

Net Zero, Energy and Transport Committee
Tuesday 4 March 2025
9th Meeting, 2025 (Session 6)

Note by the Clerk on the Scottish Road Works Register (Prescribed Fees) Regulations 2025 (SSI 2025/18)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to annulment by resolution of the Parliament until 19 March 2025. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instruments is summarised below:

Title of instrument: [Scottish Road Works Register \(Prescribed Fees\) Regulations 2025](#)

Laid under: [the New Roads and Street Works Act 1991](#)

Laid on: 30 January 2025

Procedure: Negative

Deadline for committee consideration: 17 March 2025 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 19 March (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 1 April 2025

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a

meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered this instrument on 18 February and reported on it in its [11th Report 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

8. The purpose of this instrument is to prescribe the fee payable as a condition of access to the Scottish Road Works Register between the financial year 2025-26. It revokes regulations 2 and 3 of the [Road Works \(Scottish Road Works Register Fees and Miscellaneous Amendment\) Regulations 2024 \(SSI 2024 No.23\)](#), which set the fees for the previous financial year.
9. The [Transport \(Scotland\) Act 2005](#) (“the 2005 Act”) makes statutory provision for the co-ordination of road works in Scotland and for co-operation between Scottish Roads Authorities and utility companies. The 2005 Act also provided for a single, national, Scottish Road Works Register (“the Register”).
10. The policy note explains that Part 2 of the 2005 Act provides a framework for the appointment of the Scottish Road Works Commissioner and requires that the Commissioner is the keeper of this Register where road authorities and utilities can enter the prescribed notices required for their works in the road network. The 2005 Act also makes provision for the collection of prescribed fees a condition of access to the Register. Fees are collected from roads authorities and utility companies.
11. The level of fees to be collected and mechanism for apportioning costs to the users granted access to the Register by its keeper has been prescribed in secondary legislation which has been regularly updated since 2008. The process remains unchanged.
12. The Register is an electronic database supplied by an external software provider and is kept and maintained by the Scottish Road Works Commissioner. The policy note states that the Register allows for the planning and co-ordination of road works between road authorities and utility companies so that impacts on business and other road users are minimised. According to the policy note, the cost of running the Register can vary from year to year, and new instruments are needed where the fees and amounts vary from previous years. The figure for 2025-26 is £1,008,819 and accounts for all of the estimated operational and training costs expected to be incurred in that year.

Committee consideration

13. So far, no motion recommending annulment has been lodged.

14. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:

- seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
- inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

15. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).

16. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

Clerks to the Committee
March 2025

Annexe A: Scottish Government Policy Note

POLICY NOTE

THE SCOTTISH ROAD WORKS REGISTER (PRESCRIBED FEES) REGULATIONS 2025

SSI 2025/18

The above instrument was made in exercise of the powers conferred by section 112(4) and 163(1) of the New Roads and Street Works Act 1991. The instrument is subject to negative procedure.

Summary Box

The purpose of this instrument is to prescribe the fee payable as a condition of access to the Scottish Road Works Register between the financial year 2025-26.

Policy Objectives

The policy objective of this instrument is to prescribe the fee payable as a condition of access to the Scottish Road Works Register for the period from 1 April 2025 to 31 March 2026. It revokes regulations 2 and 3 of The Road Works (Scottish Road Works Register Fees and Miscellaneous Amendment) Regulations 2024 (SSI 2024 No.23) which set the fees for the previous financial year.

The Transport (Scotland) Act 2005 (“the 2005 Act”) makes statutory provision, by way of amendment to the 1991 Act, for the co-ordination of road works in Scotland and for co- operation between Scottish Roads Authorities and utility companies (known as Statutory Undertakers). The 2005 Act also provided for a single, national, Scottish Road Works Register (“the Register”).

Part 2 of the 2005 Act provides a framework for the appointment of the Scottish Road Works Commissioner and requires that the Commissioner is the keeper of this Register where road authorities and utilities can enter the prescribed notices required for their works in the road network. The 2005 Act also makes provision for the collection of prescribed fees a condition of access to the Register. Fees are collected from roads authorities and utility companies.

The level of fees to be collected and mechanism for apportioning costs to the users granted access to the Register by its keeper has been prescribed in secondary legislation with regular updated since 2008. The process remains unchanged.

The Register is an electronic database supplied by an external software provider and is kept and maintained by the Scottish Road Works Commissioner. The Register allows for the planning and co-ordination of road works between road authorities and utility companies so that impacts on business and other road users are minimised. The cost of running the Register can vary from year to year, and new instruments are needed where the fees and amounts vary from previous years. The figure for the

2025-26 (£1,008,819) accounts for all of the estimated operational and training costs expected to be incurred in that year.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the (The Scottish Road Works Register (Prescribed Fees) Regulations 2025) is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

To comply with the requirements of section 163A of the 1991 Act, a public consultation took place from 22 October 2024 to 17 December 2024 in relation to the fees. The underlying framework had been discussed and agreed through the road works community, the Roads Authorities and Utilities Committee (Scotland) (RAUC(S)) before forming part of the first statutory process.

A full list of respondents to the consultation, many of whom agreed to the release of their response, is published on the Scottish Government website, and is contained within the associated BRIA. Responses came from mainly roads authority and utility organisation such as South Lanarkshire Council, West Lothian Council, Glasgow City Council and Moray Council, but also utility firms (Such as Energy Networks and GoFibre Holding Ltd)

Majority were broadly in favour of the policy proposal. The cost splitting mechanism is based on number of works done, with a factor applying to roads authority works based on network length. A minority of responses were concerned that the splitting mechanism resulted in utility firms paying 65% of costs (compared to 35% by roads authorities), as was the split of works done when the mechanism was first agreed. This concern has been raised in the previous years, and RAUC(S) have not put forward any alternate model and continue to support the status quo.

Impact Assessments

A [Child Rights and Wellbeing Impact Assessment](#) has been completed on The Scottish Road Works Register (Prescribed Fees) Regulations 2025. There are no aspects of the proposed regulations that are relevant to the UNCRC (Incorporation) (Scotland) Act 2024 requirements.

There is no aspect of the proposals which have a differential or discriminatory impact on equality groups, islands, or individuals. Assessment of the Fairer Scotland Duty, Equality Impact Assessment, Islands Communities Impact Assessment, Data Protection Impact found the proposals to be out of scope in these areas.

Financial Effects

A [Business and Regulatory Impact Assessment \(BRIA\)](#) has been completed. The impact of this policy on business is to increase the cost borne by users of the Register, however the impact of this on business is considered to be proportionate to ensure that the anticipated cost of operating the register are met.

Scottish Government

Transport Strategy and Analysis January 2025