SCHEDULE 3

(introduced by section 33)

INCREASE IN MAXIMUM FINES FOR CERTAIN SUMMARY OFFENCES UNDER THE 1991 ACT

Commencement Information

I1 Sch. 3 in force at 1.4.2008 by S.S.I. 2008/15, art. 2(2), **Sch. 1**

Provision specifying fine	***Brief description of offence or offences to which the fine relates***	***New maximum fine***
Section 110(2)	Offences under section 110(1) (prohibition of authorised road works)	level 5
Section 113(5)	Failure to comply with duties under section 113 (advance notice of certain works, etc.)	level 4
Section 114(5)	Beginning to execute works in contravention of section 114 (notice of starting date of works)	level 4
Section 115(3)	Execution of works in contravention of direction under section 115 (directions as to timing of road works)	level 5
Section 116(4)	Failure to give notice in accordance with section 116 (notice of emergency works)	level 4
Section 117(6)	Carrying out works in contravention of a restriction imposed under section 117 (restriction on works following substantial road works)	level 5
Section 124(4)	Failure to comply with section 124(1) or (2) (safety measures)	level 5
Section 124(6)	Interference with safety measures taken by undertaker	level 5
Section 125(2)	Failure to comply with section 125(1) (duty to carry on and complete certain road works with all reasonably practicable dispatch)	level 5
Section 126(3)	Failure to comply with section 126(1) or (2) (duties	level 5

	relating to the use of qualified supervisors and operatives)	
Section 127(2)	Failure by undertaker to afford roads authority with reasonable facilities for ascertaining whether undertaker is complying with duties under Part 3	level 4
Section 128(2)	Failure to comply with section 128(1) (requirements relating to road works likely to affect another person's apparatus in the street)	level 4
Section 129(6)	Failure by undertaker to comply with duties under section 129(1) to (5) (reinstatement of road and information for road works authority)	level 5
Section 130(5)	Failure to comply with duties under section 130 (prescribed requirements as to materials and workmanship and performance standards for reinstatements)	level 5
Section 138(4)	Failure to comply with duties under section 138(1) to (3) (records of location of apparatus)	level 5
Section 139(4)	Failure to comply with section 139(1) (duty to inform other undertaker of location of certain apparatus) or requirements imposed under section 139(2) (duties applicable where ownership of certain apparatus cannot be ascertained)	level 4
Section 142(3)	Failure by authority to comply with section 142(2) (requirements relating to certain road works likely to affect apparatus in the road)	level 4
Section 147(6)	Failure by undertaker to comply with duties under section 147(4) or (5) (road works affecting structure of a bridge)	level 5

Schedule 6, paragraph 6	Execution of works in road with special engineering difficulties in contravention of paragraph 2 (requirement for agreed plan and section before executing works) or paragraph 3 (requirement to furnish plan and section after emergency works)	level 5
Schedule 6, paragraph 12(5)	Failure to execute works in such a road in accordance with a direction under paragraph 12 (direction as to alteration of works or removal of apparatus)	level 5
Schedule 6, paragraph 13(2)	Failure to comply with paragraph 13(1) (requirement to execute works in such a road in accordance with plan or agreed modification)	level 5

Changes to legislation:
There are currently no known outstanding effects for the Transport (Scotland) Act 2005, SCHEDULE 3.