EXECUTIVE NOTE

THE ROAD WORKS (INSPECTION FEES) (SCOTLAND) AMENDMENT REGULATIONS 2009
SSI 2009/74

The above instrument was made in exercise of powers conferred by Section 134 of the New Roads and Street Works Act 1991 (c.22). The instrument is subject to negative resolution procedure.

Policy Objectives

The policy of this instrument is to raise the level of inspection fee payable from £25.00 to £30.00 with effect from 1 April 2009.

Background

Under Section 131 of the New Roads and Street Works Act, roads authorities are empowered to carry out investigatory works from a random sample of a variety of excavations (not exceeding 30%) taken from the Scottish Road Works Register to check whether or not an undertaker has complied with the duties placed on it in respect of reinstatement of the road. In Scotland approximately 18,000 inspections were carried out in the year to 31 March 2008. It is anticipated that this figure will remain static over the coming years.

The last increase from 1 April 2008 set a fee of £25.00 an inspection (an increase from the previous fee of £24.00). The Highways Authorities and Utilities Committee (UK) (HAUC (UK)) have since agreed that a substantially revised fee of £50.00 per inspection is to apply in England and Wales from 1 April 2009.

Historically, the level of inspection fee has been the same throughout the UK and while the Department for Transport is soon to lay the necessary SI to give effect to this increase in England and Wales, the Road Authorities and Utilities Committee (Scotland) (RAUC(S)) are not convinced such an increase is necessary or would be welcomed by the road works community in Scotland at this time. It should be noted that it is not for the Scottish Government to agree the fee payable. Rather, the Government's role is to establish by legislation the inspection fee that RAUC(S), representing the whole road works community, considers appropriate for Scotland in the current circumstances. RAUC(S) have formed a working group to examine the recommendations put forward by HAUC (UK) and to formulate a revised inspection fee that will be suitable for Scotland from April 2010.

As an interim measure, however, the Scottish Government has been asked to make the necessary arrangements to allow for a fee of £30.00 per inspection to be implemented with effect from 1 April 2009.

Consultation

As required by Section 163A of the New Roads and Street Works Act 1991, the Scottish Government consulted all interested parties, particularly local authorities and utility

companies operating in Scotland. Several favourable responses were received, with only one objection to the increase.

Financial Effects

This SSI will have no financial effect on the Scottish Government.

Scottish Government
Transport Directorate
February 2009