
Changes to legislation: Roads (Scotland) Act 1984, SCHEDULE 9 is up to date with all changes known to be in force on or before 19 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 **S**

Section 156(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Highway (Railway Crossings) Act 1839 (c. 45)

- 1 In section 1 of the Highway (Railway Crossings) Act 1839 (duty of proprietors of railways to maintain gates where railway crosses highway)—
- (a) for the words “any turnpike road or any highway or statute labour road for carts or carriages in Great Britain” there shall be substituted the words “the carriageway of a public road (within the meaning of the Roads (Scotland) Act 1984)”; and
 - (b) for the words “turnpike or other road as aforesaid” and “turnpike or highway” there shall in each case be substituted the word “carriageway”.

The Railway Regulation Act 1842 (c. 55)

- 2 In section 9 of the Railway Regulation Act 1842 (gates at level crossing to be kept closed across road)—
- (a) for the words “any turnpike road, or any other highway or statute labour road for carts or carriages, in Great Britain” there shall be substituted the words “the carriageway of a public road (within the meaning of the Roads (Scotland) Act 1984)”; and
 - (b) for the words “turnpike or other road” and “turnpike or other roads”, wherever either expression occurs, there shall be substituted the word “carriageway”.

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

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- (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”.
- (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”; 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”; and
 - (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”; and
 - (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:

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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”; and
 - (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”; and
 - (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)—
- (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)—

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- (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”.

The Railways Clauses Act 1863 (c. 92)

- 4 (1) The Railways Clauses Act 1863 shall be amended in accordance with this paragraph.
- (2) In section 5 (restriction on shunting trains), for the words “a turnpike road or public carriage” there shall be substituted the words “the carriageway of a public”.
- (3) In each of sections 6 (erection of lodge at level crossing) and 7 (requirement for bridge instead of level crossing), for the words “turnpike road or public carriage” there shall be substituted the words “carriageway of a public”.
- (4) In section 16 (access to shore under or across railway)—
- (a) after the word “footways” there shall be inserted the word “, footpaths”; and
 - (b) after the word “footway”, wherever it occurs, there shall be inserted the word “, footpath”.

The Trespass (Scotland) Act 1865 (c. 56)

- 5 (1) The Trespass (Scotland) Act 1865 shall be amended in accordance with this paragraph.
- (2) In section 2 (interpretation), at the end there shall be added the following definition—
- ““Road” shall mean and include any way, other than—
- a waterway; or
- without prejudice to section 100(c) (damage to roads by fire) or 129(4) (camping in a road) of the Roads (Scotland) Act 1984, a road within the meaning of that Act.”.
- (3) In section 3 (offences), the words “private”, where it occurs for the second time, and “, or on or near any highway,” shall cease to have effect.

The Tramways Act 1870 (c. 78)

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Textual Amendments

- F1** Sch. 9 para. 6 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), s. 68(1), [Sch. 4 Pt. I](#); [S.I. 1992/2784](#), art. 2, [Schs. 1, 2 Pt. I](#)

The Explosives Act 1875 (c. 17)

- 7 (1) The Explosives Act 1875 shall be amended in accordance with this paragraph.
- ^{F2}(2)
- (3) In section 30 (restriction on sale of gunpowder), for the words “highway, street, public thoroughfare, or” there shall be substituted the words “road or in any”.
- (4) In section 80 (penalty for throwing fireworks in thoroughfare), for the words “highway, street thoroughfare,” there shall be substituted the word “road”.
- (5) In section 108 (interpretation), at the end there shall be added the following definition—
- “The expression “road” has the same meaning as in the Roads (Scotland) Act 1984.”.

Textual Amendments

- F2** Sch. 9 para. 7(2) repealed (26.4.2005) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), reg. 1(1), [Sch. 5 para. 18](#), [Sch. 6](#) (with reg. 3)

The Entail Amendment (Scotland) Act 1875 (c. 61)

- 8 In section 3 of the Entail Amendment (Scotland) Act 1875 (interpretation), in paragraph 5 of the definition of “Improvements”—
- (a) for the words “private roads” there shall be substituted the words “roads (other than roads within the meaning of the Roads (Scotland) Act 1984)”; and
- (b) for the words “roads or streets” there shall be substituted the words “private roads (within the meaning of the said Act of 1984)”.

The Settled Land Act 1882 (c. 38)

- 9 In section 25 of the Settled Land Act 1882 (description of authorised improvements)—
- (a) in paragraph (viii), for the words “private roads; roads or streets” there shall be substituted the words “roads (other than roads within the meaning of the Roads (Scotland) Act 1984); private roads (within the meaning of the said Act of 1984)”; and
- (b) in paragraph (xvii), the word “Streets” shall cease to have effect.

- 10 ^{F3}

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Textual Amendments

F3 Sch. 9 paras. 10, 13, 19, 23 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), [Sch. 18](#)

The Crofters Holdings (Scotland) Act 1886 (c. 29)

- 11 In paragraph 9 of the Schedule to the Crofters Holdings (Scotland) Act 1886, after the words “public road” there shall be inserted the words “(within the meaning of the Roads (Scotland) Act 1984)”.

The Military Tramways Act 1887 (c. 65)

^{F4}12

Textual Amendments

F4 Sch. 9 para. 12 repealed (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), s. 68(1), [Sch. 4 Pt. I](#); [S.I. 1992/2784](#), art. 2, [Schs. 1, 2 Pt. I](#)

13 ^{F5}

Textual Amendments

F5 Sch. 9 paras. 10, 13, 19, 23 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), [Sch. 18](#)

The Railway and Canal Traffic Act 1888 (c. 25)

- 14 In section 16 of the Railway and Canal Traffic Act 1888 (power to apportion expenses between railway company and applicants for works)—
- (a) in subsection (1), for the words “highway board, surveyor of highways acting with the consent of the vestry of his parish” there shall be substituted the words “or local roads authority (within the meaning of the Roads (Scotland) Act 1984)”; and
 - (b) subsection (3) shall cease to have effect.

The Military Lands Act 1892 (c. 43)

- 15 (1)) The Military Lands Act 1892 shall be amended in accordance with this paragraph.
- (2) For section 13 (power to stop or divert footpaths) there shall be substituted the following section—
- “**13** In relation to a footpath crossing or near to land leased under this Act, the Roads (Scotland) Act 1984 shall have effect as if in subsection one of section sixty-eight thereof (power of roads authorities to stop up roads by order) there were added to the grounds for stopping up a road the ground that the road crosses or runs inconveniently or dangerously near to such land.
- In this section “footpath” has the same meaning as in the said Act of 1984.”.

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- (3) In section 25 (application to Scotland)—
- (a) subsection (7) shall cease to have effect; and
 - (b) at the end there shall be added the following subsection—

“(10) In section 16 of this Act—

- (a) for the references to “highway” there shall be substituted references to “road”; and
- (b) after the word “footpath” in subsection (2) there shall be inserted the words “within the meaning of the Roads (Scotland) Act 1984”.

The Light Railways Act 1896 (c. 48)

- 16 In section 7(1) of the Light Railways Act 1896 (application for authorising light railway), for the words “road authorities” there shall be substituted the words “local roads authorities (within the meaning of the Roads (Scotland) Act 1984”.

The Public Health (Scotland) Act 1897 (c. 38)

- ^{F6}17

Textual Amendments

F6 Sch. 9 para. 17 repealed (1.10.2009) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\)](#), s. 128(2), [sch. 3 Pt. 1](#) (with s. 127); [S.S.I. 2009/319](#), art. 2(a), [sch. 1](#)

The Congested Districts (Scotland) Act 1897 (c. 53)

- 18 In section 10 of the Congested Districts (Scotland) Act 1897 (interpretation), at the end there shall be added the following definitions—
- “The expressions “footpath” and “public road” have the same meanings as in the roads (Scotland) Act 1984”.

