



ROADS AUTHORITIES & UTILITIES COMMITTEE (SCOTLAND)

ADVICE NOTE 34

NRSWA Section 109 Noticing Requirements

2026 Code of Practice for the Co-ordination of Works in Roads (Addendum 1)

Version 1.00

21 October 2026

Version History

Version	Date	Notes
1.00	September 2026	Initial version. Approved by RAUC(S) on 21/10/2026

1. Background

- 1.1 The 2026 Code of Practice for the Co-ordination of Works in Roads was approved by Roads Authorities and Utility Committee (Scotland) (RAUC(S)) at their meeting on 18th February 2026.

The Scottish Road Works Commissioner also approved the Code of Practice which subsequently was published by Transport Scotland on 31st July 2026 coming into force on 1st September 2026.

- 1.2 At the RAUC(S) meeting on 24th June 2026 the Co-ordination Code of Practice Working Group were remitted to review the advance notice timescales for New Roads and Street Works Act 1991 Section 109 notices to align with all other works in the Code of Practice for the Co-ordination of Works in Roads.

2. Addendums to the Code of Practice

- 2.1 The Working Group has now completed their review of the NRSWA Section 109 advance noticing requirements and recommend for clarification the following good practice changes until they are incorporated in a future edition of the Code of Practice.

- a) In Table 5.1 Under the Minor Works (Without Excavation) Category Definition add the following:

Note a notice is required where permission for the works were granted under NSRWA Section 109, as described for Minor Works above.

- b) Table 5.7 is deleted and replace with the following to reflect the updated noticing requirements for R(S)A Section 56(1) Consents for road works and NRSWA Section 109 Permission to execute road works.

Categories Of Works	Non-Traffic Sensitive Situations	Traffic Sensitive Situations
R(S)A Section 56(1) consent for road works or excavation notice of affected statutory undertakers. Note: where the works include the placement of apparatus a NRSWA Section 109 should be used instead.	Same notice periods as described for works in Section 5.3 (Table 5.2)	Same notice periods for works described in Section 5.3 (Table 5.3)
R(S)A Section 56(8) notification of unlawful works removed or unlawful excavations filled in.	Within the next day	Within the next day
R(S)A Section 58(1) permission for the occupation of part of a road for the deposit of materials or for the erection of staging or scaffolding projecting over part of a road.	3 days notice	1 month notice
R(S)A Section 85 permission for the deposit of a skip on a road for which a road works authority are responsible.	3 days notice	3 days notice
R(S)A Section 86(1) become aware that a constable has, required or caused the removal or repositioning of such a skip.	Within 3 days of becoming aware	Within 3 days of becoming aware
R(S)A Section 86(2) requiring the removal or repositioning of a skip deposited on a road	Within 3 days	Within 3 days
R(S)A Section 87 requiring the removal of a structure from a road which a road works authority are responsible and (where considered requisite under that section) the reinstatement of the road; or R(S)A Section 88 requiring the removal or alteration of a projection affecting such a road.	Within 3 days	Within 3 days
R(S)A Section 90 consent for the fixing or placing of an overhead bridge, beam, rail or other apparatus along or across such a road.	3 days notice	3 days notice
R(S)A Section 91 notice requiring work to be done or carried out in relation to such a road.	3 days notice	3 days notice
R(S)A Section 92 consent to the planting of a tree or shrub near a carriageway or requiring its removal, where the carriageway is, or is part of, such a road.	3 days notice	3 days notice
NRSWA Section 109(6) intent to grant permission to execute road works (often referred to as the Intent to Issue Licence notice)	10 days notice	10 days notice
NRSWA Section 109 notice of permission to execute road works (as described in Section 112B 3(a)) (often referred to as the Under Licence Works notice)	Same notice periods as described for works in Section 5.3 (Table 5.2). Note: Where works do not involve excavation, a notice is still required, and a Minor Works notice type should be used.	Same notice periods for works described in Section 5.3 (Table 5.3)

Table 5.7: Recommended Minimum Notice Periods of R(S)A and NRSWA permissions and consents

- c) Section 5.11.2 NRSWA Section Permission Noticing Requirements is deleted and replaced with the following to reflect clarity about noticing requirements:

5.11.2 NRSWA Section 109 Permission Noticing Requirements

5.11.2.1 The road works authority should ensure that the permission holder and/or their agents where applicable, are made aware of the obligations imposed by NRSWA, in relation to:

- (i) safety, signing, lighting and guarding;
- (ii) qualifications of operatives and supervisors;
- (iii) delays and obstructions;
- (iv) other undertakers' apparatus that might be affected;
- (v) reinstatement requirements;
- (vi) the requirement for a Reinstatement Quality Plan;
- (vii) supplying the road works authority with records of installed apparatus; and
- (viii) consideration for the needs of disabled people.

The road works authority should also notify the permission holder of the restrictions that apply in relation to roads subject to special controls, that the road works authority may direct times of working, restrictions that may apply under Section 117 of NRSWA, and that all inspection costs may be recovered as appropriate.

Reinstatement specifications and guarantee periods will be exactly the same as those that apply to any other undertaker of road works. All apparatus should be laid wherever possible in conformity with the latest guidance document which is available to download from the Street Works UK website (<https://streetworks.org.uk>).

5.11.2.2 At least 10 days before granting permission the road works authority must record their intent to grant permission on SRWR (often referred to as the Intent to Issue Licence). Any site-specific conditions imposed by the road works authority should be included in the notice.

- 5.11.2.3 Prior to starting work, the permission holder must provide the roads authority with the exact date on which they intend to start work. This information will then be entered on to the SRWR by the road works authority as a notice of permission to execute road works (often referred to as the Under Licence Works notice).
- 5.11.2.4 If the permission is surrendered, cancelled or withdrawn the road works authority shall close the notice of permission to execute road works on the SRWR.
- 5.11.2.5 If the permission holder wishes to carry out future works on apparatus already covered by an existing permission, for example remedial works to repair a defect found in one of their reinstatements or works to maintain their apparatus (as described in NRSWA Section 109 1(b)), the road works authority will record a new notice of permission to execute road works on the SRWR (as above, often referred to as an Under Licence Works notice). There is no need to repeat the process relating to the intent to issue the permission for the new phase of works but the Under Licence Works Notice should be linked to the original Intent to Issue Licence notice on the SRWR.