
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 411

**The Scottish Road Works Commissioner
(Imposition of Penalties) Regulations 2007**

Appeals

8.—(1) A road works authority or an undertaker on whom a penalty has been imposed under regulation 3 may appeal to the sheriff against the imposition of the penalty by the Commissioner.

(2) An appeal to the sheriff under this regulation shall be by way of summary application.

(3) The period within which an appeal under this regulation may be brought shall be 28 days from the date on which written notice in terms of regulation 6 was served on the road works authority or undertaker as the case may be.

(4) The sheriff may—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the imposition of a penalty;
- (c) substitute for the level of penalty imposed by the Commissioner a different level of penalty not exceeding £50,000; or
- (d) remit the case to the Commissioner to dispose of the case in accordance with the directions of the court.

(5) Any party to an appeal to the sheriff under this regulation may appeal on a point of law from the decision of the sheriff to the sheriff principal within 21 days from the date of that decision.

Commencement Information

II Reg. 8 in force at 1.10.2007, see [reg. 1](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Scottish Road Works Commissioner (Imposition of Penalties) Regulations 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 8(4)(c) sum substituted by [S.S.I. 2021/431 reg. 2\(b\)](#)