



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART IV

ROAD WORKS IN SCOTLAND

Notice and co-ordination of works

118 General duty of road works authority to co-ordinate works.

- (1) A road works authority shall use their best endeavours to co-ordinate the execution of works of all kinds (including works for road purposes) in the roads for which they are responsible—
 - (a) in the interests of safety,
 - (b) to minimise the inconvenience to persons using the road (having regard, in particular, to the needs of people with a disability), and
 - (c) to protect the structure of the road and the integrity of apparatus in it.
- (2) That duty extends to co-ordination with other road works authorities where works in a road for which one authority are responsible affect roads for which other authorities are responsible.
- [^{F1}(2A) In discharging their duty under this section, a road works authority shall have regard to all information in the SRWR which relates to the functions of the authority.
- (2B) A road works authority shall, so as to maximise the utility of that information for the purposes of subsection (2A)—
 - (a) assist the Commissioner in complying with the duty imposed by subsection (1) of section 112A (as read with subsection (2) of that section), and
 - (b) keep that information under surveillance.]
 - (3) The Secretary of State shall issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned above; and in discharging their general duty of co-ordination [^{F2}and the specific duties imposed by

Changes to legislation: New Roads and Street Works Act 1991, Section 118 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

subsections (2) to (2B)] a road works authority shall have regard to any such code of practice.

[^{F3}(3A) In discharging all the duties referred to in subsection (3), a road works authority shall have regard also to such guidance as is contained in the practice referred to in section 17(4)(b) of the Transport (Scotland) Act 2005 (asp 12).]

- (4) If it appears to the [^{F4}Commissioner] that a road works authority are not properly discharging their general duty of co-ordination, he may direct the authority to supply him with such information as he considers necessary to enable him to decide whether that is the case and if so what action to take.

The direction shall specify the information to be provided and the period within which it is to be provided.

- (5) If after the end of that period (whether or not the direction has been complied with) it appears to the [^{F5}Commissioner] that the authority are not properly discharging their general duty of co-ordination, he may direct the authority to take such steps as he considers appropriate for the purpose of discharging that duty.

The direction shall specify the steps to be taken and the period within which they are to be taken, and may include a requirement to make a report or periodic reports to the [^{F5}Commissioner] as to what steps have been taken and the results of taking them.

- (6) A direction under this section may be varied or revoked by a further direction.

Textual Amendments

- F1** S. 118(2A)(2B) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), ss. 23(2), 54(2); S.S.I. 2008/15, art. 2(2), sch. 1 (as amended (5.3.2008) by S.S.I. 2008/90, art. 2)
- F2** Words in s. 118(3) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), ss. 23(3), 54(2); S.S.I. 2008/15, art. 2(2), sch. 1
- F3** S. 118(3A) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), ss. 23(4), 54(2); S.S.I. 2008/15, art. 2(2), sch. 1
- F4** Words in s. 118(4) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), ss. 23(5), 54(2); S.S.I. 2008/15, art. 2(2), sch. 1
- F5** Words in s. 118(5) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), ss. 23(5), 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

Modifications etc. (not altering text)

- C1** S. 118: power to contract out functions of the Secretary of State conferred (16.3.1996) by S.I. 1996/878, art. 2, Sch. para. 6(e)
- C2** S. 118 applied (with modifications) (27.4.2006) by Edinburgh Tram (Line Two) Act 2006 (asp 6), s. 7(6)(7) (with s. 75)
- C3** S. 118 applied (with modifications) (8.5.2006) by Edinburgh Tram (Line One) Act 2006 (asp 7), s. 7(6)(7) (with ss. 76, 84)

Commencement Information

- I1** S. 118 wholly in force; s. 118(1)(2)(4)-(6) in force at 1.1.1993, see s. 170 and S.I. 1992/2990, art. 2(2), Sch. 2; s. 118(3) in force at 14.7.1992 by S.I. 1992/1671, art. 2, Sch.

