

## SCHEDULES

### SCHEDULE 9

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”;
  - (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:

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.”.

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- (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) after 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) a waterway ; or
  - (b) 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)*

- 6 In section 3 of the Tramways Act 1870 (interpretation), for the definition of " road " there shall be substituted the following definition—

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“The term ' road ' shall mean the carriageway of any public road within the meaning of section 151(1) of the Roads (Scotland) Act 1984.”.

*The Explosives Act 1875 (c. 17)*

- 7 (1) The Explosives Act 1875 shall be amended in accordance with this paragraph.
- (2) In section 22 (general rules for premises registered for the keeping of gunpowder), in each of subsections (1) and (2)(a), for the words " highway, street, public thoroughfare " there shall be substituted the word " road " .
- (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.”.

*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."

*The Electric Lighting Act 1882 (c. 56)*

- 10 (1) The Electric Lighting Act 1882 shall be amended in accordance with this paragraph.
- (2) In section 12 (incorporation of certain provisions), after the words " North of Scotland District " there shall be added the words " and as if ' street ' meant ' road ' as defined in this Act. " .
- (3) In section 13 (restriction on breaking up private roads etc.)—
- (a) for the words " street which is not repairable by the inhabitants at large " there shall be substituted the words " road which is not a public road (within the meaning of the Roads (Scotland) Act 1984) " ; and

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- (b) for the word " street", where it occurs for the second time, there shall be substituted the word " road " .
- (4) In section 14 (restrictions as to above-ground works)—
  - (a) for the word "street" there shall be substituted the word " road " ; and
  - (b) for the word " local", in both places where it occurs, there shall be substituted the word " roads " .
- (5) In section 15 (power of undertakers to alter position of pipes and wires), for the word " street", wherever it occurs, there shall be substituted the word " road " .
- (6) In section 32 (interpretation), for the definition of " street" there shall be substituted the following definitions—
  - “The expression " road " means any way (other than a substitute road made under section 74(1) of the Roads (Scotland) Act 1984 or a waterway) within the area in which the undertakers are authorised to supply electricity by this Act or by any licence, order, or special Act, whether or not there is over that way a public right of passage and whether or not it is for the time being formed as a way; and the expression includes a square or court, and any part of a road ; and
  - The expression " roads authority " has the same meaning as in the Roads (Scotland) Act 1984.”.
- (7) In section 36 (application of Act to Scotland), the definition of " local authority " shall cease to have effect.

*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)*

- 12 In section 12 of the Military Tramways Act 1887 (interpretation), for the word " highway " there shall be substituted the words " public or private road within the meaning of section 151(1) of the Roads (Scotland) Act 1984 " .

*The Electric Lighting Act 1888 (c.12)*

- 13 In section 4 of the Electric Lighting Act 1888 (restrictions as to placing of electric lines etc.)—
  - (a) in subsection (1), for the word " street" there shall be substituted the word " road " ; and
  - (b) in subsection (5), the words " the term ' street' shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place whatever, and " shall cease to have effect.

*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)—

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- (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.”.
- (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)*

- 17 (1) The Public Health (Scotland) Act 1897 shall be amended in accordance with this paragraph.
- (2) In section 3 (interpretation) there shall be inserted after the definition of the word " ship " the following definition—
- “The word " road " has the meaning ascribed to it by section 151 of the Roads (Scotland) Act 1984.”.
- (3) In section 16 (definition of nuisances)—
- (a) in subsection (2), for the word " street" there shall be substituted the word " road " ; and
  - (b) in subsection (5), the word " public " shall be omitted,

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- (4) In section 56(1)(a) (penalty on exposure of infected persons), for the word " street " there shall be substituted the word " road " .
- (5) In section 74 (rules as to underground dwellings), for the word " street", wherever it occurs, there shall be substituted the word " road " .

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

- 18 In section 10 of the Congested Districts (Scotland) Act 1897 (interpellation), 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”.

*The Electric Lighting (Clauses) Act 1899 (c. 19)*

- 19 (1) The Schedule to the Electric Lighting (Clauses) Act 1899 shall be amended in accordance with this paragraph.
- (2) In section 1 (interpretation)—
- (a) after the definition of " railway" there shall be inserted the following definitions—
    - “The expression ' road' has the same meaning as in the Public Utilities Street Works Act 1950 except that the expression ' public road' has the same meaning as in the Roads (Scotland) Act 1984:
    - The expression ' roads authority' has the same meaning as in the said Act of 1984.”; and
  - (b) in the definition of ' tramway', for the word ' street' there shall be substituted the word ' road '.
- (3) In section 11 (additional provisions as to works), for the word " streets " there shall be substituted the word " roads " .
- (4) In section 12 (powers for execution of works)—
- (a) for the words " street or part of a street not repairable by the inhabitants at large " there shall be substituted the words " road which is not a public road " ;
  - (b) for the word " streets " there shall be substituted the word " roads " ; and
  - (c) for the word " street", where it last occurs, there shall be substituted the word " road " .
- (5) In section 13(1) (street boxes) for the word " street", in both places where it occurs, there shall be substituted the word " road " .
- (6) In section 14 (service of notice of works etc.)—
- (a) in subsection (1)—
    - (i) at the beginning there shall be inserted the words " Subject to subsection (2) below, " ;
    - (ii) for the words " street or public bridge " there shall be substituted the words " road, or any bridge comprised in a road and over which there is a public right of passage, " ; and
    - (iii) in paragraph (a) for the word " street" there shall be substituted the word " road " ; and
  - (b) for subsection (2) there shall be substituted the following subsections—



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- “(2) Where the road (or bridge) in, under, along or across which the works are to be placed is a public road, subsection (1) above shall apply with the substitution—
- (a) for any reference to a relevant telecommunications operator of a reference to the operator of any telecommunications code system for the purposes of which any telecommunication apparatus is kept installed in, under, along or across that road (or bridge); and
  - (b) for any reference to a local authority of a reference to the roads authority ; except that where the roads authority is the Secretary of State—
    - (i) paragraph (c) of that subsection shall not apply in relation to amendments or conditions imposed by him or to disapproval by him ; and
    - (ii) paragraph (e) of that subsection shall apply as if the words " or by the Secretary of State " were omitted.
- (3) Subject to subsection (2) above, in subsection (1) above " local authority" means the regional or islands council.”.
- (7) In section 15 (exercise of powers of undertakers in relation to private streets, railways, tramways and canals)—
- (a) for the words " street or part of a street not repairable by the local authority, including, where the area of supply is not wholly in a county borough, the county council" there shall be substituted the words " road which is not a public road " ;
  - (b) in paragraph (a), for the words " street or part of a street" there shall be substituted the word " road " ; and
  - (c) in paragraph (d), for the word " street" there shall be substituted the word " road " .
- (8) In section 16 (notice of desire to break up streets, etc. on behalf of undertakers)—
- (a) for the words " street or part of a street", in both places where they occur, there shall be substituted the word " road " ; and
  - (b) for the word " streets" there shall be substituted the word " roads " .
- (9) In section 17 (alteration of wires, pipes, etc. under streets), for the word " street", wherever it occurs, there shall be substituted the word " road " .
- (10) In section 21 (laying of mains, etc.)—
- (a) in subsection (2), for the words " street or part of a street" there shall be substituted the word " road " ; and
  - (b) in subsection (3)—
    - (i) for the words " street not repairable by the local authority" there shall be substituted the words " road which is not a public road and " ; and
    - (ii) for the word " street", where it occurs for the second and third times, there shall in each case be substituted the word " road " .
- (11) In section 22 (laying of electric line under special agreement)—
- (a) for the words " local authority", where they first occur, there shall be substituted the words " roads authority (or, in the case of a road which is not

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- a road within the meaning of the Roads (Scotland) Act 1984, the regional or islands council) " ;
- (b) for the word " street", in both places where it occurs, there shall be substituted the word " road " ; and
- (c) for the words " local authority ", where they occur for the second time, there shall be substituted the words " roads authority or council (as the case may be) " .
- (12) In section 24 (manner in which requisition is to be made)—
- (a) in subsection (1)—
- (i) for the words " street or part of a street", wherever they occur, there shall be substituted the word " road " ;
- (ii) for the words " the local authority have the control and management of the public lamps" there shall be substituted the words " a roads authority maintain under section 35 of the Roads (Scotland) Act 1984 the lighting " ; and
- (ii) for the word " local", where it occurs for the second time, there shall be substituted the word " roads " ; and
- (b) in each of subsections (2) and (3), for the word "local" there shall be substituted the word " roads " .
- (13) In section 26 (provisions on requisition by local authority)—
- (a) for the word " local", in both places where it occurs, there shall be substituted the word " roads " ; and
- (b) for the words from "lighting" to the end there shall be substituted the words " the lighting maintained by them in the road in respect of which the requisition is made " .
- (14) In section 77 (responsibility of undertakers for damages), for the word " street" there shall be substituted the word " road " .
- (15) In the Appendix, in the words setting out section 12 of the Electric Lighting Act 1882, after the words " North of Scotland District" there shall be added the words " and as if ' street' meant ' road ' as defined in this Act. " .

