



Transport (Scotland) Act 2005

2005 asp 12

PART 2

ROAD WORKS

Miscellaneous

20 Directions as to timing of road works

- (1) Section 115 of the 1991 Act (directions as to timing of road works) is amended in accordance with subsections (2) to (6) below.
- (2) In subsection (1)—
 - (a) in paragraph (b) at the end there is added “or on certain days (or at certain times on certain days)”; and
 - (b) after “the times” there is inserted “or days (or both)”.
- (3) After that subsection there is inserted—

“(1A) If it appears to a road works authority—

 - (a) that subsisting road works are causing or are likely to cause serious disruption to traffic, and
 - (b) that the disruption would be avoided or reduced if the works were to continue to be carried out only at certain times or on certain days (or at certain times on certain days),

the authority may give the undertaker such directions as may be appropriate as to the times or days (or both) when the works may or may not continue to be carried out.”.
- (4) After subsection (2) there is inserted—

“(2A) The Scottish Ministers shall by regulations make provision for appeals against directions under this section, including provision as to the procedure to be followed on an appeal.”.
- (5) After subsection (3) there is inserted—

Status: This is the original version (as it was originally enacted).

“(3A) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, the failure is attributable to a direction under this section.”.

(6) In subsection (4), for “may” there is substituted “shall”.