

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Road Works (Scottish Road Works Register, Notices, Directions and Designations) (Scotland) Regulations 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 1

Regulation 3(7)

INFORMATION TO BE ENTERED IN THE SRWR
FOR THE PURPOSES OF SECTION 112B(7)

Commencement Information

II Sch. 1 in force at 1.4.2008, see [reg. 1](#)

<i>Matter</i> (1)	<i>Information</i> (2)
1. Notice of affected statutory undertakers under subsection (2) of section 56 of the Roads (Scotland) Act 1984 (c. 54) to an applicant for consent for road works or excavations.	1. A copy of that notice.
2. Notification under subsection (8) of section 56 of the Roads (Scotland) Act 1984 of unlawful works removed or unlawful excavations filled in.	2. A copy of that notification.
3. Permission under section 58(1) of the Roads (Scotland) Act 1984 for the occupation of part of a road for the deposit of materials or for the erection of staging or scaffolding projecting over part of a road.	3. A copy of that permission.
4. Permission under section 61(1) of the Roads (Scotland) Act 1984 for the placing, leaving, retention, maintenance, repair or reinstatement of apparatus in or under a road or the breaking open of or having access to the road.	4. A copy of that permission.
5. Permission under section 85 of the Roads (Scotland) Act 1984 for the deposit of a skip on a road for which a roads authority are responsible.	5. A copy of that permission.
6. Under subsection (2) of section 86 of the Roads (Scotland) Act 1984, the removal or repositioning of a skip deposited on a road for which a roads authority are responsible or removal or repositioning of such a skip.	6. The original position of the skip and the position to which it has been, or has been required to be, removed or repositioned.
7. Roads authority becoming aware that a constable has, under subsection (1) of section 86 of the Roads (Scotland) Act 1984, required or caused the removal or repositioning of a skip on a road for which a roads authority are responsible.	7. The original position of the skip and the position to which it has been, or has been required to be, removed or repositioned.
8. Notice under—	8. A copy of that notice.
(i) section 87 of the Roads (Scotland) Act 1984 requiring the removal of a structure from a road for which a roads authority are responsible and (where	

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<i>Matter</i> (1)	<i>Information</i> (2)
<p>considered requisite under that section) the reinstatement of the road; or</p> <p>(ii) section 88 of that Act requiring the removal or alteration of a projection affecting such a road.</p> <p>9. Consent under section 90 of the Roads (Scotland) Act 1984 for the fixing or placing of an overhead bridge, beam, rail or other apparatus along or across a road for which a roads authority are responsible.</p> <p>10. Notice under section 91 of the Roads (Scotland) Act 1984 requiring work to be done or carried out in relation to a road for which a roads authority are responsible.</p> <p>11. Consent under section 92 of the Roads (Scotland) Act 1984 to the planting of a tree or shrub near a carriageway or notice under that section requiring its removal, where the carriageway is, or is part of, a road for which a roads authority are responsible.</p>	<p>9. A copy of that consent.</p> <p>10. A copy of that notice.</p> <p>11. A copy of that consent or notice (as the case may be).</p>

SCHEDULE 2

Regulations 10(2), 11(2) and 12(3)

PROCEDURES FOR DESIGNATIONS AND WITHDRAWAL OF DESIGNATIONS

PART I

Designations of protected roads

1. Before making a designation of a protected road the road works authority shall publish a notice of their intention to make the designation specifying a time, not less than one month, within which objections may be made, in one or more newspapers circulating in the locality in which the road to which the proposed designation relates is situated.

Commencement Information

I2 Sch. 2 para. 1 in force at 1.4.2008, see [reg. 1](#)

2. The road works authority shall not later than the date on which the publication required by paragraph 1 is made serve a copy of that notice on—

- (a) every undertaker which the authority know to have apparatus in any road to which the proposed designation refers or which has given notice under section 113 of their intention to execute road works in the road;
- (b) every local authority (other than the road works authority) in whose area any road to which the proposed designation relates is situated;

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- (c) the owners or reputed owners, and the occupiers or reputed occupiers of any land which is adjacent to the road; and
- (d) any person who has requested the road works authority in writing to be given notice of a proposed designation.

Commencement Information

I3 Sch. 2 para. 2 in force at 1.4.2008, see [reg. 1](#)

3. If within the specified period no objection is received by the road works authority, or if all objections have been withdrawn, that authority may make the designation.

