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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 417**

**ROADS AND BRIDGES**

**The Road Works (Reinstatement)  
(Scotland) Amendment Regulations 2003**

*Made* - - - - 8th September 2003  
*Laid before the Scottish  
Parliament* - - - - 9th September 2003  
*Coming into force* - - 1st October 2003

The Scottish Ministers in exercise of the powers conferred by sections 130 and 163(1) of the New Roads and Street Works Act 1991<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Road Works (Reinstatement) (Scotland) Amendment Regulations 2003 and shall come into force on 1st October 2003.

**Amendment of Regulations**

2.—(1) The Road Works (Reinstatement) (Scotland) Regulations 1992<sup>(2)</sup> are amended as follows:—

(2) In regulation 2—

(a) for the definition of “the Code” substitute ““the Code” means the code of practice entitled “Specification for the Reinstatement of Openings in Highways” dated October 2003, and approved by the Scottish Ministers on 8th September 2003 as revised and reissued from time to time”<sup>(3)</sup>;

(b) delete the definition of “a road carrying more than 30 million standard axles”<sup>(4)</sup>;

(c) after the definition of “immediate works” insert the following definition:—

““a road carrying more than 125 million standard axles” means a road so constructed as to be capable of carrying more than 125 million standard axles per annum”.

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(1) 1991 c. 22. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.I. 1992/1674 as amended by S.I. 1992/3062.

(3) Details of the new Code are given in the Explanatory Note to these Regulations.

(4) This definition was amended by S.I. 1992/3062.

- (3) In regulation 3(3), for “30 million standard axles” substitute “125 million standard axles”.
- (4) In the Table in regulation 4(2)–
  - (a) for the words in column 3 of item 2, substitute–  
“Paragraphs S2.6.3, S2.6.4”; and
  - (b) for the words in column 3 of item 10, substitute–  
“Paragraph S12.4”.
- (5) In the Table in regulation 4(3), for the words in column 3 of item 2, substitute–  
“Paragraphs S.2.2.1, S.2.3.1, S.2.4.1, S2.4.3, S2.6.2.”.
- (6) In regulation 7, for “paragraphs 1.5, 1.6.1 and 1.6.2”, substitute “paragraphs S1.6 and S1.7”.
- (7) In regulation 8, for “paragraphs 1.6.1 and 1.6.2”, substitute “paragraphs S1.7.1 and S1.7.2”.

St Andrew’s House, Edinburgh  
8th September 2003

*NICOL STEPHEN*  
A member of the Scottish Executive

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Road Works (Reinstatement) (Scotland) Regulations 1992 (the “1992 Regulations”). The 1992 Regulations prescribe requirements for the specification of materials to be used and the standard of workmanship to be observed by undertakers in reinstating streets by reference to a Code of Practice issued in 1992. The Scottish Ministers have approved the issue of a new Code of Practice entitled “Specification for the Reinstatement of Openings in Roads” (the “new Code”) and these Regulations change those references in the 1992 Regulations to paragraphs which have been renumbered in the new Code. The Regulations also follow the new Code by providing that the Code applies to all roads carrying up to 125 million standard axles. The new Code introduces several new requirements, notably relating to the use of specific materials for reinstatement of the road and introducing a new road category for very heavily trafficked roads.

The new Code is published by Astron on behalf of the Scottish Executive. Copies are available from the Stationery Office Bookshop, 71 Lothian Road, Edinburgh EH3 9AZ (tel 0870 606 5566).