*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—
- “(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)—

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- (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.”.

*The Electricity (Supply) Act 1919 (c. 100)*

- 23 In section 22 of the Electricity (Supply) Act 1919 (way leaves)—
  - (a) in subsection (2)(g), for the word " streets ", in both places where it occurs, there shall be substituted the word " roads " ; and
  - (b) in subsection (4), for the words " street or public bridge " there shall be substituted the words " road, or any bridge comprised in a road and over which there is a public right of passage " .

*The Roads Act 1920 (c. 72)*

- 24 In section 17 of the Roads Act 1920 (interpretation), in the definition of " use ", for the words " public road " there shall be substituted the words " road which is a public road within the meaning of the Roads (Scotland) Act 1984 " .

*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)*

- 26 In section 5(3) of the Rating and Valuation (Apportionment) Act 1928 (interpretation), in the definition of " light railway", 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 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 " .

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- (3) In section 119(3) (power of local highway authority to borrow for purposes related to running public service vehicles)—
- (a) for the word " highway " there shall be substituted the word " roads " ;
  - (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 " .

*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 " .

*The Restriction of Ribbon Development Act 1935 (c. 47)*

- 29 (1) The Restriction of Ribbon Development Act 1935 shall be amended in accordance with this paragraph.
- (2) In section 17(1) (refusal of warrant for construction of building where provision for access inadequate)—
- (a) for the word " highway " in both places where it occurs there shall be substituted the word " roads " ; and
  - (b) for the word " district" there shall be substituted the word " area " .
- (3) In section 24(1) (interpretation)—
- (a) in the definition of" Chief officer of police ", for the words " Pensions Act 1921" there shall be substituted the words " (Scotland) Act 1967 " ;
  - (b) in the definition of" place of public resort", for the words " has the meaning assigned to it by subsection (6) of section thirty-six of the Public Health Acts Amendment Act 1890 " there shall be substituted the words " means a building used or proposed to be used as a place of public amusement or entertainment or for holding large numbers of people for any purpose whatsoever " ; and
  - (c) for the definition of " Road " there shall be substituted the following definitions—

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““ Road ” and “ roads authority ” have the same meanings as in the Roads (Scotland) Act 1984.”.

*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)*

- 31 In section 34(1)(c) of the Coal Act 1938 (saving for certain statutory rights), for the words “ highway authority ” there shall be substituted the words “ local roads authority (within the meaning of the Roads (Scotland) Act 1984) ” .

*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)*

- 34 (1) The Fire Services Act 1947 shall be amended in accordance with this paragraph.
- (2) In section 3 (supplementary powers of fire authorities)—
- (a) in subsection (1)(c), for the word “ street ”, in both places where it occurs, there shall be substituted the word “ road ” ; and
- (b) in subsection (2), for the words from “ trunk road ” to the end of paragraph (a) there shall be substituted the words
- “public road a fire authority shall (where they are not themselves the roads authority) obtain the consent of the roads authority ; and—
- (a) without prejudice to the foregoing provisions of this subsection, the said powers shall not be exercised in a district except after consultation with the council of the district.”.
- (3) In section 14(3)(a) (marking of positions of fire hydrants), for the word “ street ” there shall be substituted the word “ road ” .

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- (4) In section 30(5) (powers of firemen and police in extinguishing fires), for the word " street", in both places where it occurs, there shall be substituted the word " road " .
- (5) In section 38(1) (interpretation), for the definition of " street" there shall be substituted the following definitions—
- “road' has the same meaning as in the Public Utilities Street Works Act 1950 ; and
- ' roads authority' has the same meaning as in the Roads (Scotland) Act 1984 ;”.

*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) " .

*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—

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" 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)*

39 (1) The Public Utilities Street Works Act 1950 shall be amended in accordance with this paragraph.

(2) In section 1 (purposes of the street works code, and works the execution of which is to be regulated thereby)—

(a) in subsection (1)—

(i) for the word "street", where it occurs for the second time, there shall be substituted the word " road " ;

(ii) for the word " streets " there shall be substituted the word " roads " ; and

(iii) for the words " street which is a maintainable highway or is prospectively a maintainable highway" there shall be substituted the words " public road or prospective public road " ;

(b) in subsection (2)(b), for the word " street" in both places where it occurs there shall be substituted the word " road " ;

(c) for subsections (3) and (4) there shall be substituted the following subsections—

“(3) In this Act the expression " road " means (without prejudice to section 38(1) of this Act) any way (other than a substitute road made under section 74(1) of the Roads (Scotland) Act 1984 or a waterway) whether or not there is over it a public right of passage and whether or not it is for the time being formed as a way; and the expression includes a square or court, and any part of a road.

(4) In this Act—

(a) the expression "public road" has the same meaning as in the Roads (Scotland) Act 1984; and

(b) references to a prospective public road are to a road which is declared likely to become a public road in a declaration made by the local roads authority under the Second Schedule to this Act and registered in the register kept by them under paragraph 2 of that Schedule.”; and

(d) in subsection (5)(b), for the word " street" there shall be substituted the word " road " .

(3) In section 2 (parties to proceedings under the street works code)—

(a) in subsection (1)—

(i) for the word " street", where it occurs for the second time, there shall be substituted the word " road " ;

(ii) for paragraphs (a) and (b) there shall be substituted the following paragraphs—

“(a) the roads authority if the road is, or is prospectively, a public road, or the road managers if it is not;

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- (b) if the works include the breaking up or opening in the road, of a sewer vested in a local authority, that authority ;”;
  - (iii) in paragraph (c), for the word " street" there shall be substituted the word " road " ; and
  - (iv) in paragraph (d), for the word " street" there shall be substituted the words " road, not being a public road, " ;
  - (b) in subsection (2), for paragraphs (a) and (b) there shall be substituted the following paragraphs—
    - “(a) the roads authority for the road on which that land abuts; and
    - (b) if the works include the breaking up or opening in that land, of a sewer vested in a local authority, that authority.”;
  - (c) in subsection (3)—
    - (i) for the word " street" there shall be substituted the word " road " ; and
    - (ii) for the words " public sewers " there shall be substituted the words " sewers vested in a local authority " ;
  - (d) for subsection (4) there shall be substituted the following subsection—
    - “(4) In this Act the expression " roads authority" used in relation to—
      - (a) a public road or prospective public road, has the same meaning as in the Roads (Scotland) Act 1984 ;
      - (b) controlled land, means the roads authority for the road on which that land abuts.”; and
  - (e) in subsection (5)—
    - (a) for the words "' street managers' (used in relation to a street that is not a maintainable highway" there shall be substituted the words " ' road managers' (used in relation to a road that is not a public road " ; and
    - (b) in each of paragraphs (a) and (b), for the word " street " there shall be substituted the word " road " .
- (4) In section 3 (settlement of a plan and section to be a condition of execution of major works)—
- (a) in subsection (1), for the word " street" there shall be substituted the word " road " ;
  - (b) in subsection (2)—
    - (i) in paragraph (c), for the words " maintainable highway " and " street" there shall be substituted, respectively, the words " public road " and " road " ; and
    - (ii) in paragraph (d), for the words " public sewer" there shall be substituted the words " sewer vested in a local authority " ;
  - (c) in subsection (4), for the word " street ", wherever it occurs, there shall be substituted the word " road " ; and
  - (d) in subsection (5), for the word " arbitrator ", in both places where it occurs, there shall be substituted the word " arbiter " .
- (5) In section 4 (procedure as to plans and sections etc: general provisions)—
- (a) in subsection (1), for the word " street" there shall be substituted the word " road " ;
  - (b) in subsection (4)(b)—



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- (i) for the words " arbitrator " and " street " there shall be substituted, respectively, the words " arbiter " and " road " ; and
    - (ii) in sub-paragraph (i) of the proviso, for the word " street " there shall be substituted the word " roads " ;
  - (c) in subsection (5), for the word " arbitrator " there shall be substituted the word " arbiter " ;
  - (d) in the proviso to subsection (6) for the words "street authority " and " street managers " there shall be substituted, respectively, the words " roads authority " and " road managers " ;
  - (e) in subsection (7), for the words " arbitrator " and " street" there shall be substituted, respectively, the words " arbiter " and " road " ; and
  - (f) in subsection (8)(b), for the word " arbitrator " there shall be substituted the word " arbiter " .
- (6) In section 5 (procedure as to plans and sections etc.: provisions as to works in controlled land)—
  - (a) in subsection (1)—
    - (i) for the words " street which is a maintainable highway or is prospectively a maintainable highway, the street" there shall be substituted the words " road which is a public road or prospective public road, the roads " ;
    - (ii) for the word "street" where it occurs for the third and fifth times there shall in each case be substituted the word " road " ; and, where it occurs for the fourth time, there shall be substituted the word " roads " ;
  - (b) in subsection (2), for the words " arbitrator " , in both places where it occurs, and " street" there shall be substituted, respectively, the words " arbiter " and " roads " ;
  - (c) in subsection (3)—
    - (i) for the word " arbitrator", wherever it occurs, there shall be substituted the word " arbiter " ;
    - (ii) for the word " street" where it occurs for the first and second times there shall in each case be substituted the word " road " ; and, where it occurs for the third time, there shall be substituted the word " roads " ; and
  - (d) in subsection (4)—
    - (i) in paragraph (a), for the word " street", in both places where it occurs, there shall be substituted the word " road " ; and
    - (ii) in paragraph (b), for the word " street" there shall be substituted the word " roads " .
- (7) In section 6 (works not to be begun until after notice to authorities and managers concerned)—
  - (a) in subsection (1)—
    - (i) for the word " street", wherever it occurs, there shall be substituted the word " road " ; and
    - (ii) for the words " prospectively a maintainable highway " there shall be substituted the words " a prospective public road " ; and
  - (b) in subsection (4), for the word " street", in both places where it occurs, there shall be substituted the word " road " .