Changes to legislation:

New Roads and Street Works Act 1991, Section 118 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to :

- s. 118(5) repealed by 2019 asp 17 sch. para. 6(4)

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. 53(1)(a) words in s. 53(1) renumbered as s. 53(1)(a) by 2004 c. 18 s. 45(2)(a)
- s. 53(1)(b) and word added by 2004 c. 18 s. 45(2)(b)
- s. 53A inserted by 2004 c. 18 s. 48
- s. 67(1A) inserted by 2004 c. 18 s. 50(2)
- s. 67(2A)-(2C) inserted by 2004 c. 18 s. 50(3)
- s. 67(4)(c) and word inserted by 2004 c. 18 s. 50(5)
- s. 72(2A)(2B) inserted by 2004 c. 18 s. 58(1)
- s. 72(3A) inserted by 2004 c. 18 s. 53(1)(b)
- s. 73A excluded by S.I. 2005/120 art. 4(3)
- s. 73A excluded by S.I. 2006/2905 art. 3(3)
- s. 73A excluded by S.I. 2007/2297 art. 3(2)
- s. 73A excluded by S.I. 2008/1261 art. 6(2)
- s. 73A excluded by S.I. 2009/1300 art. 4(3)
- s. 73A excluded by S.I. 2009/2364 art. 3(3)
- s. 73A excluded by S.I. 2013/1933 art. 3(2)
- s. 73A excluded by S.I. 2013/2587 art. 4(3)
- s. 73A excluded by S.I. 2013/2808 art. 8(3)
- s. 73A excluded by S.I. 2013/3244 art. 4(3)
- s. 73A excluded by S.I. 2014/2027 art. 4(2)
- s. 73A excluded by S.I. 2014/2269 art. 8(3)
- s. 73A excluded by S.I. 2014/2637 art. 8(3)
- s. 73A excluded by S.I. 2014/3102 art. 3(3)
- s. 73A excluded by S.I. 2014/909 art. 12(2)
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- s. 73A excluded by S.I. 2016/547 art. 10(3)
- s. 73A excluded by S.I. 2016/73 art. 8(3)
- s. 73A excluded by S.I. 2016/863 art. 9(3)
- s. 73A excluded by S.I. 2017/1150 art. 4(2)
- s. 73A excluded by S.I. 2017/1214 art. 5(3)
- s. 73A excluded by S.I. 2017/1329 art. 3(3)
- s. 73A excluded by S.I. 2017/830 art. 3(3)
- s. 73A excluded by S.I. 2018/446 art. 4(2)
- s. 73A excluded by S.I. 2018/574 art. 7(3)
- s. 73A excluded by S.I. 2018/994 art. 9(3)
- s. 73A excluded by S.I. 2019/359 art. 9(3)
- s. 73A excluded by S.I. 2020/1075 art. 11(3)
- s. 73A excluded by S.I. 2020/114 art. 4(2)
- s. 73A excluded by S.I. 2020/1297 art. 8(3) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021

(High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))

- s. 73A excluded by S.I. 2020/402 art. 9(3)
- s. 73A excluded by S.I. 2020/474 art. 7(3)
- s. 73A excluded by S.I. 2020/528 art. 13(3)
- s. 73A excluded by S.I. 2020/556 art. 9(3)
- s. 73A excluded by S.I. 2020/746 art. 9(3)
- s. 73A excluded by S.I. 2021/74 art. 10(3)
- s. 73A excluded by S.I. 2022/1067 art. 4(2)
- s. 73A excluded by S.I. 2022/1070 art. 11(3)
- s. 73A excluded by S.I. 2022/1194 art. 12(3)(e)
- s. 73A excluded by S.I. 2022/1248 art. 12(3)
- s. 73A excluded by S.I. 2022/299 art. 3(3)(d)
- s. 73A excluded by S.I. 2022/475 art. 9(3)
- s. 73A excluded by S.I. 2022/549 art. 11(3)
- s. 73A excluded by S.I. 2022/573 art. 10(3)
- s. 73A excluded by S.I. 2022/738 art. 11(3)(e)
- s. 73A excluded by S.I. 2022/853 art. 15(2)
- s. 73A excluded by S.I. 2022/911 art. 10(3)(e)
- s. 73A excluded by S.I. 2022/922 art. 10(3)
- s. 73A excluded by S.I. 2022/934 art. 11(3)
- s. 73A excluded by S.I. 2023/218 art. 11(3)
- s. 73A excluded by S.I. 2023/778 art. 11(3)
- s. 73A excluded by S.I. 2023/834 art. 8(3)
- s. 73A excluded by S.I. 2024/360 art. 8(3)
- s. 73A excluded by S.I. 2024/393 art. 12(3)
- s. 73A excluded by S.I. 2024/60 art. 12(3)
- s. 73A-73C inserted by 2004 c. 18 s. 55(1)
- s. 73A modified by S.I. 2009/3188 Sch. para. 3.12
- s. 73A modified by S.I. 2013/1781 art. 2Sch. para. 2.4
- s. 73A modified by S.I. 2013/2389 art. 2Sch. para. 2.12.2
- s. 73A modified by S.I. 2013/2398 Sch. para. 1.5AppendixA
- s. 73A modified by S.I. 2013/2399 art. 2Sch. para. 2.12.2
- s. 73A modified by S.I. 2013/805 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2013/806 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2013/808 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2013/809 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2013/810 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2013/811 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2013/812 art. 2Sch. Appendix C (When in force)
- s. 73A modified by S.I. 2013/813 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2013/814 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2014/3105 art. 2Sch. para. 2.12.2
- s. 73A modified by S.I. 2014/3106 art. 2Sch. para. 1.8
- s. 73A modified by S.I. 2014/3107 art. 2Sch. para. 1.9
- s. 73A modified by S.I. 2014/3108 art. 2Sch. para. 1.8
- s. 73A modified by S.I. 2014/3109 art. 2Sch. para. 1.5AppendixE
- s. 73A modified by S.I. 2014/3109 art. 2Sch. para. 1.5
- s. 73A modified by S.I. 2014/3112 art. 2Sch. para. 2.12.2
- s. 73A modified by S.I. 2015/105 Sch. 1 para. 2.8.1
- s. 73A modified by S.I. 2015/107 Sch. 1 para. 3.5
- s. 73A modified by S.I. 2015/34 art. 2Sch. para. 1.8
- s. 73A modified by S.I. 2015/38 art. 2Sch. para. 1.8
- s. 73A modified by S.I. 2015/90 Sch. para. 2.8.1
- s. 73A modified by S.I. 2015/91 Sch. para. 2.7.1
- s. 73A(1) excluded by S.I. 2014/2384 Sch. 19 Pt. 1 para. 4(8)
- s. 73A(1) excluded by S.I. 2019/1358 Sch. 14 para. 3(8)

