



# Transport (Scotland) Act 2005

## 2005 asp 12

### PART 2

#### ROAD WORKS

##### *The Scottish Road Works Commissioner*

#### **16 Creation, appointment, status and funding of Scottish Road Works Commissioner**

- (1) There is, by this Act, created an office, the holder of which is to be known as the Scottish Road Works Commissioner (in this Part, “the Commissioner”).
- (2) The Commissioner shall be appointed, on such terms and conditions as they determine, by the Scottish Ministers.
- (3) Those terms and conditions may include arrangements relating to the payment of pensions, allowances or gratuities to, or in respect of, persons who have ceased to hold office as the Commissioner.
- (4) The Commissioner is not a servant or agent of the Crown and has no status, immunity or privilege of the Crown.
- [<sup>F1</sup>(4A) The Commissioner is, as such, to be regarded as a juristic person distinct from the individual for the time being holding the office.]
- (5) The Scottish Ministers may make grants to the Commissioner in respect of the Commissioner's expenses.

#### **Textual Amendments**

- F1** S. 16(4A) inserted (14.1.2021) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), ss. **109(2)**, 130(2) (with s. 126); S.S.I. 2020/429, reg. 2(f)

#### **Commencement Information**

- I1** S. 16 in force at 10.10.2005 by [S.S.I. 2005/454](#), art. 2, [Sch. 2](#)

**Changes to legislation:**

Transport (Scotland) Act 2005, Section 16 is up to date with all changes known to be in force on or before 18 January 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](#)