- 19 ^{F7}

Textual Amendments

F7 Sch. 9 paras. 10, 13, 19, 23 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), [Sch. 17 para. 35\(1\)](#), [Sch. 18](#)

The Dogs Act 1906 (c. 32)

- 20 In section 3 of the Dogs Act 1906 (seizure of stray dogs)—
- (a) in subsection (1), for the word “highway” there shall be substituted the word “road”;
 - (b) in subsection (1A), for the words “a highway” there shall be substituted the words “in a road”; and
 - (c) after subsection (1A) there shall be added the following subsection—

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“(1B) In subsections (1) and (1A) above “road” has the same meaning as in the Roads (Scotland) Act 1984.”.

The Light Railways Act 1912 (c. 19)

21 In section 6 of the Light Railways Act 1912 (amendment of section 24 of the Light Railways Act 1896)—

- (a) for the words “road authorities” there shall be substituted the words “roads authority”;
- (b) the existing words, as amended by paragraph (a) above, shall be subsection (1) of the section; and
- (c) after that subsection there shall be inserted the following subsection—

“(2) In subsection (1) above, “public road” and “local roads authority” have the same meanings as in the Roads (Scotland) Act 1984.”.

The Defence of the Realm (Acquisition of Land) Act 1916 (c. 63)

22 In section 15 of the Defence of the Realm (Acquisition of Land) Act 1916 (application to Scotland), at the end there shall be added the following paragraph—

- “(d) for references to “highway” and “street” there shall be substituted references to a road within the meaning of the Roads (Scotland) Act 1984.”.

23 F8

Textual Amendments
F8 Sch. 9 paras. 10, 13, 19, 23 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), [Sch. 18](#)

The Roads Act 1920 (c. 72)

F9 24

Textual Amendments
F9 Sch. 9 para. 24 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 14](#)

The Railways Act 1921 (c. 55)

25 In section 73(3) of the Railways Act 1921 (interpretation), for the words “a public carriageway” there shall be substituted the words “the carriageway of a public road (within the meaning of the Roads (Scotland) Act 1984)”.

The Rating and Valuation (Apportionment) Act 1928 (c. 44)

F10 26

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Textual Amendments

F10 Sch. 9 para. 26 repealed (19.5.1997) by 1997 c. 29, s. 33(2), **Sch. 4**; S.I. 1997/1097, art. 3(d), **Sch**

The Road Traffic Act 1930 (c. 43)

- 27 (1) The Road Traffic Act 1930 shall be amended in accordance with this paragraph.
- (2) In section 101(2)(d) (limitation on power to run public service vehicles), for the word “highway” there shall be substituted the words “public road”.
- (3) In section 119(3) (power of local highway authority to borrow for purposes related to running public service vehicles)—
- ^{F11}(a)
- (b) the words “for the purpose of the payment of the consideration for a transfer under section fifty-three of this Act or” shall cease to have effect; and
- (c) at the end there shall be added the words “of this Act”.
- (4) In section 121 (interpretation)—
- (a) in subsection (1), for the definition of “road” there shall be substituted the following definition—
- ““road” has the same meaning as in the Roads (Scotland) Act 1984”;
- and
- (b) in subsection (1A), for the words “Road Traffic Act 1960” there shall be substituted the words “Public Passenger Vehicles Act 1981”.

Textual Amendments

F11 Sch. 9 para. 27(3)(a) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(d), **Sch. 2**

The Road and Rail Traffic Act 1933 (c. 53)

- 28 In section 45 of the Road and Rail Traffic Act 1933 (interpretation)—
- (a) after the word “them:—” there shall be inserted the following definition—
- ““Carriageway” has the same meaning as in the Roads (Scotland) Act 1984;”;
- (b) after the definition of “Minister” there shall be inserted the following definition—
- ““Public road” has the same meaning as in the Roads (Scotland) Act 1984;”;
- and
- (c) in the definition of “Railway”, for the words “a public carriageway” there shall be substituted the words “the carriageway of a public road”.

29 ^{F12}

Textual Amendments

F12 Sch. 9 para. 29 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. VII**

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The Public Order Act 1936 (c. 6)

- 30 In section 9(1) of the Public Order Act 1936 (interpretation), in the definition of “public place”, after the word “highway” there shall be inserted the words “, or in Scotland any road within the meaning of the Roads (Scotland) Act 1984.”.

The Coal Act 1938 (c. 52).

F1331

Textual Amendments

F13 Sch. 9 para. 31 repealed (31.10.1994) by [1994 c. 21, s. 67, Sch. 11 Pt. II](#) (with s. 40(7)); S.I. 1994/2553 art. 2

The Civil Defence Act 1939 (c. 31)

- 32 In section 90(1) of the Civil Defence Act 1939 (interpretation), in the definition of “public utility undertakers”, for the word “highway” there shall be substituted the word “road”.

The Requisitioned Land and War Works Act 1945 (c. 43)

- 33 (1) The Requisitioned Land and War Works Act 1945 shall be amended in accordance with this paragraph.
- (2) In section 15(2)(c) (stopping up or diversion of roads), for the words “Trunk Road Act, 1936” there shall be substituted the words “provisions of the Roads (Scotland) Act 1984 relating to trunk roads”.
- (3) In section 60(3) (application to Scotland), after the word “Gazette;”, in the second place where it occurs, there shall be inserted the words “for any reference to a “highway” there shall be substituted a reference to a road within the meaning of the Roads (Scotland) Act 1984;”.

The Fire Services Act 1947 (c. 41)

F1434

Textual Amendments

F14 Sch. 9 para. 34 repealed (2.8.2005) by [Fire \(Scotland\) Act 2005 \(asp 5\), s. 90, sch. 4](#) (with s. 77); S.S.I. 2005/392, art. 2(k)

The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42)

- 35 In paragraph 11(1)(b) of the first Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (procedure for authorising compulsory purchases), for the word “highway” there shall be substituted the words “public road (within the meaning of the Roads (Scotland) Act 1984)”.

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The Local Government Act 1948 (c. 26)

- 36 In section 144(1) of the Local Government Act 1948 (interpretation), in the definition of “railway”, for the word “highway” there shall be substituted the word “road”.

The Civil Defence Act 1948 (12, 13 & 14 Geo. 6. c. 5)

- 37 In section 4(2) of the Civil Defence Act 1948 (powers as to land), for the word “highway” in each of the three places where it occurs there shall be substituted the word “road”.

The Coast Protection Act 1949 (c.74)

- 38 (1) The Coast Protection Act 1949 shall be amended in accordance with this paragraph.
- (2) In section 17(1) (notification to coast protection authority of certain works)—
- (a) for the words “highway authority” there shall be substituted the words “roads authority”; and
 - (b) for the word “highway”, where it occurs for the second time, there shall be substituted the word “road”.
- (3) In section 20(3) (contributions towards expenses of coast protection)—
- (a) for the word “highway”, where it first occurs, there shall be substituted the word “road”; and
 - (b) for the words “highway authority” there shall be substituted the words “roads authority”.
- (4) In section 21(3)(a) (exchequer grants), for the words “highway authority” there shall be substituted the words “roads authority” and for the word “highways” there shall be substituted the words “roads”.
- (5) In section 49(4) (interpretation), at the end there shall be inserted the words—
- “and the following definitions shall be inserted in the alphabetically appropriate place—
- “local roads authority” has the meaning given to it by section 151(1) of the Roads (Scotland) Act 1984;
- “road” has the meaning given to it by section 151(1) of the Roads (Scotland) Act 1984;”.

