

## **POLICY NOTE**

### **THE SCOTTISH ROAD WORKS REGISTER (PRESCRIBED FEES) REGULATIONS 2017**

#### **SSI 2017/49**

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

#### **Policy Objectives**

The Transport (Scotland) Act 2005 (the 2005 Act) aims to improve the co-ordination, planning and quality of road works carried out in Scotland. Part 2 of the 2005 Act, which included amendments to NRSWA, provides a framework for the appointment of the Scottish Road Works Commissioner. Subsequent provisions allow for the Commissioner to be the keeper of the Scottish Road Works Register (the Register), which was also created under the 2005 Act, and for the collection of Prescribed Fees from Scottish Roads Authorities and Utility Companies (Statutory Undertakers) as a condition of access to the Register.

This instrument exercises the powers to prescribe the fees payable for the 2017/18 and 2018/19 financial years, and revokes the Scottish Road Works Register (Prescribed Fees) Regulations 2015 (SSI 2015/89).

Regulation 3 prescribes the methodology and formula for calculating the fees payable by each Roads Authority and Statutory Undertaker operating in Scotland during 2017/18 and 2018/19.

The cost of operating the register in 2017/18 has been estimated at £954,000, and for 2018/19 the estimated cost is £1,110,000. The 2017/18 figure has been reduced to £850,000, and the 2018/19 figure to £1,029,000 by the use of deferred income from previous years. These reduced figures will be recovered from users of the Register during 2017/18 and 2018/19.

#### **Consultation**

To comply with the requirements of Section 163A of NRSWA, the Scottish Government has carried out a public consultation which was brought to the attention of the Scottish Roads Authorities and Statutory Undertakers. In addition, the underlying proposals have been discussed and agreed through the Roads Authorities and Utilities Committee (Scotland) (RAUC(S)), which provides, at a national level, co-ordination and an overview of activities carried out on roads under NRSWA. A list of respondents, all of whom agreed to the release of their response is contained within the BRIA, which is attached.

#### **Impact Assessments**

There is no aspect of the proposal 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 immediate impact of this policy will be an increase in the financial cost to users of the Register, however this increase in cost will ensure the continued availability of the Register. The coordination of works in roads in Scotland will benefit Scottish Roads Authorities, Statutory Undertakers, and all road users.

**Scottish Government**

**Transport Scotland**

**23 February 2017**