



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART XII

STATUTORY UNDERTAKERS

132 Saving for operators of ^[F1]electronic communications code networks .

- (1) Subject to the provisions of this section, nothing in this Act or in any scheme or enactment under or by virtue of this Act—
 - (a) shall affect any rights conferred by or in accordance with ^[F2]the electronic communications code] on the operator of ^[F3]an electronic communications code network] or any duty of any such operator under that code; or
 - (b) applies to any ^[F4]electronic communications apparatus] kept installed for the purposes of any such ^[F5]network].
- (2) Where in pursuance of an order under this Act (or under an Act repealed by this Act) a road is (or was) stopped up or diverted and, immediately before that order comes (or came) into force, there is (or was) under, in, upon, over, along or across the road any ^[F4]electronic communications apparatus] kept installed for the purposes of ^[F3]an electronic communications code network], the operator of that ^[F5]network] shall have the same powers in respect of that apparatus as if the order had not come into force; but any person entitled to land over which the road subsisted may require the alteration of the apparatus.
- (3) Where an order under this Act (or under an Act repealed by this Act) provides for the alteration of a road and, immediately before the date on which the order comes (or came) into force, there is (or was) under, in, upon, over, along, or across the road any ^[F4]electronic communications apparatus] kept installed for the purposes of ^[F3]an electronic communications code network], the roads authority shall be entitled to require the alteration of the apparatus. This subsection does not have effect so far as it relates to the alteration of any ^[F4]electronic communications apparatus] for the purpose of authority's works as defined in ^[F6]Part IV of the New Roads and Street Works Act 1991].

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- (4) [^{F7}Paragraph [^{F8}108(2)] of Schedule 3A to the Communications Act 2003 (the electronic communications code)] (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of subsections (1) to (3) above as it applies for the purposes of that code.
- (5) [^{F9} Part 6 of the electronic communications code (rights to require removal of electronic communications apparatus)] shall apply in relation to any right conferred by this section to require the alteration, moving or replacement of any [^{F4}electronic communications apparatus] as it applies in relation to a right to require the removal of such apparatus.

Textual Amendments

- F1** Words in s. 132 heading substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 16(2)**; S.I. 2017/1286, reg. 2(d)
- F2** Words in s. 132 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)(d)(2)(a)
- F3** Words in s. 132 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)(d)(2)(c)
- F4** Words in s. 132 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)(d)(2)(b)
- F5** Word in s. 132 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)(d)(2)(d)
- F6** Words in s. 132(3) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 91**; S.I. 1992/2990, art. 2(2), **Sch. 2**
- F7** Words in s. 132(4) substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 16(3)**; S.I. 2017/1286, reg. 2(d)
- F8** Word in s. 132(4) substituted (immediately after Digital Economy Act 2017 (c. 30), Sch. 3 comes into force) by The Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Primary Legislation) Regulations 2017 (S.I. 2017/1285), reg. 1(1)(2), **Sch. 1 para. 4(2)**
- F9** Words in s. 132(5) substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 16(4)**; S.I. 2017/1286, reg. 2(d)

^{F10}**133**

Textual Amendments

- F10** S. 133 repealed (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(2), **Sch. 9**; S.I. 1992/2990, art. 2(2), **Sch. 2**

134 Extinguishment of rights of statutory undertakers to apparatus etc. in connection with schemes under section 7 and orders under section 9.

- (1) ^{F11} . . . [^{F12}section 224 of the Town and Country Planning (Scotland) Act 1997] (extinguishment of certain subsisting rights of statutory undertakers over land required under [^{F12}Part VIII] of that Act) shall apply—

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- (a) in relation to land acquired or appropriated by a special road authority for the purpose of carrying out works in pursuance of a scheme under section 7 or an order under section 9 of this Act; and
 - (b) in relation to land forming the site of any part of an existing road which is appropriated or transferred to a special road authority under this Act,as it applies in relation to land acquired under the said ^[F12]Part VIII]; and ^[F12]sections 227 to 231 of the said Act of 1997](which contain provisions consequential upon the extinguishment of any right under ^[F12]the said section 224]) shall have effect accordingly.
- (2) The provisions of ^[F13]the said Act of 1997] mentioned in subsection (1) above shall have effect, as applied for the purposes of this section, with the substitution for references therein to the purchasing authority of references to the special road authority.
- (3) Where apparatus of statutory undertakers supplying electricity, gas, hydraulic power or water is removed in pursuance of a notice or order given or made under ^[F14]the said section 224] (as applied for the purpose of this section), any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the special road authority expenditure for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given if that expenditure was reasonably incurred in consequence of the removal.

Textual Amendments

F11 Words in s. 134(1) repealed (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(2), **Sch. 9**; S.I. 1992/2990, art. 2(2), **Sch. 2**

F12 Words in s. 134(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(13)(a)(i)-(iv)**

F13 Words in s. 134(2) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(13)(b)**

F14 Words in s. 134(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(13)(c)**

Modifications etc. (not altering text)

C1 S. 134(1)(2) modified by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 13(1), **Sch. 4 para. 2**

135 Restriction of powers of local authority in whom sewer is vested.

- (1) ^[F15]Section 134] of this Act (including the provisions of the ^[F16]the Town and Country Planning (Scotland) Act 1997] applied by subsection (1) of the said section 134), shall, so far as applicable, apply in relation to the sewers and sewage disposal works of ^[F17]Scottish Water] as they apply in relation to the apparatus of statutory undertakers.
- (2) In the said provisions of the ^[F18]the said Act of 1997] applied for the purposes of this section, references to the appropriate Minister shall be construed, in relation to ^[F19]Scottish Water], as references to the Secretary of State.
- (3) Where a public sewer is removed in pursuance of a notice or order given or made under ^[F20]section 224 of the said Act of 1997] as applied for the purposes of this section, a person who is the owner or occupier of premises the drains of which communicated with that sewer, or the owner of a private sewer which communicated with that sewer, shall be entitled to recover from the special road authority expenditure for the purpose of

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- (a) linking his drain or sewer with—
 - (i) any other public sewer; or
 - (ii) a private sewage disposal plant; or
 - (b) constructing a private sewage disposal plant and linking his drain or sewer to that plant,
- if that expenditure was reasonably incurred in consequence of the removal.

Textual Amendments

- F15** Words in s. 135(1) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 92**; S.I. 1992/2990, art. 2(2), **Sch. 2**
- F16** Words in s. 135(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(14)(a)**
- F17** Words in s. 135(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(2), **Sch. 7 para. 14(4)(a)** (with s. 67); S.I. 2002/118, **art. 2(3)**
- F18** Words in s. 135(2) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(14)(b)**
- F19** Words in s. 135(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(2), **Sch. 7 para. 14(4)(b)** (with s. 67); S.I. 2002/118, **art. 2(3)**
- F20** Words in s. 135(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(14)(c)**

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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\(2\)](#)