



Transport (Scotland) Act 2019

2019 asp 17

PART 9

ROAD WORKS

Scottish Road Works Commissioner: status and functions

PROSPECTIVE

112 Fixed penalty notices

(1) The New Roads and Street Works Act 1991 is amended as follows.

(2) In schedule 6A (fixed penalty offences under Part 4), at the end of the table, insert—

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| “An offence under section 153G(1) | Failure to comply with a compliance notice”. |
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(3) In schedule 6B (fixed penalties for certain offences under Part 4)—

(a) in paragraph 1(1) for “An” substitute “ The Commissioner, an authorised member of the Commissioner's staff or an ”,

(b) after paragraph 1(1) insert—

“(1A) But, despite sub-paragraph (1), a road works authority may not give a fixed penalty notice in relation to an offence under section 153G(1).”,

(c) in paragraph 1(2)—

(i) the words after “Schedule” become paragraph (a),

(ii) after paragraph (a), insert—

“(b) “issuing authority” means the Commissioner or (as the case may be) the road works authority.”,

(d) in paragraph 4—

(i) in sub-paragraph (1), after “subject to” insert “ sub-paragraph (1A) and ”,

(ii) after sub-paragraph (1), insert—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Transport (Scotland) Act 2019, Section 112. (See end of Document for details)

“(1A) The penalty for a fixed penalty offence in relation to an offence under section 153G(1) is such amount, not exceeding £100,000, as is prescribed.”,

- (e) in paragraph 5, before sub-paragraph (1) insert—

“(A1) This paragraph applies to fixed penalty offences other than an offence under section 153G(1).”,

- (f) in paragraph 7(4)(b) for “road works authority in whose area the offence was committed” substitute “ issuing authority ”,

- (g) after paragraph 13, insert—

“13A

(1) The Scottish Ministers may by regulations make such supplementary, incidental or consequential provision as they consider appropriate in connection with fixed penalty notices and the carrying out of issuing authorities' functions under this schedule.

(2) Regulations under sub-paragraph (1) may, in particular, include provision prohibiting or restricting the giving of a fixed penalty notice to a person in respect of an offence arising out of an act or omission in cases where the person has already been given a fixed penalty notice in respect of the same offence arising out of the same act or omission by a different issuing authority.”.

- (h) in each of the following paragraphs, for each occurrence of the expression “road works authority” substitute “ issuing authority ”

- (i) paragraph 3(3),
- (ii) paragraph 4(3),
- (iii) paragraph 6(3) and (5)(a),
- (iv) paragraph 7(4)(a),
- (v) paragraph 8(1), (2)(a) and (3),
- (vi) paragraph 12(1) and (2).

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Transport (Scotland) Act 2019, Section 112.