Transport (Scotland) Act 2005

2005 asp 12

PART 2

ROAD WORKS

The Scottish Road Works Commissioner

17 Functions of Commissioner

(1) The Commissioner has the general functions of—

(a) monitoring the carrying out of works in roads in Scotland;

(b) promoting compliance with the 1991 Act and obligations imposed under it; and

(c) promoting the pursuit of good practice by those persons who have functions conferred on or permissions granted to them by or under that Act,

as well as the particular functions conferred upon the Commissioner by or under that or this Act.

(2) In subsection (1) above, "works in roads" includes road works within the meaning given by section 107(3) of the 1991 Act, works for roads purposes within the meaning given by subsection (2) of section 145 of that Act and major works for roads purposes within the meaning given by subsection (3) of that section.

(3) The Commissioner may, for the purposes of the discharge of the general functions referred to in paragraphs (b) and (c) of subsection (1) above, assess whether the persons referred to in subsection (1)(c) above are complying with the 1991 Act and any obligations imposed on them under it and are following good practice.

(4) In this section "good practice" means compliance with—

(a) any code of practice issued or approved under the 1991 Act or any direction issued under that Act; and

(b) subject to such codes and directions, such practice in the doing by the persons referred to in subsection (1)(c) above of what they must or may do by or under the 1991 Act as appears to the Commissioner to be desirable.

(5) Schedule 2 provides further as to the Commissioner.

(6) The Commissioner may do anything calculated to facilitate the discharge of any of the Commissioner's functions.

Commencement Information

I1 S. 17 in force at 10.10.2005 by S.S.I. 2005/454, art. 2, **Sch. 2**

Changes to legislation:
There are currently no known outstanding effects for the Transport (Scotland) Act 2005, Section 17.