



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART IV

IMPROVEMENTS AND MAINTENANCE

Natural dangers

30 Works for protecting roads against hazards of nature.

Without prejudice to section 28 of this Act, but subject to section 31 thereof, the roads authority may, for the purpose of protecting a public road or proposed public road against snow, flood, landslide or other hazards of nature, provide and maintain such barriers or other works as they consider necessary.

Modifications etc. (not altering text)

C1 S. 30: power to contract out functions of Secretary of State (16.3.1996) by [S.I. 1996/878, art. 2, Sch. para. 5\(g\)](#)

31 Drainage of roads.

- (1) The roads authority may, for the purpose of draining a public road or proposed public road or of otherwise preventing surface water from flowing onto it—
- construct or lay, in it or in land adjoining or lying near to it, such drains as they consider necessary;
 - erect and maintain barriers in it or in such land as aforesaid to divert surface water into or through any existing drain;
 - scour, cleanse and keep open all drains in it or in such land as aforesaid;
 - drain surface water from it into any inland waters (whether natural or artificial) or tidal waters.

Changes to legislation: Roads (Scotland) Act 1984, Cross Heading: Natural dangers is up to date with all changes known to be in force on or before 28 March 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) View outstanding changes

- (2) Without prejudice to subsection (1)(c) above, where any drain referred to therein was constructed or laid by the roads authority, they shall scour, cleanse and keep it open.
- (3) Before carrying out any works under this section, the roads authority shall serve on the owner and the occupier of the land affected notice of the intention to do so, describing the proposed works, and informing them that they may object to the proposed works by notice to the authority within 28 days of service of the notice.
- (4) Where an owner or occupier of the land affected objects in accordance with subsection (3) above to the proposed works and the objection is not withdrawn, then—
 - (a) if the roads authority is the Secretary of State, he shall not carry out the proposed works without having considered the objection; and
 - (b) if the roads authority is a local roads authority, they shall not carry out the proposed works without the consent of the Secretary of State who may grant such consent either unconditionally or subject to such terms and conditions as he thinks fit and whose decision shall be final.
- (5) If a person, without the consent of the roads authority, alters, obstructs or interferes with any drain or barrier which has been constructed, laid or erected by the authority in exercise of their functions under subsection (1) above or which is under their control, then—
 - (a) the authority may carry out any work of repair or reinstatement necessitated by his action and may recover from him the expenses reasonably incurred by them in so doing, and
 - (b) without prejudice to their right to exercise that power, he commits an offence.
- (6) In the foregoing provisions of this section, except where the context otherwise requires, “drain” includes a ditch, gutter, watercourse, bridge, culvert, tunnel, pipe or holding pond and any pumping machinery associated with any of those things.

32 Contributions to drainage works and flood prevention operations.

Where it appears to the roads authority that the execution of any drainage works under the ^{M1}Land Drainage (Scotland) Act 1958 or [^{F1} flood protection work under section 56 of the Flood Risk Management (Scotland) Act 2009 (asp 6)] is desirable for the protection or enjoyment of a public road or proposed public road they may make such contributions as they think fit towards any expenses incurred in the execution and maintenance of those works.

Textual Amendments

- F1** Words in s. 32 substituted (24.12.2010) by [Flood Risk Management \(Scotland\) Act 2009 \(asp 6\)](#), s. 97(1), [sch. 3 para. 4](#) (with s. 91); S.S.I. 2010/401, art. 3(h)

Marginal Citations

- M1** 1958 c. 24.

33 Snow gates.

- (1) Gates (hereafter in this section referred to as “snow gates”) may be provided and maintained by the roads authority for the purpose of temporarily closing a road to vehicular traffic on any occasion when snow is rendering or has rendered that road

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unsafe for such traffic; and where in the opinion of a constable such an occasion has arisen as respects a road he (or, where the constable is a chief constable, a person acting on his behalf) may, until the road is once again safe for vehicular traffic, close and secure any snow gate on the road against all such traffic except that engaged in the provision or restoration of essential services.

(2) In subsection (1) above—

“constable” and “chief constable” shall be construed in accordance with [F2 section 99 of the Police and Fire Reform (Scotland) Act 2012 (asp 8)] ;

“engaged in the provision or restoration of essential services” means in the opinion of a constable so engaged; and

“safe” means in such opinion safe.

Textual Amendments

- F2** Words in s. 33(2) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 7\(2\)](#); [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))

34 Clearance of snow and ice.

A roads authority shall take such steps as they consider reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads.

Modifications etc. (not altering text)

- C2** S. 34: power to contract out functions of Secretary of State (16.3.1996) [S.I. 1996/878](#), art. 2, [Sch. para. 5\(h\)](#)

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\(2\)](#)