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- (8) In section 7 (requirements as to mode of executing major works and as to reinstatement)—
- (a) in subsection (2), for the word "street" where it occurs for the first, second, third and fifth times, there shall in each case be substituted the word "road"; and where it occurs for the fourth time there shall be substituted the word "roads";
  - (b) in subsection (6)—
    - (i) for the word "street" where it occurs for the first, second, fourth, fifth and sixth times, there shall in each case be substituted the word "road"; and where it occurs for the third time there shall be substituted the word "roads"; and
    - (ii) for the words "maintainable highway" there shall be substituted the words "public road".
- (9) In section 8 (requirements as to safety)—
- (a) in subsection (1), in each of paragraphs (a), (c) and (d), for the word "street" there shall be substituted the word "road";
  - (b) in subsection (4), for the word "street" there shall be substituted the word "roads"; and
  - (c) in subsection (5), for the word "street" where it first occurs there shall be substituted the word "roads"; and where it occurs for the second time there shall be substituted the word "road".
- (10) In section 9 (protection for street managers of a street which is prospectively a maintainable highway)—
- (a) for the word "street" 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
  - (b) for the words "prospectively a maintainable highway" there shall be substituted the words "a prospective public road".
- (11) In section 10 (protection for transport authorities: right to execute works and to be paid cost thereof)—
- (a) in subsection (1), for the word "street" where it occurs for the first, second, third, fourth, sixth, eighth and tenth times, there shall in each case be substituted the word "road"; and where it occurs for the fifth, seventh and ninth times there shall in each case be substituted the word "roads",
  - (b) in subsection (2), for the word "street" there shall be substituted the word "road"; and
  - (c) in paragraph (b) of the proviso to subsection (5), for the word "street" there shall be substituted the word "road".
- (12) In section 11(1) (protection for transport authorities: special precautions in execution of certain works), for the word "street" there shall be substituted the word "road".
- (13) In section 12 (protection for sewer authorities)—
- (a) in subsection (1)—
    - (i) for the word "street", wherever it occurs, there shall be substituted the word "road"; and
    - (ii) for the words "a public sewer of the authority" there shall be substituted the words "the sewer vested in the authority";

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- (b) in subsection (2)—
    - (i) for the words "public sewer" there shall be substituted the words "sewer vested in a local authority " ; and
    - (ii) the word " sewer ", where it occurs for the second time, shall cease to have effect;
  - (c) in subsection (3), for the words " public sewer " there shall be substituted the words " sewer vested in a local authority " ; and
  - (d) in subsection (4)—
    - (i) for the words "public sewer, the sewer", there shall be substituted the words " sewer vested in a local authority, the " ; and
    - (ii) for the words " public sewer of theirs " there shall be substituted the words " sewer vested in the authority " .
- (14) In section 13 (protection for managers of sewers, drains or tunnels not being public sewers)—
- (a) in subsection (1), for the words " public sewer " there shall be substituted the words " sewer vested in a local authority " ; and
  - (b) in subsection (2), for the words " street" and " public sewers " there shall be substituted, respectively, the words " road " and " sewers vested in local authorities " .
- (15) In section 14 (provision as to default in removing apparatus placed temporarily)—
- (a) for the words " street other than a maintainable highway " there shall be substituted the words " road other than a public road " ;
  - (b) for the word " street", where it occurs for the second, fourth and fifth times, there shall in each case be substituted the word " road " ; and where it occurs for the third time there shall be substituted the word " roads " .
- (16) In section 17 (exclusion or restriction of requirements of consent as to certain code-regulated works)—
- (a) in subsection (1)—
    - (i) for the words " maintainable highway " there shall be substituted the words " public road " ;
    - (ii) in paragraph (a), for the word "highway" there shall be substituted the word " road " ;
    - (iii) in sub-paragraph (i), for the word " highway" there shall be substituted the word " roads " ; and
    - (iv) for the words " section four or section six of the Special Roads Act 1949 " there shall be substituted the words " section 133 or 135 of the Roads (Scotland) Act 1984 " ;
  - (b) in subsection (4), for the word " street" where it first occurs there shall be substituted the word " roads " ; and where it occurs for the second and third times there shall in each case be substituted the word " road " ; and
  - (c) in subsection (5), for the word "arbitrator" there shall be substituted the word " arbiter " .
- (17) In section 18 (liabilities of undertakers to street and bridge authorities or managers)—
- (a) in subsection (1), for the word " street" 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 and sixth times there shall in each case be substituted the word " roads " ;

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- (b) in subsection (2), for the word " street" where it first occurs there shall be substituted the word " roads " ; and where it occurs for the second and third times there shall in each case be substituted the word " road " ;
  - (c) in subsection (4), for the words " street authority or street" there shall be substituted the words " roads authority or road " .
- (18) In section 19 (liabilities of undertakers to transport authorities)—
- (a) in subsection (1), in each of paragraphs (a) and (b), for the word " street" there shall be substituted the word " road " ;
  - (b) in subsection (2)—
    - (i) for the word " street", wherever it occurs, there shall be substituted the word " road " ; and
    - (ii) for the words "prospectively a maintainable highway " there shall be substituted the words " a prospective public road " ; and
  - (c) for subsection (4) there shall be substituted the following subsection—
 

“(4) Where undertakers are required by a transport authority to give an indemnity by virtue of subsection (1) of this section against loss or damage, within the meaning of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940, in respect of which another person would if sued by the authority be liable in respect of a wrongful act or negligent act or omission, but in respect of which the undertakers are not so liable, the undertakers shall have the like right to recover contribution from that other person under section 3 of that Act as if the undertakers had been so liable.”.
- (19) In section 20(3) (disapplication of requirements of consent in relation to the breaking up of certain roads), for the word " street", wherever it occurs, there shall be substituted the word " road " .
- (20) In section 21 (cases in which code is to have effect)—
- (a) in subsection (1)—
    - (i) for the word " street", wherever it occurs, there shall be substituted the word " road " ;
    - (ii) in paragraph (a), for the words " Minister, a county council, or the council of a borough or urban district, that is to say " there shall be substituted the words " roads authority " ; and after the word " carriageway," there shall be inserted the word " footway, " ;
    - (iii) after paragraph (a) there shall be inserted the following paragraph—
 

“(aa) any works constructed, whether or not for road purposes, under section 27 of the Roads (Scotland) Act 1984 ; or”;
    - (iv) in paragraph (b), for the words " one for the maintenance or repair of which the Minister or a council mentioned in the preceding paragraph is liable " there shall be substituted the words " a public road " ;
  - (b) in subsection (2), for the word " street" there shall be substituted the word " road " ; and
  - (c) in subsection (3), for the words " , that is to say the Minister or the council" there shall be substituted the words " : the roads authority " .

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- (21) In section 22(2) (undertakers' right to payment for works made necessary by, and obligation to facilitate, road, etc. works), in each of sub-paragraphs (i) and (ii) of the proviso, for the word " street" there shall be substituted the word " road " .
- (22) In section 26(1) (requirements as to undertakers' works which are likely to affect other undertakers' apparatus), for the word " street" in both places where it occurs there shall be substituted the word " road " .
- (23) In section 27(2) (liability of undertakers for cost of use of alternative route required by reason of their works), for the words "highway authority (if the latter road is a maintainable highway) or to the street" there shall be substituted the words " roads authority (if the latter road is a public road) or to the road " .
- (24) In section 28 (restriction on breaking up by undertakers of maintainable highways recently closed or re-surfaced)—
- (a) in subsection (1)—
    - (i) for the words " maintainable highway " there shall be substituted the words " public road " ;
    - (ii) for the word " highway " where it occurs for the second and fourth times there shall in each case be substituted the word " road " ; and where it occurs for the third and fifth times there shall in each case be substituted the word " roads " ;
  - (b) in subsection (3), for the word "highway" there shall be substituted the word " road " ;
  - (c) in subsection (4), for the word " highway " , in both places where it occurs, there shall be substituted the word " roads " ;
  - (d) in subsection (6), for the word " highway " where it occurs for the first and third 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
  - (e) in subsection (7), for the word "highway" there shall be substituted the word " roads " .
- (25) In section 29 (storage of equipment at side of road)—
- (a) in subsection (1)—
    - (i) for the word "street" where it first occurs there shall be substituted the word " roads " ; and where it occurs for the second time there shall be substituted the word " road " ; and
    - (ii) after the word " track " there shall be inserted the word " , footway " ; and
  - (b) in subsection (2), for the words " street that is a maintainable highway, or is prospectively a maintainable highway" there shall be substituted the words " public road or prospective public road " .
- (26) In section 31 (arbitration)—
- (a) in subsection (1)—
    - (i) for the word "arbitrator" there shall be substituted the word " arbiter " ; and
    - (ii) for the words " President of the Institution of Civil Engineers " there shall be substituted the word " sheriff " ; and
  - (b) after subsection (1) there shall be inserted the following subsections—

