

From Argyll & Bute Council: Landowner / Homeowner responsibilities (extracts) under the Roads Scotland Act 1984

IF YOU HAVE ANY DOUBT ABOUT ISSUES RAISED EITHER SPEAK TO THE COUNCIL OR SEEK LEGAL ADVICE

These extracts from the **of the Roads (Scotland) Act 1984** are presented to give an idea of the responsibilities of the landowner / homeowner regarding 'shedding' and other damage/obstruction of roads and drainage systems.

Section 91: Prevention of danger to road from nearby vegetation and fences etc. or from retaining walls being inadequate.

Where a hedge, tree or shrub overhangs a road so as to—

- (a) endanger or obstruct the passage of vehicles or pedestrians;
- (b) obstruct or interfere with road users' view of the road; the light from a public lamp; or
- a traffic sign; or
- (c) increase the likelihood of obstruction of the road by drifting snow,

the roads authority may, by notice served either on the owner of the hedge, tree or shrub, or on the occupier of the land on which it is growing, require him within 28 days from the date of service of the notice to carry out such work on the hedge, tree or shrub as is necessary to remove the cause of danger, obstruction or interference (emphasis added)

Section 99 Prevention of flow of water etc. onto roads.

The owner and the occupier of any land, whether or not that land is such as constitutes a structure over or across a road, shall prevent any flow of water or of filth, dirt or other offensive matter from, or any percolation of water through, the land onto the road.

Section 95 Deposit of mud from vehicles on roads.

A person who, being in charge of a vehicle on a road, allows such quantity of mud, clay, farmyard manure, or other material (of whatever nature) from the vehicle, or from anything carried on the vehicle, to drop onto or be deposited on the road so as to create, or be likely to create, a danger or substantial inconvenience to road users and who fails to remove the material as soon as reasonably committs an offence.

Section 83: Prevention of obstruction of view at corners, bends and junctions.

Where the roads authority are of the opinion that it is necessary, for the prevention of danger arising from obstruction of the view of road users, to impose restrictions with respect to land at or near a corner, bend or junction in a road they may serve a notice (in this section referred to as an “obstruction notice”

Section 100: Damage to roads etc

A person who without lawful authority or reasonable excuse deposits anything whatsoever on a road so as to damage the road paints or otherwise inscribes or affixes upon the surface of a road or upon a tree, traffic sign, milestone, structure or works on or in a road, a picture, letter, sign or other mark; or by lighting a fire within, or by permitting a fire for which he is responsible to spread to within, 30 metres of a road, damages the road or endangers traffic on it, commits an offence

Section 56: Control of works and excavations.

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

Section 58: Occupation of parts of road for deposit of building materials etc.

A person who without, or otherwise than in accordance with, the written permission of the roads authority, in conducting operations for the construction, repair, maintenance or demolition of any building, occupies for the purpose of depositing materials or otherwise in connection with those operations, a part of a road, whether public or private, or erects staging or scaffolding which projects over a part of a road, commits an offence.