{F4} or offences under section 11 of the HGV Road User Levy Act 2013 (using or keeping heavy goods vehicle if HGV road user levy not paid)] .]

Textual Amendments

- F2** Word in s. 49A heading inserted (1.4.2014) by [HGV Road User Levy Act 2013 \(c. 7\)](#), ss. [16\(2\)\(a\)](#), [21\(1\)](#); S.I. 2014/797, art. 2
- F3** S. 49A and preceding cross-heading inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. [40\(2\)](#); S.I. 1992/1286, art. 2, [Sch](#)
- F4** Words in s. 49A inserted (1.4.2014) by [HGV Road User Levy Act 2013 \(c. 7\)](#), ss. [16\(2\)\(b\)](#), [21\(1\)](#); S.I. 2014/797, art. 2

50 Planting of trees, shrubs and grass or other plants by roads authority.

- (1) The roads authority may plant trees, shrubs, grass or other plants within, or partly within, the boundaries of a public road or of a proposed public road which is in

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course of construction; and may erect and maintain guards of fences, and otherwise do anything expedient, for maintenance and protection of trees, shrubs, grass and other plants there planted (whether or not by them).

- (2) No such tree, shrub, grass other plant, guard or fence shall be planted (or as the case may be erected) or allowed to remain in such a situation as to hinder the reasonable use of the road (or proposed road) by persons entitled to the use thereof, or so as to be a nuisance or injurious to the owner or occupier of any land fronting or abutting the road (or proposed road).
- (3) [^{F5}Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)] (which provides a procedure for certain cases where works involve the alteration of [^{F6}electronic communications apparatus]) shall, subject to subsection (4) below, apply, for the purposes of any works which may be done in exercise of the powers conferred by this section, to the roads authority.
- (4) Where the roads authority is the Secretary of State, [^{F7}Paragraph 68] of the [^{F8}the electronic communications code] (offence) shall be omitted for the purposes of the application of [^{F9}Part 10 of the code] to him by subsection (3) above.

Textual Amendments

- F5** Words in s. 50(3) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(6\), Sch. 3 para. 14\(2\)](#); S.I. 2017/1286, reg. 2(d)
- F6** Words in s. 50 substituted (17.9.2003) by [The Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\), art. 1\(1\), Sch. 1 para. 10\(1\)\(a\)\(2\)\(b\)](#)
- F7** Words in s. 50(4) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(6\), Sch. 3 para. 14\(3\)\(a\)](#); S.I. 2017/1286, reg. 2(d)
- F8** Words in s. 50 substituted (17.9.2003) by [The Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\), art. 1\(1\), Sch. 1 para. 10\(1\)\(a\)\(2\)\(a\)](#)
- F9** Words in s. 50(4) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(6\), Sch. 3 para. 14\(3\)\(b\)](#); S.I. 2017/1286, reg. 2(d)

Modifications etc. (not altering text)

- C1** S. 50: power to contract out functions of Secretary of State (16.3.1996) by [S.I. 1996/878, art. 2, Sch. para. 5\(j\)](#)

51 Planting of trees, shrubs and grass or other plants by person other than roads authority.

- (1) The roads authority may in writing authorise an owner or occupier of land adjoining a public road, or any other person, to plant or maintain trees, shrubs, grass or other plants within, or partly within, the boundaries of that road subject to such conditions as the authority may specify in the authorisation.
- (2) The conditions referred, to in subsection (1) above may include a requirement that the authorised person give any written undertaking which, in the opinion of the authority, is necessary—
 - (a) to ensure the safety and convenience of road users; or
 - (b) to protect the apparatus of statutory undertakers.

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- (3) The roads authority may at any time withdraw an authorisation under subsection (1) above by giving 28 days notice to the authorised person; and such notice may require that person within the 28 days—
- (a) to remove all or any of the trees, shrubs, grass or other plants to which the authorisation related; and
 - (b) to reinstate the road.

Modifications etc. (not altering text)

- C2 S. 51 power to contract out functions to the Secretary of State (16.3.1996) by [S.I. 1998/878, art. 2, Sch. para. 5\(k\)](#)

52 Power to execute works to mitigate adverse effect of constructing or improving etc. road.

- (1) A roads authority may carry out on—
- (a) land acquired by them under section 106 of this Act;
 - (b) other land belonging to them;
 - (c) a road for which they are the roads authority;
 - (d) a road which they have been authorised to improve or, as the case may be construct, by an order under section 9 or 12 of this Act.,
- works for mitigating any adverse effect which the construction, improvement, existence or use of any road has or will have on the surroundings of the last mentioned road.
- (2) Without prejudice to the generality of subsection (1) above, the works that may be carried out under that subsection include the planting of trees, shrubs or plants of any other description and the laying out of any area as grassland.
- (3) A roads authority may develop or redevelop land acquired by them under section 106 of this Act, or any other land belonging to them, for the purpose of improving the surroundings of a road or proposed road.

