



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART IV

ROAD WORKS IN SCOTLAND

Notice and co-ordination of works

[^{F1}115A Power to give directions as to placing of apparatus

(1) Where—

- (a) an undertaker is proposing to execute road works consisting of the placing of apparatus in a road (the “proposed road”),
- (b) placing the apparatus in the proposed road is likely to cause disruption to traffic, and
- (c) it appears to the road works authority that—
 - (i) there is another road in which the apparatus could be placed (the “other road”), and
 - (ii) the conditions in subsection (2) are satisfied,

the authority may by directions require the undertaker not to place the apparatus in the proposed road (but shall not require the undertaker to place the apparatus in the other road).

(2) The conditions referred to in subsection (1)(c)(ii) are that—

- (a) disruption to traffic would be avoided or reduced if the apparatus were to be placed in the other road,
- (b) placing the apparatus in the other road would be a reasonable way of achieving the purpose for which the apparatus is to be placed, and
- (c) it is reasonable to require the undertaker not to place the apparatus in the proposed road.

(3) Directions under this section may be varied or revoked by further such directions.

(4) The procedure for giving directions under this section shall be as prescribed.

Status: Point in time view as at 07/01/2015.

Changes to legislation: New Roads and Street Works Act 1991, Section 115A is up to date with all changes known to be in force on or before 23 June 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)

- (5) The Scottish Ministers shall by regulations make provision for appeals against directions under this section, including provision as to the procedure to be followed on an appeal.
- (6) An undertaker who executes works in contravention of directions under this section commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, the failure is attributable to a direction under this section.
- (8) The Scottish Ministers shall issue or approve for the purposes of this section a code of practice giving practical guidance as to the exercise by road works authorities of the power conferred by this section; and in exercising that power a road works authority shall have regard to the code of practice.]

Textual Amendments

- F1** S. 115A inserted (S.) (1.4.2008) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), **ss. 21(1)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

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