



Transport (Scotland) Act 2005

2005 asp 12

PART 2

ROAD WORKS

Miscellaneous

26 Qualifications of supervisors and operatives

(1) Section 126 of the 1991 Act (qualifications of supervisors and operatives) is amended in accordance with subsections (2) to (5) below.

(2) After subsection (1) there is inserted—

“(1A) A road works authority may (unless the case is one excepted from subsection (1)) by notice require an undertaker executing road works—

- (a) to notify them of the name of—
 - (i) the person who is currently the qualified supervisor required under subsection (1), and
 - (ii) each person who has previously been the qualified supervisor so required, and

- (b) to provide them with such evidence of the requisite qualification of the person or, as the case may be, each person named as may be prescribed.”.

(3) After subsection (2) there is inserted—

“(2A) A road works authority may (unless the case is one excepted from subsection (2)) by notice require an undertaker executing road works—

- (a) to notify them of the name of—
 - (i) a person whose presence on site at any time specified in the notice (being a time when the works were in progress) enabled the undertaker to comply with his duty under subsection (2), or

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- (ii) each person whose presence on site during the progress of the works enabled the undertaker to comply with his duty under subsection (2), and
 - (b) to provide them such evidence of the requisite qualification of the or, as the case may be, each person named as may be prescribed.
- (2B) A notice under subsection (1A) or (2A) may be given at any time while the works are being executed or within such period after their completion as may be prescribed.
- (2C) The undertaker shall comply with a notice under subsection (1A) or (2A) within such period and in such way as may be prescribed.”.
- (4) In subsection (3), for “or (2)” there is substituted “, (2) or (2C)”.
- (5) In subsection (4), after paragraph (b) there is inserted “and
- (“ the form of any document to be issued by an approved body to certify or otherwise show that a qualification has been conferred on any person.”.

Commencement Information

II S. 26 in force at 1.4.2008 by S.S.I. 2008/15, art. 2(2), Sch. 1

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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](#)