POLICY NOTE

THE SCOTTISH ROAD WORKS REGISTER (PRESCRIBED FEES) REGULATIONS 2019

SSI 2019/96

The above Regulations were made in exercise of powers conferred by sections 112A(4) and 163(1) of the New Roads and Street Works Act 1991 (c.22) ("The 1991 Act"). They apply only in Scotland. The instrument is subject to the negative resolution procedure.

Purpose of the instrument.

The purpose of this instrument is to prescribe the fee payable as a condition of access to the Scottish Road Works Register between 2019 and 2020.

Policy Objectives

The policy objective of this instrument is to prescribe the fee payable as a condition of access to the Scottish Road Works Register for the period from 3 May 2019 to 31 March 2020. It revokes The Scottish Road Works Register (Prescribed Fees) Regulations 2017 (SSI 2017 No. 49) and the Scottish Road Works Register (Prescribed Fees) Amendment Regulations 2018 (SSI 2018 No. 50).

The Transport (Scotland) Act 2005 ("the 2005 Act") made statutory provision, by way of amendment to the 1991 Act, for the co-ordination of road works in Scotland and for co-operation between Scottish Roads Authorities and utility companies (known as Statutory Undertakers). The Act also provided for a single, national, Scottish Road Works Register ("the Register").

Part 2 of the 2005 Act provides a framework for the appointment of the Scottish Road Works Commissioner, and requires that the Commissioner is the keeper of this Register where roads authorities and utilities can enter the prescribed notices required for their works in the road network.

The 2005 Act also makes provision for the collection of prescribed fees as a condition of access to the Register. Fees are collected from Roads Authorities and utility companies.

The level of fees to be collected and the mechanism for apportioning costs to the users granted access to the Register by its keeper has been prescribed in secondary legislation with regular updates since 2008. This process remains unchanged.

The Register is an electronic database supplied by an external software provider and procured by the Scottish Road Works Commissioner. The Register allows for the planning and coordination of road works between roads authorities and utility companies so that impacts on businesses and other road users are minimised. The cost of running the Register can vary from year to year, and new instruments are needed where the fees and amounts vary from the previous year. The figure for 2019/20 (£855,000) accounts for all of the estimated operational and training costs expected to be incurred in that year.

Due to various reasons, it has not been possible to meet the customary commencement date of 1 April this year. Accordingly, the Regulations provide that payment of the prescribed fee is a condition of access to the Register for the period from 3 May 2019 to 31 March 2020. To ensure that the overall timeframe for the payment of prescribed fees remains unaffected, the required payment period after receipt of an invoice from the Scottish Road Works Commissioner has been reduced from 60 days to 30 days on this occasion.

Consultation

To comply with the requirements of Section 163A of the 1991 Act, the Scottish Government has carried out a 12 week public consultation in relation to the increase in fees. Views were also invited from those affected on the reduction of the payment period from 60 to 30 days. In addition, the underlying proposals had been discussed and agreed through the community body, the Roads Authorities and Utilities Committee (Scotland) (RAUC(S)). 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 BRIA, which is attached. It includes, Moray Council, Aberdeenshire Council, Openreach and City Fibre.

Impact Assessments

There is no aspect of the proposals which have a differential or discriminatory impact on equality groups.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy will be to increase the costs borne by users of the Register, however the impact of this on business is considered to be proportionate to ensure that the anticipated cost of operating the register are met.

Scottish Government
Transport Strategy and Analysis

March 2019