Commencement Information

I4 Sch. 2 para. 3 in force at 1.4.2008, see [reg. 1](#)

4. If within that period an objection is received by the road works authority from any person on whom a copy of a notice is required to be served under paragraph 2 or from any other person appearing to the road works authority to be affected by the proposed designation and the objection is not withdrawn the road works authority shall before making the designation cause a local inquiry to be held.

Commencement Information

I5 Sch. 2 para. 4 in force at 1.4.2008, see [reg. 1](#)

5. Where a local inquiry has been held the road works authority shall consider the objections and the report of the person who held the inquiry and may make the designation, with or without modifications, or may decide not to make the designation, as they think fit.

Commencement Information

I6 Sch. 2 para. 5 in force at 1.4.2008, see [reg. 1](#)

PART II

Designation of roads with special engineering difficulties and traffic sensitive roads

6. Before making a designation of a road either as a road with special engineering difficulties or as a traffic sensitive road the road works authority shall give notice of its proposal specifying a time, not less than one month, within which objections may be made, to—

- (a) every undertaker which the authority know to have apparatus in any road to which the proposed designation refers or which has given notice under section 113 of their intention to execute road works in the road;
- (b) every local authority (other than the road works authority) in whose area any road to which the proposed designation relates is situated; and
- (c) any person who has requested the road works authority in writing to be given notice of a proposed designation.

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Commencement Information

I7 Sch. 2 para. 6 in force at 1.4.2008, see [reg. 1](#)

7. If within the specified period no objection is received by the road works authority, or if all objections have been withdrawn, that authority may make the designation.

Commencement Information

I8 Sch. 2 para. 7 in force at 1.4.2008, see [reg. 1](#)

8. If within that period an objection is received by the road works authority from any person on whom notice is required to be served under paragraph 6 or from any other person appearing to the road works authority to be affected by the proposed designation and the objection is not withdrawn the road works authority shall before making the designation consider the objection and may make the designation, with or without modifications, or may decide not to make the designation, as they think fit.

Commencement Information

I9 Sch. 2 para. 8 in force at 1.4.2008, see [reg. 1](#)

PART III

Withdrawal of designations

9. A road works authority may at any time withdraw—
- (a) the designation of a road as a protected road; and
 - (b) the designation of a road as traffic sensitive.

Commencement Information

I10 Sch. 2 para. 9 in force at 1.4.2008, see [reg. 1](#)

10. Subject to the provisions of paragraph 11, a road works authority may at any time withdraw the designation of a road as a road with special engineering difficulties.

Commencement Information

I11 Sch. 2 para. 10 in force at 1.4.2008, see [reg. 1](#)

11. No withdrawal as mentioned in paragraph 10 shall occur without prior consultation with the transport authority or undertaker at whose request the designation was made, or without the consent of the Scottish Ministers where the designation was made in pursuance of a direction by them.

Commencement Information

I12 Sch. 2 para. 11 in force at 1.4.2008, see [reg. 1](#)

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12. If a road works authority withdraws a designation of a road as a protected road they shall publish a notice in one or more newspapers circulating in the locality in which the road to which the withdrawn designation related.

Commencement Information

I13 Sch. 2 para. 12 in force at 1.4.2008, see [reg. 1](#)

PART IV

Interpretation

13. In this Schedule “designation” means a designation of a road as a protected road within section 120, as a road having special engineering difficulties within section 122, or as a traffic sensitive road.

Commencement Information

I14 Sch. 2 para. 13 in force at 1.4.2008, see [reg. 1](#)

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Changes and effects yet to be applied to :

- reg. 2(1) words inserted by [S.S.I. 2023/33 reg. 19\(2\)](#)
- reg. 3(2)(f) words omitted by [S.S.I. 2023/33 reg. 19\(3\)](#)
- reg. 9(2) words substituted by [S.S.I. 2023/33 reg. 19\(9\)](#)
- reg. 13 words inserted by [S.S.I. 2023/33 reg. 19\(10\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 3(4A) inserted by [S.S.I. 2023/33 reg. 19\(4\)](#)
- reg. 3(5A) inserted by [S.S.I. 2023/33 reg. 19\(5\)](#)
- reg. 3(6A) inserted by [S.S.I. 2023/33 reg. 19\(6\)](#)
- reg. 7A inserted by [S.S.I. 2023/33 reg. 19\(7\)](#)
- reg. 9(1A) inserted by [S.S.I. 2023/33 reg. 19\(8\)](#)