

2022 No. 332 (C. 19)

TRANSPORT

**The Transport (Scotland) Act 2019 (Commencement No. 6)
Regulations 2022**

Made - - - - *9th November 2022*

Laid before the Scottish Parliament *11th November 2022*

Coming into force - - *28th November 2022*

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 130(2) and (3) of the Transport (Scotland) Act 2019(a).

Citation and commencement

1. These Regulations may be cited as the Transport (Scotland) Act 2019 (Commencement No. 6) Regulations 2022 and come into force on 28 November 2022.

Appointed day

2.—(1) The day appointed for the coming into force of the provisions of the Transport (Scotland) Act 2019 specified in column 1 of the schedule (the subject matter of which is described in column 2 of the schedule) is the day specified in column 3 of the schedule.

(2) Where a purpose is specified in column 4 of the schedule, a provision mentioned in column 1 of the schedule comes into force in accordance with paragraph (1) only for that purpose.

JENNY GILRUTH

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
9th November 2022

SCHEDULE

Regulation 2

Provisions of the Transport (Scotland) Act 2019 coming into force

<i>Column 1</i> <i>Provision of the Transport (Scotland) Act 2019</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Appointed day</i>	<i>Column 4</i> <i>Purpose</i>
Section 39	Provision of service information when varying or cancelling registration	28 November 2022	
Section 116	Qualifications of supervisors and operatives	25 January 2023	
Section 117	Commencement and completion notices	25 January 2023	
Section 118	Reinstatement quality plans	25 January 2023	For the purpose of enabling the Scottish Ministers to make regulations under section 130C(2) of the New Roads and Street Works Act 1991(a)
Section 118	Reinstatement quality plans	1 April 2023	For all other purposes
Schedule, paragraph 2(1) and (3)	Minor and consequential amendments and repeals	28 November 2022	
Schedule, paragraph 6(3)	Minor and consequential amendments and repeals	25 January 2023	

(a) 1991 c. 22.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations appoint dates for the coming into force of certain provisions of the Transport (Scotland) Act 2019 (“the Act”).

Regulation 2 and the schedule bring into force section 39 and paragraph 2(1) and (3) of the schedule of the Act on 28 November 2022 and sections 116 and 117 and paragraph 6(3) of the schedule on 25 January 2023. Regulation 2 and the schedule also bring section 118 of the Act into force on 25 January 2023, but only for the purpose of making regulations under section 130C(2) of the New Roads and Street Works Act 1991 (“the 1991 Act”). Section 118 is brought into force for all other purposes on 1 April 2023.

Section 39 inserts sections 6ZA, 6ZB and 6ZC into the Transport Act 1985 (“the 1985 Act”). These provisions enable an affected authority (defined in section 6ZA(6) of the 1985 Act) to obtain specific service information from an operator who proposes to vary or cancel the registration of a local bus service and, in limited circumstances, share it with other people who may wish to bid to provide a similar service to the one being varied or cancelled. These provisions also enable the Scottish Ministers to make regulations to provide further details about the duties and processes in these inserted provisions.

Section 116, which inserts section 61B into the Roads (Scotland) Act 1984, provides that certain works in or on a road must be supervised by a suitably qualified person and for a suitably qualified trained operative to be present on site. It allows the roads authority, where they are not carrying out the works, to serve a notice on a responsible person to require the name of such supervisor or trained operative and their credentials. It also allows the Scottish Ministers to make further provision about qualifications of operatives and supervisors by regulations.

Section 117 amends the 1991 Act to require a person carrying out road works to enter into the Scottish Road Works Register (“SRWR”) the start and the completion dates for those works. It also enables the Scottish Ministers by regulations to set a time frame for providing that information.

Section 118 inserts sections 130A, 130B and 130C into the 1991 Act which make provision about plans as to how roads are to be reinstated following works in roads which require reinstatement to be undertaken (to be known as “reinstatement quality plans”). These plans are either required to be entered in the SRWR by a person (other than a roads authority) under section 130A or can be requested from a roads authority by the Scottish Road Works Commissioner under section 130B. Section 130C allows the Scottish Ministers to issue or approve codes of practice for these plans and to make regulations about the form, content and further details of the plans.

Paragraph 2(1) and (3) of the schedule amends section 135 of the 1985 Act to insert procedural rules which apply when the Scottish Ministers make regulations under inserted sections 6ZA, 6ZB and 6ZC of that Act.

Paragraph 6(3) of the schedule amends section 117 of the 1991 Act to allow the period of restrictions on works following substantial road works to be prescribed.

The Bill for the Act received Royal Assent on 15 November 2019. Sections 128 to 131 came into force the following day.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Transport (Scotland) Act 2019 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. Number</i>
Part 1	15 January 2020	S.S.I. 2019/428
Section 25	15 January 2020	S.S.I. 2019/428
Part 2 (except section 25)	14 January 2021	S.S.I. 2020/429
Section 43	10 January 2022	S.S.I. 2021/428
Section 49	14 January 2021	S.S.I. 2020/429
Section 51	10 January 2022	S.S.I. 2021/428
Section 52	14 January 2021	S.S.I. 2020/429
Section 53	10 January 2022	S.S.I. 2021/428
Section 67	14 January 2021	S.S.I. 2020/429
Section 68	14 January 2021	S.S.I. 2020/429
Part 7	10 January 2022	S.S.I. 2021/428
Section 109	14 January 2021	S.S.I. 2020/429
Section 113	10 January 2022	S.S.I. 2021/428
Section 114	10 January 2022	S.S.I. 2021/428
Section 115	10 January 2022	S.S.I. 2021/428
Section 122(1)(a), (2) and (3)	19 March 2020	S.S.I. 2020/68
Section 122(1)(b)	1 April 2020	S.S.I. 2020/68
Section 123	10 January 2022	S.S.I. 2021/428
Section 127	10 January 2022	S.S.I. 2021/428
Schedule, paragraphs 5, 6(1), (2), (6), (7) and (8) and 7(1) and (3)	10 January 2022	S.S.I. 2021/428
Section 34	24 June 2022	S.S.I. 2022/204
Schedule, paragraphs 3(1) and (6)(a)(v)(A) and 4(1) and (2)(a)	24 June 2022	S.S.I. 2022/204

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