

EXECUTIVE NOTE

THE ROAD WORKS (INSPECTION FEES) (SCOTLAND) AMENDMENT REGULATIONS 2011

SSI 2011/91

The above instrument was made in exercise of powers conferred by sections 134 of the New Roads and Street Works Act 1991 (c.22) (the Act). The instrument is subject to negative resolution procedure.

Policy Objectives

The policy of this instrument is to raise the level of inspection fee payable from £31.00 to £32.00 with effect from 1 April 2011 and to change the method by which a unit of inspection is defined. This policy shift moves from a method based upon the physical length of the excavation to works duration.

Background

Under section 131 of the Act, a road works authority has powers to carry out investigatory works to check on whether an undertaker has complied with his duties to reinstate the road.

Under section 134, an undertaker executing road works is required to pay a road works authority a prescribed fee for each inspection of the works carried out by the authority. This section also provides powers for Scottish Ministers to make a scheme under which the prescribed fee is paid for a proportion or number of works as is determined by the scheme.

The Act makes undertakers responsible for the management of their road works. Road works authorities are responsible for monitoring the performance and co-ordination of undertaker's works. Road work authorities have powers to charge undertakers for a number of sample inspections that they carry out to monitor undertakers' performance.

This is the procedure by which a road works authority can establish the overall performance of each undertaker operating in its area. It involves inspection of a structured random sample of works at various stages during the works and reinstatement guarantee period.

The Roads Authorities and Utilities Committee (Scotland) (RAUCS)) has recommended a modest increase of £1.00 to £32.00 per chargeable random sample inspection to reflect an increase in road works authorities costs.

The calculation of the sample size for each undertaker and the identification of particular works to be inspected is based upon dividing the works into units of inspection. This concept has been introduced solely to ensure that the total number of sample inspections reflects the number, scale and duration of works carried out by each undertaker. This means that works of greater duration will generate more than one unit of inspection.

All excavation works which involve breaking up the road are included in the calculation of units of inspection, regardless of whether it is in the footway, verge, cycleway or carriageway.

The previous policy was to define a unit of inspection per single excavation not exceeding 200m in length or, multiple excavations up to a maximum of 5 and for works relating to service pipes and service lines, a maximum of 10 excavations. This was unnecessarily complex and because the undertaker had to calculate the number of inspections based upon the set criteria, led to the default value of 1 inspection unit being inserted in the Scottish Road Works Register in most instances.

The policy shift is to base the number of inspection units on the duration of works. This would have two advantages; that the Scottish Road Works Register would be able to calculate the actual number of inspection units as it contains all the necessary notifications sent during the lifecycle of the works and would act as an incentive for undertakers to minimise the duration of the work as longer works in duration attract a higher number of inspection units.

Consultation

As required by Section 163A of the New Roads and Street Works Act 1991, the Scottish Government consulted all interested parties i.e. road works authorities and undertakers operating in Scotland. Two responses were received.

Financial Effects

This SSI will have no financial effect on the Scottish Government.

Transport Policy
Transport Scotland
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