
SCOTTISH STATUTORY INSTRUMENTS

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⁽¹⁾ 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”⁽²⁾ 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—

⁽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>.

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, Section 17. (See end of Document for details)*

“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](#)

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, Section 17.