
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 428 (C. 30)

TRANSPORT

The Transport (Scotland) Act 2019
(Commencement No. 4) Regulations 2021

<i>Made</i>	- - - -	<i>23rd November 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>25th November 2021</i>
<i>Coming into force</i>	- -	<i>10th January 2022</i>

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 130(2) of the Transport (Scotland) Act 2019⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Transport (Scotland) Act 2019 (Commencement No. 4) Regulations 2021 and come into force on 10 January 2022.

Appointed day

2. The day appointed for the coming into force of the provisions of the Transport (Scotland) Act 2019 specified in column 1 of the table in the schedule (the subject matter of which is described in column 2 of that table) is 10 January 2022.

St Andrew's House,
Edinburgh
23rd November 2021

GRAEME DEY
Authorised to sign by the Scottish Ministers

⁽¹⁾ 2019 asp 17.

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SCHEDULE

Regulation 2

Provisions of the Transport (Scotland) Act 2019 coming into force on 10 January 2022

Table

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Transport (Scotland) Act 2019</i>	<i>Subject matter</i>
Section 43	National Smart Ticketing Advisory Board
Section 51	Exemption orders
Section 53	Exemption orders: traffic signs
Part 7	Workplace parking
Section 113	Functions in relation to the Scottish Road Works Register
Section 114	Permission to execute works in a road
Section 115	Fencing and lighting of obstructions and excavations
Section 123	The British Waterways Board
Section 127	Minor and consequential amendments and repeals
Schedule, paragraphs 5, 6(1), (2), (6), (7) and (8) and 7(1) and (3)	Road works

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring sections 43, 51, 53, 113, 114, 115, 123, 127, Part 7 and paragraphs 5, 6(1), (2), (6), (7) and (8) and 7(1) and (3) of the schedule of the Transport (Scotland) Act 2019 (“the 2019 Act”) into force on 10 January 2022.

Section 43 of the 2019 Act inserts a new section 27C into the Transport (Scotland) Act 2001, allowing the Scottish Ministers to establish a National Smart Ticketing Advisory Board and to make provision about that board by regulations.

Sections 51 and 53 of the 2019 Act relate to the pavement parking prohibition provided for under Part 6 of that Act. Section 51 allows local authorities to make orders to exempt footways from that prohibition. Section 53 requires the traffic authority for any footway exempted by such an order to place and maintain traffic signs (or to secure their placement and maintenance) in connection with that order.

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Part 7 of the 2019 Act allows local authorities to make workplace parking licensing schemes and makes provision in connection with the scope of those schemes, on how proposals to make schemes are to be consulted on and as to the administration and enforcement of those schemes.

Section 113 of the 2019 Act amends section 112A of the New Roads and Street Works Act 1991 (“the 1991 Act”) to require the Scottish Road Works Commissioner to make information contained in the Scottish Road Works Register available to any person with the authority to carry out works in a road or who otherwise appears to have an interest in it. This amendment also requires the Scottish Road Works Commissioner to make certain information contained in the Scottish Road Works Register publicly available.

Section 114 of the 2019 Act repeals section 61 of the Roads (Scotland) Act 1984 (“the 1984 Act”) and makes consequential amendments to section 109 of the 1991 Act. Paragraphs 5 and 6(2) and (6) of the schedule of the 2019 Act also make amendments to the 1984 Act and the 1991 Act in consequence of the repeal of section 61.

Section 115 of the 2019 Act amends section 60 of the 1984 Act to require roads authorities placing obstructions on a road or executing works in a road to comply with certain requirements as regards marking, lighting and fencing of those obstructions or works. Section 115 also inserts a new section 60A into the 1984 Act allowing the Scottish Ministers to issue or approve codes of practice for roads authorities and others about the marking, lighting and fencing of obstructions and works in accordance with section 60.

Section 123 of the 2019 Act amends the Transport Act 1962 to increase the minimum number of members of the British Waterways Board from 1 to 4 and to increase the maximum number of members from 4 to 9.

Section 127 of the 2019 Act gives effect to the schedule of that Act which contains minor and consequential amendments and repeals.

Paragraph 6(7) and (8) of the schedule of the 2019 Act repeals sections 132A to 132E and section 137A of the 1991 Act and makes a consequential amendment to section 155 of that Act. Paragraph 7(3) of that schedule repeals sections 30, 31 and 32 of the Transport (Scotland) Act 2005 which inserted sections 132A to 132E and section 137A into the 1991 Act.

The Bill for the Act received Royal Assent on 15 November 2019. Sections 128 to 131 came into force the following day.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Transport (Scotland) Act 2019 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I Number</i>
Part 1	15 January 2020	S.S.I. 2019/428
Section 25	15 January 2020	S.S.I. 2019/428
Part 2 (except section 25)	14 January 2021	S.S.I. 2020/429
Section 49	14 January 2021	S.S.I. 2020/429
Section 52	14 January 2021	S.S.I. 2020/429
Section 67	14 January 2021	S.S.I. 2020/429
Section 68	14 January 2021	S.S.I. 2020/429

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I Number</i>
Section 109	14 January 2021	S.S.I. 2020/429
Section 122(1)(a), (2) and (3)	19 March 2020	S.S.I. 2020/68
Section 122(1)(b)	1 April 2020	S.S.I. 2020/68