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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 15 (C. 1)**

**TRANSPORT**

**The Transport (Scotland) Act 2005  
(Commencement No. 4) Order 2008**

*Made - - - - 22nd January 2008*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 52(4) and 54(2) of the Transport (Scotland) Act 2005<sup>(1)</sup>.

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Transport (Scotland) Act 2005 (Commencement No. 4) Order 2008.

(2) In this Order “the Act” means the Transport (Scotland) Act 2005.

**Appointed days**

**2.**—(1) So much of section 19(1) and (7) of the Act (the Scottish Road Works Register) comes into force on 29th February 2008 as is necessary—

- (a) for the purpose of enabling regulations under section 112A(4) of the New Roads and Street Works Act 1991<sup>(2)</sup> to be made so as to come into force on or after that day; and
- (b) to provide definitions of “the Commissioner” and “the SRWR” for the purpose set out in sub-paragraph (a).

(2) The provisions of the Act specified in column 1 of Schedule 1 (the subject matter of which is described in column 2 of that Schedule), in so far as not already in force, come into force on 1st April 2008.

(3) The provisions of the Act specified in column 1 of Schedule 2 (the subject matter of which is described in column 2 of that Schedule) come into force on 1st October 2008.

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(1) 2005 asp 12.  
(2) 1991 c. 22.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
22nd January 2008

STEWART STEVENSON  
Authorised to sign by the Scottish Ministers

## SCHEDULE 1

Article 2(2)

PROVISIONS OF THE ACT WHICH, IN SO FAR AS NOT  
ALREADY IN FORCE, COME INTO FORCE ON 1ST APRIL 2008

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject Matter</i>
Section 18	Duty of road works authority and undertakers to provide Commissioner with information
Section 19	The Scottish Road Works Register
Section 20	Directions as to timing of road works
Section 21	Directions as to placing of apparatus in roads
Section 22	Restriction on works following substantial road works
Section 23	Duty of road works authority to co-ordinate road works etc.
Section 24	Duty of undertakers to co-operate with authorities and other undertakers
Section 26	Qualifications of supervisors and operatives
Section 27	Duty of authorities, undertakers etc. to ensure competence of employees etc.
Section 28	Duty of undertaker to notify completion of road works: form and procedure
Section 29	Notices requiring remedial works relating to reinstatements
Section 33	Increase in penalties for summary offences under 1991 Act
Section 36	Method of settlement of certain disputes under 1991 Act
Schedule 3	Increase in maximum fines for certain summary offences under the 1991 Act

## SCHEDULE 2

Article 2(3)

## PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 1ST OCTOBER 2008

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject Matter</i>
Section 34	Fixed penalty offences
Section 37	Fixed penalty offences under the Roads (Scotland) Act 1984

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<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject Matter</i>
Schedule 4	Schedule 6A to the New Roads and Street Works Act 1991
Schedule 5	Schedule 6B to the New Roads and Street Works Act 1991
Schedule 6	Schedule 8A to the Roads (Scotland) Act 1984
Schedule 7	Schedule 8B to the Roads (Scotland) Act 1984

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order appoints various days for the coming into force of provisions of the Transport (Scotland) Act 2005 (“the Act”). The provisions commenced relate to Part 2 on Road Works.

Article 2 appoints the following days for the coming into force of various provisions of the Act, namely:

- (a) 29th February 2008 for so much of section 19(1) and (7) (the Scottish Road Works Register) as is necessary for limited purposes in connection with regulations prescribing fees, persons and amounts in relation to the Scottish Road Works Register;
- (b) 1st April 2008 for the provisions specified in Schedule 1 which relate to the Scottish Road Works Register, miscellaneous provisions relating to road works and the resolution of disputes under the New Roads and Street Works Act 1991; and
- (c) 1st October 2008 for the provisions specified in Schedule 2 which relate to fixed penalty offences under the New Roads and Street Works Act 1991 and the Roads (Scotland) Act 1984.

The Act received Royal Assent on 5th August 2005. Sections 52 and 54 came into force on Royal Assent.

The provisions of the Act remaining to be commenced after the making of this Order are sections 30 to 32 (resurfacing), section 35 (civil penalties for certain offences under the New Roads and Street Works Act 1991) and section 38 (civil penalties for certain offences under the Roads (Scotland) Act 1984).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:–

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 1 and 13	14th September 2005	<a href="#">2005/454</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 2 to 12, 14 to 17, 40, 44 to 48, 50, 51, 53, schedule 1, paragraphs 1 to 10 and 12 to 19, schedule 2	10th October 2005	<a href="#">2005/454</a>
Sections 41 to 43, schedule 1, paragraphs 11 and 20	3rd April 2006	<a href="#">2005/454</a>
Section 49	1st April 2007	<a href="#">2007/161</a>
Sections 25 and 39	1st October 2007	<a href="#">2007/409</a>