



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART V

#### ROADS AND BUILDING CONTROL

##### *Works and excavations*

#### **59 Control of obstructions in roads.**

- (1) Subject to subsection (6) below, nothing shall be placed or deposited in a road so as to cause an obstruction 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) A person who contravenes subsection (1) above commits an offence.
- (3) Without prejudice to subsection (2) above, a person who contravenes subsection (1) above may be required by the roads authority or by a constable in uniform to remove the obstruction forthwith, and commits an offence if he fails to do so.
- (4) Where—
  - (a) a requirement under subsection (3) above is not complied with;
  - (b) the person who placed or deposited the obstruction cannot be readily traced; or
  - (c) the case is one of emergency,the roads authority or a constable may remove the obstruction (or cause it to be removed) and recover such expenses as are reasonably incurred in so doing from the said person.
- (5) Subsections (8) and (9) of section 56 of this Act shall apply in relation to anything removed under subsection (4) above as they apply in relation to anything removed under subsection (7) of that section, except that where the removal is by a constable the said subsections (8) and (9) shall be read as if any reference therein to the roads authority were a reference to the [F1 Scottish Police Authority] .
- (6) The foregoing provisions of this section do not apply—

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**Changes to legislation:** Roads (Scotland) Act 1984, Section 59 is up to date with all changes known to be in force on or before 18 February 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

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- (a) where section 58, 85 or 86 of this Act or section 2 of the <sup>M1</sup>Refuse Disposal (Amenity) Act 1978 (penalty for unauthorised dumping of motor vehicles etc.) applies; or
- (b) to works to which the [<sup>F2</sup>provisions of Part IV of the New Roads and Street Works Act 1991 apply].

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#### Textual Amendments

- F1** Words in s. 59(5) substituted (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 7 para. 7(4)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Words in s. 59(6)(b) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 85**; S.I. 1992/2990, art. 2(2), **Sch. 2**

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#### Modifications etc. (not altering text)

- C1** S. 59: power to contract out functions of the Secretary of State (16.3.1996) by S.I. 1996/878, art. 2, **Sch. para. 5(o)**
- 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)

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#### Marginal Citations

- M1** 1978 c. 3.

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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\(2\)](#)