



Transport (Scotland) Act 2019

2019 asp 17

PART 9

ROAD WORKS

Safety measures for the carrying out of works in roads

115 Fencing and lighting of obstructions and excavations

- (1) The Roads (Scotland) Act 1984 is amended as follows.
- (2) In section 60 (fencing and lighting of obstructions and excavations)—
 - (a) in subsection (1), after “person” insert “ (other than a roads authority) ”,
 - (b) after subsection (3) insert—

“(3A) Where the roads authority places or deposits anything on a road so as to cause an obstruction, or executes works in a road, they must comply with the requirements in paragraphs (a) to (d) of subsection (1).”
 - (c) in subsection (4)—
 - (i) for “or (2)” substitute “, (2) or (3A) ”,
 - (ii) for “either” substitute “ any ”.
- (3) After section 60 insert—

“60A Safety measures: codes of practice

- (1) The Scottish Ministers may, for the purposes of section 60, and following consultation with such persons as they consider appropriate, issue or approve codes of practice giving practical guidance as to the matters mentioned in that section.
- (2) A code of practice under subsection (1) must be published in such manner as the Scottish Ministers consider appropriate as soon as reasonably practicable after it is issued or approved.

Changes to legislation: There are currently no known outstanding effects for the Transport (Scotland) Act 2019, Section 115. (See end of Document for details)

- (3) If (and in so far as) a person complies with such a code of practice, the person is to be taken to comply with the requirements imposed on the person by section 60(1) or, as the case may be, (3A).
- (4) A failure to comply with such a code of practice is evidence of a failure to comply with the requirements imposed on the person by section 60(1) or, as the case may be, (3A).”.
- (4) In schedule 8 (penalties for offences)—
- (a) in respect of the entry for section 60(3) (paragraph 9 in column 1), in column 2, for “Level 3.” substitute “ Level 5. ”,
 - (b) in respect of the entry for section 60(4) (paragraph 10 in column 1), in column 2, for “Level 3.” substitute “ Level 5. ”.

Commencement Information

II [S. 115](#) in force at 10.1.2022 by [S.S.I. 2021/428](#), reg. 2, [sch.](#)

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