



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART IX

ACQUISITION, TRANSFER, VESTING AND COMPENSATION

Acquisition

106 Acquisition of land for mitigating adverse effects of construction of road.

- (1) Subject to subsection (3) below, the roads authority may acquire land for the purpose of mitigating any adverse effect which the existence or use of a road constructed or improved by them, or proposed to be constructed or improved by them, has or will have on the surroundings of the road.
- (2) Subject to subsection (3) below, the roads authority may acquire, but only by agreement—
 - (a) land the enjoyment of which is seriously affected by the carrying out of works by the authority for the construction or improvement of a road;
 - (b) land the enjoyment of which is seriously affected by the use of a road which the authority have constructed or improved,

if the interest of the seller is one which falls within [^{F1}section 100(2) of the Town and Country Planning (Scotland) Act 1997] (interests qualifying for protection under blight provisions) taking references to the date of service of a notice under [^{F1}section 101] of that Act as references to the date on which the purchase agreement is made.

- [^{F2}(2A) Where the roads authority propose to carry out works on land to which this subsection applies for the construction or improvement of a road, they may acquire by agreement land the enjoyment of which will in their opinion be seriously affected by the carrying out of the works or the use of the road if the interest of the seller is an interest such as is mentioned in [^{F3}section 100(2) (interests qualifying for protection under blight provisions) of the Town and Country Planning (Scotland) Act 1997]].

Changes to legislation: Roads (Scotland) Act 1984, Section 106 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2B) Subsection (2A) above applies to any land such as is mentioned in [^{F4}Schedule 14 to the said Act of 1997].
- (3) The powers conferred by subsections (1) and (2)(a) above shall not be exercisable unless the acquisition is begun before the date on which the road or, as the case may be, the improved road is opened to public traffic; and the powers conferred by subsection (2)(b) above shall not be exercisable unless the acquisition is begun before the end of one year after that date.
- (4) For the purposes of subsection (3) above the acquisition of land is begun—
- (a) if it is compulsory, on the date on which the notice required by paragraph 3(1)(a) of Schedule 1 to the ^{M1}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 is first published;
 - (b) if it is by agreement, on the date on which the agreement is made;
- and where the compulsory acquisition of land under subsection (1) above is begun in accordance with subsection (3) above but is not proceeded with, any subsequent compulsory acquisition of that land under the said subsection (1) shall be treated for the purposes of this section as begun in accordance with the said subsection (3).
- (5) For the purpose of assessing the compensation payable on the compulsory acquisition of land under this section the land shall be treated as if it were being acquired for the construction of the road or, as the case may be, the improvement in question.
- (6) In this section references to the construction or improvement of a road include references to the construction or improvement of a road under an order under section 9 or 12 of this Act.
- (7) In [^{F5}paragraph 11 of Schedule 14 to the Town and Country Planning (Scotland) Act 1997]—
- (a) the reference to a power of compulsory acquisition there mentioned shall include a reference to the power of compulsory acquisition conferred by subsection (1) above; and
 - (b) the reference to land acquired for purposes of construction, improvement or alteration as indicated in an order or scheme there mentioned shall include a reference to land required for the purposes of subsection (1) above.
- (8) [^{F6}The said Schedule 14]
- shall have effect as if the land specified therein included land which—
- (a) is land shown in plans approved by a resolution of a local roads authority as land proposed to be acquired by them for the purposes of subsection (1) above; or
 - (b) is land shown in a written notice given by the Secretary of State to the local planning authority as land proposed to be acquired in connection with a trunk road or special road which he proposes to provide.

Textual Amendments

- F1** Words in s. 106(2) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(8)(a)**
- F2** S. 106(2A)(2B) inserted (25.09.1991) by **Planning and Compensation Act 1991 (c. 34, SIF 28:2), s. 76(2)**(with saving s. 84(5)); S.I. 1991/2092, **art. 3**.
- F3** Words in s. 106(2A) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(8)(b)**
- F4** Words in s. 106(2B) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(8)(c)**

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- F5** Words in s. 106(7) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(8)(d)**
F6 Words in s. 106(8) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 38(8)(e)**

Modifications etc. (not altering text)

- C1** Ss. 103-111 excluded (18.3.2011) by Forth Crossing Act 2011 (asp 2), **ss. 20(4), 80(2)** (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.

Marginal Citations

- M1** 1947 c. 42

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 152(3)(3ZA) substituted for s. 152(3) by [2019 asp 17 s. 124\(2\)](#)