

POLICY NOTE

THE ROAD WORKS (QUALIFICATIONS OF OPERATIVES AND SUPERVISORS) (SCOTLAND) REGULATIONS 2017

SSI 2017/147

1. The above instrument is made in exercise of powers conferred on the Scottish Ministers by sections 126 and 163(1) of the New Roads and Street Works Act 1991 (“the 1991 Act”) and is subject to negative resolution procedure.
2. These Regulations will replace the existing SSI 1992/1675, The Road Works (Qualifications of Supervisors and Operatives) (Scotland) Regulations 1992.
3. The 1991 Act requires that for each road works site there is at least one trained operative on site at all times and that there is one person qualified as supervisor. The Regulations prescribe the qualifications required when undertaking certain types of road works and replace those Regulations made in 1992. A record of the qualification certificates prescribed in this order is placed on a national register (“the Street Works Qualification Register”). As part of the associated administrative process candidates with qualification certificates recorded on the register receive an identity type card, which they can furnish when necessary to prove they are suitably qualified to undertake the role described in the 1991 Act.
4. At the moment, in Scotland, qualification certificates are recorded on the national register for a period of 5 years and upon the expiry of this period, the qualifications may be re-registered for a further five year period without reassessment. In 2009, this position was altered in England when re-registration of qualifications for successive periods after the expiry of the initial period became conditional on the applicant having successfully been reassessed as competent in the relevant qualification subject.

Policy Objectives

5. These Regulations bring the qualification structure and procedures broadly into alignment with the situation in England and will remove current barriers to cross border working for Scottish operatives and supervisors, as Scottish qualifications which are re-registered beyond their initial 5 year period of registration are not currently recognised in England. Similar changes are planned for Wales and Northern Ireland, the timing of which will depend on other legislative priorities.
6. The main changes in Scottish procedures under these Regulations are as follows –
 - (a) The Regulations make the ability of someone to be qualified as either a trained operative or a supervisor conditional on holding a certificate in two safety related areas, the signing, lighting and guarding of a road work site, and the location and avoidance of plant and apparatus which may be encountered when digging in the road;
 - (b) Individual certificates of competence for each type of work may now be registered, instead of units of competence in the types of work being grouped together into certificates as

previously. As the underlying units are not changing, there is no need for training providers to change their current course curriculum or materials;

(c) The introduction of the requirement for competence in the type of work to be successfully reassessed before the qualification certificates can be registered for a further period.

Consultation

7. Our consultation engaged with stakeholders including Scottish Local Authorities , utility companies, road works training and accreditation centres, road works contractors, and individuals. The majority of respondents were in favour of the proposals.

8. The Scottish Government response to the consultation highlighted the level of positive responses, and advised that all of the proposed amendments to the scheme will be implemented. Initially we hoped to implement the changes from April 2017, however we are providing additional time to allow qualification providers to work with their training centres to prepare for the introduction of reassessment in Scotland. The new arrangements will be effective from 4 September 2017.

Impact Assessments

9. There are no Equality Impact issues.
There are no Child Rights and Wellbeing Impact issues.
There are no Privacy Impact issues.
There is no requirement for a Strategic Environmental Assessment.

Financial Effects

10. A Business and Regulatory Impact Assessment has been completed and is attached. The impact of this policy on business is that there may be an initial increase in administration costs while the new system is implemented, however changes to the qualification requirements will result in a more experienced and up-to-date workforce which will increase the quality of road works reinstatements and will benefit road workers and road users across Scotland.

11. Any financial benefit to businesses will come from a higher quality of works in roads in Scotland, reducing the requirement for utility companies to revisit a site to undertake remedial work.

Date of implementation

12. The new Regulations will be effective from 4 September 2017.

Scottish Government
Transport Scotland

3 May 2017