

TRANSPORT (SCOTLAND) ACT 2019

EXPLANATORY NOTES

THE ACT

Part 10 – Miscellaneous and General

Minor and consequential amendments and repeals: [section 127](#) and the schedule

558. Section 127 introduces a schedule which contains a variety of minor and consequential amendments repeals.
559. The schedule contains amendments and repeals which are of a minor nature or which are required in consequence of other more substantive provisions in the Act.

Part 1: Bus services

560. Part 1 of the schedule makes consequential amendments and repeals which relate to the changes made in Part 3 of the Act (bus services).

Part 2: Road Works

561. Part 2 of the schedule makes consequential amendments and repeals which relate to the changes made in Part 9 of the Act (road works). In addition, it makes two minor amendments connected to road works which are highlighted here.
562. Paragraph 6 of the schedule deals with the New Roads and Street Works Act 1991.
563. Sub-paragraph (2) corrects an error which occurred in the drafting of the Transport (Scotland) Act 2005. Section 117 of the 1991 Act permits a roads authority, in cases where substantial works are to be carried out, to restrict any further work on a road for a period of 12 months. The provision adjusts section 117 to change the period from 12 months to such period as the Scottish Ministers may prescribe in regulations. This was also the intention of section 22 of the Transport Act 2005 but there was a mistake made in the way that it was done. (The relevant provision of section 22 of the 2005 Act is repealed by paragraph 7(2) of the schedule.)
564. The regulations under section 117 of the 1991 Act may make different provision for different purposes. This means that the Scottish Ministers may specify different time periods by reference to the types of circumstances that may exist. This will interact with the ability of the Scottish Ministers in the existing power under section 117(1) to set out what constitutes substantial works for the purposes of the restriction. Accordingly, the Scottish Ministers will have some flexibility around the periods for which restrictions may be imposed.
565. Regulations made under section 117 are subject to the negative procedure.
566. Paragraphs 6(7) and (8) and 7(3) remove a series of provisions which have never come into force. The provisions in question were intended to provide a new mechanism for imposing requirements on undertakers to resurface roads. Agreement on the operation of the provisions was never reached and they have been superseded by a different approach. These provisions are therefore being repealed as redundant.