

POLICY NOTE

THE ROAD WORKS (INSPECTION FEES) (SCOTLAND) AMENDMENT REGULATIONS 2014

SSI 2014/56

1. 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 1991 Act). The instrument is subject to negative procedure.

Policy Objective

2. The policy of this instrument is to raise the level of inspection fee payable from £33.00 to £36.00 with effect from 1 April 2014.

Background

3. Under section 131 of the 1991 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.

4. 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.

5. 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.

6. The calculation of the sample size required to monitor the performance of each undertaker and the identification of particular works to be inspected are 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 particular undertaker. This means that works of greater duration will generate more than one unit of inspection. All 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.

7. This is the procedure by which a road works authority can regularly 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.

8. Roads authorities and statutory undertakers have agreed through the Roads Authorities and Utilities Committee (Scotland) (RAUC(S)) to recommend to the Scottish Ministers an increase of £3.00 to £36.00 per chargeable random sample inspection to reflect

an increase in road works authorities costs. The increase is designed to eliminate the effects of rounding down in earlier RPI based increases.

Consultation

9. To comply with the requirements of Section 163A of the New Roads and Street Works Act 1991, the Scottish Government carried out a public consultation which they also drew to the attention of relevant roads authorities and statutory undertakers. In addition, the underlying proposals had been discussed and agreed through RAUC(S). A full list of those consulted and who agreed to the release of this information is attached to the consultation report which will be published on the Transport Scotland website.

Impact Assessments

10. There is no aspect of the proposals which have a differential or discriminatory impact on equality groups.

Financial Effects

11. A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is considered to be proportionate to the requirements of the roads authorities.

Scottish Government
Transport Directorate
25 February 2014