



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART IV

ROAD WORKS IN SCOTLAND

General requirements as to execution of road works

125 Avoidance of unnecessary delay or obstruction.

- (1) An undertaker executing road works which involve—
 - (a) breaking up or opening the road, or any sewer, drain or tunnel under it, or
 - (b) tunnelling or boring under the road,shall carry on and complete the works with all such dispatch as is reasonably practicable.
- (2) An undertaker who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding [^{F1}level 5] on the standard scale.
- (3) Where an undertaker executing any road works creates an obstruction in a road to a greater extent or for a longer period than is reasonably necessary, the road works authority may by notice require him to take such reasonable steps as are specified in the notice to mitigate or discontinue the obstruction.
- (4) If the undertaker fails to comply with such a notice within 24 hours of receiving it, or such longer period as the authority may specify, the authority may take the necessary steps and recover from him the costs reasonably incurred by them in doing so.

Textual Amendments

- F1** Words in s. 125(2) substituted (1.4.2008) by [Transport \(Scotland\) Act 2005 \(asp 12\), s. 54\(2\), sch. 3](#); [S.S.I. 2008/15, art. 2\(2\), sch. 1](#)

Status:

Point in time view as at 25/02/2020.

Changes to legislation:

New Roads and Street Works Act 1991, Section 125 is up to date with all changes known to be in force on or before 05 August 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.