POLICY NOTE

THE SCOTTISH ROAD WORKS REGISTER (PRESCRIBED FEES) REGULATIONS 2025

SSI 2025/18

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

Summary Box

Insert one or two sentences to explain what the purpose of the instrument is.

The purpose of this instrument is to prescribe the fee payable as a condition of access to the Scottish Road Works Register between the financial year 2025-26.

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 2025 to 31 March 2026. It revokes regulations 2 and 3 of The Road Works (Scottish Road Works Register Fees and Miscellaneous Amendment) Regulations 2024 (SSI 2024 No.23) 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 road 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 a condition of access to the Register. Fees are collected from roads authorities and utility companies.

The level of fees to be collected and mechanism for apportioning costs to the users granted access to the Register by its keeper has been prescribed in secondary legislation with regular updated since 2008. The 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 co-ordination of road works between road authorities and utility companies so that impacts on business 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 previous years. The figure for the 2025-26 (£1,008,819) accounts for all of the estimated operational and training costs expected to be incurred in that year.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility
The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the (**The Scottish Road Works Register (Prescribed Fees) Regulations 2025**) is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration
This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation
To comply with the requirements of section 163A of the 1991 Act, a public consultation took place from 22 October 2024 to 17 December 2024 in relation to the fees. The underlying framework had been discussed and agreed through the road works community, the Roads Authorities and Utilities Committee (Scotland) (RAUC(S)) before forming part of the first statutory process.

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 mainly roads authority and utility organisation such as South Lanarkshire Council, West Lothian Council, Glasgow City Council and Moray Council, but also utility firms (Such as Energy Networks and GoFibre Holding Ltd)

Majority were broadly in favour of the policy proposal. The cost splitting mechanism is based on number of works done, with a factor applying to roads authority works based on network length. A minority of responses were concerned that the splitting mechanism resulted in utility firms paying 65% of costs (compared to 35% by roads authorities), as was the split of works done when the mechanism was first agreed. This concern has been raised in the previous years, and RAUC(S) have not put forward any alternate model and continue to support the status quo.

Impact Assessments
A Child Rights and Wellbeing Impact Assessment has been completed on The Scottish Road Works Register (Prescribed Fees) Regulations 2025 and is attached. There are no aspects of the proposed regulations that are relevant to the UNCRC (Incorporation) (Scotland) Act 2024 requirements.

There is no aspect of the proposals which have a differential or discriminatory impact on equality groups, islands, or individuals. Assessment of the Fairer Scotland Duty, Equality Impact Assessment, Islands Communities Impact Assessment, Data Protection Impact found the proposals to be out of scope in these areas.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is to increase the cost 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

January 2025