



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART IV

ROAD WORKS IN SCOTLAND

General requirements as to execution of road works

126 Qualifications of supervisors and operatives.

- (1) It is the duty of an undertaker executing road works involving—
- (a) breaking up the road, or any sewer, drain or tunnel under it, or
 - (b) tunnelling or boring under the road,
- to secure that, except in such cases as may be prescribed, the execution of the works is supervised by a person having a prescribed qualification as a supervisor.

[^{F1}(1A) A road works authority may (unless the case is one excepted from subsection (1)) by notice require an undertaker executing road works—

- (a) to notify them of the name of—
 - (i) the person who is currently the qualified supervisor required under subsection (1), and
 - (ii) each person who has previously been the qualified supervisor so required, and
 - (b) to provide them with such evidence of the requisite qualification of the person or, as the case may be, each person named as may be prescribed.]
- (2) It is the duty of an undertaker executing road works involving—
- (a) breaking up or opening the road, or any sewer, drain or tunnel under it, or
 - (b) tunnelling or boring under the road,
- to secure that, except in such cases as may be prescribed, there is on site at all times when any such works are in progress at least one person having a prescribed qualification as a trained operative.

Status: Point in time view as at 02/09/2022.

Changes to legislation: New Roads and Street Works Act 1991, Section 126 is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [^{F2}(2A) A road works authority may (unless the case is one excepted from subsection (2)) by notice require an undertaker executing road works—
- (a) to notify them of the name of—
 - (i) a person whose presence on site at any time specified in the notice (being a time when the works were in progress) enabled the undertaker to comply with his duty under subsection (2), or
 - (ii) each person whose presence on site during the progress of the works enabled the undertaker to comply with his duty under subsection (2), and
 - (b) to provide them such evidence of the requisite qualification of the or, as the case may be, each person named as may be prescribed.
- (2B) A notice under subsection (1A) or (2A) may be given at any time while the works are being executed or within such period after their completion as may be prescribed.
- (2C) The undertaker shall comply with a notice under subsection (1A) or (2A) within such period and in such way as may be prescribed.]
- (3) An undertaker who fails to comply with his duty under subsection (1) [^{F3}, (2) or (2C)] commits an offence and is liable on summary conviction to a fine not exceeding [^{F4}level 5] on the standard scale.
- (4) Regulations made by the Secretary of State for the purposes of this section may include provision with respect to—
- (a) the approval of bodies conferring qualifications (and the withdrawal of such approval), and
 - (b) the circumstances in which a qualification may be conferred [^{F5} and
 - (c) the form of any document to be issued by an approved body to certify or otherwise show that a qualification has been conferred on any person].

Textual Amendments

- F1** S. 126(1A) inserted (1.4.2008) by [Transport \(Scotland\) Act 2005 \(asp 12\), ss. 26\(2\), 54\(2\)](#); S.S.I. 2008/15, art. 2(2), sch. 1
- F2** S. 126(2A)-(2C) inserted (1.4.2008) by [Transport \(Scotland\) Act 2005 \(asp 12\), ss. 26\(3\), 54\(2\)](#); S.S.I. 2008/15, art. 2(2), sch. 1
- F3** Words in s. 126(3) substituted (1.4.2008) by [Transport \(Scotland\) Act 2005 \(asp 12\), ss. 26\(4\), 54\(2\)](#); S.S.I. 2008/15, art. 2(2), sch. 1
- F4** Words in s. 126(3) substituted (1.4.2008) by [Transport \(Scotland\) Act 2005 \(asp 12\), s. 54\(2\), sch. 3](#); S.S.I. 2008/15, art. 2(2), sch. 1
- F5** S. 126(4)(c) and word inserted (1.4.2008) by [Transport \(Scotland\) Act 2005 \(asp 12\), ss. 26\(5\), 54\(2\)](#); S.S.I. 2008/15, art. 2(2), sch. 1

Status:

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