The Public Utilities Street Works Act 1950 (c.39)

F1539

Textual Amendments

F15 Sch. 9 para. 39 repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), ss. 168(2), 170(1), [Sch. 9](#); S.I. 1992/2990, art. 2(2), [Sch. 2](#)

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The Pet Animals Act 1951 (c. 35)

F16 40

Textual Amendments

F16 Sch. 9 para. 40 repealed (8.6.2022) by [The Animal Health and Welfare \(Scotland\) Act 2006 \(Consequential Provisions\) Order 2022 \(S.S.I. 2022/195\)](#), art. 1(2), [sch. 2 para. 1](#)

The Mineral Workings Act 1951 (c. 60)

41 F17

Textual Amendments

F17 Sch. 9 para. 41 repealed (27.5.1997) by [1997 c. 11, ss. 3, 6\(2\), Sch. 1 Pt. I](#); (with Sch. 3)

The Prevention of Crime Act 1953 (c. 14)

42 In section 1(4) of the Prevention of Crime Act 1953 (interpretation), after the word “highway” there shall be inserted the words “, or in Scotland any road within the meaning of the Roads (Scotland) Act 1984.”.

The Atomic Energy Authority Act 1954 (c.69)

43 In section 5(2) of the Atomic Energy Authority Act 1954 (powers of Atomic Energy Authority), after the word “highway”, in both places where it occurs, there shall be inserted the words “or road”.

The Mines and Quarries Act 1954 (c. 70)

44 In section 151(2) of the Mines and Quarries Act 1954 (fencing of abandoned and disused mines and of quarries) in each of paragraphs (b)(ii) and (c)(ii), for the word “highway” there shall be substituted the words “road (within the meaning of the Roads (Scotland) Act 1984)”.

The Crofters (Scotland) Act 1955 (c. 21)

45 In section 37(1) of the Crofters (Scotland) Act 1955 (interpretation), after the definition of “predecessors in the tenancy” there shall be inserted the following definition—

““public road” has the same meaning as in the Roads (Scotland) Act 1984;”.

The Coal-Mining (Subsidence) Act 1957 (c. 59)

F18 46

Changes to legislation: Roads (Scotland) Act 1984, SCHEDULE 9 is up to date with all changes known to be in force on or before 19 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

Textual Amendments

F18 Sch. 9 para 46 repealed (30.11.1991) by [Coal Mining Subsidence Act 1991 \(c. 45, SIF 86\)](#), s. 53(2), [Sch. 8](#) (with savings s. 37(4), [Sch. 7](#)); S.I. 1991/2508, [art. 2](#)

The Land Powers (Defence) Act 1958 (c.30)

47 In section 9(4) of the Land Powers (Defence) Act 1958 (supplementary provisions with respect to stopping up and diversion of highways), for the words from the beginning to “right of way”, where it first occurs, there shall be substituted the words—

“(4) In section 8 of this Act and this section, in their application to Scotland, “highway” means a road within the meaning of the Roads (Scotland) Act 1984.”.

The Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958 (c. 50)

48 (1) The Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958 shall be amended in accordance with this paragraph.

(2) In section 1(1) (provision of omnibus shelters)—

- (a) for the words “highway within their district” there shall be substituted the words “road within their area”; and
- (b) for the word “highway” where it occurs for the second time there shall be substituted the word “road”.

(3) In the Table to section 2(1) (consents to exercise of powers under section 1), for the word “highway”, wherever it occurs as part of the expression “highway authority”, there shall be substituted the word “roads”; and for every other occurrence of the word “highway” there shall be substituted the word “road”,

(4) In section 7(1) (interpretation), after the definition of “local authority” there shall be inserted the following definition—

““local roads authority” has the same meaning as in the Roads (Scotland) Act 1984.”.

The Opencast Coal Act 1958 (c. 69)

F1949

Textual Amendments

F19 Sch. 9 para. 49 repealed (31.10.1994) by [1994 c. 21, s. 67, Sch. 11](#) (with s. 40(7)); S.I. 1994/2553 art. 2

The Manoeuvres Act 1958 (7 & 8 Eliz. 2. c. 7)

50 (1) The Manoeuvres Act 1958 shall be amended in accordance with this paragraph.

(2) In section 3 (powers to close roads)—

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- (a) in subsection (1), for the words “Special Roads Act, 1949”, there shall be substituted the words “Roads (Scotland) Act 1984”; and
 - (b) subsection (5)(a) shall cease to have effect.
- (3) In section 9 (interpretation), after the definition of “authorised forces”, there shall be inserted the following definition—

““highway”, in relation to Scotland, means a road within the meaning of the Roads (Scotland) Act 1984;”.

The Building (Scotland) Act 1959 (c. 24)

F20 51

Textual Amendments

F20 Sch. 9 para. 51 repealed (1.5.2005) by [Building \(Scotland\) Act 2003 \(asp 8\)](#), s. 59(1), [sch. 6 para. 15](#) (with s. 53); [S.S.I. 2004/404](#), art. 2(1)

The Weeds Act 1959 (c. 54)

- 52 In section 11(2) of the Weeds Act 1959 (interpretation), in the definition of “occupier”—
- (a) for the words “the authority by whom the road is being maintained” there shall be substituted the words “the roads authority (“public road” and “roads authority” having the same meanings as in the Roads (Scotland) Act 1984)”; and
 - (b) at the end there shall be added the following proviso—

“: Provided that this Act does not apply as regards a road for which the roads authority is the Secretary of State”.

The Road Traffic Act 1960 (c. 16)

- 53 In section 257(1) of the Road Traffic Act 1960 (general interpretation), for the definition of “road” there shall be substituted the following definition—

““road” has the same meaning as in the Roads (Scotland) Act 1984;”.

The Flood Prevention (Scotland) Act 1961 (c. 41)

- 54 In section 15(1) of the Flood Prevention (Scotland) Act 1961 (interpretation), after the definition of “maintenance and management operations” there shall be inserted the following definition—

““road” has the meaning given to it by section 151(1) of the Roads (Scotland) Act 1984;”.

The Pipe-lines Act 1962 (c. 58)

- 55 (1) The Pipe-lines Act 1962 shall be amended in accordance with this paragraph.
- (2) In section 15 (power to place pipe-lines in streets)—

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- ^{F21}(a)
- (b) in subsection (4), in each of the paragraphs (c) to (d), for the word “highway” there shall be substituted the words “road over which there is a public right of passage”;
- (c) in subsection (7), for the words from “shall be determined” to the end there shall be substituted the words “shall be referred to the arbitration of a single arbiter appointed by agreement between the parties concerned or, in default of agreement, by the sheriff; and in any such arbitration the arbiter may, and, if so directed by the Court of Session, shall, state a case for the decision of that court on any question of law arising in the arbitration.”; and

^{F21}(d)

^{F22}(3)

- (4) In section 66(1) (interpretation), in the definition of “in”, for the word “street” there shall be substituted the word “road”.

Textual Amendments

F21 Sch. 9 para. 55(2)(a)(d) 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](#)

F22 Sch. 9 para. 55(3) 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](#)

The Weights and Measures Act 1963 (c. 31)

- 56 (1) The Weights and Measures Act 1963 shall be amended in accordance with this paragraph.
- (2) In section 21(2)(h) (requirement of document as to weight of vehicle and its load), for the word “highway” there shall be substituted the word “road”.
- (3) In section 58(1) (interpretation), after the definition of “prescribed” there shall be inserted the following definition—
- ““road” has same meaning as in the Roads (Scotland) Act 1984.”.
- (4) In Schedule 6 (provisions as to solid fuel)—
- (a) in each of paragraphs 3B(1) and (2), 3C(1) and 10, for the word “highway” there shall be substituted the word “road”; and
- (b) in paragraph 6A(1), for the word “highways” there shall be substituted the word “roads”.

The Agriculture and Horticulture Act 1964 (c. 28)

- 57 In each of sections 13(7) and 21(2)(a) of the Agriculture and Horticulture Act 1964 (reservation as regards powers of entry), for the word “highway” there shall be substituted the word “road”.

