



# Transport (Scotland) Act 2005

## 2005 asp 12

### PART 2

#### ROAD WORKS

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

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

- (1) For section 112 (the road works register) of the 1991 Act there are substituted the following sections—

##### **“112A The Scottish Road Works Register**

- (1) The Scottish Road Works Commissioner (in this Part, “the Commissioner”) shall keep a register, to be known as the Scottish Road Works Register (in this Part, “the SRWR”).
- (2) The SRWR shall be kept in such form and manner as may be prescribed.
- (3) The Commissioner shall make arrangements so as to enable any person who is required, by a provision of this Act, to enter particulars, information or a notice in the SRWR, to have access to the SRWR for that purpose.
- (4) The Scottish Ministers may by regulations—
  - (a) provide that the payment to the Commissioner of the prescribed fee is a condition of access to the SRWR as mentioned in subsection (3) (and different fees may be prescribed for access for different purposes), and
  - (b) make other provision as to the payment to the Commissioner by such persons as are prescribed of such amounts as are prescribed.
- (5) Amounts received by the Commissioner under subsection (4) are to be applied by the Commissioner to the keeping of the SRWR.
- (6) The Commissioner shall make the SRWR available, at all reasonable times and free of charge, for inspection—

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- (a) so far as it relates to restricted information, by any person having authority to execute works of any description in the road in respect of which that restricted information is kept in the SRWR or who, not being a person having that authority, nevertheless appears to the Commissioner to have a sufficient interest in that information,
  - (b) so far as it relates to information which is not restricted, by any person.
- (7) In subsection (6), “restricted” information is information of a prescribed description.

### **112B Duty to enter certain information in the Scottish Road Works Register**

- (1) A road works authority shall enter in the SRWR such particulars of each road for which the authority are responsible as may be prescribed.
- (2) A road works authority proposing to execute works in any such road shall, not later than such time before the date proposed for the start of the works as may be prescribed, enter in the SRWR such information relating to that matter (including such information about the start of the works) as may be prescribed.
- (3) A road works authority which has—
  - (a) under section 109, granted permission as regards apparatus and works,
  - (b) under section 115, given directions as to the timing of works, or
  - (c) under section 115A, given directions as to the placing of apparatus,
 shall enter in the SRWR such information relating to that matter as may be prescribed.
- (4) A local roads authority proposing to execute works in roads in pursuance of section 1 of the Roads (Scotland) Act 1984 (c. 54) (management and maintenance of certain public roads) shall enter in the SRWR such information relating to that matter as may be prescribed.
- (5) If the Scottish Ministers (as roads authority) propose to execute works in roads under section 2 of that Act (management and maintenance of trunk, special and certain other public roads) they shall enter in the SRWR such information relating to that matter as may be prescribed.
- (6) On the completion of works of the kind referred to in subsection (4) or (5) the roads authority which executed them shall enter in the SRWR such information about their completion as may be prescribed.
- (7) A roads authority which has—
  - (a) under subsection (2) of section 56 of the Roads (Scotland) Act 1984 (c. 54), given an applicant for consent for road works or excavations notice of affected statutory undertakers,
  - (b) under subsection (8) of that section, given notification of unlawful works removed or unlawful excavations filled in,
  - (c) under section 58(1) of that Act, given permission for the occupation of part of a road for the deposit of materials or for the erection of staging or scaffolding projecting over part of a road,

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- (d) under section 61(1) of that Act, given permission for the placing, leaving, retention, maintenance, repair or reinstatement of apparatus in or under a road or the breaking open of or having access to the road,
- (e) under section 85 of that Act, given permission for the deposit of a skip on a road for which a road works authority are responsible,
- (f) under subsection (2) of section 86 of that Act, required the removal or repositioning of a skip deposited on such a road or removed or repositioned such a skip,
- (g) become aware that a constable has, under subsection (1) of that section, required or caused the removal or repositioning of such a skip,
- (h) given notice under—
  - (i) section 87 of that Act requiring the removal of a structure from a road for which a road works authority are responsible and (where considered requisite under that section) the reinstatement of the road, or
  - (ii) section 88 of that Act requiring the removal or alteration of a projection affecting such a road,
- (i) under section 90 of that Act, given consent for the fixing or placing of an overhead bridge, beam, rail or other apparatus along or across such a road,
- (j) under section 91 of that Act, served notice requiring work to be done or carried out work in relation to such a road, or
- (k) under section 92 of that Act, given consent to the planting of a tree or shrub near a carriageway or required its removal, where the carriageway is, or is part of, such a road,

shall enter in the SRWR such information relating to that matter as may be prescribed.

(8) Information to be entered in the SRWR under this section shall be entered in such form and manner as may be prescribed.”.

(2) In section 108(2) of the 1991 Act (roads authority to be regarded in certain circumstances as road works authority for purposes including those of section 112 of the Act) for “112” there is substituted “ 112B (duty to enter certain information in Scottish Road Works Register) ”.

(3) In section 113 of the 1991 Act (giving of advance notice of certain road works)—

- (a) in subsection (1) “to the road works authority” is repealed; and
- (b) for subsection (3) there is substituted—

“(3A) For the purposes of subsection (1) an undertaker gives notice by entering in the SRWR such information as may be prescribed.”.

(4) In section 114 of the 1991 Act (notice of starting date of road works)—

- (a) in subsection (1) the words from “to”, where thirdly occurring, to the end are repealed; and
- (b) for subsection (3) there is substituted—

“(3A) For the purposes of subsection (1) an undertaker gives notice by—

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- (a) giving to any relevant authority (not being the road works authority) and to any other person having apparatus in the road which is likely to be affected by the works a notice—
    - (i) stating the date on which it is proposed to begin the works, and
    - (ii) containing such other information as may be prescribed, and
  - (b) entering in the SRWR a copy of that notice.”.
- (5) In section 116 of the 1991 Act (notice of emergency works)—
- (a) in subsection (2) the words from “to” to the end are repealed; and
  - (b) for subsection (3) there is substituted—
- “(3A) For the purposes of subsection (2) an undertaker gives notice by—
- (a) giving to each person to whom notice would be required to be given under section 114 a notice—
    - (i) stating the undertaker's intention, or as the case may be, the fact that he has begun to execute the works, and
    - (ii) containing such other information as may be prescribed, and
  - (b) entering in the SRWR a copy of that notice.”.
- (6) In subsection (2) of section 117 of the 1991 Act (restriction of works following substantial road works)—
- (a) for “published in the prescribed manner” there is substituted “ entered in the SRWR ”; and
  - (b) for “published”, where secondly and thirdly occurring, there is substituted “ so entered ”.
- (7) In section 165 of the 1991 Act (index for Part 4)—
- (a) after the entry for “carriageway” there is inserted—

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“the Commissioner	section 112A(1)”;
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- (b) after the entry for “special enactment” there is inserted—

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“the SRWR	section 112A(1)”.
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#### Commencement Information

- I1** S. 19(1)(7) in force at 29.2.2008 for specified purposes by S.S.I. 2008/15, **art. 2(1)** (with art. 3)
- I2** S. 19(1)(7) in force at 1.4.2008 in so far as not already in force by S.S.I. 2008/15, **art. 2(2)**, **Sch. 1** (with art. 3)
- I3** S. 19(2)-(6) in force at 1.4.2008 by S.S.I. 2008/15, **art. 2(2)**, **Sch. 1** (with art. 3)

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**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](#)