- s. 73A(1) restricted by 2008 c. 18 Sch. 14 para. 14(8)
- s. 73A(1) restricted by 2017 c. 7 Sch. 24 para. 2(8)
- s. 73A(1) restricted by 2021 c. 2 Sch. 24 para. 2(8)
- s. 73A(1) restricted by S.I. 2020/511 Sch. 14 para. 3(8)
- s. 73A(2)(a) modified by S.I. 2007/3372 reg. 37(3)
- s. 73A(2)(a) modified by S.I. 2009/1267 reg. 37(3)
- s. 73B excluded by S.I. 2005/120 art. 4(3)
- s. 73B excluded by S.I. 2006/2905 art. 3(3)
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- s. 73B excluded by S.I. 2022/1194 art. 12(3)(f)
- s. 73B excluded by S.I. 2022/1248 art. 12(3)
- s. 73B excluded by S.I. 2022/299 art. 3(3)(e)
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- s. 73B excluded by S.I. 2022/573 art. 10(3)

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- s. 73B excluded by [S.I. 2022/853 art. 15\(2\)](#)
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- s. 73B excluded by [S.I. 2022/922 art. 10\(3\)](#)
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- s. 73C excluded by [S.I. 2005/120 art. 4\(3\)](#)
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- s. 73C excluded by [S.I. 2022/1070 art. 11\(3\)](#)
- s. 73C excluded by [S.I. 2022/1194 art. 12\(3\)\(g\)](#)

