
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 11

**The Scottish Road Works Register
(Prescribed Fees) Regulations 2012**

Citation and commencement

1.—(1) These Regulations may be cited as the Scottish Road Works Register (Prescribed Fees) Regulations 2012 and, except as provided in paragraph (2), come into force on 29th February 2012.

(2) Regulation 4 comes into force on 1st April 2012.

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 2012;

“relevant period” means the period of 12 months ending on 31st December 2011;

“relevant undertaker” means an undertaker who has entered a notice in the SRWR(1) in the relevant period;

“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 fees

3.—(1) For the financial year, payment to the Commissioner(2) of the prescribed fee, calculated in accordance with paragraphs (3) and (4), by roads authorities(3) and relevant undertakers respectively 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 must 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 must be calculated in accordance with the formula—

$$Rx(\pounds 1,024,000 - \pounds A)$$

where—

R is the figure shown in column 2 of the Schedule to these Regulations in relation to the roads authority specified in the corresponding entry in column 1 of the Schedule to which the calculation relates; and

(1) The Scottish Road Works Register is kept in terms of section 112A(1) of the New Roads and Street Works Act 1991 (“the Act”).
(2) The Scottish Road Works Commissioner is created by section 16(1) of the 2005 Act and defined in section 112A(1) of the Act.
(3) 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).

£A is the total amount payable to the Commissioner by way of prescribed amounts for the financial year pursuant to regulation 3 of the Scottish Road Works Register (Prescribed Fees and Amounts) Regulations 2008(4).

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

$$\frac{N}{TN} \times (\pounds 1,024,000 - \pounds A) \times 0.65$$

where—

N is the number of notices, entered by the relevant undertaker to which the calculation relates, in the SRWR in the relevant period;

TN is the total number of notices entered by all relevant undertakers in the SRWR in the relevant period; and

£A has the same meaning as in paragraph (3).

Revocation

4. The Scottish Road Works Register (Prescribed Fees) Regulations 2011(5) are revoked.

St Andrew's House,
Edinburgh
18th January 2012

KEITH BROWN
Authorised to sign by the Scottish Ministers

(4) S.S.I. 2008/16, amended by S.S.I. 2009/26.

(5) S.S.I. 2011/43.