

SCOTTISH MINISTERS' REQUIREMENTS

SCHEDULE 7 PART 5

NEW ROADS AND STREET WORKS ACT 1991

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SCOTTISH MINISTERS' REQUIREMENTS

SCHEDULE 7 PART 5

NEW ROADS AND STREET WORKS ACT 1991

1. DEFINITIONS

1.1 General

- 1.1.1 For the purposes of this Schedule, the term "Road Works Authority" has the meaning given to it in section 108 (1) and the term "Register" has the meaning given to it in section 112A of Part IV of the *New Roads and Street Works Act 1991*.
- 1.1.2 The *New Roads and Street Works Act 1991* shall include any amendment thereto.

2. DELEGATED FUNCTIONS

2.1 Operating Company Obligations

- 2.1.1 The Statutory Functions of Scottish Ministers under the *New Roads and Street Works Act 1991* which are delegated to, and shall be undertaken by, the Operating Company are listed in Annex 7.5/A of this Part.
- 2.1.2 In addition to those Statutory Functions and the services in relation to the Scottish Ministers' functions listed in Annex 7.5/A of this Part, the Operating Company shall carry out the functions described in paragraphs 4 to 10 of this Part.
- 2.1.3 The Operating Company shall comply with all statutory requirements including statutory instruments, statutory codes of practice, orders, notices, directions, consents or permissions made or given in relation to any matter concerned with the *New Roads and Street Works Act 1991*, including any subsequent revision or replacement of the relevant document.
- 2.1.4 The *Transport (Scotland) Act 2005* amended sections of the *New Roads and Street Works Act 1991* and the Operating Company shall comply with these amended sections.

The Operating Company shall also comply with non-statutory codes of practice and non-statutory parts of codes of practice referred to in the *New Roads and Street Works Act 1991*. The Operating Company shall also take account of the best practice guidance and any advice notes that are issued by any authorised body in relation to the *New Roads and Street Works Act* in relation to works on the Trunk Road, as are applicable from time to time. These documents are available from the Scottish Roadworks Commissioner's website at www.roadworksscotland.gov.uk.

3. GENERAL REQUIREMENTS

3.1 Coordination and Monitoring

- 3.1.1 The Operating Company shall coordinate the execution of works of all kinds affecting the Unit or part of the Unit, including all Undertakers' work activities, and shall monitor the performance of all Undertakers to fulfil the requirements of section 118 sub-sections (1), (2), (2A), (3) and (3A) of the *New Roads and Street Works Act 1991*.

4. THE SCOTTISH ROAD WORKS REGISTER

4.1 Establishing and Maintaining the Register

4.1.1 In accordance with the requirements of sections 112A and 126A of the *New Roads and Street Works Act 1991*, the Operating Company shall employ competent persons to populate the Scottish Road Works Register and keep the register up to date at all times in accordance with the requirements of Section 112B of the *New Roads and Street Works Act 1991*.

The Director will pay the costs of any prescribed fees required under section 112A of the *New Roads and Street Works Act 1991* arising from use of the Scottish Road Works Register.

4.1.2 No later than 30 days prior to the Commencement of Services Date, the Operating Company shall provide and thereafter maintain until the Contract Expiry Date the necessary telecommunication links and three suitable computer terminals, loaded with the appropriate software, permissions and logins, to provide a connection to the Scottish Road Works Register.

After the Operating Company has completed the connection to the Scottish Road Works Register, the Operating Company shall have access to a copy of the Scottish Road Works Register for the Unit.

4.1.3 During the 30 days prior to the Commencement of Services Date, the Operating Company shall:

- (i) become fully familiar with the operation of the Scottish Road Works Register, and
- (ii) liaise daily with the previous operating company and attend meetings in relation to any Undertakers' works which are due to continue into, or commence during, the first Annual Period.

4.1.4 No later than 15 days prior to the Commencement of Service Date, the Operating Company shall collect any other *New Roads and Street Works Act 1991* records from the previous operating company.

4.1.5 No later than five Working Days after the Commencement of Service Date, the Operating Company shall bring the Scottish Road Works Register up to date in compliance with section 112B of the *New Roads and Street Works Act 1991* and keep it up to date throughout the duration of this Contract. At the end of the Contract Period, or as otherwise requested in writing by the Director, the Operating Company shall pass any paper information from the Register pertaining to the Unit to the Director.