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- “(1A) In any arbitration in accordance with the provisions of subsection (1) of this section the arbiter may, and if so directed by the Court of Session shall, state a case for the decision of the Court on any question of law arising in the arbitration ; and the decision of the Court thereon shall be final unless the Court or the House of Lords give leave to appeal to the House of Lords against the decision.
- (1B) Leave under subsection (1A) above may be given on such terms as to expenses or otherwise as the Court or House of Lords may determine.”.
- (27) In section 33(3) (financial provisions)—
- (a) for the words "Minister to make advances under section eight of the Development and Road Improvement Funds Act 1909 " there shall be substituted the words " Secretary of State to make advances under section 3(1) of the Roads (Scotland) Act 1984 " ;
  - (b) for the words " highway authority" there shall be substituted the words " roads authority " ; and
  - (c) in each of paragraphs (a) and (b), for the words " the street" there shall be substituted the word " roads " .
- (28) In section 34(7) (interpretation), in the definition of "bank holiday ", for the word " street" there shall be substituted the word " road " .
- (29) In section 36(14) (restriction on liability for damage etc. arising from undertakers' works) for the word " street" there shall be substituted the word " road " .
- (30) In section 37 (references to property held or used for transport undertakings, and to powers for railway or tramway purposes), for the word " street", wherever it occurs, there shall be substituted the word " road " .
- (31) In section 38 (references to powers to execute works in streets, to bridges and to service pipes and lines)—
- (a) for the word " street", wherever it occurs, there shall be substituted the word " road " ;
  - (b) in subsection (1)(c), for the words " roadway and footpaths " there shall be substituted the words " carriageway and footway " ; and
  - (c) in subsection (3)—
    - (i) in paragraph (b), for the words " a private " to the end of the paragraph there shall be substituted the words " not a sewer vested in a local authority " ; and
    - (ii) in the proviso, for the words "maintainable highway, or is prospectively a maintainable highway" there shall be substituted the words " public road, or prospective public road " .
- (32) In section 39 (definitions)—
- (a) after the definition of " bridge authority or managers " there shall be inserted the following definition—
 

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

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- “classified road” means a road classified under section 11(1) of the Roads (Scotland) Act 1984 ;”;
- (c) for the definition of “county council” there shall be substituted the following definition—
- “cycle track” has the same meaning as in the Roads (Scotland) Act 1984 ;”;
- (d) after the definition of “enactment” there shall be inserted the following definitions—
- “footpath” and “footway” have the same meanings as in the Roads (Scotland) Act 1984 ;”;
- (e) in the definition of “in”, for the word “street”, in both places where it occurs, there shall be substituted the word “road” ;
- (f) after the definition of “in” there shall be inserted the following definition—
- “local roads authority” has the same meaning as in the Roads (Scotland) Act 1984 ;”;
- (g) after the definition of “the Minister” there shall be inserted the following definition—
- “private road” has the same meaning as in the Roads (Scotland) Act 1984 ;”;
- (h) for the definitions of “public sewer” and “sewer authority” there shall be substituted the following definition—
- “public road” has the meaning assigned to it by paragraph (a) of subsection (4) of section 1 of this Act; and references to a “prospective public road” shall be construed as mentioned in paragraph (b) of that subsection ;”;
- (i) in the definition of “railway”, for the word “highway” there shall be substituted the word “road” ;
- (j) after the definition of “reinstatement and making good” there shall be inserted the following definitions—
- “road” has (without prejudice to section 38(1) of this Act) the meaning assigned to it by section 1(3) of this Act;
- “roads authority” has the meaning assigned to it by section 2(4) of this Act;
- “road managers” has the meaning assigned to it by section 2(5) of this Act;”;
- (k) in the definition of “road purposes”, for the words “of roads in subsection (5) of section eight of the Development and Road Improvement Funds Act 1909, the provision of a cattle-grid in a road and works ancillary thereto” there shall be substituted the words “in section 151(1) of the Roads (Scotland) Act 1984” ;
- (l) after the definitions of “service pipe” and “service line” there shall be inserted the following definition—
- “sewer authority” means the local authority in whom the sewer is vested ;”;
- (m) in the definition of “tramway”, for the word “highway” there shall be substituted the word “road” ; and
- (n) after the definitions of “transport undertaking” and “transport authority” there shall be inserted the following definition—

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

(33) In Schedule 1 (definition of " controlled land " and provisions as to authorisation of works therein)—

(a) in paragraph 1(1)—

(i) for the words " street which is a maintainable highway or is prospectively a maintainable highway " there shall be substituted the words " road which is a public road or prospective public road " ;

(ii) in head (a), for the word " street" there shall be substituted the word " roads " ; and

(iii) for head (c) there shall be substituted the following head—

“(c) is by virtue of an agreement capable of being immediately used by the roads authority for road purposes.”;

(b) in paragraph 2, for the word " street" where it occurs for the first time there shall be substituted the word " roads " ; and where it occurs for the second, fourth and fifth times there shall in each case be substituted the word " road " ;

(c) in paragraph 3, for the word " street" where it occurs for the first, third and fourth 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 " ;

(d) in paragraph 4, for the word " street" there shall be substituted the word " roads " ;

(e) in paragraph 5(1), for the word " street", wherever it occurs, there shall be substituted the word " roads " ;

(f) in paragraph 6(1)—

(i) for the word " street" there shall be substituted the word " roads " ; and

(ii) at the end there shall be added the words " for Scotland " ;

(g) in paragraph 6(2), for the word " street" where it occurs for the first, second and fourth times there shall in each case be substituted the word " roads " ; and where it occurs for the third time there shall be substituted the word " road " ;

(h) in paragraph 7, for the word " street " where it occurs for the first, third, fifth and seventh times there shall in each case be substituted the word " roads " ; and where it occurs for the second, fourth and sixth times there shall in each case be substituted the word " road " ; and

(i) in paragraph 8, for the word " street" where it occurs for the first, third and fourth 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 " .

(34) For Schedule 2 (declarations designating streets as prospectively maintainable highways) there shall be substituted the following Schedule—



“SECOND  
SCHEDULE

DECLARATIONS DESIGNATING ROADS  
AS PROSPECTIVE PUBLIC ROADS

- 1 Subject to paragraph 2 below, where a local roads authority are satisfied that a road in their area which is not a public road is likely to become a public road they may issue a declaration to that effect.
  - 2 A declaration under paragraph 1 above shall not be made as regards a road which is under the management or control of a transport authority.
  - 3 Each local roads authority shall keep a register in which shall be entered, in such manner as may be prescribed by the Secretary of State, particulars of every declaration made by them under paragraph 1 above; and they shall keep the register open to public inspection and allow any person to make a copy of any entry therein.”.
- (35) In Schedule 3 (reinstatement and making good by street authority or street managers after execution of undertakers' works)—
- (a) in paragraph 1(1)—
    - (i) for the word " street" where it occurs for the first, third and fourth 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
    - (ii) in the proviso, for the words " street being a highway which is not a maintainable highway and " there shall be substituted the words " private road " ;
  - (b) in paragraph 1(2), for the word " street", wherever it occurs, there shall be substituted the word " road " ;
  - (c) in paragraph 1(3)—
    - (i) for the words "street which is prospectively a maintainable highway" there shall be substituted the words " prospective public road " ;
    - (ii) for the word " street" where it occurs for the second time there shall be substituted the word " roads " ; and where it occurs for the third, fourth and fifth times there shall in each case be substituted the word " road " ; and
    - (iii) for the words " appropriate local" there shall be substituted the words " local roads " ;
  - (d) in paragraph 2, in each of sub-paragraphs (1) and (2), for the word " street" there shall be substituted the word " road " ;
  - (e) in paragraph 4(1), for the word " street" there shall be substituted the word " road " ; and
  - (f) in paragraph 5(2)(i), for the words " Minister of the Crown, a county council" there shall be substituted the words " roads authority " .
- (36) In Schedule 4 (supplementary provisions of code)—
- (a) in paragraph 1(2), for the word " street" there shall be substituted the word " road " ; and
  - (b) in paragraph 4(6), for the word " arbitrator " there shall be substituted the word " arbiter " .

