



Transport (Scotland) Act 2005

2005 asp 12

PART 2

ROAD WORKS

Resolution of disputes under 1991 Act

36 Method of settlement of certain disputes under 1991 Act

- (1) In each of the provisions of the 1991 Act mentioned in subsection (2) below, for “by arbitration” there is substituted “ in the prescribed manner ”.
- (2) Those provisions are—
 - (a) section 117(7) (consent to contravene restriction on works following substantial road works);
 - (b) section 120(6) (protected roads: consent as to placing of apparatus);
 - (c) section 121(5) (exercise of powers in relation to protected roads);
 - (d) section 133(2) (meaning of “reasonable period” for the purposes of charges for prolonged road works);
 - (e) section 143(3) (measures necessary where apparatus affected by major works);
 - (f) section 155(3) (disputes about costs and expenses); and
 - (g) in Schedule 6 (roads with special engineering difficulties), paragraph 2(1).
- (3) In section 143(4) of the 1991 Act (failure to comply with agreement or decision)—
 - (a) for “of the arbiter” there is substituted “ made ”; and
 - (b) after “subsection (3)” there is inserted “ in settlement of a dispute ”.
- (4) After section 157 of the 1991 Act (reckoning of time periods) there is inserted—

“157A Regulations prescribing manner of settlement of disputes

Regulations under this Part prescribing the manner in which any question or dispute is to be settled may in particular make provision for the question or, as the case may be, dispute to be settled—

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- (a) by the Commissioner, or
 - (b) by arbitration.”.
- (5) In Schedule 6 (roads with special engineering difficulties)—
- (a) in paragraph 10(1), for “arbiter” to “arbitration” there is substituted “ person to whom it falls, by virtue of regulations made under paragraph 2(1), to settle a dispute under that paragraph ”; and
 - (b) in paragraph 12—
 - (i) in sub-paragraph (2), for “arbitration” there is substituted “ be settled in the prescribed manner ”;
 - (ii) in sub-paragraph (3), for “arbiter” there is substituted “ person to whom it falls to settle the matter ”; and
 - (iii) in sub-paragraph (4), for “the arbiter” there is substituted “ that person ”.

Commencement Information

II [S. 36](#) in force at 1.4.2008 by [S.S.I. 2008/15](#), art. 2(2), [Sch. 1](#)

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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