



Transport (Scotland) Act 2005

2005 asp 12

PART 2

ROAD WORKS

Miscellaneous

25 Enforcement of sections 118 and 119 of 1991 Act

- (1) Subsection (3) of section 119 of the 1991 Act (which subsection makes it an offence for an undertaker executing road works to fail to use best endeavours to co-operate with the road works authority and other undertakers) is repealed.
- (2) After that section (which requires undertakers to co-operate with road works authorities and others in the execution of road works) there is inserted—

“119A Enforcement of sections 118 and 119: imposition of penalties

- (1) The Scottish Ministers may, by regulations, make provision for or in connection with—
 - (a) the imposition by the Commissioner of penalties on road works authorities and undertakers who fail to comply with duties imposed on them by sections 118 and 119 respectively,
 - (b) the payment of such penalties.
- (2) The regulations may include provision for or in connection with—
 - (a) the notification and enforcement of penalties,
 - (b) the level of penalties,
 - (c) appeals against the imposition of penalties including the appointment of persons to hear and determine such appeals.”.