



From mountain to sea

Enforcement of Roads and Traffic Authority Powers Policy

March 2022



Approved	Approved
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Authorised by	Infrastructure Services Committee
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1 Introduction

As a Local Roads Authority under the *Roads (Scotland) Act 1984*, Aberdeenshire Council is responsible for the management and maintenance of all non-trunk, public roads within its boundaries. To support this duty, the act provides the authority with various powers of enforcement. Further powers of enforcement are also conferred on the Council as a Traffic Authority under the *Road Traffic Regulation Act 1984*.

This policy sets out the principles to be followed by officers when utilising these powers on behalf of the Council.

Compliance with this policy should help to ensure that infringements and infractions are dealt with proportionately, objectively and impartially across the areas of Aberdeenshire.

2 Policy statement

Aberdeenshire Council maintain and manage the public road network for the benefit of its communities and for all who wish to exercise their public right of passage over it. The rights of road users and those working in the road however are regulated by legislation to protect the road, and to ensure those using it can do so safely and with minimum hinderance. The Authority shall use its powers of enforcement to help achieve these outcomes.

We will:

- **Support officers taking enforcement action;**
- **Provide guidance on appropriate enforcement measures in an “Enforcement of Roads and Traffic Authority Powers Manual”;**
- **Consider if a softer initial approach may be more effective in achieving the desired outcome rather than the immediate use of statutory powers;**
- **Seek to recover all reasonably incurred expenses when we choose to execute works etc. on default of a party required to do so;**
- **Keep a record of enforcement interactions; and**
- **Actively co-operate with Police Scotland in instances where their powers of enforcement would be more effective or appropriate.**

3 Scope

This Policy shall apply to:

- All roads (including verges, paved areas, footways and footpaths) for which Aberdeenshire Council is Roads Authority.

This Policy shall not apply to traffic offences nor parking infringements.

4 Implementation and compliance

Aberdeenshire Council's "Enforcement of Roads and Traffic Authority Powers Manual" contains guidance on the range of enforcement powers available to Roads and Traffic Authorities, and how these powers should be used.

The Roads Policy and Asset Manager will be responsible for updating the manual to reflect changes in legislation and any other improvements or amendments considered to be needed.

Local Roads and Landscape Managers shall be responsible for compliance within their areas, ensuring that guidance in the manual is followed.