The Local Government (Scotland) Act 1966 (c. 51)

- 58 In section 46(1) of the Local Government (Scotland) Act 1966 (interpretation), for the definition of “road” there shall be substituted the following definition—

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““road” has the same meaning as in the Roads (Scotland) Act 1984;”.

The Agriculture Act 1967 (c. 22)

- 59 In section 23(5) of the Agriculture Act 1967 (reservation as regards powers of entry), for the word “highway” there shall be substituted the word “road”.

The Countryside (Scotland) Act 1967 (c. 86)

- 60 (1) The Countryside (Scotland) Act 1967 shall be amended in accordance with this paragraph.
- (2) In section 46 (protection and maintenance of public rights of way)—
- (a) in subsection (2), for the words “footpath at the side of a road” there shall be substituted the word “footway”; and
 - (b) in subsection (3), after the words “than a” there shall be inserted the word “public”.
- (3) In section 47 (interpretation), at the end there shall be added the following definition—
- “; and
“public road” has the same meaning as in the Roads (Scotland) Act 1984.”.
- (4) In section 51(1), for the word “highway” there shall be substituted the word “roads”.
- (5) In section 54 (power to make byelaws for the preservation of order etc.)—
- (a) in subsection (1)—
 - (i) the word “or” immediately following paragraph (d) shall cease to have effect;
 - (ii) after paragraph (e) there shall be inserted the following words—

“; or

(f) a picnic site managed by them by virtue of section 4 of the Roads (Scotland) Act 1984;”; and

 - (iii) for the words “or waterway”, in both places where they occur, there shall be substituted the words “, waterway or picnic site”; and
 - (b) in subsection (2), for the words “or waterway”, in both places where they occur, there shall be substituted the words “, waterway or picnic site”.
- (6) In section 78(1) (interpretation)—
- (a) after the definition of “enactment” there shall be inserted the following definition—

““footway” has the same meaning as in the Roads (Scotland) Act 1984;”; and
 - (b) for the definition of “road” there shall be substituted the following definition—

““road” has the same meaning as in the Roads (Scotland) Act 1984;”.

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The New Towns (Scotland) Act 1968 (c. 16)

- 61 (1) The New Towns (Scotland) Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 6 (planning control in new towns)—
- (a) in subsection (4), for the words “local highway authority or the Secretary of State” there shall be substituted the words “roads authority”; and
 - (b) in subsection (5)—
 - (i) after the word “into” there shall be inserted the words “be registered in the Land Register of Scotland or, as the case may”;
 - (ii) after the word “so” there shall be inserted the words “registered or”;
 - and
 - (iii) for the words “local highway authority or the Secretary of State, as the case may be,” there shall be substituted the words “roads authority”.
- (3) In section 8 (acquisition of land for roads in connection with new towns), in each of subsections (1) and (6), for the word “highway” there shall be substituted the word “roads”.
- (4) In section 9 (recording of compulsory purchase orders), after the word “shall” there shall be inserted the words “register it in the Land Register of Scotland or as the case may be”.
- (5) In section 10(1)(a), (special procedure for acquisition of statutory undertakers’ operational land), for the word “highway”, in both places where it occurs, there shall be substituted the word “roads”.
- (6) In section 19 (power to override servitudes and other rights, in each of subsections (1), (3), (4) and (6), for the word “highway” there shall be substituted the word “roads”.
- (7) In section 20(1)
(use and development of churches and burial grounds)—
- (a) for the words “local highway authority, or which has been acquired under this Act by the Secretary of State” there shall be substituted the words “roads authority”; and
 - (b) in paragraph (a), for the words “such a corporation or” there shall be substituted the words “a development corporation or local roads”.
- (8) In section 21(1) (use and development of open spaces)—
- (a) for the words “local highway authority, or which has been acquired under this Act by the Secretary of State” there shall be substituted the words “roads authority”; and
 - (b) in paragraph (a), for the words “such a corporation or” there shall be substituted the words “a development corporation or local roads”.
- (9) In section 22 (displacement of persons from land acquired)—
- (a) in subsection (3), for the word “highway” there shall be substituted the word “roads”; and

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- (b) in subsection (4), for the words “local highway, or has been acquired under this Act by the Secretary of State” there shall be substituted the words “roads authority”.
- (10) In section 23 (extinguishment of public rights of way over land acquired)—
- (a) in subsection (1)(a), for the word “highway” there shall be substituted the word “roads”;
 - (b) in subsection (2), for sub-paragraph (ii) and the words from “In this Subsection” to the end, there shall be substituted the following sub-paragraph—
 - “(ii) on the local roads authority, unless they applied for the order to be made.”; and
 - (c) in subsection (5), for the word “highway” there shall be substituted the word “road”.
- (11) In section 24(1) (provision as to telegraphic lines), for the word “highway” there shall be substituted the word “roads”.
- (12) In section 26 (extinguishment of rights of way, and rights as to apparatus of statutory undertakers), in each of subsections (1)(a) and (5), for the word “highway” there shall be substituted the word “roads”.
- (13) In section 32(2)(a) (construction and maintenance of works or equipment required in connection with trolley vehicles services by development corporation), for the word “highways” there shall be substituted the word “roads”.
- (14) In section 42(1)
 (powers of entry), for the word “highway” there shall be substituted the word “roads”.
- (15) In section 47(1)
 (interpretation)—
- (a) in the definition of “acquiring authority”, for the word “highway” there shall be substituted the word “roads”;
 - (b) for the definition of “local highway authority” there shall be substituted the following definition—
 - ““local roads authority” has the same meaning as in the Roads (Scotland) Act 1984;”;
 - (c) in the definition of “planning permission”, for the words “the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “Part III of the Town and Country Planning (Scotland) Act 1972”; and
 - (d) after the definitions of “regional planning authority” and “district planning authority” there shall be inserted the following definition—
 - ““roads authority” has the same meaning as in the Roads (Scotland) Act 1984;”.
- (16) In Schedule 3 (procedure for authorising compulsory acquisitions)—
- (a) in paragraph 1(1), for the word “highway” there shall be substituted the word “roads”;
 - (b) in paragraph 7(2)(b), for the words from “section 1” to the end there shall be substituted the words “section 5 or 15 of the Roads (Scotland) Act 1984, or of either of the following enactments no longer in force—

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- (i) section 1 of the Trunk Roads Act 1946 (additional trunk roads and reorganisation of trunk road system);
 - (ii) section 14(1) of the Special Roads Act 1949 (amendments of law relating to trunk roads).”;
 - (c) in paragraph 8(b), for the word “highway” there shall be substituted the word “roads”; and
 - (d) in paragraph 13(1)(b), for the word “highway” there shall be substituted the word “road”.
- (17) In Schedule 4(1) (procedure for authorising compulsory acquisition of statutory undertakers’ operational land), for the word “highway” there shall be substituted the word “roads”.

The Firearms Act 1968 (c. 27)

- 62 In section 57(4) of the Firearms Act 1968 (interpretation), in the definition of “public place”, for the word “highway” there shall be substituted the words “road (within the meaning of the Roads (Scotland) Act 1984)”.

The Countryside Act 1968 (c. 41)

- 63 In section 32 of the Countryside Act 1968 (traffic regulation orders for the countryside)—
- (a) in subsection (8), for the word “highway” there shall be substituted the word “roads”;
 - (b) in subsection (10)—
 - (i) in the definition of “Crown road”, for the word “highway” there shall be substituted the words “public road”; and
 - (ii) for the definition of “road” there shall be substituted the following definitions—

““road”, “public road” and “trunk road” have the same meanings as in the Roads (Scotland) Act 1984.”.

