

— THE OFFICE OF —
THE SCOTTISH
ROAD WORKS
COMMISSIONER

COMMISSIONER ADVICE PAPER No2

**ADVICE FOR ROADS AUTHORITIES
REGARDING WORKS ON ROADS
WHICH ARE NOT TRAFFIC-SENSITIVE**

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Introduction

When the Transport (Scotland) Act 2005 and its supporting legislation was being developed, one of the main objectives was to ensure that the obligations, regarding the notifying of works for roads purposes by road works authorities and road works by undertakers, were broadly similar. In this regard there is an anomaly whereby the requirement for minor works not involving excavation or works involving minimal breaking up of the road are different. Regulation 7(3) of the Road Works (Scottish Road Works Register, Notices, Directions and Designations) (Scotland) Regulations 2008 states:

“Where an undertaker proposes to execute road works in a road which is not a traffic-sensitive road no notice is required under section 114 in the case of—

- (a) minor works not involving breaking up the road; or*
- (b) the replacement of poles, lamps, columns and signs, pole testing and similar works involving minimal breaking up the road.”*

Policy

This issue has been discussed at the Scottish Road Works Policy Development Group and it was agreed that the relaxation of the requirement to enter a notice, in the above circumstances, should be extended to road works authorities and that appropriate secondary legislation should be promoted.

Commissioner Advice

Until such time as the appropriate legislation can be promoted and brought into force, the Commissioner is content that it would be appropriate for road works authorities to operate on the following basis:

*“Where a road works authority proposes to execute works for road purposes in a road which is not a traffic-sensitive road, the information listed in paragraph (3) of regulation 3 of The Road Works (Scottish Road Works Register, Notices, Directions and Designations) (Scotland) Regulations 2008 **does not** require to be entered in the SRWR in the case of—*

- (a) minor works not involving breaking up the road; or*
- (b) the replacement of poles, lamps, columns and signs, pole testing and similar works involving minimal breaking up the road.”*

John Gooday
Scottish Road Works Commissioner
February 2010