53 Agreements as to use of land near roads.

- (1) For the purpose of mitigating any adverse effect which the construction, improvement, existence or use of a road (or proposed road) has or will have on its surroundings, a roads authority may enter into an agreement with any person having an interest in land adjoining or in the vicinity of the road (or proposed road) for restricting or regulating the use of the land either permanently or during such period as may be specified in the agreement; and any such agreement may, in particular, make provision for the planting and maintenance of trees, shrubs or plants of any other description on the land and for restricting the lopping or removal of trees, shrubs or other plants on the land.
- (2) An agreement under this section may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the roads authority to be necessary or expedient.
- (3) Subject to subsection (4) below, the provisions of an agreement made under this section with a person interested in land shall be binding on persons deriving title from that person in respect of the land.

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- (4) No provision shall be enforceable by virtue of subsection (3) above against a third party who shall have in good faith and for value acquired right (whether ^{F10}title has been completed] or not) to land prior to the agreement being registered in the Land Register of Scotland or, as the case may be, recorded in the Register of Sasines, or against any person deriving title from such third party.
- (5) This section is without prejudice to ^{F11}section 75 of the Town and Country Planning (Scotland) Act 1997] (agreements regulating development or use of land).

Textual Amendments

- F10** Words in s. 53(4) substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 45](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F11** Words in s. 53(5) substituted (27.5.1997) by [1997 c. 11](#), ss. 4, 6(2), [Sch. 2 para. 38\(4\)](#)

54 Power to instal refuse or storage bins in roads.

The roads authority may provide and maintain in or under a road, or a proposed road in course of construction, bins or other receptacles, of such dimensions and in such positions as the authority may determine, for the collection and temporary deposit of road refuse and waste paper, or the storage of sand, grit or other materials.

55 Provision of picnic sites for trunk roads etc.

- (1) The Secretary of State may provide on land adjoining, or in the vicinity of, a trunk road, or a proposed public road which is to be a trunk road, a picnic site with space for parking vehicles and with means of access from and egress to the road or proposed road; and subject to subsection (3) below he may manage and maintain the site (including such buildings, works or facilities as are mentioned in subsection (2) below.)
- (2) The Secretary of State may erect and equip buildings, and execute works, on the picnic site so as to provide such facilities as he considers appropriate for that site; and without prejudice to the generality of this subsection those facilities may include—
- (a) water closets, urinals, and washing facilities for use in connection with either; and
 - (b) facilities for the provision and consumption of meals and refreshments.
- (3) The Secretary of State shall not provide meals or refreshments on the picnic site but may make arrangements for some person other than a ^{F12}local authority] so to provide and may for the purpose of those arrangements lease the site, or a part thereof, to that other person.

Textual Amendments

- F12** S. 55(3) substituted (1.4.1996) by [1994 c. 39](#), s. 180(1), [Sch. 13, para. 135\(3\)](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)

^{F13}55A Environmental assessment of certain road improvement projects

- (1) If the Scottish Ministers as roads authority have under consideration—

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- (a) the making of an order such as is mentioned in paragraph 1 of schedule 1 of this Act relating to the improvement of a road, or
 - (b) the improvement of a road without such an order,they must, before details of the project are published, determine whether it falls within Annex I or II.
- (2) If the Scottish Ministers determine that the project—
 - (a) falls within Annex I, or
 - (b) is a relevant project falling within Annex II, and that having regard to the selection criteria in Annex III it should be made subject to an environmental impact assessment in accordance with the Directive,they must, not later than the date when details of the project are published prepare an EIA report and publish notice of it in accordance with subsections (5) to (10) and paragraph 7(1C), or paragraph 13(1C) as the case may be, of schedule 1 of this Act.
- (3) In making a determination as to whether a project is a relevant project falling within Annex II the Scottish Ministers must—
 - (a) in all cases take into account—
 - (i) such of the selection criteria set out in Annex III as are relevant to the project, and
 - (ii) the available results of any relevant assessment of the effects of the project, and
 - (b) base their decision on the information set out in subsection (4).
- (4) The information referred to in subsection (3)(b) is to be compiled taking into account, where relevant, the factors set out in subsection (3)(a) and must include—
 - (a) a description of the location of the project, including a plan sufficient to identify the land;
 - (b) a description of the project, including in particular—
 - (i) a description of the physical characteristics of the project and, where relevant, of demolition works,
 - (ii) a description of the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected,
 - (c) a description of the aspects of the environment likely to be significantly affected by the project; and
 - (d) a description of any likely significant effects, to the extent of the information available on such effects, of the project on the environment resulting from—
 - (i) the expected residues and emissions and the production of waste, where relevant, and
 - (ii) the use of natural resources, in particular soil, land, water and biodiversity.
- (5) The Scottish Ministers must publish any determination made by them in accordance with subsections (1) to (4), and that determination shall include—
 - (a) a statement giving, with reference to such of the criteria set out in Annex III as are relevant to the project, the main reasons for that conclusion; and
 - (b) where the determination is to the effect that the project does not require an environmental impact assessment, the statement referred to in paragraph (a) must state any features of the project which are envisaged to avoid or prevent significant adverse effects on the environment.

