

ROADS (SCOTLAND) ACT 1984 – SECTIONS 31, 32 AND 99**31 Drainage of roads**

- 1) The roads authority may, for the purpose of draining a public road or proposed public road or of otherwise preventing surface water from flowing onto it— .
 - a) construct or lay, in it or in land adjoining or lying near to it, such drains as they consider necessary;
 - b) erect and maintain barriers in it or in such land as aforesaid to divert surface water into or through any existing drain;
 - c) scour, cleanse and keep open all drains in it or in such land as aforesaid;
 - d) drain surface water from it into any inland waters (whether natural or artificial) or tidal waters.
- 2) Without prejudice to subsection (1) (c) above, where any drain referred to therein was constructed or laid by the roads authority, they shall scour, cleanse and keep it open. .
- 3) Before carrying out any works under this section, the roads authority shall serve on the owner and the occupier of the land affected notice of the intention to do so, describing the proposed works, and informing them that they may object to the proposed works by notice to the authority within 28 days of service of the notice. .
- 4) Where an owner or occupier of the land affected objects in accordance with subsection (3) above to the proposed works and the objection is not withdrawn, then— .
 - a) if the roads authority is the Secretary of State, he shall not carry out the proposed works without having considered the objection; and
 - b) if the roads authority is a local roads authority, they shall not carry out the proposed works without the consent of the Secretary of State who may grant such consent either unconditionally or subject to such terms and conditions as he thinks fit and whose decision shall be final.
- 5) If a person, without the consent of the roads authority, alters, obstructs or interferes with any drain or barrier which has been constructed, laid or erected by the authority in exercise of their functions under subsection (1) above or which is under their control, then— .
 - a) the authority may carry out any work of repair or reinstatement necessitated by his action and may recover from him the expenses reasonably incurred by them in so doing, and
 - b) without prejudice to their right to exercise that power, he commits an offence.
- 6) In the foregoing provisions of this section, except where the context otherwise requires, “drain” includes a ditch, gutter, watercourse, bridge, culvert, tunnel, pipe or holding pond and any pumping machinery associated with any of those things.

32 Contributions to drainage works and flood prevention operations

Where it appears to the roads authority that the execution of any drainage works under the Land Drainage (Scotland) Act 1958 or flood prevention operations under the Flood Prevention (Scotland) Act 1961 is desirable for the protection or enjoyment of a public road or proposed public road they may make such contributions as they think fit towards any expenses incurred in the execution and maintenance of those works.

99 Prevention of flow of water etc. onto roads

- 1) 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.
- 2) A person may, with the consent of the roads authority and subject to such reasonable conditions as may be imposed by that authority, at his own expense carry out such works in, or make such excavations under, the road as appear to him to be necessary for the purposes of his complying with subsection (1) above.
- 3) Without prejudice to subsections (1) and (6) of this section, where there is onto a road such flow or percolation as is mentioned in subsection (1) above, the roads authority may by notice served on the owner or occupier of the land require him, within 28 days from the date of service of, or within such longer period from that date as may be specified in, the notice, to carry out such works or make such excavations as may be so specified, being works or excavations in their opinion necessary for compliance by him with subsection (1) above.
- 4) A person upon whom a notice has been served under subsection (3) above may within 28 days of such service refer the matter by summary application to the sheriff; and the decision of the sheriff on the matter shall be final.
- 5) Subsections (4) and (10) of section 56 of this Act shall apply in respect of works and excavations executed as is mentioned in subsection (2) or (3) above as the said subsections (4) and (10) apply in respect of works and excavations executed as is mentioned in subsection (1) of that section.
- 6) A person failing to comply with subsection (1) above commits an offence.