

New Compliance Powers in Scotland

Kevin Hamilton BSc CEng MCIHT

Scottish Road Works Commissioner

enquiries@roadworks.scot

Introduction


- The Commissioner role
- New powers and priorities
- Site inspection surveys
- Powers still to come



Scottish Road Works Commissioner

- Independent official
- Monitor road works
- Promote compliance
- Promote good practice
- Penalties up to £100,000

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ROAD WORKS
COMMISSIONER



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Search

Improving the quality of road works in Scotland

Search roadworksscotland.org for road works taking place in your area and across Scotland.

The Scottish Road Works Commissioner oversees improvements to the planning, co-ordination and quality of road works in Scotland. The office promotes and encourages good practice across utility companies and roads authorities and monitors performance. Find out more about What We Do

www.roadworks.scot

New Powers



- **Transport (Scotland) Act 2019**
- **Inspection functions**
- **Authorised Persons**
- **Compliance Notices**

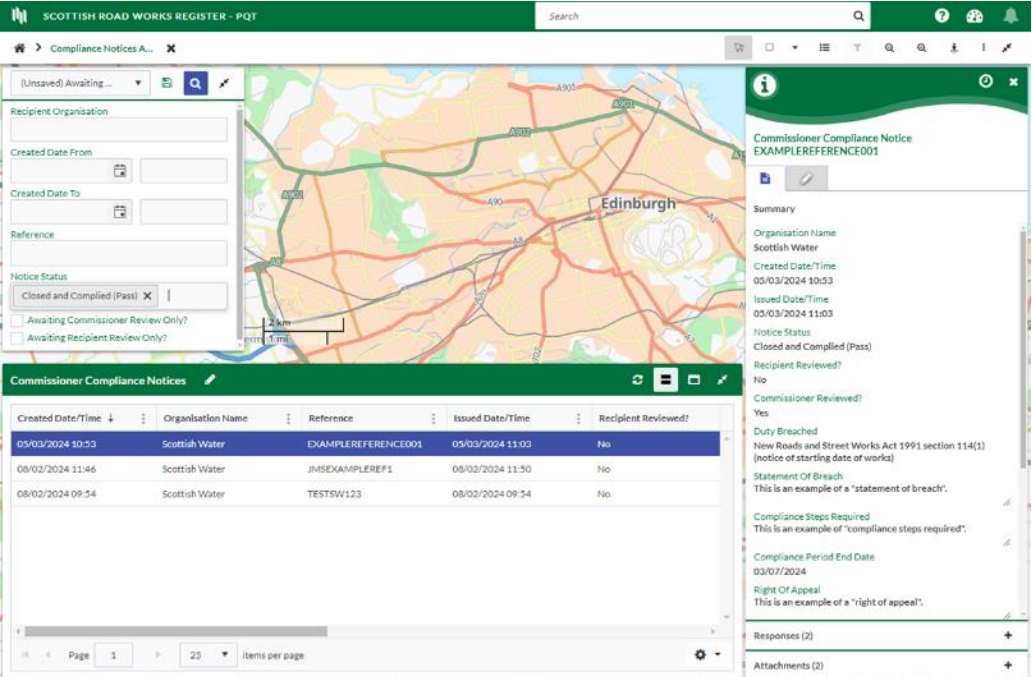
Authorised Persons



- **Commissioner employed staff**
- **NOT Roads Authority inspectors**
- **Scope of powers**
 - Enter premises and sites
 - Require that information is provided
 - Take copies or possession of information
 - Examine and/or test equipment
- **Authorised Officers Code of Conduct**

Compliance Notices

- What is a Compliance Notice (CN)?
- Failure to comply
- Appeals
- What can you receive a CN for?
- How are these sent?



The screenshot displays the 'SCOTTISH ROAD WORKS REGISTER - PQT' software interface. The main window shows a map of Edinburgh with a red location pin. A sidebar on the left contains a form for creating a notice, with fields for 'Recipient Organization', 'Created Date From', 'Created Date To', and 'Reference'. Below the form are checkboxes for 'Notice Status' and 'Awaiting Review'. The main area shows a table of 'Commissioner Compliance Notices' with columns for 'Created Date/Time', 'Organisation Name', 'Reference', 'Issued Date/Time', and 'Recipient Reviewed?'. The table contains three rows of data. A right-hand sidebar shows the details for a specific notice, including a summary, organization name, dates, status, and a list of compliance steps.

Created Date/Time	Organisation Name	Reference	Issued Date/Time	Recipient Reviewed?
05/03/2024 10:53	Scottish Water	EXAMPLEREFERENCE001	05/03/2024 11:03	No
08/02/2024 11:46	Scottish Water	JMSEXAMPLEREF1	08/02/2024 11:50	No
08/02/2024 09:54	Scottish Water	TESTSW123	08/02/2024 09:54	No

Compliance Notice Duties

No.	Legislation	Theme	Applies to	Short Description
1	RSA S60(1)&(3A)	Signing, Lighting and Guarding	Roads Authorities	RA duty to guard own sites
2	RSA S61B	Signing, Lighting and Guarding	Roads Authorities	Duty on roads authority to have qualified operatives and supervisors
3	NRSWA S112B	Noticing & Gazetteer	Roads Authorities	Roads Authority Noticing, Roads Authority gazetteer
4	NRSWA S113(1) and (4)	Noticing	Utilities	Utility Advance Noticing
5	NRSWA S114(1)	Noticing	Utilities	Utility Noticing
6	NRSWA S114A(2)	Noticing	Utilities	Utility start times
7	NRSWA S116(2)	Noticing	Utilities	Utility emergency works Noticing
8	NRSWA S118	Coordination	Roads Authorities	Duty to Coordinate
9	NRSWA S119	Cooperation	Utilities	Duty to Cooperate
10	NRSWA S124(1)(2)	Signing, Lighting and Guarding	Utilities	Duty to Guard own Sites
11	NRSWA S126(1)(2)(2C)	Signing, Lighting and Guarding	Utilities	Duty to have qualified operatives and supervisors
12	NRSWA S129(1,2,3,4,5)	Noticing, Reinstatement	Utilities	Duty to close the notice, Duty to reinstate ASAP, Duty to turn an interim perm in 6 months.
13	NRSWA S130 (1) (2)	Reinstatement	Utilities	Duty to meet the SROR
14	NRSWA S139 (1B) (2)	Apparatus	Roads Authorities and Utilities	Duty to update the register with details of wrong or missing plant, Duty to update your own records if notified of wrong or missing plant
15	NRSWA S140 (1)	Apparatus	Utilities	Duty to keep apparatus to the satisfaction of the RA regarding the structure and integrity of the road.

Drive-by Site Surveys

- **Drive-by site observations**
- **Collection/analysis of footage**
- **Commissioner “Observations”**
- **Initial results**



Initial Results

- **Focus on Roads Authority Traffic Management**
- **14 Authorities visited**
- **160 Sites observed**
- **Over 50 non-compliant sites**
- **Pedestrian Provision and noticing failures**

Compliant Site



Compliant Site



Non-compliant sites



Non-compliant sites



Future developments

- **Fixed penalties**
- **Identifying trends**
- **Demonstrating improvement**
- **Expanding beyond traffic management**



Contact details

Kevin Hamilton
Scottish Road Works Commissioner

www.roadworks.scot

Tel: 0131 244 9936

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