The Director and the Performance Audit Group shall be entitled to have access to the Scottish Roadworks Register for the Unit at any time.

5. THE NATIONAL STREET GAZETTEER

5.1 Establishing and Maintaining the Gazetteer

5.1.1 The National Street Gazetteer is a database of all the roads in Scotland held in the Scottish Roadworks Register. Each local roads authority is responsible for producing the gazetteer of roads within its area, including Transport Scotland's Trunk Road and motorway network. Each local roads authority's data consists of two files:

- (i) the gazetteer file, referred to as the "base gazetteer", which includes the Trunk Road network; amendments to this file can only be carried out by the local roads authority, and
- (ii) the associated data file which the local roads authority populates only for its own network; the Operating Company is responsible for populating and maintaining the information relating to the Trunk Road network contained in this data file.

5.1.2 The local roads authorities hold area gazetteer group meetings regularly. The Operating Company shall attend these meetings to communicate any changes necessary to the "base gazetteer" to the local roads authorities.

5.1.3 No later than 60 Working Days after the Commencement of Service Date, the Operating Company shall complete a review of:

- (i) data held in the National Street Gazetteer which relates to the Trunk Roads within the Unit,
- (ii) gazetteer data published in the Scottish Road Works Register by the local roads authorities, and
- (iii) the associated data for the Trunk Roads within the Unit.

5.1.4 Within this review period, the Operating Company shall:

- (i) update the National Street Gazetteer, or arrange for it to be brought up to date by the relevant local roads authorities,
- (ii) provide the necessary information to the local roads authorities to enable updating of the National Street Gazetteer where they are to carry this function out on behalf of the Operating Company, and
- (iii) ensure that the associated data for the Trunk Roads in the Scottish Road Works Register is up to date.

5.1.5 The Operating Company shall thereafter keep both the National Street Gazetteer and the Scottish Road Works Register up to date throughout the duration of this Contract, liaising with the local roads authority as required.

6. DESIGNATIONS

6.1 Review and Updating of Designations

6.1.1 No later than 30 days prior to the Commencement of Service Date, the Operating Company shall access the existing associated data relating to the Trunk Roads within the Unit which is held in the Scottish Road Works Register. This associated data includes:

- (i) the designation of traffic sensitive roads,

- (ii) the designation of roads and structures with special engineering difficulties,
- (iii) the designation of protected roads,
- (iv) the reinstatement categories, and
- (v) all non-statutory designations.

6.1.2 The Operating Company shall create the associated data where it is missing, submit it to the Scottish Roadworks Register and thereafter maintain the data and keep it under review and up to date throughout the duration of this Contract.

6.1.3 No later than 60 Working Days after the Commencement of Service Date and at quarterly intervals thereafter, the Operating Company shall provide a report to the Director recommending any changes required to the associated data. The Operating Company shall obtain the written consent of the Director before adding, removing or amending any associated data.

The Operating Company shall carry out all the requirements of the *New Roads and Street Works Act 1991* and any other necessary procedures for making, amending and withdrawing associated data relating to any part of the Trunk Roads within the Unit.

7. INSPECTIONS, INVESTIGATORY WORK AND THE NATIONAL CORING PROGRAMME

7.1 Requirements

7.1.1 In accordance with the requirements of sections 131 and 134 of the *New Roads and Street Works Act 1991* and paragraph 7.1.2 of this Part, and prior to carrying out any inspections and investigatory work, the Operating Company shall prepare and submit to the Director for his written consent:

- (i) its processes for, and anticipated work programme of, inspections, based on historical volumes of Undertakers' works, and
- (ii) its processes for, and anticipated work programme of, investigatory works, coring and testing, based on historical failure rates for reinstatements of Trunk Roads within the Unit carried out by Undertakers.

A draft programme shall be provided to the Director no later than 15 Working Days prior to the Commencement of Service Date and not later than 25 Working Days prior to the end of each Annual Period thereafter.

A final programme shall be provided to the Director not later than 15 Working Days after the start of each Annual Period.

The programme for the first Annual Period shall be prepared by the Operating Company in consultation with the previous operating company.

7.1.2 The Operating Company shall ensure that the reinstatements carried out by Undertakers do not materially affect the structure of the Trunk Road. The Operating Company shall carry out additional inspections and investigatory work to that identified in paragraph 7.1.1 of this Part.