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- (37) In Schedule 5 (consequential modifications of public general enactments), in the entries relating to sections 15 and 16 of the Electric Lighting Act 1882 and section 17 of the Schedule to the Electric Lighting (Clauses) Act 1899, references to a street shall be construed as including references to a road (within the meaning of the Public Utilities Street Works Act 1950.)
- (38) In Schedule 6 (powers for consequential modification of special enactments, and for saving as to certain protections and consent requirements)—
- (a) in paragraph 5, for the word " London " there shall be substituted the word " Edinburgh " ; and
  - (b) in the Table—
    - (i) in head (i), for the word " street" there shall be substituted the word " road " ; and
    - (ii) in head (iii), for the words " council mentioned in subsection (1) of section twenty-one of this Act," there shall be substituted the words " local roads authority " .

*The Pet Animals Act 1951 (c. 35)*

- 40 (1) The Pet Animals Act 1951 shall be amended in accordance with this paragraph.
- (2) In section 2 (pets not to be sold in streets or public places), for the word " street" there shall be substituted the word " road " .
- (3) In section 7(3) (interpretation), after the definition of " pedigree animal " there shall be inserted the following definition—
- “road' has the same meaning as in the Roads (Scotland) Act 1984 ;”.

*The Mineral Workings Act 1951 (c. 60)*

- 41 For section 32 of the Mineral Workings Act 1951 there shall be substituted the following section—

**“32 Temporary stopping up of roads for purposes of mineral working.**

- (1) An order made by the Secretary of State under section 198, or by a planning authority under section 198A or 199, of the Town and Country Planning (Scotland) Act 1972 (roads etc. affected by development: various orders) for the stopping up or diversion of a public road may, where he is, or as the case may be they are, satisfied—
  - (a) that the order is required for the purpose of enabling minerals to be worked by surface working ; and
  - (b) that the road can be restored, after the minerals have been worked, to a condition not substantially less convenient to the public,
 provide for the stopping up or diversion of the road during such period as may be prescribed by or under the order, and for the road's restoration at the expiration of that period.
- (2) Without prejudice to the provisions of the said section 198, 198A or 199 with respect to orders made thereunder, any such order as is authorised by subsection (1) of this section may contain such provisions as appear to

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the Secretary of State, or as the case may be the planning authority, to be expedient—

- (a) for imposing upon persons who, apart from the order, would be subject to any liability with respect to the repair of the original road during the period prescribed by or under the order a corresponding liability in respect of any road provided in pursuance of the order ;
- (b) for the stopping up at the expiration of the said period of any road provided as aforesaid and for the reconstruction and maintenance of the original road;

and any provision included in the order in accordance with subsection (3) of the said section 198, or subsection (2) of the said section 199, requiring payment to be made in respect of any cost or expenditure under the order may provide for the payment of a capital sum in respect of the estimated amount of that cost or expenditure.

- (3) In relation to any road which is stopped up or diverted by virtue of an order under the said section 198 or 198A, section 219 of the Town and Country Planning (Scotland) Act 1972 shall have effect

- (a) as if for references to land which has been acquired as aforesaid and to the purchasing authority there were substituted respectively references to land over which the road subsisted and to the person entitled to possession of that land ; and
- (b) as if the references in subsection (4) to a planning authority or statutory undertaker included references to any person (other than the Secretary of State) who is entitled to possession as aforesaid;

and sections 222 to 225 of the said Act of 1972 shall have effect accordingly.”.

#### *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—

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

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

- 46 In section 1 (3)(i) (election of alternative to executing remedial works in relation to subsidence damage), for the words " highway maintainable or repairable by the inhabitants at large or a highway in Scotland managed and maintained by the Secretary of State or by a regional or islands council" there shall be substituted the words " public road (within the meaning of the Roads (Scotland) Act 1984 " .

*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)*

- 49 In section 13 of the Opencast Coal Act 1958 (apparatus of statutory undertakers)—
- (a) in subsection (4), for the word " highway" there shall be substituted the word " road " ;
  - (b) in subsection (5), for the words "highway" and "highways " there shall be substituted, respectively, the words " road " and " roads " ;
  - (c) after subsection (5) there shall be inserted the following subsection—

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- “(5A) In subsections (4) and (5) above, "road" has the same meaning as in the Roads (Scotland) Act 1984.”; and
- (d) in subsection (6), the words "' highway' includes a public right of way ; " shall cease to have effect.

*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)—
- (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)*

- 51 In section 29 of the Building (Scotland) Act 1959 (interpretation)—
- (a) in subsection (1), for the definition of " road " there shall be substituted the following definition—
- “road' has the same meaning as in section 151(1) of the Roads (Scotland) Act 1984 except that it also includes any drain or ditch at the side of a road ; ”and
- (b) in subsection (4), for the word " highway " there shall be substituted the word " roads ".

*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;”.

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*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)—

- (a) in subsections (1) to (9), for the word " street", wherever it occurs, there shall be substituted the word " road " ;
- (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
- (d) for subsections (10) and (11) there shall be substituted the following subsection—

“(10) In this section, except where the context otherwise requires—

" appropriate authority", in relation to a road, means—

- (a) where the road is a public road, the roads authority;
- (b) where the road is a prospective public road, the roads authority and the road managers ;
- (c) where the road is neither a public road nor a prospective public road, the road managers ;

" carriageway" has the same meaning as in the Roads (Scotland) Act 1984 ;

" prospective road " shall be construed in accordance with section 1(4)(b) of the Public Utilities Street Works Act 1950;

" protected road " means—

- (a) a special road ;
- (b) a trunk road ; or
- (c) such other road as is for the time being classified by the Secretary of State under section 11(1) of the said Act of 1984 as a protected road for the purposes of this Act;

" public road " has the same meaning as in the said Act of 1984;

" road " and " road managers " have the same meanings as in the said Act of 1950 ; and

" roads authority ", " special road " and " trunk road " have the same meanings as in the said Act of 1984.”.

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- (3) In section 16 (modification of street works code in application to pipe-line works)—
- (a) in subsection (1)—
    - (i) for the word " street ” where it occurs for the first and fourth times, there shall in each case be substituted the word " roads " ;
    - (ii) for the words " street which is a maintainable highway or is prospectively a maintainable highway" there shall be substituted the words " road which is a public road or prospective public road " ;
    - (iii) for the word " street", where it occurs for the third time, there shall be substituted the word " road " ; and
    - (iv) for the word " arbitrator " there shall be substituted the word " arbiter " ; and
  - (b) in subsection (2)(b), for the word " arbitrator" there shall be substituted the word " arbiter " .
- (4) In section 66(1) (interpretation), in the definition of " in ", for the word " street" there shall be substituted the word " road " .

*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 the 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—
- “ 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 " .

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*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 ;”;
  - (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 ;”.

*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)—



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- (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
  - (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

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- (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—
    - (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(6), 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 " .

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*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, " ;
  - (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
  - (c) after the definition of " trade premises " there shall be inserted the following definition—

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

*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 subsections (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 such 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—
      - (i) of the bridge ; or
      - (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,

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" ;

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- (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 word " 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 on 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 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 " , where ever it occurs, there shall be substituted the word " road " ; and
- (b) subsection (4) shall cease to have effect.

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- (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 the definition of " the Railways Board" there shall be inserted the following definitions—  
 “‘ road ' and ' roads authority ' have the same meanings as in the Roads (Scotland) Act 1984 ;”.

*The Vehicles Excise Act 1971 (c. 10)*

- 67 In section 38(1) of the Vehicles (Excise) Act 1971 (interpretation), in the definition of " public 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. " .

*The Road Traffic Act 1972 (c. 20)*

- 68 (1) The Road Traffic Act 1972 shall be amended in accordance with this paragraph.
- (2) In section 14 (motor racing on highways) for the word " highway " there shall be substituted the word " road " .
  - (3) In section 15(1) (regulation of motoring events on highways), for the word " highway " there shall be substituted the word " road " .
  - (4) In section 20 (regulation of cycle racing on highways), in each of subsections (1), (2) and (5), for the word " highway " there shall be substituted the word " road " .
  - (5) In section 34 (requirements as to employment of persons to , attend to locomotives and trailers), in each of subsections (1) and (2), for the word " highway", wherever it occurs, there shall be substituted the word " road " .
  - (6) In each of sections 36A(4) and 36B(8) (interpretation), for the words " 1970 " there shall be substituted the words " 1984 " .

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- (7) In section 38(2A)(b) (duty of local authorities to promote road safety), for the word "highway" there shall be substituted the word "roads" .
- (8) In section 57(7) (power to prohibit driving of excessively heavy goods vehicle), for the words "highway authority other than the Secretary of State" there shall be substituted the words "local roads authority" .
- (9) In section 160 (weighing of motor vehicles)—
- (a) in subsection (1), for the word "highway", in both places where it occurs, there shall be substituted the word "roads" ;
  - (b) in subsection (2)—
    - (i) for the word "highway" there shall be substituted the word "roads" ; and
    - (ii) for the word "arbitrator" there shall be substituted the word "arbiter" ; and
  - (c) in subsection (4)—
    - (i) for the word "highway" there shall be substituted the word "roads" ; and
    - (ii) the words "the Lord Chief Justice of England or, as the case may be," shall cease to have effect.
- (10) In section 196 (general interpretation)—
- (a) after the definition of "bridleway" there shall be inserted the following definition—

“'carriageway' has the same meaning as in the Roads (Scotland) Act 1984 ;”;
  - (b) in the definition of "footpath", at the end there shall be added the words—

“(whether or not associated with a carriageway)”;
  - (c) for the definition of "highway authority" there shall be substituted the following definition—

“'local roads authority' has the same meaning as in the Roads (Scotland) Act 1984 ;”;
  - (d) 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 ;”;
  - (e) for the definition of "road" there shall be substituted the following definitions—

“'road' and 'special road' have the same meanings as in the Roads (Scotland) Act 1984 ;”;

and
  - (f) after the definition of "trolley vehicle" there shall be inserted the following definition—

“'trunk road' has the same meaning as in the Roads (Scotland) Act 1984 ;”.
- (11) In section 200 (provision, etc. of weighbridges), for the word "highway", wherever it occurs, there shall be substituted the word "roads" .

