

2008 No. 16

ROADS AND BRIDGES

The Scottish Road Works Register (Prescribed Fees and Amounts) Regulations 2008

Made - - - - - *22nd January 2008*
Laid before the Scottish Parliament *23rd January 2008*
Coming into force - - - *29th February 2008*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 112A(4) and 163(1) of the New Roads and Street Works Act 1991(a) and all other powers enabling them to do so.

In accordance with section 163A of that Act(b) they have consulted with such persons and road works authorities as they think appropriate.

Citation and commencement

1. These Regulations may be cited as the Scottish Road Works Register (Prescribed Fees and Amounts) Regulations 2008 and come into force on 29th February 2008.

Interpretation

2. In these Regulations—

“the Act” means the New Roads and Street Works Act 1991;

“financial year” means the period of 12 months commencing on 1st April in each calendar year;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(c);

“relevant apparatus” means apparatus(d) in a road, other than for roads purposes, as at 31st December in the calendar year last ending before the financial year to which the prescribed amount relates;

“relevant undertaker” means an undertaker who has entered a notice in the register kept by roads authorities(e) prior to the establishment of the SRWR(f) in the 3 year period ending on 31st December 2007; and

(a) 1991 c.22. Section 112A was inserted by section 19 of the Transport (Scotland) Act 2005 (asp 12) (“the 2005 Act”).

(b) Section 163A was inserted by section 39 of the 2005 Act.

(c) 1994 c.39.

(d) See section 164(1) of the Act for the definition of “apparatus” (which is expanded by section 148(2) of the Act).

(e) Section 145(1) of the Act defines “roads authority” as having the same meaning as in section 151 of the Roads (Scotland) Act 1984 (c.54).

(f) The Scottish Road Works Register to be kept in terms of section 112A(1) of the Act.

“undertaker” has the same meaning as in section 107(4) of the Act but excludes those persons granted permission under section 109 of the Act to execute road works.

Prescribed persons and amounts

3.—(1) For the purposes of section 112A(4)(b) of the Act, prescribed(a) persons are—

- (a) roads authorities; and
- (b) undertakers.

(2) The roads authorities specified in column 1 of Schedule 1 shall each pay to the Commissioner(b), for every financial year beginning with that commencing on 1st April 2008, the prescribed amount shown in the corresponding entry in column 2 of that Schedule.

(3) An undertaker shall pay to the Commissioner, for every financial year beginning with that commencing on 1st April 2008, the prescribed amount in accordance with the following sub-paragraphs—

- (a) where an undertaker has relevant apparatus in at least 1 but fewer than 6 local authority areas in Scotland, the prescribed amount is £2,500;
- (b) where an undertaker has relevant apparatus in between 6 and 10 local authority areas in Scotland, the prescribed amount is £5,000; and
- (c) where an undertaker has relevant apparatus in more than 10 local authority areas in Scotland, the prescribed amount is £10,000.

(4) Payments due to the Commissioner under this regulation shall be made within 90 days of receipt of the invoice from the Commissioner.

Prescribed fees

4.—(1) For the financial year commencing on 1st April 2008, payment to the Commissioner of the prescribed fee, calculated in accordance with paragraphs (3) and (4), by roads authorities and relevant undertakers is a condition of access to the SRWR as mentioned in section 112A(3) of the Act.

(2) Payments due to the Commissioner under this regulation shall be made within 90 days of receipt of the invoice from the Commissioner.

(3) For each roads authority, the prescribed fee for the purposes of section 112A(4)(a) of the Act shall be calculated in accordance with the formula—

$$R \times (\pounds775,299 - \pounds A)$$

where—

R is the figure shown in column 2 of Schedule 2 for the roads authority specified in column 1 of that Schedule to which the calculation relates; and

£A is the total amount payable to the Commissioner by way of prescribed amounts pursuant to regulation 3 for the financial year commencing on 1st April 2008.

(4) For each relevant undertaker, the prescribed fee for the purposes of section 112A(4)(a) of the Act shall be calculated in accordance with the formula—

$$\frac{N}{TN} \times (\pounds775,299 - \pounds A) \times 0.75$$

where—

N is the number of notices entered in the register kept by roads authorities prior to the establishment of the SRWR by the relevant undertaker to which the calculation relates over the 3 year period ending on 31st December 2007;

(a) See section 163(1) of the Act for the definition of “prescribed”.