The purpose of these additional inspections and investigatory works is to ensure that, as a minimum, the Operating Company shall undertake the following:

- (i) a detailed inspection during the initial reinstatement process of all reinstatements which have not previously been inspected in accordance with paragraphs 2.1.2 and 7.1.1 of this Part, thus ensuring that 100 percent of reinstatements within the Unit are inspected during the initial reinstatement process,
- (ii) a further detailed inspection within 25 Working Days of the date on which the excavation commenced, and
- (iii) coring of reinstatements under an Order where any Defects are observed.

7.1.3 In addition to these inspections and investigatory works, the Director may require the Operating Company to undertake further inspections and investigatory work, subject to an Order.

7.1.4 The Operating Company shall provide a report on, and analysis of, the results of all inspections and investigatory works as part of the quarterly report required in accordance with paragraph 10 of this Part, in a format acceptable to the Director. These reports shall be retained in a register which the Operating Company shall establish and thereafter maintain and keep up to date at all times throughout the duration of this Contract.

7.1.5 The national coring programme is carried out periodically throughout Scotland and is intended to ensure compliance with standards and to achieve continual improvement in the quality of reinstatement in accordance with section 131 of the *New Roads and Streetworks Act 1991*.

7.1.6 The Area Roads Authority and Utilities Committees manage the coring programme within each area. One local roads authority is designated as lead authority with responsibility for appointing one coring contractor and to coordinate the coring and report back to the Roads Authorities and Utilities Committee.

7.1.7 The Operating Company shall liaise with the:

- (i) local roads authorities,
- (ii) the lead authority as agreed by the Area Roads Authorities and Utilities Committee and relevant Undertakers,

regarding the national coring programme.

7.1.8 The Operating Company shall submit proposals for a coring programme to assist the national coring programme to the Director. The Director will consider the coring programme submitted by the Operating Company and issue an Order for any necessary coring.

One Electronic Copy and one paper copy of the results of the coring programme executed by the Operating Company shall be forwarded to the local roads authorities carrying out the national coring programme and the Performance Audit Group. A final report on each annual programme shall be submitted by the Operating Company to the Director.

7.1.9 Where Defects in reinstatements carried out by Undertakers are identified as a result of inspections and investigatory works, the Operating Company shall pursue the relevant Undertaker and require it to rectify such Defects within the period set

out in the relevant codes of practice, or if no period is set out, within 25 Working Days.

If the Undertaker fails to rectify the Defect within the required time, the Operating Company shall advise the Director and provide written recommendations for resolving the matter.

- 7.1.10 The Operating Company shall be responsible for identifying, and pursuing on behalf of the Director, all sums due to be paid by Undertakers to the Scottish Ministers, including inspections fees, charges and penalties for which Undertakers are liable under the *New Roads and Street Works Act 1991*.

8. DUTIES AS ROAD WORKS AUTHORITY AND BRIDGE AUTHORITY

8.1 Requirements

- 8.1.1 The Operating Company shall undertake the following duties to enable the Scottish Ministers to comply with their obligations as road works authority and bridge authority as conferred by sections 122 and 147 of the *New Roads and Street Works Act 1991*:

- (i) liaising with Undertakers about plans and sections of proposed work associated with Structures on the Unit identified as special engineering difficulties,
- (ii) submitting the designs and specifications for such work, with recommendations regarding approval, for the Director's consent,
- (iii) no later than three Working Days after receipt, referring the Undertaker's proposals, together with the Operating Company's related recommendations, to the Director for his written consent.

The Director will communicate his decision on such matters to the Operating Company in writing:

- (a) within two Working Days of receipt for works relating to a service pipe, service line, overhead electric lines or telecommunication apparatus, and
- (b) within 10 Working Days of receipt for any other case,
- (iv) in accordance with the timescales stated in section 121 of Schedule 6 (7)(2) of the *New Roads and Streetworks Act 1991*, Undertaker's proposals have to be considered and replied to as follows:
 - (a) within seven days of receipt of the original application for works relating to a service pipe, service line, overhead electric lines, or telecommunication apparatus, or
 - (b) within one month of receipt of the original application in any other case.

