



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART V

ROADS AND BUILDING CONTROL

Works and excavations

56 Control of works and excavations.

- (1) ^{F1}... Without prejudice to any requirement imposed by, under or by virtue of any ^{F2}... enactment, no works shall be executed in, or excavation made under, a public road except with the roads authority's consent in writing and in accordance with any reasonable conditions which they think fit to attach to the consent.
- (2) An application for the consent of a roads authority under subsection (1) above shall be in writing. On receipt of the application they shall give the applicant notice of all statutory undertakers whose apparatus is, in the opinion of the authority, likely to be affected by the works or excavation and the applicant shall then forthwith in writing intimate the application to those undertakers of whom he has received such notice.
- (3) This section does not apply to works or excavations to which the [^{F3}provisions of Part IV of the New Roads and Street Works Act 1991 apply].
- (4) A person shall, as soon as reasonably practicable after he—
 - (a) executes such works as are, or
 - (b) makes such excavation as is,

mentioned in subsection (1) above, make good any damage to the road occasioned by the works or excavation and shall immediately thereafter give notice to the authority that the damage is made good; and without prejudice to section 66 of this Act, until twelve months have elapsed from the authority certifying that the damage has been made good to their satisfaction (which certificate shall not be withheld unreasonably) the person shall maintain so much of the road as is made good.

Changes to legislation: Roads (Scotland) Act 1984, Section 56 is up to date with all changes known to be in force on or before 01 March 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

- (5) At the completion of the works or excavation mentioned in subsection (1) above any opening left in the road shall be provided with a door or cover by the person executing the works or making the excavation; and such door or cover shall be constructed in such manner, and of such materials, as may be specified by the roads authority.
- (6) A person who contravenes—
- (a) subsection (1) above; or
 - (b) subsection (5) above,
- commits an offence.
- (7) Works executed, or an excavation made, in contravention of subsection (1) above may be removed, or as the case may be filled in, by the roads authority; and the authority may recover such expenses as are reasonably incurred in so doing, or in maintaining an excavation which has under this subsection been filled in, from the person who executed those works or made that excavation.
- (8) The roads authority shall, where practicable, notify the person mentioned in subsection (7) above about anything removed under that subsection; but if the person cannot be traced, or if he has not recovered the thing within a reasonable period of time after being so notified, the authority may dispose of the thing.
- (9) Any proceeds of a disposal under subsection (8)
- above shall be used to meet any such expenses in relation to the removal or filling in as are mentioned in subsection (7) above. Thereafter any surplus shall be given to the person so mentioned if he can be traced and if he cannot may be retained by the roads authority.
- (10) Where a person contravenes subsection (4) (other than by a failure duly to give information) or (5) above, the roads authority may make good the damage to the road, or as the case may be provide a door or cover for the opening, and recover from him such expenses as are reasonably incurred in so doing.

Textual Amendments

- F1** Words in s. 56(1) repealed (10.1.2022) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 5(2)(a)** (with s. 126); S.S.I. 2021/428, reg. 2, sch.
- F2** Word in s. 56(1) repealed (10.1.2022) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 5(2)(b)** (with s. 126); S.S.I. 2021/428, reg. 2, sch.
- F3** Words in s. 56(3) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 83**; S.I. 1992/2990, art. 2(2), **Sch. 2**

Modifications etc. (not altering text)

- C1** S. 56: power to contract out functions of Secretary of State (16.3.1996) by S.I. 1996/878, art. 2, **Sch. para. 5(l)**
- C2** Ss. 56-61A excluded (18.3.2011) by Forth Crossing Act 2011 (asp 2), **ss. 20(3)**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.
- C3** Ss. 56-61A excluded (11.4.2017) by The Network Rail (Glasgow Queen Street Station) Order 2017 (S.S.I. 2017/100), arts. 1, **9(a)** (with art. 37)

Changes to legislation:

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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\(2\)](#)