
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 431

ROADS AND BRIDGES

**The Scottish Road Works Commissioner (Imposition
of Penalties) Amendment Regulations 2021**

Made - - - - 23rd November 2021
*Laid before the Scottish
Parliament* - - - - 25th November 2021
Coming into force - - 1st February 2022

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 119A of the New Roads and Street Works Act 1991⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 163A of that Act⁽²⁾ they have consulted with such—

- (a) persons considered by them to be representative of the interests of undertakers,
- (b) road works authorities, and
- (c) other persons,

as they think appropriate.

Citation and commencement

1. These Regulations may be cited as the Scottish Road Works Commissioner (Imposition of Penalties) Amendment Regulations 2021 and come into force on 1 February 2022.

Amendment of the Scottish Road Works Commissioner (Imposition of Penalties) Regulations 2007

2. The Scottish Road Works Commissioner (Imposition of Penalties) Regulations 2007⁽³⁾ are amended as follows—

- (a) in regulation 4(2) (level of penalties), for “£50,000” substitute “£100,000”,
- (b) in regulation 8(4)(c) (appeals), for “£50,000” substitute “£100,000”.

(1) 1991 c. 22. Section 119A was inserted by section 25 of the Transport (Scotland) Act 2005 [asp 12](#) (“the 2005 Act”).
(2) Section 163A was inserted by section 39 of the 2005 Act.
(3) S.S.I. 2007/411.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
23rd November 2021

GRAEME DEY
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Scottish Road Works Commissioner (Imposition of Penalties) Regulations 2007 (“the 2007 Regulations”).

Regulation 2(a) amends regulation 4(2) of the 2007 Regulations by increasing the maximum penalty which can be imposed by the Scottish Road Works Commissioner for failure to comply with the duties mentioned in regulation 3. The maximum penalty is increased from £50,000 to £100,000.

Regulation 2(b) amends regulation 8(4)(c) of the 2007 Regulations by increasing the maximum penalty which can be imposed by a sheriff when disposing of an appeal against a penalty imposed by the Scottish Road Works Commissioner from £50,000 to £100,000.