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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 33**

**The Road Works (Reinstatement Quality Plans,  
Qualifications of Supervisors and Operatives and  
Miscellaneous Amendments) (Scotland) Regulations 2023**

**PART 4**

**Miscellaneous Road Works Amendments**

**Amendment of the Road Works (Reinstatement) (Scotland) Regulations 1992**

17.—(1) The Road Works (Reinstatement) (Scotland) Regulations 1992<sup>(1)</sup> are amended in accordance with this regulation.

(2) In regulation 2(1)—

(a) for the definition of “the Code” substitute—

““the Code” means the code of practice entitled “Specification for the Reinstatement of Openings in Roads”<sup>(2)</sup> approved by the Scottish Ministers in February 2019 as revised and reissued from time to time,”

(b) in the definition of “immediate works” for “a deferred set macadam” substitute “deferred set mixtures”.

(3) In regulation 3, for paragraph (1) substitute—

“(1) For the purposes of applying the requirements specified in regulation 4, the Code specifies—

(a) the categories of roads based on loads arising due to traffic capacity,

(b) the reinstatement categories for footpaths and footways, and

(c) the method of determining traffic flow to facilitate the categorisation of roads.”.

(4) In regulation 3(2)—

(a) for “types” substitute “categories”,

(b) for “workmanship” substitute “work”, and

(c) for “type” substitute “category”.

(5) In regulation 3(3) for “workmanship” substitute “work”.

(6) In regulation 3(4)—

(a) for “workmanship” substitute “work”, and

(b) for “type” in both places where it occurs substitute “category”.

(7) For regulation 4 substitute—

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(1) S.I. 1992/1674 relevantly amended by S.S.I. 2003/417.

(2) Available in electronic form on <https://roadworks.scot/index.php/legislation-guidance/codes-practice>.

#### “Requirements as to materials to be used and standards of work to be observed

4.—(1) Except as provided in regulation 3(3), an undertaker executing road works must in reinstating the road comply with the requirements specified in paragraph (2) as to the specification of materials to be used and as to the standards of work to be observed.

(2) The materials to be used and standards of work to be observed must satisfy the performance standards specified in regulation 5.”

(8) In regulation 5 omit “Chapter S2 of”.

(9) Omit regulation 7.

(10) Omit regulation 8.

(11) Before regulation 9 insert—

#### “Guarantee period for permanent reinstatements

8A.—(1) The period prescribed for the purposes of section 130(2)(b) of the Act in relation to permanent reinstatement completed before 1 October 2023 is—

(a) three years from the date of completion, in the case of excavation to a depth exceeding 1.5 metres to the top of the apparatus over a length of 5 metres or more, or

(b) two years from the date of completion in any other case.

(2) The period prescribed under section 130(2)(b) of the Act in relation to permanent reinstatement completed on or after 1 October 2023 is 6 years from the date of completion, regardless of the depth of reinstatement.”

#### Commencement Information

**II** [Reg. 17](#) in force at 1.4.2023, see [reg. 1](#)

#### Amendment of the Road Works (Inspection Fees) (Scotland) Regulations 2003

18.—(1) The Road Works (Inspection Fees) (Scotland) Regulations 2003(3) are amended in accordance with this regulation.

(2) In regulation 3(4)(c)—

(a) after “preceding the end of” insert “the period prescribed in relation to permanent reinstatement by regulation 8A of the Road Works (Reinstatement) (Scotland) Regulations 1992(4).”, and

(b) omit heads (i) and (ii).

(3) For the purposes of any permanent reinstatement completed on or after 1 October 2023 but before 1 April 2028 regulation 3(4) is to be read as if, for sub-paragraph (c), there were substituted—

“(c) the period of 4 years immediately preceding the end of the period prescribed in relation to permanent reinstatement by regulation 8A of the Road Works (Reinstatement) (Scotland) Regulations 1992.”

#### Commencement Information

**II** [Reg. 18](#) in force at 1.4.2023, see [reg. 1](#)

(3) [S.S.I. 2003/415](#) to which there are amendments not relevant to these Regulations.