(b) The Scottish Road Works Commissioner created by section 16(1) of the 2005 Act and defined in section 112A(1) of the Act.

TN is the total number of notices entered in the register kept by roads authorities prior to the establishment of the SRWR by all relevant undertakers over that same 3 year period;
and

£A is the total amount payable to the Commissioner by way of prescribed amounts pursuant to regulation 3 for the financial year commencing on 1st April 2008.

St Andrew's House,
Edinburgh
22nd January 2008

STEWART STEVENSON
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulation 3(2)

PRESCRIBED AMOUNTS PAYABLE TO THE COMMISSIONER BY
ROADS AUTHORITIES

<i>Column 1</i> <i>Roads Authority</i>	<i>Column 2</i> <i>Prescribed amount</i>
	£
Aberdeen City Council	1000
Aberdeenshire Council	1000
Angus Council	1000
Argyll and Bute Council	1000
City of Edinburgh Council	2000
Clackmannanshire Council	500
Comhairle nan Eilean Siar	500
Dumfries and Galloway Council	1000
Dundee City Council	1000
East Ayrshire Council	1000
East Dunbartonshire Council	1000
East Lothian Council	1000
East Renfrewshire Council	1000
Falkirk Council	1000
Fife Council	2000
Glasgow City Council	2000
Highland Council	1000
Inverclyde Council	1000
Midlothian Council	1000
Moray Council	1000
North Ayrshire Council	1000
North Lanarkshire Council	2000
Orkney Islands Council	500
Perth and Kinross Council	1000
Renfrewshire Council	1000
Scottish Borders Council	1000
Scottish Ministers	2000
Shetland Islands Council	500
South Ayrshire Council	1000
South Lanarkshire Council	2000
Stirling Council	1000
West Dunbartonshire Council	1000
West Lothian Council	1000

SCHEDULE 2

Regulation 4(3)

FIGURE FOR ROADS AUTHORITIES IN RELATION TO FORMULA
AT REGULATION 4(3)

<i>Column 1</i> <i>Roads Authority</i>	<i>Column 2</i> <i>Figure</i>
Aberdeen City Council	0.015
Aberdeenshire Council	0.015
Angus Council	0.005
Argyll and Bute Council	0.0025
City of Edinburgh Council	0.02
Clackmannanshire Council	0.0025
Comhairle nan Eilean Siar	0.0005
Dumfries and Galloway Council	0.005
Dundee City Council	0.0075
East Ayrshire Council	0.0075
East Dunbartonshire Council	0.005
East Lothian Council	0.005
East Renfrewshire Council	0.005
Falkirk Council	0.005
Fife Council	0.01
Glasgow City Council	0.025
Highland Council	0.005
Inverclyde Council	0.005
Midlothian Council	0.005
Moray Council	0.0075
North Ayrshire Council	0.01
North Lanarkshire Council	0.01
Orkney Islands Council	0.001
Perth and Kinross Council	0.0075
Renfrewshire Council	0.0075
Scottish Borders Council	0.01
Scottish Ministers	0.005
Shetland Islands Council	0.001
South Ayrshire Council	0.005
South Lanarkshire Council	0.0075
Stirling Council	0.0075
West Dunbartonshire Council	0.0075
West Lothian Council	0.0125

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 112A(1) of the New Roads and Street Works Act 1991 (“the Act”) (as inserted by section 19 of the Transport (Scotland) Act 2005) provides for the Scottish Road Works Commissioner (“the Commissioner”) to keep a register to be known as the Scottish Road Works Register (“the SRWR”).

Section 112A(4) allows the Scottish Ministers, by regulations, to provide that the payment to the Commissioner of the prescribed fee is a condition of access to the SRWR and they may make other provision as to the payment to the Commissioner by such persons as are prescribed of such amounts as are prescribed. These Regulations exercise that power.

Regulation 3(1) prescribes persons for the purposes of section 112A(4)(b) as being roads authorities and undertakers.

Regulations 3(2) and (3) and Schedule 1 prescribe different amounts to be paid annually to the Commissioner by the prescribed persons.

Regulation 4(1) provides that, for the financial year commencing on 1st April 2008, payment to the Commissioner of the prescribed fee by roads authorities and relevant undertakers is a condition of access to the SRWR as mentioned in section 112A(3) of the Act.

Regulations 4(3) and (4) and Schedule 2 provide formulas for the calculation of the prescribed fee for roads authorities and relevant undertakers respectively.

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£3.00

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under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland