



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART V

ROADS AND BUILDING CONTROL

Works and excavations

[^{F1}61B Requirement for qualified supervisors and operatives

- (1) This section applies to any person (including a roads authority) executing—
 - (a) works (other than road works within the meaning of section 107(3) of the New Roads and Street Works Act 1991) in or on a road or works which otherwise involve a person placing or depositing anything on a road so as to cause an obstruction—
 - (i) to which the requirements of section 60(1)(b) or (c) apply, and
 - (ii) which involve the placing of lights, fences, barriers or signs on a carriageway,
 - (b) works in a road which involve—
 - (i) breaking up the road, or any sewer, drain or tunnel under it, or
 - (ii) tunnelling or boring under the road, and
 - (c) works to subsequently reinstate the road.
- (2) The person executing the works must secure that—
 - (a) the execution of the works is supervised by an individual having a prescribed qualification as a supervisor, and
 - (b) there is on site at all times when any such works are in progress at least one individual having a prescribed qualification as a trained operative.
- (3) Where a roads authority are not the person who is executing the works, the authority may by notice require the person executing the works—
 - (a) to notify the authority of the name of any individual who is or has been the supervisor, or trained operative, in respect of the work, and

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- (b) to provide the authority with prescribed evidence of the requisite qualification of the individual.
- (4) The Scottish Road Works Commissioner may by notice require the roads authority—
 - (a) to notify the Commissioner of the name of any individual who is or has been the supervisor or trained operative in respect of any work to which this section applies, and
 - (b) to provide the Commissioner with prescribed evidence of the requisite qualification of the individual.
- (5) A notice under subsection (3) or (4) may—
 - (a) require the notification of—
 - (i) the name of an individual who was the supervisor or, as the case may be, trained operative at a particular time,
 - (ii) all individuals who have been the supervisor, or as the case may be, trained operative,
 - (b) be given at any time while the works are being executed or within such period after their completion as is prescribed.
- (6) A person who receives a notice under subsection (3) must comply with the requirements of the notice within the period and manner prescribed.
- (7) A person, other than a roads authority, who fails to comply with a duty imposed on the person by subsection (2) or (6) commits an offence.
- (8) A person who commits an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) The Scottish Ministers may by regulations make provision for the purposes of this section, including provision—
 - (a) specifying circumstances in which the duties in subsection (2) do not apply to a person executing works in a road,
 - (b) specifying—
 - (i) circumstances in which more than one trained operative must be on site at all times when work is in progress, and
 - (ii) the number of trained operatives that must be on site in those circumstances,
 - (c) about the approval of bodies conferring qualifications (and the withdrawal of such approval),
 - (d) about the circumstances in which a qualification may be conferred,
 - (e) about the form of any evidence to be issued by an approved body to certify or otherwise show that a qualification has been conferred on an individual.
- (10) In this section, “prescribed” means prescribed by the Scottish Ministers in regulations made under subsection (9).
- (11) This section does not apply to an undertaker executing road works, within the meaning of Part IV of the New Roads and Street Works Act 1991.]

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Textual Amendments

- F1** S. 61B inserted (25.1.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 116(1)**, 130(2) (with s. 126); [S.S.I. 2022/332](#), reg. 2, sch.

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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. 152(3)(3ZA) substituted for s. 152(3) by [2019 asp 17 s. 124\(2\)](#)