(4) [S.S.I. 1992/1674](#).

## **Amendment of the Road Works (Scottish Road Works Register, Notices, Directions and Designations) (Scotland) Regulations 2008**

**19.**—(1) The Road Works (Scottish Road Works Register, Notices, Directions and Designations) (Scotland) Regulations 2008<sup>(5)</sup> are amended in accordance with this regulation.

(2) In regulation 2(1), after the definition of “urgent works”, insert—

““working hours” means the period between 8 a.m. and 4.30 p.m. on a working day.”.

(3) In regulation 3(2)(f) omit “S1.3 and S1.4 of”.

(4) After regulation 3(4) insert—

“(4A) For the purposes of section 112B(2A)<sup>(6)</sup> the date on which the works were completed must be entered in the SRWR within two working hours of such works being completed.”.

(5) After regulation 3(5) insert—

“(5A) For the purposes of section 112B(5A), the date on and time at which the works began must be entered in the SRWR within two working hours of such works beginning.”.

(6) After regulation 3(6) insert—

“(6A) For the purposes of section 112B(6) the date of the completion of the works must be entered in the SRWR within two working hours of such works being completed.”.

(7) After regulation 7 insert—

### **“Notice confirming start of works**

**7A.** For the purposes of section 114A(2) an undertaker must give notice of the date and time at which works began within 2 working hours of beginning to execute those works.”.

(8) After regulation 9(1) insert—

“(1A) For the purposes of section 117(1)<sup>(7)</sup>, the period prescribed is—

- (a) three years following reconstruction or resurfacing of a carriageway,
- (b) one year following other substantial works for roads purposes in a carriageway, and
- (c) one year following reconstruction or resurfacing of a footway or footpath, or other substantial works for roads purposes in a footway or footpath.”.

(9) In regulation 9(2), for “paragraph (1)” substitute “paragraphs (1) and (1A)”.

(10) In regulation 13, after “(duty of undertaker to reinstate)” insert “must be given within two working hours of the reinstatement being completed and”.

### **Commencement Information**

**I3** [Reg. 19](#) in force at 1.4.2023, see [reg. 1](#)

(5) [S.S.I. 2008/88](#).

(6) Section 112B was inserted by section 19(1) of the 2005 Act and relevantly amended by section 117(2) of the 2019 Act.

(7) Section 117(1) was amended by paragraph 6(3) of schedule 1 of the 2019 Act.

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**Changes to legislation:** There are currently no known outstanding effects for the The Road Works (Reinstatement Quality Plans, Qualifications of Supervisors and Operatives and Miscellaneous Amendments) (Scotland) Regulations 2023, PART 4. (See end of Document for details)

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## **Amendment of the Road Works (Qualifications of Supervisors and Operatives) (Scotland) Regulations 2017**

**20.**—(1) The Road Works (Qualifications of Supervisors and Operatives) (Scotland) Regulations 2017<sup>(8)</sup> are amended in accordance with this regulation.

- (2) In regulation 2—
  - (a) omit the definition of “adaptation period”,
  - (b) omit the definition of “aptitude test”, and
  - (c) in the definition of “certificate of recognition”, omit “or (c)”.
- (3) In regulation 3(3)(b)—
  - (a) omit “(a) or (b)”,
  - (b) after “relevant” insert “European”.
- (4) Omit regulation 3(3)(c).
- (5) Omit regulation 7.
- (6) In regulation 8(5)(b), omit “or (c)”.

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### **Commencement Information**

**14** [Reg. 20](#) in force at 1.4.2023, see [reg. 1](#)

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<sup>(8)</sup> [S.S.I. 2017/147](#) to which there are amendments not relevant to these Regulations.

**Changes to legislation:**

There are currently no known outstanding effects for the The Road Works (Reinstatement Quality Plans, Qualifications of Supervisors and Operatives and Miscellaneous Amendments) (Scotland) Regulations 2023, PART 4.