



# Transport (Scotland) Act 2005

## 2005 asp 12

### TRANSPORT (SCOTLAND) ACT 2005

#### PART 1

#### REGIONAL TRANSPORT

#### CHAPTER 1

#### REGIONAL TRANSPORT PARTNERSHIPS

##### *Establishment etc.*

- 1 Establishment of regional Transport Partnerships
- 2 Dissolution of regional Transport Partnerships

##### *Administration*

- 3 Regional Transport Partnerships: funding and borrowing
- 4 Further provision about regional Transport Partnerships

##### *Regional transport strategies*

- 5 Formulation and content of regional transport strategies
- 6 Procedure before and after the drawing up of regional transport strategies
- 7 Review, modification and renewal of regional transport strategies
- 8 Duty of constituent councils and other public bodies as respects regional transport strategies
- 9 Joint regional transport strategies

##### *Regional transport functions*

- 10 Other transport functions of regional Transport Partnerships
- 11 Alteration of functions of regional Transport Partnerships
- 12 Manner of performance of functions of regional Transport Partnerships

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## CHAPTER 2

### TRANSPORT FUNCTIONS: FURTHER PROVISIONS

- 13 Transfer to Scottish Ministers of certain rail provisions
- 14 Arrangements for performance by regional Transport Partnership of certain transport functions etc.

## CHAPTER 3

### SUPPLEMENTARY AND CONSEQUENTIAL PROVISION

- 15 Transfer of staff, property, rights and liabilities

### PART 2

#### ROAD WORKS

##### *The Scottish Road Works Commissioner*

- 16 Creation, appointment, status and funding of Scottish Road Works Commissioner
- 17 Functions of Commissioner
- 18 Duty of road works authority and undertakers to provide Commissioner with information

##### *The Scottish Road Works Register*

- 19 The Scottish Road Works Register

##### *Miscellaneous*

- 20 Directions as to timing of road works
- 21 Directions as to placing of apparatus in roads
- 22 Restriction on works following substantial road works
- 23 Duty of road works authority to co-ordinate road works etc.
- 24 Duty of undertakers to co-operate with authorities and other undertakers
- 25 Enforcement of sections 118 and 119 of 1991 Act
- 26 Qualifications of supervisors and operatives
- 27 Duty of authorities, undertakers etc. to ensure competence of employees etc.
- 28 Duty of undertaker to notify completion of road works: form and procedure
- 29 Notices requiring remedial works relating to reinstatements

##### *Resurfacing*

- 30 Power of road works authority to require undertaker to resurface road
- 31 Resurfacing: regulations and guidance
- 32 Contributions to costs of resurfacing by undertaker

##### *Enforcement of 1991 Act*

- 33 Increase in penalties for summary offences under 1991 Act
- 34 Fixed penalty offences
- 35 Civil penalties for certain offences under 1991 Act

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*Resolution of disputes under 1991 Act*

36 Method of settlement of certain disputes under 1991 Act

*Enforcement of certain offences under the Roads (Scotland) Act 1984*

37 Fixed penalty offences under the Roads (Scotland) Act 1984

38 Civil penalties for certain offences under the roads (Scotland) Act 1984

39 Consultation on regulations and codes of practice

**PART 3**

MISCELLANEOUS

40 National travel concession schemes

41 Public Transport Users' Committee for Scotland

42 Functions of the Committee

43 Guidance and direction to the Committee

44 Abolition of requirement on local traffic authority to inform the Scottish Ministers about certain pedestrian crossings

45 Modification of Highlands and Islands Shipping Services Act 1960 and loans for transport-related purposes

46 Amendment of procedure for dealing with applications for harbour orders

47 Amendment of procedure where harbour revision orders are made by the Scottish Ministers of their own motion

48 Transitional provision for sections 46 and 47

49 Badges for vehicles used for disabled people: change of terminology

50 Extension of remit of Bus User Complaints Tribunal

51 Minor amendments of Transport (Scotland) Act 2001

**PART 4**

GENERAL

52 Orders and regulations

53 Interpretation

54 Short title and commencement

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SCHEDULE 1 — Further provision about regional Transport Partnerships

*Staff*

1 A Transport Partnership shall appoint such employees as it considers...

2 If— (a) proceedings are brought against an employee of a...

3 A Transport Partnership— (a) shall obtain an appropriate guarantee for...

4 If it comes to the knowledge of a person who...

5 (1) An employee of a Transport Partnership who, under colour...

*Land*

6 (1) For the purposes of its functions, a Transport Partnership...

7 (1) A Transport Partnership may— (a) develop, for use by...

8 In paragraphs 6 and 7 above, references to the functions...

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9 (1) A Transport Partnership may dispose of land; and section...

*Private legislation*

10 (1) A Transport Partnership may, if it thinks fit, promote...

*Participation in community planning*

11 In the Local Government in Scotland Act 2003 (asp 1)—...

*Forming companies*

12 A Transport Partnership may (whether alone or with others, who...

*Legal proceedings, notices etc.*

13 (1) Sections 189 to 193, 195 and 197 to 199...

*Reporting and information*

14 A Transport Partnership shall— (a) as soon as practicable after...

*Finance etc.*

15 (1) The Local Government (Scotland) Act 1973 (c. 65) is...

*Contracts etc.*

16 (1) The following enactments apply in relation to a Transport...

*Standards of members' conduct*

17 In schedule 3 to the Ethical Standards in Public Life...

*Expenses of observers*

18 A Transport Partnership may pay to persons appointed, as respects...

*Investigation*

19 In Part 1 of schedule 2 to the Scottish Public...

*Freedom of information*

20 In schedule 1 to the Freedom of Information (Scotland) Act...

SCHEDULE 2 — Scottish Road Works Commissioner: further provision

*Staff*

1 (1) The Commissioner may, with the consent of the Scottish...

*Accounts*

2 The Commissioner shall— (a) prepare, for each financial year and...

*Reports and information*

3 The Commissioner shall— (a) as soon as practicable after the...

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### *Freedom of information*

4 In schedule 1 to the Freedom of Information (Scotland) Act...

SCHEDULE 3 — Increase in maximum fines for certain summary offences under the 1991 Act

SCHEDULE 4 — Schedule 6A to the New Roads and Street Works Act 1991

SCHEDULE 5 — Schedule 6B to the New Roads and Street Works Act 1991

SCHEDULE 6 — Schedule 8A to the Roads (Scotland) Act 1984

SCHEDULE 7 — Schedule 8B to the Roads (Scotland) Act 1984

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**Changes and effects yet to be applied to :**

- s. 52(3) words inserted by [2019 asp 17 s. 110\(3\)\(a\)](#)
- s. 52(3) words inserted by [2019 asp 17 s. 110\(3\)\(b\)](#)
- s. 53(2) words inserted by [2019 asp 17 sch. para. 7\(4\)\(a\)](#)
- s. 53(2) words inserted by [2019 asp 17 sch. para. 7\(4\)\(b\)](#)

**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. 18A-18F inserted by [2019 asp 17 s. 110\(2\)](#)
- sch. 2 para. 3(2)(3) inserted by [2019 asp 17 s. 110\(4\)\(b\)](#)
- sch. 2 para. 3(1) sch. 2 para. 3 renumbered as sch. 3 para. 3(1) by [2019 asp 17 s. 110\(4\)\(a\)](#)

**Commencement Orders yet to be applied to the Transport (Scotland) Act 2005**

Commencement Orders bringing provisions within this Act into force:

- [S.S.I. 2008/90 art. 2](#) amendment to earlier commencing SSI 2008/15 art. 3