

POLICY NOTE

THE SCOTTISH ROAD WORKS REGISTER (PRESCRIBED FEES) AMENDMENT REGULATIONS 2018

SSI 2018/50

The above instrument was made in exercise of powers conferred on the Scottish Ministers by section 112A(4) 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 power to prescribe the fees payable for the 2018/19 financial year, and does so by amending the Scottish Road Works Register (Prescribed Fees) Regulations 2017 (SSI 2017/49) (“the 2017 Regulations”).

Regulation 3 of the 2017 Regulations 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 for 2018/19 was previously calculated at £1,029,000 and the fees payable were calculated by reference to that figure. However, due to the award of the new contract for the Scottish Road Works Register, the cost of operating the register for 2018/19 has been reduced to £750,000. This instrument reduces the fees payable in 2018/19 accordingly.

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 a decrease in the financial cost to users 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
12 February 2018**