
Changes to legislation: Roads (Scotland) Act 1984, Cross Heading: The Railways Clauses Consolidation(Scotland) Act 1845 (c. 33) is up to date with all changes known to be in force on or before 11 April 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

SCHEDULES

SCHEDULE 9

MINOR AND CONSEQUENTIAL AMENDMENTS

The Railways Clauses Consolidation(Scotland) Act 1845 (c. 33)

- 3 (1) The Railways Clauses Consolidation (Scotland) Act 1845 shall be amended in accordance with this paragraph.
- (2) In section 3 (interpretation), at the end shall be inserted the words—
- “The expressions “carriageway”, “cycle track”, “footpath”, “footway”, “road”, “private road” and “public road” have the meaning given them by section 151 of the Roads (Scotland) Act 1984.”.
- (3) In section 11 (limiting deviation from datum line described on sections, etc.)—
- (a) for the word “street”, where it first occurs, there shall be substituted the word “road”;
- (b) for the words “street or public highway”, in both places where they occur, there shall be substituted the word “road”;
- (c) for the words “trustees or commissioners”, in the first two places where they occur, there shall be substituted the words “roads authority”; and
- (d) the word “streets” shall cease to have effect.
- (4) In section 12 (previous notice of deviation), for the word “street” there shall be substituted the word “road”.
- (5) In section 16 (general provisions as regards work, repairs and damages etc.)—
- (a) the word “streets,” where it first occurs, shall cease to have effect; and
- (b) for the words “roads, streets or ways”, in both places where they occur, there shall be substituted the words “or roads”.
- (6) In section 39 (crossing of road by railway)—
- (a) for the words “any turnpike road or public highway” there shall be substituted the words “the carriageway of any public road”; and
- (b) in the proviso—
- (i) for the word “highway” there shall be substituted the word “road”;
- and
- (ii) for the words “a public carriage” there shall be substituted the words “the carriageway of any public”.
- (7) In section 40 (provision where road crossed on the level), for the words “any turnpike road or public carriage” there shall be substituted the words “the carriageway of any public”.
- (8) In section 41 (crossing of turnpike road adjoining railway station), for the word “turnpike” there shall be substituted the word “public”.

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- (9) In section 42 (construction of bridges over roads)—
- (a) for the words from “thirty-five feet” to “twelve feet” where they first occur there shall be substituted the words “7.62 metres if the arch is over a public road and 3.66 metres”;
 - (b) for the words from “sixteen” where it first occurs to “cases”, there shall be substituted the words “4.57 metres for a space of 3.05 metres if the arch is over a public road; and”;
 - (c) for the words from “twelve” where it occurs for the third time to “private carriage” where they first occur there shall be substituted the words—

“3.66 metres:

The clear height of the arch for a space of 2.74 metres shall not be less than 4.27 metres over a private”;
 - (d) for the words from “foot”, where it first occurs, to the end there shall be substituted the words “metre in 20 metres if the bridge is over a public road and one metre in 16 metres if over a private road.”.
- (10) In section 43 (construction of bridges over railways)—
- (a) for the words “four feet” and “three feet” there shall be substituted, respectively, the words “1.22 metres” and “0.91 metres”;
 - (b) for the words from “thirty-five” to the end there shall be substituted the words—

“7.62 metres if the road is a public road and 3.66 metres if a private road:

The ascent shall not be more than one metre in 20 metres if the road is a public road and one metre in 16 metres if a private road.”.
- (11) In section 44 (further provision as regards construction of bridges)—
- (a) for the words “turnpike road or public carriage” there shall be substituted the words “a road which includes a carriageway”;
 - (b) for the words “trustees or surveyors of” there shall be substituted the words “roads authority for”.
- (12) In section 47 (penalty for not providing a substitute road for road rendered impassable or dangerous by railway works) for the words “trustees, commissioners, surveyor, or other person having the management of” there shall be substituted the words “roads authority for”.
- (13) In section 49 (period for restoration of roads interfered with)—
- (a) for the words from “trustee” to “consent” there shall be substituted the words “roads authority for the public road to be restored consent, or as the case may be the owner of the private road to be restored consents, in writing”;
 - (b) for the word “turnpike”, where it first occurs, there shall be substituted the word “public”;
 - (c) for the words “not a turnpike” there shall be substituted the words “a private”.
- (14) In section 50 (penalty for failure to restore a road), for the words “trustees, commissioners, surveyor, or other person having the management of” there shall be substituted the words “roads authority for”.
- (15) In section 51 (damage to road in course of making railway)—

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- (a) for the words “surveyor or other person having the management of” there shall be substituted the words “roads authority for”; and
 - (b) in the proviso, for the word “turnpike” there shall be substituted the word “public”.
- (16) In section 52 (sufficient approaches and fences to bridleways and footways crossing a railway on the level)—
- (a) for the word “highway”, in both places where it occurs, there shall be substituted the word “road”;
 - (b) for the words “a public carriageway” there shall be substituted the words “the carriageway of a public road”;
 - (c) for the words “highway be a” there shall be substituted the words “road be a cycle track or”; and
 - (d) for the word “footway” there shall be inserted the words “or footpath”.
- (17) In section 53 (proceedings as regards consent to level crossings of bridleways and footways)—
- (a) for the words “highway other than a public carriage” there shall be substituted the words “road other than the carriageway of a public”;
 - (b) for the words “such highway at the proper crossing thereof is situate” there shall be substituted the words “the proposed crossing would be situated”; and
 - (c) for the words “such highway”, where they occur for the second time, there shall be substituted the words “the road”.
- (18) In section 54 (orders as respects approaches etc. to level crossing)—
- (a) for the word “highway” there shall be substituted the word “road”; and
 - (b) for the words “surveyor of roads” there shall be substituted the words “roads authority”.
- (19) In section 55 (screening between railway and road)—
- (a) for the words “commissioners or trustees of any turnpike road, or the surveyor of any highway” there shall be substituted the words “roads authority for any road”; and
 - (b) for the words “such commissioners or trustees or surveyor” there shall be substituted the words “that authority”.
- (20) In section 56 (penalty for failing to construct requisite screening), for the words “commissioners or trustees or surveyor” there shall be substituted the words “roads authority”.
- (21) In section 57 (power to order repair of bridges etc.), for the words “surveyor of roads” there shall be substituted the words “roads authority”.

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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\(2\)](#)