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- (12) In Schedule 4 (prosecution and punishment of offences), in column 2, in the entries relating to sections 14, 15 and 20, for the word "highways" there shall in each case be substituted the word "roads".

*The Road 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)*

- 70 (1) The Town and Country Planning (Scotland) Act 1972 shall be amended in accordance with this paragraph.
- (2) In section 14 (disregarding of representations with respect to development authorised by or under other enactments), in paragraph (a), for the words from "1 of" to "1949" there shall be substituted the words "5, 7, 9 or 12 of the Roads (Scotland) Act 1984".
- (3) In section 19(2) (certain operations or uses of land not to be taken to involve development)—
- (a) in paragraph (b), for the word "highway" there shall be substituted the word "roads"; and
  - (b) in paragraph (c), for the word "street" there shall be substituted the word "road".
- (4) In section 136(2) (compensation not payable in respect of imposition of certain conditions), for the word "highway", in both places where it occurs, there shall be substituted the word "road".
- (5) In section 181(1) (scope of certain provisions relating to blight notices)—
- (a) for paragraph (e) there shall be substituted the following paragraph—
    - “(e) is land on or adjacent to the line of a road proposed to be constructed, improved or altered, as indicated in an order or scheme—
      - (i) which has come into operation under ; or
      - (ii) which is proposed to be made or confirmed under, and in respect of which a notice has been published under Schedule 1 to,
 the Roads (Scotland) Act 1984 being land in relation to which a power of compulsory acquisition conferred by that Act may become exercisable as being land required for purposes of construction, improvement or alteration as indicated in the order or scheme;”;
  - (b) in paragraph (f), for the word "highway" there shall be substituted the word "roads".
- (6) In section 194(2) (questions as to appropriate authority for purposes of certain provisions), in each of paragraphs (a) and (b), for the word "highway" there shall be substituted the word "roads".
- (7) In section 195 (interpretation)—



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- (a) in subsection (3), for the word " highway ", in each place where it occurs, there shall be substituted the word " roads " ; and
  - (b) in subsection (4), for paragraphs (a) and (b) there shall be substituted the following paragraph—
    - “(aa) the coming into operation of any requisite scheme or order under the Roads (Scotland) Act 1984 ;”.
- (8) In section 198 (highways affected by development: orders by Secretary of State)—
- (a) in subsection (1), for the word " highway " there shall be substituted the word " road " ;
  - (b) for subsection (2) there shall be substituted the following subsection—
    - “(2) Any order under this section may make such provision as appears to the Secretary of State to be necessary or expedient for the construction or improvement of any other road, and may direct that the other road so constructed or improved—
      - (a) shall be entered by the local roads authority in the list of public roads kept by them under section 1 of the Roads (Scotland) Act 1984; or
      - (b) shall be deemed for the purposes of that Act to have been constructed by him under section 19 thereof,and in the case of a road so deemed, that it shall, on such date as may be specified in the order, become a trunk road within the meaning of that Act.”;
  - (c) in subsection (3)—
    - (i) in paragraph (a), sub-paragraph (ii), and the word " or " immediately preceding that sub-paragraph, shall cease to have effect; and
    - (ii) in paragraph (b), for the word " highway " there shall be substituted the word " road " ; and
  - (d) in each of subsections (4) and (5)(a), for the word " highway " there shall be substituted the word " road " .
- (9) In section 198A (highways affected by development: orders by planning authorities)
- (a) in subsection (1)—
    - (i) for the word " highway " there shall be substituted the word " road " ;
    - (ii) in paragraph (a), for the words " section 50 of the Roads (Scotland) Act 1970 " there shall be substituted the words " the Roads (Scotland) Act 1984 " ; and
    - (iii) in paragraph (b), for the words " section 1 of the Special Roads Act 1949 " there shall be substituted the words " that Act " ;
  - (b) in subsection (2)—
    - (i) in paragraph (a), for the word " provision ", where it occurs for the second time, there shall be substituted the word " construction " , for the word " highway ", where it first occurs, there shall be substituted the word " road " , and for the words " any highway so provided or improved shall be maintained and managed by the highway authority " there shall be substituted the words " the other road so constructed or improved shall be entered by the local roads authority in the list of public roads kept by the local roads authority under section 1 of the Roads (Scotland) Act 1984 " ; and

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- (ii) in paragraph (b)(i), the words " sub-paragraphs (i) and (ii) of " shall cease to have effect;
  - (c) in each of subsections (3) and (4), for the word " highway " there shall be substituted the word " road " ; and
  - (d) in subsection (5), for the word "highway" there shall be substituted the word " roads " .
- (10) In section 201 (order extinguishing right to use vehicles on highway)—
- (a) in subsection (1)—
    - (i) for the word " highway ", in both places where it occurs, there shall be substituted the word " road " ; and
    - (ii) for the words " 8 of the Development and Road Improvement Funds Act 1909 " there shall be substituted the words " 3 of the Roads (Scotland) Act 1984 " ;
  - (b) in subsection (2), for the word " highway " • there shall be substituted the word " road " ;
  - (c) in subsection (3), for the word " highway "—
    - (i) where it first occurs, there shall be substituted the word " roads " ; and
    - (ii) where it occurs for the second time, there shall be substituted the word " road " ;
  - (d) in each of subsections (4), (5) and (8), for the word " high way ", wherever it occurs, there shall be substituted the word " road " ;
  - (e) in subsection (9)(b), for the word " highway " there shall be substituted the word " roads " ;
  - (f) in subsection (10)—
    - (i) in paragraph (a), for the Word " provision ", where it occurs for the second time, there shall be substituted the word " construction " , for the word " highway ", where it first occurs, there shall be substituted the word " road " , and for the words " any highway so provided or improved shall be maintained and managed by the highway authority" there shall be substituted the words " the other road so constructed or improved shall be entered by the local roads authority in the list of public roads kept by the local roads authority under section 1 of the Roads (Scotland) Act 1984 " ; and
    - (ii) in paragraph (b)(i), the words " sub-paragraphs (i) and (ii) of " shall cease to have effect; and
  - (g) in subsection (11)(a). for the word "highway" there shall be substituted the word " road " .
- (11) In section 202 (provision of amenity for highway reserved to pedestrians)—
- (a) in each of subsections (1) to (4), for the word " highway ", wherever it occurs, there shall be substituted the word " road " ; and
  - (b) in subsection (5), for the word "highway" there shall be substituted the word " roads " .
- (12) In section 204 (procedure for making of orders by Secretary of State), in each of subsections (2) and (7), for the word "highway ", wherever it occurs, there shall be substituted the word " road " .

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- (13) In section 205(1) (further procedure in anticipation of planning permission, etc.), for the word "highway" there shall be substituted the word "road".
- (14) In section 205(1)(a) (further procedure in anticipation of planning permission, etc.), for the word "highway" there shall be substituted the word "road".
- (15) In section 206(3)(aa) (provision as to time specified in certain orders), for the word "highway" there shall be substituted the word "road".
- (16) In section 208 (concurrent proceedings in connection with roads)—
- (a) in subsection (1), for the words "207 of this Act (as mentioned in subsection (1)(a) of that section)" there shall be substituted the words "104(1)(b)(i) of the Roads (Scotland) Act 1984"; and
  - (b) in subsection (2)(b), for the words "207 of this Act (as mentioned in subsection (1)(b) of that section)" there shall be substituted the words "104(1)(b)(ii) of the Roads (Scotland) Act 1984".
- (17) In section 209 (provision as to telegraphic lines)—
- (a) in subsection (1), the words ", 200" shall cease to have effect, and for the word "highway", wherever it occurs, there shall be substituted the word "road";
  - (b) in subsection (2), for the word "highway" in the first and second places where it occurs there shall be substituted the word "road", and in the third place where it occurs there shall be substituted the word "roads".
- (18) In section 210A(2) (recovery of costs of making orders relating to roads, paths, etc.)—
- (a) in paragraph (a), for the word "highways" there shall be substituted the word "roads"; and (b) in paragraph (d), for the word "highway" there shall be substituted the word "road".
- (19) In section 242(1) (contributions by local authorities towards certain expenses incurred by a local highway authority or the Secretary of State)—
- (a) for the words from "the provisions" to "highways" there shall be substituted the words "section 5(9) of the Roads (Scotland) Act 1984 (power of local roads authority to contribute towards costs incurred by Secretary of State in construction or improvement of trunk road); and
  - (b) for the words "highway" there shall be substituted the word "roads".
- (20) In section 250(1) (expenses of, and borrowing by, local authorities), for the words "highway" and "highways" there shall in each case be substituted the word "roads".
- (21) In section 275(1) (interpretation)—
- (a) in the definition of "engineering operations", for the word "highways" there shall be substituted the word "roads";
  - (b) for the definition of "improvement" there shall be substituted the following definition—  
"improvement', in relation to a road, has the same meaning as in the Roads (Scotland) Act 1984;";
  - (c) for the definition of "local highway authority" there shall be substituted the following definition—  
"local roads authority' has the same meaning as in Roads (Scotland) Act 1984;";and

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- (d) in the definition of " means of access", for the word " street " there shall be substituted the word " road " ; and
  - (e) after the definition of " restriction on the winning and working of minerals " there shall be inserted the following definitions—
    - “ road' has the same meaning as in the Roads (Scotland) Act 1984 ;”.
- (22) In Schedule 18 (procedure in connection with orders relating to footpaths and bridleways) in both—
- (a) the proviso to paragraph 3(1); and
  - (b) paragraph 3(2),
- for the words " 199 or 200 " there shall be substituted the words " or 199 " .

