



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART V

ROADS AND BUILDING CONTROL

Works and excavations

[61A ^{F1}**Charge for occupation of road.**

- (1) The Secretary of State may make provision by regulations requiring a person who occupies a public road by doing anything to which this section applies to pay a charge to the roads authority if the duration of the occupation exceeds the longer of the following periods—
 - (a) such period as may be prescribed; or
 - (b) such period as is agreed by the authority and the person to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable in the circumstances.
- (2) This section applies to the occupation of a public road by doing anything which would require the consent or permission of a roads authority under any of the following provisions of this Act—
 - section 56 (works executed in or excavations under a public road);
 - section 58 (occupation of road for deposit of building materials and erection of scaffolding);
 - section 59 (placing or depositing anything in a road);
 - ^{F2} ...
 - section 85 (depositing a builder's skip).
- (3) For the purposes of paragraph (b) of subsection (1) above, in default of agreement, the roads authority's view as to what is a reasonable period shall be acted upon pending the decision of the arbiter.

Changes to legislation: Roads (Scotland) Act 1984, Section 61A is up to date with all changes known to be in force on or before 11 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

- (4) The regulations may provide that if a person applying to the roads authority for consent or permission under any of the provisions of this Act specified in subsection (2) above submits together with his application an estimate of the likely duration of the occupation, the period stated in the estimate shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.
- (5) The regulations may provide that if it appears to the person occupying the road that by reason of matters not previously foreseen or reasonably foreseeable the duration of the occupation—
- (a) is likely to exceed the prescribed period,
 - (b) is likely to exceed the period stated in the previous estimate, or
 - (c) is likely to exceed the period previously agreed or determined to be a reasonable period,
- he may submit an estimate or revised estimate accordingly, and that if he does so any previous estimate, agreement or determination shall cease to have effect and the period stated in the new estimate shall be taken to be agreed by the roads authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.
- (6) The amount of the charge shall be determined in such manner as may be prescribed by reference to the duration and extent of the occupation and different rates of charge may be prescribed according to the purpose of the occupation and such other factors as appear to the Secretary of State to be relevant.
- (7) The regulations may make provision as to the time and manner of making payment of any charge.
- (8) The regulations shall provide that a roads authority may reduce the amount, or waive payment, of a charge in any particular case, in such classes of case as they may decide or as may be prescribed, or generally.
- (9) In this section “prescribed” means prescribed by the Secretary of State by regulations.]

Textual Amendments

- F1** S. 61A inserted (1.1.1993) by New Roads and Street Works Act (c. 22, SIF 59, 108), s. 168(1), Sch. 8 para. 88; S.I. 1992/2990, art. 2(2), **Sch. 2**
- F2** Words in s. 61A(2) repealed (10.1.2022) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 5(4)** (with s. 126); S.S.I. 2021/428, reg. 2, sch.

Modifications etc. (not altering text)

- C1** 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.
- C2** 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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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\(2\)](#)