



Transport (Scotland) Act 2005

2005 asp 12

PART 2

ROAD WORKS

Miscellaneous

25 Enforcement of sections 118 and 119 of 1991 Act

- (1) Subsection (3) of section 119 of the 1991 Act (which subsection makes it an offence for an undertaker executing road works to fail to use best endeavours to co-operate with the road works authority and other undertakers) is repealed.
- (2) After that section (which requires undertakers to co-operate with road works authorities and others in the execution of road works) there is inserted—

“119A Enforcement of sections 118 and 119: imposition of penalties

- (1) The Scottish Ministers may, by regulations, make provision for or in connection with—
 - (a) the imposition by the Commissioner of penalties on road works authorities and undertakers who fail to comply with duties imposed on them by sections 118 and 119 respectively,
 - (b) the payment of such penalties.
- (2) The regulations may include provision for or in connection with—
 - (a) the notification and enforcement of penalties,
 - (b) the level of penalties,
 - (c) appeals against the imposition of penalties including the appointment of persons to hear and determine such appeals.”.

Commencement Information

II S. 25 in force at 1.10.2007 by [S.S.I. 2007/409](#), [art. 2](#)

Changes to legislation:

Transport (Scotland) Act 2005, Section 25 is up to date with all changes known to be in force on or before 07 February 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 the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18A-18F inserted by [2019 asp 17 s. 110\(2\)](#)
- sch. 2 para. 3(2)(3) inserted by [2019 asp 17 s. 110\(4\)\(b\)](#)
- sch. 2 para. 3(1) sch. 2 para. 3 renumbered as sch. 3 para. 3(1) by [2019 asp 17 s. 110\(4\)\(a\)](#)

Commencement Orders yet to be applied to the Transport (Scotland) Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.S.I. 2008/90 art. 2](#) amendment to earlier commencing SSI 2008/15 art. 3