



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART IV

MISCELLANEOUS

Roads

146 Definition of “road”.

In section 151 of the ^{M1}Roads (Scotland) Act 1984 (interpretation), after subsection (1) there shall be inserted the following subsection—

“(1A) A way to which the public has access (by whatever means and whether subject to a toll or not) which passes over a bridge constructed in pursuance of powers conferred by, or by an order made under or confirmed by, a private Act shall, for the purposes of the definition of “road” in subsection (1) above, be treated as if there were a public right of passage over it.”.

Marginal Citations

M1 [1984 c. 54.](#)

147 Provisions consequential on making of special road order.

After section 113 of the ^{M2}Roads (Scotland) Act 1984 there shall be inserted the following section—

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“113A Dissolution of certain bodies in consequence of order under section 9.

- (1) Where—
- (a) an order under section 9 of this Act transfers to a special road authority a road for the management and maintenance of which a body other than a roads authority was, prior to the coming into force of the order, responsible under any enactment; and
 - (b) the functions of that body relate solely to that road,
- the Secretary of State may by order (in this section referred to as a “dissolution order”) dissolve the body.
- (2) A dissolution order may transfer or provide for the transfer to—
- (a) the special road authority referred to in subsection (1)(a) above; or
 - (b) such other person as the Secretary of State considers appropriate,
- of such of the property, rights and liabilities of the body dissolved by the order as the Secretary of State considers appropriate.
- (3) A dissolution order may make provision in connection with the transfer of staff employed by or for the purposes of the body.
- (4) Without prejudice to the generality of subsection (2) above, a dissolution order may make provision regarding liability for the payment of any pensions, allowances or gratuities which would otherwise have been the responsibility of the body.
- (5) A dissolution order may make incidental provision as to the interests, rights and liabilities of third parties with respect to property, rights and liabilities transferred by the order.
- (6) In subsection (5) above the reference to third parties is a reference to persons other than the body and the persons referred to in subsection (2)(a) and (b) above.
- (7) A dissolution order may repeal or amend—
- (a) any enactment in a private Act; and
 - (b) any provision of an order made under or confirmed by a private Act,
- which, in consequence of the making of the order, is no longer required or, as the case may be, requires to be amended.”.

Marginal Citations

M2 1984 c. 54.

148 Toll orders.

- (1) In paragraph 14D(1) of Schedule 1 to the ^{M3}Roads (Scotland) Act 1984 (procedure for making and confirming toll orders), at the end of paragraph (a) (and before the word “and” immediately following it) there shall be inserted the following paragraph—
- “(aa) that existing road is free of toll.”.

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- (2) In section 27 of the ^{M4}New Roads and Street Works Act 1991 (toll orders), after subsection (9) there shall be inserted the following subsection—

“(9A) On the date when a toll order comes into force any provision of any enactment (other than an enactment contained in this Act) which confers a power or imposes a duty to charge tolls for the use of all or part of any road to which the toll order relates shall cease to have effect.”.

Marginal Citations

M3 1984 c. 54.

M4 1991 c. 22.

149 Road works register.

In section 112 of the New Roads and Street Works Act 1991 (road works register)—

- (a) in subsection (4), for the words from “of road” to “section” there shall be substituted the words “ under this section of such road works authorities as he may specify ”;
- (b) after subsection (4) there shall be inserted the following subsection—

“(4A) Before making any arrangements under subsection (4) the Secretary of State shall consult—

- (a) any road works authority having duties under this section which he intends not to specify for the purposes of the arrangements; and
- (b) any undertaker (other than a person having permission under section 109 to execute road works) having apparatus in a road for which such road works authority is responsible.”; and
- (c) in subsection (5), after the word—
- (i) “require” there shall be inserted the word “ the ”; and
- (ii) “authorities” there shall be inserted the words “ so specified ”.

150 Traffic signs.

- (1) Notwithstanding the provisions of section 67 of the ^{M5}Road Traffic Regulation Act 1984 (persons empowered to place traffic signs on road in emergency etc.), the Secretary of State may, with the consent of the [^{F1}chief constable of the Police Service of Scotland] as respects a road or any structure on a road, place on that road, or on any structure on that road, traffic signs (of any size, colour and type prescribed or authorised under section 64 of the said Act of 1984), indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances; and the power to place signs conferred by this subsection shall include power to maintain a sign for a period of 7 days or less from the time when it was placed, but no longer.
- (2) Section 36 of the ^{M6}Road Traffic Act 1988 (drivers to comply with traffic signs) shall apply to signs placed in the exercise of the power conferred by subsection (1) above.
- (3) In this section—

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“road” has the meaning given by section 151(1) of the ^{M7}Roads (Scotland) Act 1984; and

“traffic sign” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984.

Textual Amendments

- F1** Words in s. 150(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 10](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
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Modifications etc. (not altering text)

- C1** S. 150: power to contract out functions of the Secretary of State conferred (16.3.1996) by [S.I. 1996/878](#), art. 2, [Sch. para. 7](#)
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Marginal Citations

- M5** 1984 c. 27.
M6 1988 c. 52.
M7 1984 c. 54.

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