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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations appoint dates for the coming into force of certain provisions of the Transport (Scotland) Act 2019 (“the Act”).

Regulation 2 and the schedule bring into force section 39 and paragraph 2(1) and (3) of the schedule of the Act on 28 November 2022 and sections 116 and 117 and paragraph 6(3) of the schedule on 25 January 2023. Regulation 2 and the schedule also bring section 118 of the Act into force on 25 January 2023, but only for the purpose of making regulations under section 130C(2) of the New Roads and Street Works Act 1991 (“the 1991 Act”). Section 118 is brought into force for all other purposes on 1 April 2023.

Section 39 inserts sections 6ZA, 6ZB and 6ZC into the Transport Act 1985 (“the 1985 Act”). These provisions enable an affected authority (defined in section 6ZA(6) of the 1985 Act) to obtain specific service information from an operator who proposes to vary or cancel the registration of a local bus service and, in limited circumstances, share it with other people who may wish to bid to provide a similar service to the one being varied or cancelled. These provisions also enable the Scottish Ministers to make regulations to provide further details about the duties and processes in these inserted provisions.

Section 116, which inserts section 61B into the Roads (Scotland) Act 1984, provides that certain works in or on a road must be supervised by a suitably qualified person and for a suitably qualified trained operative to be present on site. It allows the roads authority, where they are not carrying out the works, to serve a notice on a responsible person to require the name of such supervisor or trained operative and their credentials. It also allows the Scottish Ministers to make further provision about qualifications of operatives and supervisors by regulations.

Section 117 amends the 1991 Act to require a person carrying out road works to enter into the Scottish Road Works Register (“SRWR”) the start and the completion dates for those works. It also enables the Scottish Ministers by regulations to set a time frame for providing that information.

Section 118 inserts sections 130A, 130B and 130C into the 1991 Act which make provision about plans as to how roads are to be reinstated following works in roads which require reinstatement to be undertaken (to be known as “reinstatement quality plans”). These plans are either required to be entered in the SRWR by a person (other than a roads authority) under section 130A or can be requested from a roads authority by the Scottish Road Works Commissioner under section 130B. Section 130C allows the Scottish Ministers to issue or approve codes of practice for these plans and to make regulations about the form, content and further details of the plans.

Paragraph 2(1) and (3) of the schedule amends section 135 of the 1985 Act to insert procedural rules which apply when the Scottish Ministers make regulations under inserted sections 6ZA, 6ZB and 6ZC of that Act.

Paragraph 6(3) of the schedule amends section 117 of the 1991 Act to allow the period of restrictions on works following substantial road works to be prescribed.

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