*The Gas Act 1972 (c. 60)*

- 71 (1) The Gas Act 1972 shall be amended in accordance with this paragraph.
- (2) In section 39(2) (application of Pipe-lines Act 1962), for the word " street", in both places where it occurs, there shall be substituted the word " road " .
- (3) In Schedule 4 (gas supply code)—
- (a) in paragraph 1—
    - (i) in sub-paragraph (1), for the word " street", where-ever it occurs, there shall be substituted the word " road " ;
    - (ii) in sub-paragraph (2), for the word " street", where it occurs for the first, third and fourth times, there shall be substituted the word " road " , and for the words from " highway " to " of the street" there shall be substituted the words " roads authority or road managers " ;
    - (iii) in the proviso to sub-paragraph (3), for the word "street", wherever it occurs, there shall be substituted the word " road " ;
    - (iv) in sub-paragraph (4), for the words from " street " to "the public expense" there shall be substituted the words " road or bridge which does not constitute a road within the meaning of the Roads (Scotland) Act 1984 " , and the words from " In the application " to " 1970" shall cease to have effect;
    - (v) in sub-paragraph (5), for the word " street" there shall be substituted the word " road " ; and
    - (vi) in sub-paragraph (6), for the words from " 15 " to "mains" there shall be substituted the words " 133 of the Roads (Scotland) Act 1984 (restriction on laying of apparatus " ; and
  - (b) in paragraph 36, for the definition of " street" there shall be substituted the following definitions—
    - “ road ' , ' roads authority ' and ' road managers' have the same meanings as in the Public Utilities Street Works Act 1950.”.

*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", "highway

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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.
- (7) In section 65—
  - (a) subsection (1) shall cease to have effect; and
  - (b) in each of subsections (2) and (3), for the words "this section" there shall be substituted the words "section 181(1)(e)(ii) of the Act of 1972".
- (8) In section 77(4), for the words "69 and 70(2)" there shall be substituted the words "and 69".
- (9) In section 80 (general interpretation)—
  - (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 ;"; and
    - (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 ;"; and
  - (b) subsection (2) shall cease to have effect.

#### *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

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- (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) —
  - (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)*

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 " .

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*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).”.

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

- 77 (1) The Licensing (Scotland) Act 1976 shall be amended in accordance with this paragraph.
- (2) In section 28(2) (interpretation)—•
- (a) in paragraph (a), for the words " Special Roads Act 1949 " there shall be substituted the words " Roads (Scotland) Act 1984 " ; and
- (b) in paragraph (b), for the words "2 to that Act, as varied from time to time by any order under section 2" there shall be substituted the words " 3 to that Act, as varied from time to time by any order under section 8 " .
- (3) In section 139(1) (interpretation), in the definition of " hawking ", for the words " the streets, highways " there shall be substituted the word " roads " .

*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 vehicle 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—

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- “‘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.”.

*The Electricity (Scotland) Act 1979 (c. 11)*

- 79 (1) The Electricity (Scotland) Act 1979 shall be amended in accordance with this paragraph.
- (2) In section 12(6) (application of certain provisions in relation to compulsory purchase of land), for the words “street or public bridge” there shall be substituted the words “road, or any bridge comprised in a road and over which there is a public right of passage, ” .
- (3) In section 13(8) (exercise of powers relating to breaking up of streets, etc.), for the word “streets” there shall be substituted the word “roads” .

*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—
- “(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 ;” ; and
- (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—



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- (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,”; and
    - (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)—
- (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;

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- (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 meanings 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 provisions 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—
    - (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

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- (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 word " 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—
    - (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 other 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 " .

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*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 has 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—

“(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

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- (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 in accordance 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 word " 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) (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 musical 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 statues 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 ;”.

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*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) In Schedule 2 (fixed penalty offences confined to Scotland) after the list of offences under the Road Traffic Act 1972 there shall be inserted the following words—

“OFFENCES UNDER THE ROADS (SCOTLAND) ACT 1984

Section 65(1)	Conveying insecure load on drawn vehicle.
Section 65(2)	Permitting child to drive drawn vehicle.
Section 95(1)	Dropping and failing to remove mud, etc.
Section 129(3)	Carrying projecting load.
Section 129(5)	Driving on footway, etc.
Section 129(6)	Parking motor vehicle on cycle track.”.

*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,”.

*The Prevention of Terrorism (Temporary Provisions) Act 1984 (c. 8)*

- 91 In section 2(3) of the Prevention of Terrorism (Temporary Provisions) Act 1984, 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 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 " .

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- (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 " ;
  - (c) in paragraph 1(4)—
    - (i) for the word " street" where it first occurs there shall be substituted the word " road " ;
    - (ii) for the words " street is a highway which " there shall be substituted the word " road " ;
  - (d) paragraph 1(5) shall cease to have effect;
  - (e) in paragraph 2(8)(a)—
    - (i) for the word " street" in each place where it occurs there shall be substituted the word " road " ; and
    - (ii) the words " (which for this purpose shall be deemed to extend to Northern Ireland)" shall cease to have effect;
  - (f) in paragraph 3(5), for the word "street" there shall be substituted the word " road " ;
  - (g) in paragraph 9(1), for the word " street" in the first, second and third places where it occurs there shall be substituted the word " road " ;
  - (h) in paragraph 9(2)—
    - (i) for the word " street" there shall be substituted the word " road " ; and
    - (ii) for the words " maintainable highway " there shall be substituted the words " public road " ;
  - (i) in paragraph 9(3), for the words " Special Roads Act 1949 " there shall be substituted the words " Roads (Scotland) Act 1984 " ;
  - (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 " .

*The Road Traffic Regulation Act 1984 (c.27)*

- 93 (1) The Road Traffic Regulation Act 1984 shall be amended in accordance with this paragraph.
- (2) In section 1 (traffic regulation orders)—
- (a) in subsection (2), for the words from " and to section " to the end there shall be substituted the words " shall be the roads authority. " ;

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- (b) in subsection. (3)—
    - (i) after the word "local" there shall be inserted the word " roads " ;
    - (ii) for the words " trunk road " where they first occur there shall be substituted the words " road for which he is the roads authority " ;  
and
    - (iii) the word " trunk ", where it occurs for the second time, shall cease to have effect; and
  - (c) in subsection (4), for the word " highway" there shall be substituted the word " roads " .
- (3) In section 2(4) (preservation or improvement of amenity), for the words " authority (as defined in section 1(2)(a) of this Act) " there shall be substituted the words " roads authority " .
- (4) In section 9, for subsection (2) there shall be substituted the following subsection—
- “(2) The authority having power to make an experimental traffic order shall be the roads authority or (where the experimental traffic order is made with the consent of the Secretary of State in relation to- a length of road for which he is the roads authority) the local roads authority which would, with his consent, have power to make a traffic regulation order under section 1(2) and (3) of this Act in relation to the length of road.”.
- (5) In section 10 (supplementary provisions as to experimental traffic orders)—
- (a) in subsection (2), for the words " the highway " there shall be substituted the word " roads " ; and
  - (b) in subsection (3), for the words " a highway " there shall be substituted the word " roads " .
- (6) In section 14 (temporary prohibition or restriction of traffic on roads)—
- (a) in each of subsections (1) and (3), for the word " highway " where it occurs for the—
    - (i) first time there shall be substituted the word " roads " ; and
    - (ii) second time there shall be substituted the word " road " ;
  - (b) in subsection (2), for the word " highway " there shall be substituted the word " roads " ; and
  - (c) in subsection (5)—
    - (i) for the word " highway ", where it first occurs and where it occurs in paragraph (a), there shall in each case be substituted the word " roads " ; and
    - (ii) for paragraphs (b) and (c) there shall be substituted the following paragraph—
      - “(b) where the initiating authority is not the roads authority for the alternative road (such roads authority being in this paragraph referred to as the ' second authority ') and the second authority is—
        - (i) a local roads authority, be made by order made by the initiating authority with the consent of the second authority ;
        - (ii) the Secretary of State, be made by order made by the second authority on the application of the initiating authority.”.



