SCOTTISH STATUTORY INSTRUMENTS

2003 No. 415

ROADS AND BRIDGES

The Road Works (Inspection Fees) (Scotland) Regulations 2003

Made - - - -	*8th September 2003*
Laid before the Scottish Parliament - - - -	*9th September 2003*
Coming into force - -	*1st October 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 134 and 163(1) of the New Roads and Street Works Act 1991(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Road Works (Inspection Fees) (Scotland) Regulations 2003 and shall come into force on 1st October 2003.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations–

"the Act" means the New Roads and Street Works Act 1991;

"service pipe" and "service line" have the same meaning as in paragraph 7(3) of Schedule 6 to the Act;

"statutory undertaker" means an undertaker who is entitled to carry out road works by virtue of a statutory right;

"works" means road works involving the excavation or reinstatement of any part of a road;

"year" means a year starting on 1st April and ending on 31st March.

Inspection fees

3.—(1) An undertaker executing road works shall pay to the road works authority a fee of £20.00 for each chargeable inspection of works carried out by the road works authority.

(2) For the purposes of this regulation, a chargeable inspection of works is–

(**1**) 1991 c. 22. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(a) if the inspection is of works carried out by an undertaker who holds a permission under section 109 of the Act and whose number of reckonable units of inspection in the year in which the inspection is made is less than 100, every inspection of all or any phase of those works subject to a maximum of 30 inspections;

(b) if the inspection is of works carried out by an undertaker who holds a permission under section 109 of the Act and whose number of reckonable units of inspection in the year in which the inspection is made is 100 or more, an inspection at random of not more than 10.5 per cent of each phase of works and not more than 30 per cent of that total number of reckonable units;

(c) if the inspection is of works carried out by a statutory undertaker, an inspection at random of not more than 10.5 per cent of each phase of works and not more than 30 per cent of the total number of reckonable units of inspection in any year.

(3) For the purposes of this regulation, a unit of inspection is–

(a) a single excavation not exceeding 200 metres in length;

(b) more than one and not more than 5 excavations and, in the case of works relating to service pipes and service lines, not more than 10 excavations:

Provided that in each case–

(i) all the excavations are in the same road;

(ii) all the excavations are part of the same works;

(iii) all the excavations are made within a period of 10 working days;

(iv) each excavation is within 500 metres of every other excavation; and

(v) the aggregate length of all the excavations does not exceed 200 metres; or

(c) in the case of an excavation longer than 200 metres each length of 200 metres within the length of that excavation or the balance of such length.

(4) For the purposes of this regulation, the phases of works are–

(a) the period when the works are being carried out, ending with the day on which interim or permanent reinstatement is completed;

(b) the period of six months starting with the day on which interim or permanent reinstatement is completed; and

(c) the period of three months immediately preceding the end of–

(i) in the case of excavations to a depth exceeding 1.5 metres to the top of the apparatus over a length of 5 metres or more, 3 years from completion of permanent reinstatement; or

(ii) in any other case, 2 years from the completion of permanent reinstatement.

(5) For the purposes of this regulation, save as provided in paragraph (6) below, the number of reckonable units of inspection in a year is the average of the number of units of inspection for the undertaker per year calculated over the three immediately preceding years.

(6) Where an undertaker has not previously executed any road works in roads for which the authority making the inspections is the roads authority, the number of reckonable units of inspection for each of the first three years is the estimated number of units of inspection for the undertaker for that year.

(7) For the purposes of making the estimate referred to in paragraph (6) above, the undertaker shall, prior to carrying out any works in roads for which the authority making the inspections is the roads authority, provide the roads authority with an estimate of the number of units of inspection it expects to generate in that year and that estimate shall be updated each quarter during the year to bring it in line with the actual number of units of inspection in works carried out by the undertaker.