



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART IV

ROAD WORKS IN SCOTLAND

Notice and co-ordination of works

119 General duty of undertakers to co-operate.

- (1) An undertaker shall as regards the execution of road works use his best endeavours to co-operate with the road works authority and with other undertakers—
- in the interests of safety,
 - to minimise the inconvenience to persons using the road (having regard, in particular, to the needs of people with a disability), and
 - to protect the structure of the road and the integrity of apparatus in it.
- [^{F1}(1A) In discharging the duty under this section, an undertaker shall have regard to all information in the SRWR about matters which might affect, or be affected by, works being or proposed to be carried out by the undertaker.
- (1B) An undertaker shall, so as to maximise the utility of that information for the purposes of subsection (1A)—
- assist the Commissioner in complying with the duty imposed by subsection (1) of section 112A (as read with subsection (2) of that section), and
 - keep that information under surveillance.
- (1C) In subsections (1A) and (1B), “undertaker” does not include a person having permission under section 109 to execute road works.]
- (2) The Secretary of State shall issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned in subsection (1); and—
- so far as an undertaker complies with such a code of practice he shall be taken to comply with his duty under that subsection, and

Status: Point in time view as at 29/10/2020.

Changes to legislation: New Roads and Street Works Act 1991, Section 119 is up to date with all changes known to be in force on or before 22 July 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)

- (b) a failure in any respect to comply with any such code is evidence of failure in that respect to comply with that duty.

[^{F2}(2A) In discharging the duties imposed by subsections (1) to (1B), an undertaker shall—

- (a) comply with any direction in that respect given to the undertaker by the Commissioner, and
- (b) have regard to such guidance as is contained in the practice referred to in section 17(4)(b) of the Transport (Scotland) Act 2005 (asp 12),

and paragraphs (a) and (b) of subsection (2) shall apply in relation to any such direction as they apply in relation to the code of practice referred to in that subsection.

(2B) If it appears to the Commissioner that an undertaker is not properly complying with his duty under subsection (1), he may direct the undertaker to supply him with such information as he considers necessary to enable him to decide whether that is the case and, if so, what action to take.

The direction shall specify the information to be provided and the period within which it is to be provided.]

^{F3}(3)

[^{F4}(4) A direction under this section may be varied or revoked by a further direction.]

Textual Amendments

- F1** S. 119(1A)-(1C) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 24(2)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1
- F2** S. 119(2A)(2B) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 24(3)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1
- F3** S. 119(3) repealed (1.10.2007) by Transport (Scotland) Act 2005 (asp 12), **ss. 25(1)**, 54(2); S.S.I. 2007/409, **art. 2**
- F4** S. 119(4) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 24(4)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

Commencement Information

- I1** S. 119 wholly in force: s. 119(1)(3) in force at 1.1.1993 see s. 170 and S.I. 1992/2990, art. 2(2), **Sch. 2**; s. 119(2) in force at 14.7.1992 by S.I. 1992/1671, art. 2, **Sch.**

Status:

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