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- (6) An EIA report is a report prepared by the Scottish Ministers in accordance with this section which assesses the environmental impact of the project and which includes (at least)—
- (a) a description of the project comprising information on the site, design, size and other relevant features of the project;
 - (b) a description of the likely significant effects of the project on the environment;
 - (c) a description of the features of the project and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
 - (d) a description of the reasonable alternatives studied by the Scottish Ministers, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;
 - (e) a non-technical summary of the information referred to in paragraphs (a) to (d); and
 - (f) any other information specified in schedule 1A of this Act relevant to the specific characteristics of the project and to the environmental features likely to be affected.
- (7) With a view to avoiding duplication of assessments, account is to be taken of the available results of other relevant assessments under ^{F14}... other legislation applicable in Scotland in preparing the EIA report.
- (8) In order to ensure the completeness and quality of the EIA report—
- (a) the Scottish Ministers must ensure that the report is prepared by competent experts;
 - (b) the EIA report must be accompanied by a statement from the Scottish Ministers outlining the relevant expertise or qualifications of such experts.
- (9) The Scottish Ministers must publish notice of the EIA report so as to ensure that members of the public who are likely to be concerned are given a reasonable opportunity to express an opinion before a decision on whether to proceed with the project is taken, and the Scottish Ministers must not make any such decision without taking into consideration any opinion so expressed to them within a period of 42 days commencing with the date of publication of notice of the EIA report.
- (10) Notice under subsection (9) must state—
- (a) that the Scottish Ministers, as the relevant roads authority, are considering implementing the project;
 - (b) the proposed location and nature of the project;
 - (c) that the project is subject to environmental impact assessment and, where relevant, state that it is likely to have significant effects in [^{F15}an]EEA State;
 - (d) that a copy of the EIA report may be inspected at an address in the area in which the project is proposed to be situated during the period provided under paragraph (i);
 - (e) the times at which a copy of the EIA report can be so inspected;
 - (f) an address from which copies of the EIA report may be obtained and from which further information about the project may be requested during the period provided under paragraph (i);
 - (g) if a charge is to be made for a copy of the EIA report, the amount of the charge;

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- (h) that the Scottish Ministers use a website for the purpose of giving information to the public about projects of a category into which the project in question falls, and the address of the website where a copy of the EIA report will be available for inspection by the public during the period specified in paragraph (i),
 - (i) that any person wishing to make any representations about the project and the EIA report may do so in writing to the Scottish Ministers at a specified address within a specified period, being a period of not less than 42 days commencing with the date of publication of the notice; and
 - (j) that the Scottish Ministers will take into consideration any representations so made before deciding whether or not to proceed with the project with or without modifications.
- (11) The Scottish Ministers must ensure that during the period specified under subsection (10)(i)—
- (a) copies of the EIA report are available for inspection by any person free of charge at all reasonable hours at the address specified under subsection (10)(d);
 - (b) copies of the EIA report are available to be obtained by any person from the address specified under subsection (10)(f);
 - (c) the Scottish Ministers use a website for the purpose of giving information to the public about projects of a category into which the project in question falls, and that a copy of the EIA report is available for inspection at a specified website address.
- (12) A reasonable charge reflecting the costs of printing, copying and distribution may be made by the Scottish Ministers for the supply of a copy of the EIA report—
- (a) to a person other than a consultation body; or
 - (b) to a consultation body to which a copy has already been supplied free of charge.
- (13) In order to ensure the completeness and quality of the EIA report the Scottish Ministers must where necessary (having regard in particular to current knowledge and methods of assessment) obtain supplementary information about any matter referred to in subsection (6) which in the opinion of the Scottish Ministers is directly relevant to reaching a reasoned conclusion on the significant effects of the project on the environment.
- (14) Where the Scottish Ministers obtain supplementary information [^{F16}relating to the EIA report and such supplementary information is reasonably required to give proper consideration to the likely environmental effects of the project], except insofar as such supplementary information is required for the purposes of an inquiry held under section 139, subsections (9) to (12) apply to such supplementary information as they apply to an EIA report (subject to any necessary modifications).
- (15) The Scottish Ministers must ensure that the consultation bodies are given an opportunity to express an opinion on the project and the EIA report before they decide whether to proceed with the project, and the Scottish Ministers must not make any such decision within a period of 42 days commencing with the date of sending the report to the consultation bodies.
- (16) In this section, the expressions “the Directive”, “Annex”, “relevant project” [^{F17}and] “sensitive area” ^{F18}... shall have the meanings assigned to those expressions in

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section 20C(16) with the proviso that in the definition of “relevant project” the reference to the construction of a new road shall be a reference to the improvement of a road and cognate expressions shall be construed accordingly.