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- (7) In section 17(1) (restrictions on use of special road) for the words " 1 of the Special Roads Act 1949 " there shall be substituted the words " 7 of the Roads (Scotland) Act 1984 " .
- (8) In section 18(1) (one-way traffic on trunk roads), for the words " 1 of the Trunk Roads Act 1946 " there shall be substituted the words " 5 of the Roads (Scotland) Act 1984 " .
- (9) In section 19(1) (regulation of use of highways by public service vehicles), in each of paragraphs (a) and (b), for the word " highways " there shall be substituted the word " roads " .
- (10) In section 21(3) (interpretation), for the word "highway", wherever it occurs, there shall be substituted the word " roads " .
- (11) In section 23 (powers of local authorities with respect to pedestrian crossings)—
  - (a) in subsection (1)(a), for the words " trunk roads" there shall be substituted the words " roads for which the Secretary of State is the roads authority " ; and
  - (b) in subsection (5)(b), for the word " highway" there shall be substituted the word " roads " .
- (1) In section 24 (duty of Secretary of State to establish pedestrian crossings), for the words " trunk roads" there shall be substituted the words " roads for which he is the roads authority. " .
- (13) In section 29 (prohibition of traffic on roads to be used as playgrounds), for the word " highway", in both places where it occurs, there shall be substituted the word " roads " .
- (14) In section 32(4)(a) (interpretation), for the word " highway " there shall be substituted the word " roads " .
- (15) In section 34 (which is extended to Scotland by section 125 of this Act and which relates to the provision of access to premises through off-street parking places), in subsection (1)(a), for the word " highway ", in both places where it occurs, there shall be substituted the word " road " .
- (16) In section 37(1) (extension of powers for purposes of general scheme of traffic control), for the word " highway " there shall be substituted the word " roads " .
- (17) In section 38(3) (power to charge for parking place for public service vehicle), for the word " street" there shall be substituted the word " road " .
- (18) In section 45 (designation of paying parking places on highways)—
  - (a) in subsection (1), for the word " highway " where it occurs for the first and third times there shall in each case be substituted the words " roads " ; where it occurs for the second time there shall be substituted the word " road " ; and for the word " highways" there shall be substituted the word " roads " ;
  - (b) in subsection (3)(c), for the word " highways " there shall be substituted the word " roads " ; and
  - (c) in subsection (7)(c), for the word " highway " there shall be substituted the words " roads " .
- (19) In section 53(1) (content of designation order), for the word " highways " there shall be substituted the word " roads " .

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- (20) In section 55 (financial provisions relating to designation orders)—
- (a) in subsection (4)—
    - (i) for the word "highways", where it occurs for the first, second and third times, there shall in each case be substituted the word "roads"; and
    - (ii) in sub-paragraph (ii) of paragraph (d), for the words from "of any work" to the end there shall be substituted the words—
 

“purposes of a project connected with the doing by the roads authority (whether or not the local authority) of anything which, within the meaning of the Roads (Scotland) Act 1984, constitutes the improvement of a road in the local authority's area.”; and
  - (b) subsection (5) shall cease to have effect.
- (21) In section 64(4)(c) (placing of traffic sign on or near road), in each of sub-paragraphs (i) and (ii), for the word "highway" there shall be substituted the word "road".
- (22) In section 65 (powers and duties as to placing of traffic signs)—
- (a) in subsection (1), for the words "a highway" there shall be substituted the words "the roads"; and
  - (b) in subsection (2), for the word "highway" there shall be substituted the words "local roads".
- (23) In section 66 (traffic signs for giving effect to local traffic regulations etc.)—
- (a) in subsection (1), for the word "highway", in both places where it occurs, there shall be substituted the word "road"; and
  - (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".
- (24) In section 67(1) (emergencies and temporary obstructions), for the word "highway", in both places where it occurs, there shall be substituted the word "road".
- (25) In section 68 (placing of traffic signs in connection with exercise of other powers), in each of subsections (2) and (3), for the word "highway", wherever it occurs, there shall be substituted the word "roads".
- (26) In section 69 (general provisions as to removal of signs)—
- (a) in subsection (1)—
    - (i) for the word "highway" there shall be substituted the word "roads"; and
    - (ii) for the words "the roads" there shall be substituted the words "a road";
  - (b) in subsection (2), for the word "highway" there shall be substituted the word "roads"; and
  - (c) in subsection (3), for the word "highway" there shall be substituted the words "local roads".
- (27) In section 70(1) (default powers of Secretary of State as to traffic signs), for the word "highway" there shall be substituted the words "local roads".
- (28) In section 71(1) (power to enter land in connection with traffic signs) for the word "highway" there shall be substituted the words "local roads".

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- (29) In section 77 (traffic signs: modifications as respects trunk roads), for the words "trunk road" there shall be substituted the words "road for which the Secretary of State is roads authority".
- (30) In section 78 (modifications in relation to roads where parking permitted without lights)—
- (a) in subsection (1)—
    - (i) in paragraph (a), for the word "highway", in both places where it occurs, there shall be substituted the word "roads"; and
    - (ii) in paragraph (b), for the word "highway" there shall be substituted the words "local roads"; and
  - (b) in subsection (2), for the word "highway" there shall be substituted the word "roads".
- (31) In section 79(5) (advances by Secretary of State towards the expenses of traffic signs), for the word "highway" there shall be substituted the words "local roads".
- (32) In section 80(1) (interpretation), for the word "highway", in both places where it occurs, there shall be substituted the word "roads".
- (33) In section 83 (directions as regards what roads are restricted roads)—
- (a) in subsection (1), for the words "trunk road" there shall be substituted the words "road managed and maintained by him"; and
  - (b) in subsection (2), for the words "a trunk road" there shall be substituted the words "managed and maintained by the Secretary of State".
- (34) In section 84(2) (powers as regards speed limits on roads other than restricted roads), for the words "trunk road" there shall be substituted the words "road for which he is the roads authority".
- (35) In section 85 (traffic signs for indicating speed restrictions)—
- (a) in subsection (1), for the words "trunk road" there shall be substituted the words "road managed and maintained by him"; and
  - (b) in subsection (2), for the words "a trunk road" there shall be substituted the words "so managed and maintained".
- (36) In section 92 (bollards and other obstructions on roads)—
- (a) in subsection (1), for the word "highway", where it occurs for the second time, there shall be substituted the word "roads"; and
  - (b) in subsection (4), for paragraphs (a) and (b) there shall be substituted the following paragraphs—
    - “(a) where the order referred to in subsection (1) above has been made as regards a road managed and maintained by the Secretary of State, may be placed on the road by him; and
    - (b) where the order has been made as respects a road other than one so managed and maintained, may be placed on the road by the local roads authority.”
- (37) In section 93(1) (powers of Secretary of State in relation to functions under section 92) for the words from "trunk" where it first occurs to "that point" there shall be substituted the words "road managed and maintained by him he may authorise or require the roads authority for any other road which at that point leads into or crosses the road so managed and maintained".

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*Status: This is the original version (as it was originally enacted).*

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- (38) In each of sections 100(5)(c) and 106(8)(c) (interpretation), for the word " highway " there shall be substituted the word " roads " .
- (39) In section 120(2)(e) (evidence in certain proceedings)—
- (a) for the words " Vehicles (Excise) Act 1971 " there shall be substituted the words " Roads (Scotland) Act 1984 " ; and
  - (b) for the words " that Act"—
    - (i) where they first occur, there shall be substituted the words " Vehicles (Excise) Act 1971 " ; and
    - (ii) where they occur for the second time, there shall be substituted the words " the said Act of 1971 " .
- (40) In section 122(1) (exercise of functions by local authorities), for the word " highway " there shall be substituted the word " road " .
- (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 " .
- (42) In section 132(5) (special provisions as to certain Crown roads), for the words " highway authority shall include power to give the like directions to the local authority concerned" there shall be substituted the words " local roads authority shall include power to give the like directions to them " .
- (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)—
- (a) in the definition of " highway authority " , paragraph (b), and the word " and " immediately preceding that paragraph, shall cease to have effect;
  - (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) 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 ;”;
  - (d) for the definition of " road " there shall be substituted the following definitions—
 

“ road ' and ' roads authority ' have the same meanings as in the Roads (Scotland) Act 1984 ;” ; and
  - (e) in the definition of " special road ” —
    - (i) the word " or " , where it occurs for the second time, shall cease to have effect; and
    - (ii) after the words " 1980 " , where they first occur, there shall be inserted the words " or section 7 of the Roads (Scotland) Act 1984 , " .
- (45) In Schedule 9 (special provisions as to certain orders)—

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- (a) in paragraph 19(6), 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
- (b) in paragraph 25, for the word " highway " , where it occurs for the first and third times there shall in each case be substituted the word " road " ; and where it occurs for the second time there shall be substituted the words " roads "