The Sewerage (Scotland) Act 1968 (c. 47)

- 64 (1) The Sewerage (Scotland) Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 3(1) and (2) (construction of public sewers and public sewage treatment works), for the word “street”, wherever it occurs, there shall be substituted the word “road”.
 - (3) In section 12(7) (breaking open street in relation to connecting premises with public sewer etc.), for the word “street”, in both places where it occurs, there shall be substituted the word “road”.
 - (4) In section 41 (power to break open streets)—
 - (a) for the words “the carriageway and footways of any street and of any bridge carrying a street” there shall be substituted the words “any road, any bridge carrying a road,”;

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- (b) for the words from “or vault” to “footway”, where it first occurs, there shall be substituted the words “, vault, sewer, drain or tunnel in or under a road”; and
- (c) for the words “carriageway or footway”, where they occur for the second time, there shall be substituted the word “road”.

(5) In section 59(1)

(interpretation)—

- (a) after the definition of “river purification authority” there shall be inserted the following definition—

““road” has the same meaning as in the Public Utilities Street Works Act 1950;”;

- (b) the definition of “street” shall cease to have effect; and

^{F23}(c)

Textual Amendments

F23 Sch. 9 para. 64(5)(c) repealed (1.4.1996) by 1994 c. 39, s. 180(2), Sch. 14; S.I. 1996/323, art. 4(d) Sch. 2

The Caravan Sites Act 1968 (c. 52)

- 65 In section 13(1) of the Caravan Sites Act 1968 (twin-unit caravans) for the word “highway” there shall be substituted the word “road”.

The Transport Act 1968 (c. 73)

- 66 (1) The Transport Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 116 (transfer of responsibility for maintenance of highways on bridges)—
- (a) in subsection (3), for the word “highway” where it occurs for the first and fourth times there shall in each case be substituted the word “roads”, and where it occurs for the second, third and fifth times there shall in each case be substituted the word “road”;
 - (b) for subsection (4) and (5) there shall be substituted the following subsection—
 - “(4) Where paragraphs (a) and (b) of subsection (1) of this section are not satisfied immediately before the appointed day in the case of any bridge as is mentioned in that subsection, or such a bridge as aforesaid is constructed after that day, then if on any subsequent day—
 - (a) the Board or Boards concerned are responsible for maintaining the road carried by the bridge, or that road together with the road giving access to the bridge (the “access road”); and
 - (b) the road at each end—
 - (ii) if the Board or Boards are also responsible for maintaining the access road, of the bridge and the access road,
- is a public road,

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- the road (or roads) for which they are so responsible shall forthwith be entered by the local roads authority in the list of public roads kept by the authority under section 1 of the Roads (Scotland) Act 1984.”;
- (c) in subsection (6)—
- (i) at the beginning there shall be inserted the words “Without prejudice to the provisions of the said Act of 1984,” and
- (ii) for the word “highway” where it occurs for the first, third, fourth and fifth times there shall in each case be substituted the word “road”, and where it occurs for the second time there shall be substituted the word “roads”; and
- (d) in subsection (7), for the word “highway” there shall be substituted the word “road”.
- (3) In section 117 (duties as respects bridges carrying highways)—
- (a) in subsection (1)(a), for the word “highways” there shall be substituted the word “road”;
- (b) in subsection (3)(b), for the words “when it is opened for traffic” there shall be substituted the words—
- “(i) when the bridge is opened (the date of opening being before 1st January 1985) for traffic on the highway so carried;
- (ii) when the bridge is opened (the date of opening being on or after 1st January 1985) for traffic on the road so carried.”;
- and
- (c) in subsection (5), after the word “highway” there shall be inserted the words “, or as the case may be road.”
- (4) In section 118(1) (duty of highway authority as respects road bridge over railway or inland waterway)—
- (a) in paragraph (a), for the “highway” there shall be substituted the word “road”; and
- (b) in paragraph (b), for the word “highway” there shall be substituted the word “roads”.
- (5) In section 119(1) (ending of liability of certain Boards to make payments in being relieved of responsibility for bridges carrying trunk or special roads)—
- (a) for the words “229 of the Highways Act 1959 or section 7 of the Trunk Roads Act 1946” there shall be substituted the words “266 of the Highways Act 1980 or section 80 of the Roads (Scotland) Act 1984”;
- (b) after the word “highways”, in both places where it occurs, there shall be inserted the words “, or as the case may be roads,”;
- (c) for the words “230 of the said Act of 1959 or section 8 of the Special Roads Act 1949” there shall be substituted the words “267 of the said Act of 1980 or section 81 of the said Act of 1984”;
- (d) in paragraph (a), for the words “58(2) of the said Act of 1959, section 7(3) of the said Act of 1946 or section 8(2) of the said Act of 1949” there shall be substituted the words “55(2) of the said Act of 1980 or subsection (4) of the said section 80 (or that subsection as applied by subsection (2) of the said section 81)”, and after the word “highway” there shall be inserted the words “, or as the case may be road,”; and
- (e) in paragraph (b), for the words “229(3) or 230(2) of the said Act of 1959 or the said section 7(3) or 8(2)” there shall be substituted the words “266(5) or

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267(2) of the said Act of 1980 or subsection (4) of the said section 80 (or that subsection applied as aforesaid)”.

- (6) In section 121(8) (interpretation), at the end there shall be added the words “; and in the application of the said subsection (5) to Scotland the reference to a highway authority shall be construed as a reference to a roads authority.”.
- (7) In section 122 (further provision as regards interpretation)—
 - (a) in subsections (1) and (3), for the word “highway”, wherever it occurs, there shall be substituted the word “road”; and
 - (b) subsection (4) shall cease to have effect.
- (8) In section 123 (power of highway and other authorities to contribute to cost of barriers, etc., at level crossings), for the word “highway” there shall be substituted the word “roads”.
- (9) In section 124(1)(a) (Railways Board’s obligations at level crossings with roads other than public carriage roads), for the words “public carriage” there shall be substituted the words “carriageway of a public”.
- (10) In section 159(1) (general interpretation)—
 - (a) after the definition of “bus service” there shall be inserted the following definition—
 - ““carriageway” has the same meaning as in the Roads (Scotland) Act 1984;”;
 - (b) in the definition of “highway authority”, paragraph (b) shall cease to have effect;
 - (c) after the definition of “liability” there shall be inserted the following definition—
 - ““local roads authority” has the same meaning as in the Roads (Scotland) Act 1984;”;
 - (d) after the definition of “plated weight” there shall be inserted the following definition—
 - ““public road” has the same meaning as in the Roads (Scotland) Act 1984;”;
 - (e) after of “the Railways Board” there shall be inserted the following definitions—
 - ““road” and “roads authority” have the same meaning as in the Roads (Scotland) Act 1984;”.

The Vehicles Excise Act 1971 (c. 10)

F24 67

Textual Amendments
F24 Sch. 9 para. 67 repealed (1.9.1994) by 1994 c. 22, ss. 65, 66(1), Sch. 54 Pt. I (with s. 57(4))

68 F25

Changes to legislation: Roads (Scotland) Act 1984, SCHEDULE 9 is up to date with all changes known to be in force on or before 19 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

Textual Amendments

F25 Sch. 9 para. 68 repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3, 5, Sch. 1 Pt 1, [Sch. 4 paras. 1–3](#)

The Roads Traffic (Foreign Vehicles) Act 1972 (c. 27)

69 In section 7(1) of the Road Traffic (Foreign Vehicles) Act 1972 (interpretation), for the definition of “road” there shall be substituted the following definition—
““road” has the same meaning as in the Roads (Scotland) Act 1984.”.