Textual Amendments

- F13** Ss. 55A-55D substituted for ss. 55A, 55B (16.5.2017) by [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017 \(S.S.I. 2017/137\)](#), regs. 1, 7 (with reg. 12)
- F14** Words in s. 55A(7) repealed (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **2(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Word in s. 55A(10)(c) substituted (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **2(7)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in s. 55A(14) substituted (7.12.2019) by [The Environmental Impact Assessment \(Transport\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/322\)](#), regs. 1, **2(4)**
- F17** Word in s. 55A(16) inserted (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **2(7)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in s. 55A(16) repealed (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **2(7)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C3** Ss. 55A-55D power to amend or repeal conferred (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), ss. 164(3), 255(5), **Sch. 14 Pt. 2** (with s. 247)

55B Application of section 20B

The provisions of sections 20A, 20B and 20D to 20G apply to a project to which section 55A applies as they apply to a project in terms of sections 20A, 20B and 20D to 20G.

Textual Amendments

- F13** Ss. 55A-55D substituted for ss. 55A, 55B (16.5.2017) by [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017 \(S.S.I. 2017/137\)](#), regs. 1, 7 (with reg. 12)

Modifications etc. (not altering text)

- C3** Ss. 55A-55D power to amend or repeal conferred (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), ss. 164(3), 255(5), **Sch. 14 Pt. 2** (with s. 247)

55C. Offences

- (1) Any person who, for the purpose of procuring a particular decision in relation to a project to which section 55A applies—
- (a) knowingly or recklessly makes a statement which is false or misleading in a material particular;
 - (b) with intent to deceive, uses any document which is false or misleading in a material particular; or

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- (c) with intent to deceive, withholds any material information, commits an offence.
- (2) A person who commits an offence under subsection (1) shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine.
- (3) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this section.
- (4) The Court of Session may, on the application of the Scottish Ministers, the chief constable or any other public body or office-holder having responsibility for enforcing the provision declare unlawful any act or omission of the Crown which would but for subsection (3) have constituted an offence under this section.
- (5) Despite subsection (3), this section applies to a person in the public service of the Crown as it applies to other persons.

Textual Amendments

F13 Ss. 55A-55D substituted for ss. 55A, 55B (16.5.2017) by [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017 \(S.S.I. 2017/137\)](#), regs. 1, 7 (with reg. 12)

Modifications etc. (not altering text)

C3 Ss. 55A-55D power to amend or repeal conferred (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), ss. 164(3), 255(5), [Sch. 14 Pt. 2](#) (with s. 247)

55D. Offences by bodies corporate etc.

- (1) Subsection (2) applies where—
 - (a) an offence under section 55C has been committed by—
 - (i) a body corporate,
 - (ii) a Scottish partnership, or
 - (iii) an unincorporated association other than a Scottish partnership, and
 - (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to neglect on the part of—
 - (i) a relevant individual, or
 - (ii) an individual purporting to act in the capacity of a relevant individual.
- (2) The individual (as well as the body corporate, partnership or (as the case may be) association) commits the offence and is liable to be proceeded against and punished accordingly.
- (3) In subsection (1), “relevant individual” means—
 - (a) in relation to a body corporate (other than a limited liability partnership)—
 - (i) a director, manager, secretary or similar officer of the body,
 - (ii) where the affairs of the body are managed by its members, a member,
 - (b) in relation to a limited liability partnership, a member;
 - (c) in relation to a Scottish partnership, a partner;

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- (d) in relation to an unincorporated association other than a Scottish partnership, an individual who is concerned in the management or control of the association.]

Textual Amendments

F13 Ss. 55A-55D substituted for ss. 55A, 55B (16.5.2017) by [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017 \(S.S.I. 2017/137\)](#), regs. 1, 7 (with reg. 12)

Modifications etc. (not altering text)

C3 Ss. 55A-55D power to amend or repeal conferred (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), ss. 164(3), 255(5), [Sch. 14 Pt. 2](#) (with s. 247)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 152(3)(3ZA) substituted for s. 152(3) by [2019 asp 17 s. 124\(2\)](#)