

EXECUTIVE NOTE

THE ROAD WORKS (FIXED PENALTY) (SCOTLAND) AMENDMENT REGULATIONS 2011

SSI 2011/92

The Scottish Ministers make the following regulations in exercise of the powers conferred by paragraph 2 of Schedule 6B to the New Roads and Street Works Act 1991. The instrument is subject to the negative resolution procedure.

Policy Objectives

Fixed penalty notices (FPNs) were introduced on 1st October 2008 for certain noticing offences listed in Schedule 6A to the 1991 Act. The introduction of these penalties has improved the quality of information entered into the Scottish Road Works Register (a co-ordination tool) and improved the co-ordination and planning of road works.

The time period for giving a fixed penalty notice is currently set at 60 days after the commission of the offence beginning with the day of its commission.

As part of the general review into the effectiveness of legislation, it is recognised that the current period of 60 days is too short. The regulation increases the period to 91 days and allow additional flexibility for the road works authorities to issue fixed penalty notices.

Consultation

As required by Section 163A of the New Roads and Street Works Act 1991, the Scottish Government consulted all interested parties i.e. road works authorities and undertakers operating in Scotland. One response was received.

Financial Effects

This SSI will have no financial effect on the Scottish Government.

**Transport Policy
Transport Scotland
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