



# Transport (Scotland) Act 2019

## 2019 asp 17

### PART 9

#### ROAD WORKS

##### *Commencement and completion notices*

#### **117 Commencement and completion notices**

- (1) The New Roads and Street Works Act 1991 is amended as follows.
- (2) In section 112B (duty to enter information in the Scottish Road Works Register)—
  - (a) after subsection (2) insert—

“(2A) On the completion of works of the kind referred to in subsection (2), the road works authority must, within such period as may be prescribed, enter in the SRWR such information about their completion (including the date on which the works were completed) as may be prescribed.”,
  - (b) after subsection (5) insert—

“(5A) Where a road works authority, a local roads authority or the Scottish Ministers—
    - (a) are under a duty to enter in the SRWR the prescribed information about proposed works under this section, and
    - (b) have begun to execute the works,they must, within such period as may be prescribed, enter in the SRWR the date on and time at which the works began and any further prescribed information.”,
  - (c) in subsection (6)—
    - (i) after “shall” insert “, within such period as may be prescribed,”,
    - (ii) after “completion” where it second occurs insert “(including the date on which the works were completed)”,
  - (d) after subsection (8) insert—

“(9) For the purposes of subsections (2A), (5A) and (6), different periods of notice may be prescribed for different descriptions of works.”.

(3) After section 114 insert—

**“114A Notice confirming start of works**

- (1) This section applies where an undertaker—
  - (a) is under a duty to give notice of the undertaker’s intention to begin to execute road works under section 114(1), and
  - (b) has begun to execute the works.
- (2) The undertaker must, within such period as may be prescribed, give notice of the date on and time at which the works began.
- (3) Different periods of notice may be prescribed for different descriptions of works or in cases where the undertaker has been given notice under section 117(1).
- (4) Cases may be prescribed in which no notice is required under subsection (2).
- (5) For the purposes of subsection (2), an undertaker gives notice by—
  - (a) giving notice to any person or authority to whom notice is required to be given under section 114(3A),
  - (b) entering in the SRWR a copy of the notice.
- (6) An undertaker who, in contravention of subsection (2), fails to give notice commits an offence.
- (7) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) In proceedings against a person for an offence under this section, it is a defence for the person to show that the contravention was attributable—
  - (a) to the person not knowing the position, or not knowing of the existence, of another person’s apparatus, or
  - (b) to the person not knowing the identity or address of—
    - (i) a relevant authority, or
    - (ii) the person to whom any apparatus belongs,
 and that the person’s ignorance was not due to any negligence on the person’s part or to any failure to make inquiries which the person ought reasonably to have made.”.

(4) In section 129 (duty of undertaker to reinstate)—

- (a) in subsection (3), for the words from “before” to “completed” substitute “within such period after the reinstatement is completed as may be prescribed”,
- (b) in subsection (4), after “so” insert “within such period as may be prescribed”,
- (c) after subsection (5A) insert—

“(5B) For the purposes of subsections (3) and (4), different periods of notice may be prescribed for different descriptions of works.”.