- s. 73C excluded by S.I. 2022/1248 art. 12(3)
- s. 73C excluded by S.I. 2022/299 art. 3(3)(f)
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- s. 73C excluded by S.I. 2022/853 art. 15(2)
- s. 73C excluded by S.I. 2022/911 art. 10(3)(g)
- s. 73C excluded by S.I. 2022/922 art. 10(3)
- s. 73C excluded by S.I. 2022/934 art. 11(3)
- s. 73C excluded by S.I. 2023/218 art. 11(3)
- s. 73C excluded by S.I. 2023/778 art. 11(3)
- s. 73C excluded by S.I. 2023/834 art. 8(3)
- s. 73C excluded by S.I. 2024/360 art. 8(3)
- s. 73C excluded by S.I. 2024/393 art. 12(3)
- s. 73C excluded by S.I. 2024/60 art. 12(3)
- s. 73D73E inserted by 2004 c. 18 s. 56
- s. 78A excluded by S.I. 2005/120 art. 4(3)
- s. 78A excluded by S.I. 2006/2905 art. 3(3)
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- s. 78A excluded by S.I. 2022/1248 art. 12(3)
- s. 78A excluded by S.I. 2022/299 art. 3(3)(g)
- s. 78A excluded by S.I. 2022/475 art. 9(3)
- s. 78A excluded by S.I. 2022/549 art. 11(3)
- s. 78A excluded by S.I. 2022/573 art. 10(3)
- s. 78A excluded by S.I. 2022/738 art. 11(3)(h)
- s. 78A excluded by S.I. 2022/853 art. 15(2)
- s. 78A excluded by S.I. 2022/911 art. 10(3)(h)
- s. 78A excluded by S.I. 2022/922 art. 10(3)
- s. 78A excluded by S.I. 2022/934 art. 11(3)
- s. 78A excluded by S.I. 2023/218 art. 11(3)
- s. 78A excluded by S.I. 2023/778 art. 11(3)
- s. 78A excluded by S.I. 2023/834 art. 8(3)
- s. 78A excluded by S.I. 2024/360 art. 8(3)
- s. 78A excluded by S.I. 2024/393 art. 12(3)
- s. 78A excluded by S.I. 2024/60 art. 12(3)
- s. 78A inserted by 2004 c. 18 s. 57(1)
- s. 78A modified by 2017 c. 7 Sch. 24 para. 2(10)
- s. 78A(1) excluded by S.I. 2014/2384 Sch. 19 Pt. 1 para. 4(8)
- s. 78A(1) excluded by S.I. 2019/1358 Sch. 14 para. 3(8)
- s. 78A(1) restricted by S.I. 2020/511 Sch. 14 para. 3(8)
- s. 78A(1)(b) modified by 2021 c. 2 Sch. 24 para. 2(10)
- s. 78A(1)(b) restricted by 2008 c. 18 Sch. 14 para. 14(9)
- s. 79(1A) inserted by 2004 c. 18 s. 46(2)
- s. 79(2A) inserted by 2004 c. 18 s. 46(3)
- s. 79(3A) inserted by 2004 c. 18 s. 46(4)
- s. 80(1A) inserted by 2004 c. 18 s. 47(3)
- s. 80(2)(2A) substituted for s. 80(2)(3) by 2004 c. 18 s. 47(4)
- s. 80(5)(6) added by 2004 c. 18 s. 47(6)
- s. 90(2A) inserted by 2004 c. 18 s. 53(2)(b)
- s. 97(3) inserted by 2004 c. 18 s. 64(4)
- s. 112B(2A) inserted by 2019 asp 17 s. 117(2)(a)
- s. 112B(5A) inserted by 2019 asp 17 s. 117(2)(b)
- s. 112B(9) inserted by 2019 asp 17 s. 117(2)(d)
- s. 114A inserted by 2019 asp 17 s. 117(3)
- s. 126(1ZA) inserted by 2019 asp 17 s. 116(2)(a)
- s. 126(2ZA) inserted by 2019 asp 17 s. 116(2)(b)
- s. 126(2ZB) inserted by 2019 asp 17 s. 116(2)(c)
- s. 129(5B) inserted by 2019 asp 17 s. 117(4)(c)
- s. 130A-130C inserted by 2019 asp 17 s. 118(2)
- s. 130B inserted by 2005 asp 12 s. 38(1)
- s. 132A-132C and cross-heading inserted by 2005 asp 12 s. 30(1)
- s. 132A-132E repealed by 2019 asp 17 sch. para. 6(7)
- s. 132D132E inserted by 2005 asp 12 s. 31
- s. 137A inserted by 2005 asp 12 s. 32(1)
- s. 137A repealed by 2019 asp 17 sch. para. 6(7)
- s. 138A substituted for s. 138 by 2019 asp 17 s. 119(2)
- s. 139(1A)(1B) substituted for s. 139(1) by 2019 asp 17 s. 119(3)(a)
- s. 143(2)(b)(i) words inserted by 2005 asp 12 s. 38(2)
- s. 153A-153I and cross-heading inserted by 2019 asp 17 s. 111(2)
- s. 154B inserted by 2005 asp 12 s. 35
- s. 163(2A) inserted by 2019 asp 17 s. 111(3)

- Sch. 6B para. 1(2)(a) Sch. 6B para. 1(2) renumbered as Sch. 6B para. 1(2)(a) by [2019 asp 17 s. 112\(3\)\(c\)\(i\)](#)
- Sch. 6B para. 1(1A) inserted by [2019 asp 17 s. 112\(3\)\(b\)](#)
- Sch. 6B para. 1(2)(b) inserted by [2019 asp 17 s. 112\(3\)\(c\)\(ii\)](#)
- Sch. 6B para. 4(1A) inserted by [2019 asp 17 s. 112\(3\)\(d\)\(ii\)](#)
- Sch. 6B para. 5(A1) inserted by [2019 asp 17 s. 112\(3\)\(e\)](#)
- Sch. 6B para. 13A inserted by [2019 asp 17 s. 112\(3\)\(g\)](#)