
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Transport (Scotland) Act 2005 (Commencement No. 4) Order 2008 (“the Commencement Order”).

Article 2(a) of the Order inserts a new article 3 into the Commencement Order which makes transitional provision in relation to the commencement of certain provisions of the 2005 Act which make amendments to the New Roads and Street Works Act 1991 (“the 1991 Act”).

New articles 3(1) and (2) provide that where undertakers give notice pursuant to sections 113 and 114 of the 1991 Act prior to 1st April 2008, then nothing in the modifications made to those sections by the 2005 Act (or in any regulations made under those sections) shall require them to give further notices in relation to the road works in question.

New article 3(3) provides that notwithstanding section 19(1) of the 2005 Act coming into force on 1st April 2008 road works authorities are not required to enter particulars of a road in the SRWR, which are not in that Register on 1st April 2008, until 1st October 2008.

New article 3(4) provides that, notwithstanding section 19(1) of the 2005 Act coming into force on 1st April 2008, nothing in section 112B(2) of the 1991 Act (or in any regulations made under that section) shall apply to proposals by road works authorities to execute works in a road which is non-traffic sensitive, provided those road works start prior to 1st October 2008.

Article 2(b) of the Order amends the extent to which section 22 of the 2005 Act (restrictions on works following substantial road works) will come into force on 1st April 2008.