SCOTTISH STATUTORY INSTRUMENTS

2013 No. 8

ROADS AND BRIDGES

The Scottish Road Works Register (Prescribed Fees) Regulations 2013

Made - - - -	*16th January 2013*
Laid before the Scottish Parliament - - - -	*18th January 2013*
Coming into force in accordance with regulation 1	

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 112A(4) and 163(1) 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.—(1) These Regulations may be cited as the Scottish Road Works Register (Prescribed Fees) Regulations 2013 and, except as provided in paragraph (2), come into force on 28th February 2013.

(2) Regulation 4 comes into force on 1st April 2013.

Interpretation

2. In these Regulations—

"the Act" means the New Roads and Street Works Act 1991;

"financial year" means the period of 12 months commencing on 1st April 2013;

"relevant period" means the period of 12 months ending on 31st December 2012;

(**1**) 1991 c.22. Section 112A was inserted by section 19 of the Transport (Scotland) Act 2005 (asp 12) ("the 2005 Act"). The functions of the Secretary of State in section 163(1) were transferred to the Scottish Ministers, so far as within devolved competence, by section 53 of the Scotland Act 1998 (c.46).

(**2**) Section 163A was inserted by section 39 of the 2005 Act.

"relevant undertaker" means an undertaker who has entered a notice in the SRWR(**3**) in the relevant period;

"undertaker" has the same meaning as in section 107(4) of the Act but excludes those persons granted permission under section 109 of the Act to execute road works.

Prescribed fees

3.—(1) For the financial year, payment to the Commissioner(**4**) of the prescribed fee, calculated in accordance with paragraphs (3) and (4), by roads authorities(**5**) and relevant undertakers respectively is a condition of access to the SRWR as mentioned in section 112A(3) of the Act.

(2) Payments due to the Commissioner under this regulation shall be made within 90 days of receipt of the invoice from the Commissioner.

(3) For each roads authority, the prescribed fee for the purposes of section 112A(4)(a) of the Act shall be calculated in accordance with the formula—

$$Rx(£860,000 - £A)$$

where—

R is the figure shown in column 2 of the Schedule to these Regulations in relation to the roads authority specified in the corresponding entry in column 1 of the Schedule to which the calculation relates; and

£A is the total amount payable to the Commissioner by way of prescribed amounts for the financial year pursuant to regulation 3 of the Scottish Road Works Register (Prescribed Fees and Amounts) Regulations 2008(**6**).

(4) For each relevant undertaker, the prescribed fee for the purposes of section 112A(4)(a) of the Act shall be calculated in accordance with the formula—

$$\frac{N}{TN} \times (£860,000 - £A) \times 0.65$$

where—

N is the number of notices, entered by the relevant undertaker to which the calculation relates, in the SRWR in the relevant period;

TN is the total number of notices entered by all relevant undertakers in the SRWR in the relevant period; and

£A has the same meaning as in paragraph (3).

Revocation

4. The Scottish Road Works Register (Prescribed Fees) Regulations 2012(**7**) are revoked.

(**3**) The Scottish Road Works Register is kept in terms of section 112A(1) of the New Roads and Street Works Act 1991 ("the Act").
(**4**) The Scottish Road Works Commissioner is created by section 16(1) of the 2005 Act and defined in section 112A(1) of the Act.
(**5**) Section 145(1) of the Act defines "roads authority" as having the same meaning as in section 151 of the Roads (Scotland) Act 1984 (c.54).
(**6**) S.S.I.2008/16, amended by S.S.I.2009/26.
(**7**) S.S.I.2012/11.

St Andrew's House,
Edinburgh
16th January 2013

KEITH BROWN
Authorised to sign by the Scottish Ministers

SCHEDULE Regulation 3(3)

FIGURE FOR ROADS AUTHORITIES IN RELATION TO FORMULA FOR CALCULATION OF PRESCRIBED FEES AT REGULATION 3(3)

Column 1 ***Roads Authority***	***Column 2*** ***Figure***
Aberdeen City	0.018
Aberdeenshire	0.018
Angus	0.006
Argyll & Bute	0.003
City of Edinburgh	0.024
Clackmannanshire	0.003
Comhairle nan Eilean Siar	0.0006
Dumfries & Galloway	0.006
Dundee City	0.009
East Ayrshire	0.009
East Dunbartonshire	0.006
East Lothian	0.006
East Renfrewshire	0.006
Falkirk	0.006
Fife	0.012
Glasgow City	0.03
Highland	0.006
Inverclyde	0.006
Midlothian	0.006
Moray	0.009
North Ayrshire	0.012
North Lanarkshire	0.012
Orkney Islands	0.0012
Perth & Kinross	0.009
Renfrewshire	0.009
Scottish Borders	0.012
Scottish Ministers	0.056
Shetland Islands	0.0012
South Ayrshire	0.006

Column 1 ***Roads Authority***	***Column 2*** ***Figure***
South Lanarkshire	0.009
Stirling	0.009
West Dunbartonshire	0.009
West Lothian	0.015

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 112A(1) of the New Roads and Street Works Act 1991 ("the Act") (as inserted by section 19 of the Transport (Scotland) Act 2005) provides for the Scottish Road Works Commissioner ("the Commissioner") to keep a register to be known as the Scottish Road Works Register ("the SRWR").

Section 112A(4) of the Act allows the Scottish Ministers, by regulations, to provide that the payment to the Commissioner of the prescribed fee is a condition of access to the SRWR.

Regulation 3(1) provides that, for the financial year commencing on 1st April 2013, payment to the Commissioner of the prescribed fee by roads authorities and relevant undertakers is a condition of access to the SRWR as mentioned in section 112A(3) of the Act.

Regulations 3(3) and (4) provide formulas for the calculation of the prescribed fee for roads authorities and relevant undertakers respectively.

Regulation 4 revokes the Scottish Road Works Register (Prescribed Fees) Regulations 2012.