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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 16**

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

**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<sup>(1)</sup>;

“relevant apparatus” means apparatus<sup>(2)</sup> 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<sup>(3)</sup> prior to the establishment of the SRWR<sup>(4)</sup> in the 3 year period ending on 31st December 2007; and

“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<sup>(5)</sup> 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<sup>(6)</sup>, 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—

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(1) 1994 c. 39.

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

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

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

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

- (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—

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

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;

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