POLICY NOTE

THE SCOTTISH ROAD WORKS REGISTER (PRESCRIBED FEES) REGULATIONS 2022

SSI 2022/9

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

Purpose of the instrument. The purpose of this instrument is to revoke the existing Regulations for the financial year 2021/22, and to prescribe the fee payable as a condition of access to the Scottish Road Works Register in the financial year 2022/23 and 2023/24.

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 1 April 2022 to 31 March 2023, and then from 1 April 2023 to 31 March 2024. It revokes the Scottish Road Works Register (Prescribed Fees) Regulations 2021 (SSI 2021 No. 48) which set the fees for the previous financial year.

The Transport (Scotland) Act 2005 ("the 2005 Act") makes 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 2005 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 utility companies 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 is kept and maintained 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 the financial year 2022/23 (£882,933)

and for financial year 2023/24 (£950,387) accounts for all of the estimated operational and training costs expected to be incurred in that year.

Consultation
To comply with the requirements of Section 163A of the 1991 Act, the Scottish Government has carried out an 8 week public consultation in relation to the change in fees. The underlying framework had been discussed and agreed through the road works community body, the Roads Authorities and Utilities Committee (Scotland) (RAUC(S)) before forming part of the first statutory process. RAUC(S) have not put forward any alternate model and continue to support the status quo. A full list of respondents to the consultation, many of whom agreed to the release of their response, is published on the Scottish Government website, and is contained within the associated BRIA. Responses came from twenty two organisations, of which fifteen were roads authorities, including Orkney Islands Council, Shetland Islands Council, Glasgow City Council, West Lothian Council, Inverclyde Council, East Lothian Council, the Highland Council, Aberdeen City Council, North Ayrshire Council and East Dunbartonshire Council. There were four responses from utility organisations, including Scottish and Southern Energy and Virgin Media, and one from Network Rail. There were also two individual responses.

Impact Assessments
There is no aspect of the proposals which have a differential or discriminatory impact on equality groups, islands or individuals.

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 Scotland - Transport Strategy and Analysis

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