The Town and Country Planning (Scotland) Act 1972 (c. 52)

^{F26}70

Textual Amendments

F26 Sch. 9 para. 70 repealed (27.5.1997) by [1997 c. 11, ss. 3, 6\(2\)](#) Sch. 1 Pt. I (with Sch. 3)

71 ^{F27}

Textual Amendments

F27 Sch. 9 para. 71 repealed by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(4), [Sch. 9 Pt. I](#)

The Land Compensation (Scotland) Act 1973 (c. 56)

72 (1)) The Land Compensation (Scotland) Act 1973 shall be amended in accordance with this paragraph.
(2) Subject to sub-paragraph (4) below, in the sections referred to in sub-paragraph (3) below for references (whether in the singular or plural) to “highway authority” and “local highway authority” there shall be substituted respectively references to “road”, “roads authority” and “local roads authority”.
(3) The sections to which sub-paragraph (2) above refers are sections 1(3), (4), (6), (7), and (9), 9(1), (2), and (5), 13(1) and (3), 17(1) and (3), 18(9) and 26(1) and (2).
(4) In section 17(1) (interpretation of Part I) the definitions of “highway” and “highway authority” shall cease to have effect.
(5) In section 18(9), for the words “section 8 of the Development and Road Improvement funds Act 1909” there shall be substituted the words “section 3 of the Roads (Scotland) Act 1984”.
(6) Section 26(4)(a) shall cease to have effect.
^{F28}(7)
^{F28}(8)
(9) In section 80 (general interpretation)—

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- (a) in subsection (1)—
- (i) there shall be inserted in the appropriate places in alphabetical order the following definitions—
- ““carriageway” has the same meaning as in the Roads (Scotland) Act 1984;
- “local roads authority” has the same meaning as in the Roads (Scotland) Act 1984;
- “roads authority” has the same meaning as in the Roads (Scotland) Act 1984;”;
- (ii) for the definition of “road” there shall be substituted the following definition—
- ““road” has the same meaning as in the Roads (Scotland) Act 1984;”;
- (b) subsection (2) shall cease to have effect.

Textual Amendments

F28 Sch. 9 para. 72(7)(8) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with Sch. 3)

The Local Government (Scotland) Act 1973 (c. 65)

- 73 In section 133 of the Local Government (Scotland) Act 1973 (roads), for the words “local highway authority” in both places where they occur there shall be substituted the words “local roads authority”.

The Control of Pollution Act 1974 (c. 40)

- 74 (1) The Control of Pollution Act 1974 shall be amended in accordance with this paragraph.
- (2) In section 13 (dustbins etc.)—
- (a) in subsection (7)(c), for the word “highways” there shall be substituted the word “roads”; and
- (b) in subsection (7A)—
- (i) for the word “highway”, where it first occurs, there shall be substituted the word “road”; and
- (ii) in paragraph (a), for the words “relevant highway authority” there shall be substituted the words “roads authority”.
- (3) In section 27(1) (interference with refuse tips and dustbins etc.)—
- (a) in paragraph (a), for the words “parish or community council” there shall be substituted the words “roads authority”;
- (b) in paragraph (b), for the word “highway” there shall be substituted the word “road”; and
- (c) the words “or council” and from “In the application” to “1970” shall cease to have effect.
- (4) In section 32(1)(c) (control of discharge of matter other than trade or sewage effluent)

Changes to legislation: Roads (Scotland) Act 1984, SCHEDULE 9 is up to date with all changes known to be in force on or before 19 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

- (a) for the words “works which a highway authority is obliged or entitled to keep open by virtue of section 10 of the Roads (Scotland) Act 1970” there shall be substituted the words “a drain which a roads authority is obliged or entitled to keep open by virtue of section 31 of the Roads (Scotland) Act 1984”; and
 - (b) for the word “highway”, where it occurs for the third time, there shall be substituted the word “roads”.
- (5) In section 62 (noise in streets)—
- (a) in subsection (1)—
 - (i) for the word “street”, where it first occurs, there shall be substituted the word “road”; and
 - (ii) the words from “In this subsection” to “public” shall cease to have effect; and
 - (b) in subsection (2)(e), for the word “highway” there shall be substituted the words “public road (within the meaning of the Roads (Scotland) Act 1984)”.
- (6) In section 105(1) (interpretation), after the definition of “regulations” there shall be inserted the following definitions—
- ““road” (except where the context otherwise requires) has the same meaning as in the Public Utilities Street Works Act 1950;
 - “roads authority” has the same meaning as in the Roads (Scotland) Act 1984;”.
- (7) In section 106 (general application to Scotland), subsection (4) shall cease to have effect.

The Safety of Sports Grounds Act 1975 (c. 52)

- 75 In section 17(1) of the Safety of Sports Grounds Act 1975, in the definition of “means of access”, for the word “highway” there shall be substituted the word “road”.

The Airports Authority Act 1975 (c. 78)

- 76 (1) The Airports Authority Act 1975 shall be amended in accordance with this paragraph.
- (2) In section 13 (control of road traffic), in subsection (8), for the words from “or local” to the end there shall be substituted the words ““highway authority or local authority” there shall be substituted the words “roads authority as defined in section 151(1) of the Roads (Scotland) Act 1984”.”.
 - (3) In section 20 (provisions as to telegraphic lines), at the end there shall be inserted the following subsection—
 - “(8) In the application of this section to Scotland, the reference to the highway authority shall be construed as a reference to the roads authority within the meaning of section 151(1) of the Roads (Scotland) Act 1984, and the reference to a highway shall be construed as a reference to a road within the meaning of the said section 151(1).”.

Changes to legislation: Roads (Scotland) Act 1984, SCHEDULE 9 is up to date with all changes known to be in force on or before 19 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

The Licensing (Scotland) Act 1976 (c. 66)

F29 77

Textual Amendments

F29 Sch. 9 para. 77 repealed (1.9.2009 at 5.00 a.m.) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), [sch. 7](#) (with s. 143); S.S.I. 2007/472, art. 3

The Refuse Disposal (Amenity) Act 1978 (c. 3)

- 78 (1) The Refuse Disposal (Amenity) Act 1978 shall be amended in accordance with this paragraph.
- (2) In section 2(1)(a) (unauthorised dumping of motor vehicles etc.), for the word “highway” there shall be substituted the word “road”.
- (3) In section 3 (removal of abandoned vehicles)—
- (a) in subsection (1), for the word “highway” there shall be substituted the word “road”;
 - (b) in subsection (3), the words “within the meaning of the Highways Act 1959” and “within the meaning of that Act” shall cease to have effect; and
 - (c) subsection (4) shall cease to have effect.
- (4) In section 6(1)
- (removal and disposal of things other than motor vehicles), for the word “highway” there shall be substituted the word “road”.
- (5) In section 11(1) (interpretation)—
- (a) for the definition of “highway” there shall be substituted the following definition—

““carriageway” has the same meaning as in the Roads (Scotland) Act 1984;” and
 - (b) after the definition of “the relevant date” there shall be inserted the following definition—

““road” has the same meaning as in the Roads (Scotland) Act 1984.”.

79 F30

Textual Amendments

F30 Sch. 9 para. 79 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), [Sch. 17 para. 35\(1\)](#), [Sch. 18](#)

The Education (Scotland) Act 1980 (c. 44)

- 80 In section 18 of the Education (Scotland) Act 1980 (improvements as to premises of educational establishments for the safety of pupils), for subsection (5) there shall be substituted the following subsection—

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“(5) In this section “road”, “public road” and “private road” have the meanings ascribed to them by section 151(1) of the Roads (Scotland) Act 1984.”.

