EXECUTIVE NOTE

The Scottish Road Works Register (Prescribed Fees) Regulations 2009 (SSI 2009/26)

The above instrument was made in exercise of powers conferred on the Scottish Ministers by Sections 112A of the New Roads and Street Works Act 1991 (c.22) and is subject to negative resolution procedure.

Background and Policy Objective

The Transport (Scotland) Act 2005, amongst other matters, aims to improve the co-ordination, planning and quality of road works carried out in Scotland. Part 2 of the Act, which included amendments to the New Roads and Street Works Act 1991 provides a framework for the appointment of the Scottish Road Works Commissioner, and subsequent provisions for the Commissioner to keep a register – *the Scottish Road Works Register* - and for the collection of prescribed fees from local authorities and utility companies as a condition of access to the Register.

Accordingly, this instrument exercises the powers to prescribe the fees payable for the 2009/10 financial year and will ultimately replace the Scottish Road Works Register (Prescribed Fees and Amounts) Regulations 2008 (SSI 2008/16).

Regulation 3 prescribes the methodology and formula for calculating the fees payable by each road authority and utility company operating in Scotland. Careful consideration has been given to ensuring that the costs of keeping the register are balanced by the income received from users and this is reflected in the minimal increase for the year from 1 April 2009 (from £775, 299 for 2008/09 to £779,000 for 2009/10).

Consultation

As required by Section 163A of the New Roads and Street Works Act 1991, the Scottish Government consulted all interested parties including road authorities and utility companies operating in Scotland. Several responses were received, all of which agreed with the proposal.

Financial Effects

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

Scottish Government
Transport Directorate
January 2009