
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 90

**The Transport (Scotland) Act 2005
(Commencement No. 4) Amendment Order 2008**

Amendment of the Transport (Scotland) Act 2005 (Commencement No. 4) Order 2008

2. The Transport (Scotland) Act 2005 (Commencement No. 4) Order 2008(1) is amended as follows—

(a) after article 2 (appointed days) insert—

“Transitional provisions

3.—(1) Where an undertaker proposing to execute road works has given notice pursuant to section 113 of the 1991 Act (advance notice of certain works) prior to 1st April 2008, nothing in—

- (a) the modifications made to section 113 of the 1991 Act by section 19(3) of the Act; or
- (b) any regulations under section 113 of the 1991 Act which are made so as to come into force on or after 1st April 2008,

shall require a further notice to be given pursuant to section 113 of the 1991 Act in relation to the road works in question.

(2) Where an undertaker proposing to begin to execute road works has given notice pursuant to section 114 of the 1991 Act (notice of starting date of works) prior to 1st April 2008, nothing in—

- (a) the modifications made to section 114 of the 1991 Act by sections 19(4) and 22(2) of the Act; or
- (b) any regulations under section 114 of the 1991 Act which are made so as to come into force on or after 1st April 2008,

shall require a further notice to be given pursuant to section 114 of the 1991 Act in relation to the road works in question.

(3) Notwithstanding the coming into force of section 19(1) of the Act nothing in section 112B(1) of the 1991 Act (duty to enter certain information in the Scottish Road Works Register)(2) shall require a road works authority to enter in the SRWR(3) any particulars of a road, which are not in the SRWR on 1st April 2008, until 1st October 2008.

(4) Notwithstanding the coming into force of section 19(1) of the Act nothing in—

- (a) section 112B(2) of the 1991 Act; or
- (b) any regulations under section 112B(2) of the 1991 Act,

(1) S.S.I. 2008/15.

(2) Section 112B is inserted by section 19(1) of the Transport (Scotland) Act 2005.

(3) The Scottish Road Works Register. See the definition in section 112A(1) of the New Roads and Street Works Act 1991 also inserted by section 19(1) of the Transport (Scotland) Act 2005.

applies in relation to any proposal by a road works authority to execute works in a road which has not been designated as a traffic-sensitive road pursuant to section 123 of the 1991 Act, provided the start of the works in question occurs prior to 1st October 2008.

(5) In this article–

“the 1991 Act” means the New Roads and Street Works Act 1991⁽⁴⁾; and

“road”, “road works”, “road works authority”, “SRWR” and “undertaker” have the same meaning as in Part 4 of the 1991 Act (road works in Scotland).”; and

(b) in column 1 of Schedule 1 (provisions of the 2005 Act coming into force on 1st April 2008) for the entry “Section 22” substitute “Section 22 except paragraph (a) of subsection (1)”.

(4) 1991 c. 22.