

## **POLICY NOTE**

### **THE SCOTTISH ROAD WORKS REGISTER (PRESCRIBED FEES) REGULATIONS 2014**

#### **SSI 2014/58**

1. The above instrument was made in exercise of powers conferred by Sections 112A(4) and 163(1) of the New Roads and Street Works Act 1991 (c.22) and is subject to the negative procedure.

#### **Policy Objectives**

2. The Transport (Scotland) Act 2005, amongst other matters, aims to improve the co-ordination, planning and quality of road works carried out in Scotland. Part 2 of the Act, which included amendments to the New Roads and Street Works Act 1991 provides a framework for the appointment of the Scottish Road Works Commissioner, and subsequent provisions for the Commissioner to be the keeper of the “Scottish Road Works Register” which is also created under the 2005 Act - and for the collection of prescribed fees from local authorities and utility companies as a condition of access to the Register.

3. This instrument exercises the powers to prescribe the fees payable for the 2014/15 financial year and revokes the Scottish Road Works Register (Prescribed Fees) Regulations 2013 (SSI 2013/8). All fees payable under SSI 2013/8 have been paid.

4. Regulation 3 prescribes the methodology and formula for calculating the fees payable by each roads authority and utility company operating in Scotland for access to the register. Consideration has been given to ensure that the costs of administering the register in this respect are balanced by the income received from users. The estimated cost of £759,795 to run the Scottish Road Works Register for 2014/15 has been calculated by the Commissioner and forms the basis of calculating what the appropriate level of prescribed fees should be. This figure reflects a reduction of £100,205 on the figure of £860,000 used in 2013/14.

5. Regulation 3(2) requires roads authorities and utility companies to pay fees for access to the register within 60 days of receipt of the invoice from the Commissioner.

6. Regulation 5 amends the payment period in regulation 3(4) of the Scottish Road Works Register (Prescribed Fees and Amounts) Regulations 2008 (SSI 2008/16) from 90 days to 60 days. Regulation 3(4) of SSI 2008/16 relates to payments of prescribed amounts by roads authorities and utility companies for the general upkeep of the register. The amendment aligns the payment periods for prescribed fees and prescribed amounts. The reduction in the payment periods from 90 days to 60 days will provide greater financial flexibility in the running of the register.

#### **Consultation**

7. 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 the Roads Authorities and Utilities Committee (Scotland) (RAUC(S)) which is the roads authorities and utility

companies representative organisation. 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**

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

### **Financial Effects**

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy reduces the cost of access to the Scottish Road Works Register.

Scottish Government  
Transport Scotland  
25 February 2014