

## **EXPLANATORY NOTE**

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

Section 119A of the New Roads and Street Works Act 1991 (inserted by section 25 of the Transport (Scotland) Act 2005) allows the Scottish Ministers, by regulations, to make provision for or in connection with the imposition by the Scottish Road Works Commissioner of penalties on road works authorities and undertakers who fail to comply with the duties imposed on them by sections 118 and 119 of the 1991 Act respectively. Section 118 relates to the general duty of road works authority to co-ordinate works and section 119 relates to the general duty of undertakers to co-operate. These Regulations exercise that power.

Regulation 3 makes provision as to the imposition of penalties by the Commissioner.

Regulation 4 provides as to the level of these penalties (which can be an amount up to a maximum of £50,000).

Regulation 5 provides for a period of 36 days within which a penalty must be paid.

Regulation 6 provides for written notification to be given to a road works authority or undertaker on whom a penalty has been imposed and details the information to be contained in such a notification.

Regulation 7 makes provision for the enforcement of unpaid penalties.

Regulation 8 provides that a road works authority or an undertaker upon whom a penalty has been imposed may appeal to the sheriff by way of summary application against the imposition of the penalty imposed by the Commissioner.