

POLICY NOTE

THE ROAD WORKS (QUALIFICATIONS OF OPERATIVES AND SUPERVISORS) (SCOTLAND) AMENDMENT REGULATIONS 2019

SSI 2019/159

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”). The instrument is subject to the negative resolution procedure.

<p>The purpose of this instrument is to amend the Road Works (Qualifications of Operatives and Supervisors) (Scotland) Regulations 2017 (“the 2017 Regulations”) to add a fourth body to the existing list of bodies approved to issue certificates of competence in respect of certain types of road works.</p>
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Policy Objectives

The policy aim of this instrument is to amend the 2017 Regulations to include a fourth approved body in the list set out at regulation 8(1). This instrument will include “Lantra” as the fourth approved body, that organisation having sufficiently demonstrated the ability to act in that capacity.

In terms of section 126 of the 1991 Act, it is the duty of undertakers executing certain types of road works to ensure that they are supervised by a person who holds a prescribed qualification as a supervisor and that there is on site at all times at least one person who holds a prescribed qualification as a trained operative.

The 2017 Regulations prescribe the qualifications required of such supervisors and trained operatives. In particular, they provide that a person is qualified in a type of work if they hold a certificate of competence issued by an approved body.

The 2017 Regulations currently specify three bodies approved to issue certificates of competence. They are: the Scottish Qualifications Authority, the City and Guilds of London Institute and the CABWI Awarding Body.

Only bodies the Scottish Ministers have approved may issue certificates of competence. This instrument is necessary because, in terms of section 126(4) of the 1991 Act, the Scottish Ministers approve bodies (or withdraw their approval) by way of Regulations.

Consultation

To comply with the requirements of section 163A of the 1991 Act, the Scottish Government carried out a 12 week public consultation in relation to the inclusion of Lantra as an approved body. This consultation ran between 14 December 2018 and 8 March 2019. A full list of respondents to the consultation, most of whom agreed to the release of their response, is

published on the Scottish Government website and is contained within the Business and Regulatory Impact Assessment (BRIA), which is attached. It includes Moray Council, Aberdeenshire Council and Glasgow City Council.

There was general support for the proposal. No respondents objected to expanding the list of approved bodies. All responses either supported the inclusion of Lantra specifically, subject to a full review, or were generally supportive of having a wider range of approved bodies.

Impact Assessments

There are no aspects of the proposal which have a differential or discriminatory impact on equality groups. The proposal is a minor amendment which does not alter the policy position of the earlier Regulations, and no additional impact assessments have been carried out for this reason.

Financial Effects

A BRIA has been completed and is attached. The impact of this instrument will be to allow Lantra to issue certificates of competence for operatives and supervisors of road works. The costs of this will be borne by Lantra itself.

Date of implementation

This instrument will be effective from 11 June 2019.

Scottish Government
Transport Strategy and Analysis

April 2019