
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 48

**The Scottish Road Works Register
(Prescribed Fees) Regulations 2021**

Citation and commencement

1. These Regulations may be cited as the Scottish Road Works Register (Prescribed Fees) Regulations 2021 and come into force on 1 April 2021.

Interpretation

2. In these Regulations—

“the Act” means the New Roads and Street Works Act 1991,

“financial year 2021/2022” means the period of 12 months commencing on 1 April 2021,

“relevant period” means the period of 12 months ending on 31 December 2020,

“relevant undertaker” means an undertaker who has entered a notice in the SRWR(1) in the relevant period,

“undertaker” has the same meaning as in section 107(4) of the Act but excludes those persons granted permission under section 109 of the Act to execute road works.

Prescribed fees

3.—(1) This regulation applies in respect of financial year 2021/22.

(2) Payment to the Commissioner(2) of the prescribed fee, calculated in accordance with paragraph (5), is a condition of access to the SRWR by roads authorities(3) under section 112A(3) of the Act.

(3) Payment to the Commissioner of the prescribed fee, calculated in accordance with paragraph (6), is a condition of access to the SRWR by relevant undertakers under section 112A(3) of the Act.

(4) Payments due to the Commissioner under this regulation must be made within 60 days of receipt of the invoice from the Commissioner.

(5) For each roads authority, the prescribed fee for the purposes of section 112A(4)(a) of the Act must be calculated in accordance with the formula—

$$R \times (\pounds 915,000 - EA)$$

where—

-
- (1) The Scottish Road Works Register is kept in terms of section 112A(1) of the New Roads and Street Works Act 1991 (“the 1991 Act”). Section 112A(1) of that Act defines “the SRWR”.
- (2) The Scottish Road Works Commissioner is created by section 16(1) of the 2005 Act and has functions under section 112A(1) of the 1991 Act. Section 112A(1) of that Act defines “the Commissioner”.
- (3) Section 145(1) of the 1991 Act defines “roads authority” as having the same meaning as in section 151 of the Roads (Scotland) Act 1984 (c.54).

R is the figure shown in column 2 of the schedule of these Regulations in relation to the roads authority specified in the corresponding entry in column 1 of the schedule to which the calculation relates, and

£A is the total amount payable to the Commissioner by way of prescribed amounts for financial year 2021/22 pursuant to regulation 3 of the Scottish Road Works Register (Prescribed Fees and Amounts) Regulations 2008(4).

(6) For each relevant undertaker, the prescribed fee for the purpose of section 112A(4)(a) of the Act must be calculated in accordance with the formula—

$$\frac{N}{TN} \times (£915,000 - EA) \times 0.65$$

where—

N is the number of notices entered by the relevant undertaker in the SRWR in the relevant period to which the calculation relates,

TN is the total number of notices entered by all relevant undertakers in the SRWR in the relevant period, and

£A has the same meaning as in paragraph (5).

Revocation

4. The Scottish Road Works Register (Prescribed fees) Regulations 2020(5) are revoked.

St Andrew's House,
Edinburgh
27th January 2021

MICHAEL MATHESON
A member of the Scottish Government

(4) S.S.I. 2008/16. Regulation 3 was amended by S.S.I. 2014/58.

(5) S.S.I. 2020/35.