

2008 No. 90 (C. 8)

TRANSPORT

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

Made - - - -

5th March 2008

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 52(4) and 54(2) of the Transport (Scotland) Act 2005(a).

Citation

1. This Order may be cited as 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(b) 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)(a) shall require a road works authority to enter in the SRWR(b) 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,

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(c); 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)”.

STEWART STEVENSON

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
5th March 2008

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

(b) 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.

(c) 1991 c.22.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Transport (Scotland) Act 2005 (Commencement No. 4) Order 2008 (“the Commencement Order”).

Article 2(a) of the Order inserts a new article 3 into the Commencement Order which makes transitional provision in relation to the commencement of certain provisions of the 2005 Act which make amendments to the New Roads and Street Works Act 1991 (“the 1991 Act”).

New articles 3(1) and (2) provide that where undertakers give notice pursuant to sections 113 and 114 of the 1991 Act prior to 1st April 2008, then nothing in the modifications made to those sections by the 2005 Act (or in any regulations made under those sections) shall require them to give further notices in relation to the road works in question.

New article 3(3) provides that notwithstanding section 19(1) of the 2005 Act coming into force on 1st April 2008 road works authorities are not required to enter particulars of a road in the SRWR, which are not in that Register on 1st April 2008, until 1st October 2008.

New article 3(4) provides that, notwithstanding section 19(1) of the 2005 Act coming into force on 1st April 2008, nothing in section 112B(2) of the 1991 Act (or in any regulations made under that section) shall apply to proposals by road works authorities to execute works in a road which is non-traffic sensitive, provided those road works start prior to 1st October 2008.

Article 2(b) of the Order amends the extent to which section 22 of the 2005 Act (restrictions on works following substantial road works) will come into force on 1st April 2008.

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