The Water (Scotland) Act 1980 (c. 45)

- 81 (1) The Water (Scotland) Act 1980 shall be amended in accordance with this paragraph.
- (2) In section 9(5) (powers of water authority as regards supply of water for non-domestic purposes), for the word “streets” there shall be substituted the word “roads”.
- (3) In section 10(5)
(interpretation)—
- (a) for paragraph (b) there shall be substituted the following paragraph—
- “(b) roads authorities as defined in section 151(1) of the Roads (Scotland) Act 1984;”;
- (b) for paragraph (d) there shall be substituted the following paragraph—
- “(d) road managers as defined in section 2(5) of the said Act of 1950;”.
- (4) In each of sections 13(5) (accelerated procedure for supply of water in bulk) and 22 (power to break open streets), for the word “streets” there shall be substituted the word “roads”.
- (5) In section 23 (power to lay mains etc.)—
- (a) in subsection (1)—
- (i) in paragraph (a), for the word “street” where it occurs for the first and second times there shall in each case be substituted the word “road” and for the words from “the persons” to “street” where it occurs for the third time there shall be substituted the words—
- “(i) where the road is a public road, the roads authority; and
- (ii) in any other case, the authority or person responsible for the maintenance of the road, or, if no authority or person is so responsible, to the owners of the solum of the road;”;
- (ii) in paragraph (b), for the word “street” there shall be substituted the word “road”; and
- (b) in subsection (2), for the word “street” there shall be substituted the word “road”.
- (6) In section 24 (communication and supply pipes), in each of subsections (1) and (4) for the word “street” there shall be substituted the word “road”.
- (7) In section 25(2) (power of islands or district council to erect and maintain drinking fountain or trough)—
- (a) for the word “street”, where it first occurs, there shall be substituted the word “road”; and
- (b) for the words from “if” to “authority” where it occurs for the second time there shall be substituted the words “there shall be no such erection by the district council without the roads authority’s consent”.
- (8) In section 33 (temporary discharge of water into watercourse)—

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- (a) in subsection (1), for the word “street”, in both places where it occurs, there shall be substituted the word “road” and for the word “streets” there shall be substituted the word “roads”;
 - (b) in subsection (2), for the word “street” there shall be substituted the word “road”; and
 - (c) in subsection (10), for the word “highway” there shall be substituted the words “public road”.
- (9) In section 75(2)(b) (saving as regards penalty for polluting water), for the words “highway, so long as the highway” there shall be substituted the words “public road, so long as the roads”.
- (10) In section 76(3) (carrying of drain etc. under, across or along any street)—
- (a) for the word “highway”, wherever it occurs, there shall be substituted the word “roads”;
 - (b) for the words “street”, where it first occurs, and “streets” there shall be substituted, respectively, the words “road” and “roads”; and
 - (c) for the words “street maintainable at the public expense” there shall be substituted the words “public road”.
- (11) In section 77(3)(c) (application of order relating to obtaining supplies of water to meet drought), for the word “streets” there shall be substituted the word “roads”.
- (12) In section 109 (interpretation)—
- (a) in subsection (1)—
 - (i) the definition of “bridge authority” shall cease to have effect;
 - (ii) in the definition of “communication pipe” for the word “street”, wherever it occurs, there shall be substituted the word “road”;
 - (iii) the definitions of “highway” and “highway authority” shall cease to have effect;
 - (iv) after the definition of “prescribed” there shall be inserted the following definitions—
 - ““private road” and “public road” have the same meaning as in the Roads (Scotland) Act 1984;”;
 - (v) after the definition of “river purification authority” there shall be inserted the following definitions—
 - ““road” has the same meaning as in the Public Utilities Street Works Act 1950;
 - “roads authority” has the same meaning as in the Roads (Scotland) Act 1984;”;
 - (vi) the definition of “street” shall cease to have effect; and
 - (b) subsection (2) shall cease to have effect.
- (13) in section 110 (further provision as to communication pipes) in each of subsections (1) and (2), for the word “street”, wherever it occurs, there shall be substituted the word “road”.
- (14) In Schedule 3 (provisions as to breaking open streets and laying communication and supply pipes)—
- (a) in paragraph 1—

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- (i) for the words “the roadway and footpaths of any street and of any bridge carrying a street” there shall be substituted the words “a road”;
 - (ii) for the word “street” where it occurs for the third time there shall be substituted the word “road”; and
 - (iii) for the words “roadway or footpath”, in both places where they occur, there shall be substituted the word “road”;
 - (b) in paragraph 2—
 - (i) in sub-paragraph (1), for the words “the roadway or footpath of a street or bridge (not being a street or bridge maintainable at the public expense) which is” there shall be substituted the words “a private road”; and
 - (ii) in sub-paragraph (2), for the words “the roadway or footpath of any length of street” there shall be substituted the words “any length of road”;
 - (c) paragraph 3 shall cease to have effect;
 - (d) in paragraph 4—
 - (i) in sub-paragraph (1), for the word “street” where it occurs for the first and second times there shall in each case be substituted the word “road”, and in the proviso, for the words “the persons having control or management of the street” there shall be substituted the words—
 - “(i) where the road is a public road, the roads authority; and
 - (ii) in any other case, the authority or person responsible for the maintenance of the road, or, if no authority or person is so responsible, to the owners of the solum of the road”;
 - (ii) in sub-paragraph (2), for the word “street” there shall be substituted the word “road”;
 - (e) in each of paragraphs 5, 6(1), 7(2) and 8 for the word “street”, wherever it occurs, there shall be substituted the word “road”; and
 - (f) in paragraph 9, in the proviso to sub-paragraph (2)—
 - (i) for the word “street”, in both places where it occurs, there shall be substituted the word “road”; and
 - (ii) for the word “highway” there shall be substituted the word “roads”.
- (15) In Schedule 4 (provisions to be included in orders relating to water undertakings)—
 - (a) in paragraph 2 for the word “street” in both places where it occurs, there shall be substituted the word “road”;
 - (b) in paragraph 22, for the word “street” there shall be substituted the word “road”;
 - (c) in paragraph 24—
 - (i) in sub-paragraph (1), for the word “streets” there shall be substituted the word “roads”; and
 - (ii) in sub-paragraph (2), for the word “highway” there shall be substituted the words “roads”;
 - (d) in paragraph 36, for the word “streets”, in both places where it occurs, there shall be substituted the word “roads” and for the word “street” there shall be substituted the word “road”;
 - (e) in paragraph 39—

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(i) in the proviso to sub-paragraph (1) for the words “to the persons having the control or management of the street or other place where they propose to open the ground, and” there shall be substituted the following words—

“(a) where the ground is, or comprehends, part of—

(i) a public road, to the roads authority; or

(ii) any road, to the person responsible for the maintenance of that road, or, if no authority or person is so responsible, to the owners of the solum of that part; and

(b) where or in so far as the ground is not mentioned in head (a) above, to the person having the control or management of the ground;

and the undertakers”;

and for the word “streets” there shall be substituted the word “roads”; and

(ii) in sub-paragraph (2), for the word “street” there shall be substituted the word “road”.

The Local Government, Planning and Land Act 1980 (c. 65)

82 In section 20(1) of the Local Government, Planning and Land Act 1980 (interpretation), after the definition of “functional work” there shall be inserted the following definition—

““highway”, in relation to Scotland, means a road as defined in section 151 of the Roads (Scotland) Act 1984;”.

The Public Passenger Vehicles Act 1981 (c. 14)

83 In section 82(1) of the Public Passenger Vehicles Act 1981 (interpretation), in the definition of “road”, at the end there shall be added the words “except that in Scotland it as the same meaning as in the Roads (Scotland) Act 1984”.

The Wildlife and Countryside Act 1981 (c. 69)

84 In section 72(1) of the Wildlife and Countryside Act 1981 (general interpretation)—

(a) for the words from the beginning to “restrictions” there shall be substituted the words “Section 29 of the Roads (Scotland) Act 1984 (further provision as to fences)”; and

(b) for the words “highway authority” there shall be substituted the words “roads authority”.

The Civil Aviation Act 1982 (c. 16)

85 (1) The Civil Aviation Act 1982 shall be amended in accordance with this paragraph.

(2) In section 105 (general interpretation), after subsection (5) there shall be inserted the following subsection—

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“(5A) In the application of this Act to Scotland references to a highway shall have effect as references to a road within the meaning of section 151(1) of the Roads (Scotland) Act 1984.”.

- (3) In paragraph 4 of Schedule 2 (application to Civil Aviation Authority of enactments relating to statutory undertakings)—
- (a) the words “section 40 of the Roads (Scotland) Act 1970” shall cease to have effect; and
 - (b) at the end there shall be added the words “; section 140 of the Roads (Scotland) Act 1984.”.

