

FORTH CROSSING ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Roads

Section 18 – Works in roads where the Ministers are not the roads authority

68. This section relates to works on existing roads that are the responsibility of a local roads authority. Subsection (2)(a) places the Scottish Ministers under a duty to consult with and consider representations from the relevant local roads authority prior to commencing any works in such local roads. The Scottish Road Works Register is the national database system for the electronic transfer, retention and management of road works data and is the central tool for road works authorities and statutory undertakers (utility companies) to enter information to assist them in the planning and coordination of works on Scottish roads. Under subsection (2)(b) the Scottish Ministers must enter relevant information in the register in a manner which is in accordance with provisions of the New Roads and Street Works Act 1991 (c.22) which apply when they propose to carry out works on roads for which they are not the roads authority. Such action will ensure that statutory undertakers and the relevant local roads authority are appropriately informed of the timing and nature of works that are due to take place.
69. Subsection (3) sets out matters on the transfer of rights and liabilities between the Scottish Ministers and the local roads authority arising from carrying out the Forth Crossing works in local roads. Subsection (4) provides for an appropriate dispute resolution if those rights or liabilities are contested and will attract the provisions of the [Arbitration \(Scotland\) Act 2010 \(asp 1\)](#).