

*These notes relate to the Transport (Scotland) Act 2005
(asp 12) which received Royal Assent on 5 August 2005*

TRANSPORT (SCOTLAND) ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Road Works

Resurfacing

Section 32 Contributions to costs of resurfacing by undertaker

92. **Section 32** of the Act inserts new section 137A in the 1991 Act which sets out how contributions to the costs of resurfacing should be made. It allows both the road works authority and undertakers involved in working on an area of road to make contributions to the undertaker on which notice has been served (under new section 30) to complete a resurfacing. Details of payments, exemptions, and dispute resolution will be set out in regulations.
93. **Section 32** also provides that any costs incurred by an undertaker (including any costs of a road works authority which are borne by the undertaker) in consequence of a failure by the undertaker to comply with any duty under Part IV of the 1991 Act are to be treated as having been incurred unreasonably.
94. Subsection (3) of section 155 of the 1991 Act is amended in line with section 32.