
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the method of settling certain disputes under Part 4 of the New Roads and Street Works Act 1991 (“the 1991 Act”) and provide for appeals against directions given under sections 115 and 115A of the 1991 Act.

Regulation 2(1) prescribes that, subject to regulation 2(3), any question or dispute to be settled under the provisions of the 1991 Act listed in regulation 2(2) are to be settled by the Scottish Road Works Commissioner. Regulation 2(3) provides that where the Scottish Ministers are party to a question or dispute, the question or dispute shall be settled by arbitration.

Regulation 3 prescribes that where a disagreement arises under section 18(3) of the Transport (Scotland) Act 2005 (relating to whether information asked for by the Commissioner under section 18(1) is reasonably asked for), the matter shall be settled by arbitration.

Regulation 4 makes provision for appeals by undertakers against directions given by a road works authority under sections 115 (power to give directions as to timing of works) and 115A (power to give directions as to placing of apparatus) of the 1991 Act. Appeals are to the sheriff by way of summary application and must be brought within the period of 28 days starting from the date on which the directions were given.