The Local Government and Planning (Scotland) Act 1982 (c. 43)

86 (1)) The Local Government and Planning (Scotland) Act 1982 shall be amended in accordance with this paragraph.

- (2) In section 25 (islands or district council’s functions in relation to street cleansing)—
- (a) in subsection (1), for the word “streets” there shall be substituted the word “roads”;
 - (b) in subsection (3)—
 - (i) for the word “street”, where it first occurs, there shall be substituted the word “road”; and
 - (ii) for the words from “street”, where it occurs for the second time, to the end there shall be substituted the following definition—

““road” means any public road other than a trunk road or special road (“public road”, “trunk road” and “special road” having the same meanings as in the Roads (Scotland) Act 1984).”.

- (3) In section 30 (power of islands and district councils to provide and maintain roadside seats)—
- (a) in subsection (1), for the words “islands and district councils” there shall be substituted the words “an islands council or, with the consent of the roads authority, a district council”; and
 - (b) for subsection (2) there shall be substituted the following subsection—

“(2) In subsection (1) above, “footway” and “roads authority” have the same meanings as in the Roads (Scotland) Act 1984.”.

The Civic Government (Scotland) Act 1982 (c. 45)

87 (1)) The Civic Government (Scotland) Act 1982 shall be amended with this paragraph.

- (2) In section 19(5) (restriction on power to appoint taxi stance)—
- (a) for the words “highway authority (within the meaning of the Roads (Scotland) Act 1970)” there shall be substituted the words “roads authority”;
 - (b) for the “highway”, where it occurs for the second time, there shall be substituted the word “road”; and
 - (c) the words “being a highway” shall cease to have effect.

(3) In section 48(4)

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(interpretation of provisions relating to fouling of pavements by dogs), for the words “meanings respectively assigned to them by section 50(1) of the Roads (Scotland) Act 1970” there shall be substituted the words “same meanings as in the Roads (Scotland) Act 1984”.

- (4) In section 54(3)(e) (non-application of provisions relating to annoyance caused by playing instruments etc.), for the word “highway” there shall be substituted the word “road”.
- (5) In the proviso to section 96(1) (restriction on exercise of certain powers as regards statutes and monuments), for head (ii) there shall be substituted the following head—
“(ii) where such land is a road, the roads authority,”
- (6) In section 125(1) (interference with dustbins etc.) for the word “highway” there shall be substituted the word “road”.
- (7) In section 128(2) (control of stray dogs), for the word “highways” there shall be substituted the words “in roads”.
- (8) In section 133 (interpretation), after the definition of “public place” there shall be inserted the following definitions—
““public road”, “road” and “roads authority” have the same meanings as in the Roads (Scotland) Act 1984;”.

The Transport Act 1982 (c. 49)

- 88 (1) In section 75 of the Transport Act 1982 (interpretation), in the definition of “road”, at the end there shall be added the words “except that in Scotland it has the same meaning as in the Roads (Scotland) Act 1984”.
- (2) F31

Textual Amendments
F31 Sch. 9 para. 88(2) repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3, 5, Sch. 1 Pt. I, [Sch. 4 paras. 1–3](#)

The Level Crossings Act 1983 (c. 16)

- 89 In section 1(11) of the Level Crossings Act 1983 (interpretation), for the definition of “road”, there shall be substituted the following definition—
““road” has the same meaning as in the Roads (Scotland) Act 1984;”.

The Litter Act 1983 (c. 35)

- 90 In section 7(1) of the Litter Act 1983 (litter bins in Scotland), for paragraph (a), there shall be substituted the following paragraph—
“(a) in or adjacent to any road (within the meaning of the Roads (Scotland) Act 1984) maintainable or maintained by a local authority;”.

- 91 F32

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Textual Amendments

F32 Sch. 9 para. 91 repealed by [Prevention of Terrorism \(Temporary Provisions\) Act 1989 \(c. 4, SIF 39:2\)](#), s. 25(2), [Sch. 9 Pt. I](#)

The Telecommunications Act 1984 (c. 12)

- 92 (1) The Telecommunications Act 1984 shall be amended in accordance with this paragraph.
- (2) In section 10(4)(b) (exceptions and conditions in licence under section 7), for the word “streets” there shall be substituted the word “roads”.
- (3) In section 98 (use of conduits for telecommunication purposes)—
- (a) in subsection (5), for the word “streets” there shall be substituted the word “roads”; and
 - (b) in subsection (9), for the word “street” there shall be substituted the word “road”.
- (4) In Schedule 2 (the Telecommunications Code)—
- (a) in paragraph 1(1)—
 - (i) the definitions of “maintainable highway” and “street” shall cease to have effect;
 - (ii) the following definitions shall be inserted in the appropriate place in alphabetical order—

““public road” means a public road within the meaning of the Public Utilities Street Works Act 1950 other than one which is a footpath or a bridleway that crosses, and forms part of, any agricultural land or any land which is being brought into use for agriculture; “road” has the meaning given by section 1(3) of the said Act of 1950.”;
 - (b) in paragraph 1(3), for the word “street” there shall be substituted the word “road”;
 - ^{F33}(c)
 - (d) paragraph 1(5) shall cease to have effect;
 - ^{F33}(e)
 - (f) in paragraph 3(5), for the word “street” there shall be substituted the word “road”;
 - ^{F33}(g)
 - ^{F33}(h)
 - ^{F33}(i)
 - (j) in paragraph 19(1), for the word “street” there shall be substituted the word “road”; and
 - (k) in paragraph 21(10), for the word “street” there shall be substituted the word “road”.

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Textual Amendments

F33 Sch. 9 para. 92(4)(c)(e)(g)-(i) 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](#)

The Road Traffic Regulation Act 1984 (c. 27)

- 93 (1) The Road Traffic Regulation Act 1984 shall be amended in accordance with this paragraph.
- F34(2)
- (23) In section 66 (traffic signs for giving effect to local traffic regulations etc.)—
- F34(a)
- (b) in subsection (2)(d), for the words “385 of the Burgh Police (Scotland) Act 1892” there shall be substituted the words “62 of the Roads (Scotland) Act 1984”.
- F34(24)
- F35(39)
- F34(40)
- (41) In section 131 (application of road traffic enactments to Crown roads)—
- (a) in subsection (2), in each of paragraphs (a) and (b), for the word “highway”, wherever it occurs, there shall be substituted the word “roads”; and
- (b) in subsection (7)(b), for the word “highway” there shall be substituted the words “public road”.
- F34(42)
- (43) In section 134(4) (provisions as to regulations), for the words “or section” there shall be substituted the words “, 132A or”.
- (44) In sections 142(1) (interpretation)—
- F34(a)
- F34(b)
- (c) after the definition of “prescribed” there shall be inserted the following definition—
- ““public road” has the same meaning as in the Roads (Scotland) Act 1984;”;
- F34(d)
- F34(e)
- (45) In Schedule 9 (special provisions as to certain orders)—
- (a) in paragraph 19(b), for the words “28(2) of the Local Government (Scotland) Act 1966” there shall be substituted the words “11(1) of the Roads (Scotland) Act 1984”; and
- F34(b)

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Textual Amendments

- F34** Sch. 9 para. 93(2)-(22)(23)(a)(24)-(38)(40)(42)(44)(a)(b)(d)(e)(45)(b) repealed (01.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch. 9](#); S.I. 1991/2286, art. 2(2), [Sch. 2](#)
- F35** Sch. 9 para. 93(39) repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3, 5, Sch. 1 Pt. I, [Sch. 4 paras. 1–3](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 9 para. 17 repealed by [2008 asp 5 Sch. 3 Pt. 1](#)
- Sch. 9 para. 7(3)(4) repealed by [2003 c. 22 Sch.](#)

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\(2\)](#)