The Operating Company shall ensure that the period between receipt of Undertakers' proposals and its subsequent written communication of the Director's decision to the Undertakers does not exceed these timescales. In accordance with the *New Roads and Streetworks Act 1991*, the plan and section of works is deemed to have been accepted if a response is not made within these timescales,

- (v) monitoring the progress of the Undertaker's work in, on, or adjacent to, Trunk Road Structures on the Unit at all stages and reporting to the Director when the Operating Company considers that:
 - (a) progress is not in accordance with the programme, or
 - (b) work is not being carried out in accordance with the designs and specifications consented to by the Director, and
- (vi) updating the structures management function of the Integrated Roads Information System and obtaining as-built records of all work from the Undertaker, which shall be stored in the Operating Company's Structures Record file for the relevant Structure.

9. PRIVATE APPARATUS

9.1 Operating Company Obligations

9.1.1 No later than 30 days prior to the Commencement of Service Date, the Operating Company shall liaise with the previous operating company and collect details of any existing private apparatus installed in accordance with the permission to execute road works under section 109 of the *New Roads and Street Works Act 1991*, section 61 of the *Roads (Scotland) Act 1984* or under any other agreement with the Scottish Government or Scottish Ministers.

9.1.2 A driver information system is operated under a licence from the Scottish Ministers to install, maintain, operate, alter and upgrade equipment used for monitoring traffic conditions on Trunk Roads within the Unit. The equipment consists of sensors fixed to bridge parapets over the carriageway or located in verges and transmission boxes at the side of roads.

The licensed operator is required to give a minimum of six weeks' notice to the Director of the installation of additional equipment. The Director will notify the Operating Company accordingly within three Working Days of receipt of such notice.

If the Operating Company requires the removal or protection of the licensed operator's equipment by the operator in order to allow the maintenance of, or alteration to, any part of the Unit, the Operating Company shall issue a written instruction to the licensed operator giving 25 Working Days' notice of the requirement for such removal or protection to be arranged.

If the licensed operator fails to adequately remove or protect its equipment, the Operating Company shall take all necessary measures to remove or protect the equipment and shall seek to recover all costs incurred from the licensed operator.

The Operating Company shall notify the Director in writing of any such failures by the licensed operator and any failure by the licensed operator to meet the Operating Company's costs.

Any such unrecovered Operating Company costs shall be met by the Scottish Ministers.

9.1.3 The current licensed operator is TrafficMaster.

10. OTHER DUTIES

10.1 Liaison, Monitoring and Performance Reporting

10.1.1 The Operating Company shall attend the meetings of the relevant Area Road Authority or Authorities and Utilities Committees, as formally constituted under the statutory requirements of the *New Roads and Street Works Act 1991*, whose areas of responsibility include the Trunk Roads within the Unit.

These meetings are held four times per year. The Operating Company shall attend these meetings to ensure the effective coordination of Operations, Works and work by authorised contractors and Undertakers on the Unit and or the execution of Operations.

10.1.2 Not later than 30 days prior to the Commencement of Service Date, the Operating Company shall make recommendations for the Director's consent on the liaison arrangements required between itself, other operating companies and agencies of the Scottish Government to deliver the requirement of the *New Roads and Streetworks Act 1991*.

10.1.3 Not later than 30 days prior to the Commencement of Service Date, in liaison with the Director and the other operating companies, the Operating Company shall:

- (i) devise common Monitoring Indicators for the Undertakers' work, and
- (ii) devise common Performance Indicators for its own work,

and obtain the Director's written consent to them. Following receipt of the Director's consent, the Operating Company shall add the indicators to the appropriate lists in Schedule 5 Part 6, Annexes 5.6/A and 5.6/B.

10.1.4 The Operating Company shall follow the principles that underpin the Performance Indicators and Monitoring indicators listed in Schedule 5 Part 6 when devising the new common indicators, which shall be designed to demonstrate the Operating Company's performance, and that of the Undertakers, in relation to their obligations under the *New Roads and Street Works Act 1991* and relevant statutory instruments, statutory and non-statutory codes of practice, regulations, orders, notices, directions, consents, permissions, best practice guidance documents and advice notes as referred to in this Part.

10.1.5 The Operating Company shall use these common Monitoring Indicators and Performance Indicators and the Scottish Road Works Commissioner's performance indicators to provide monitoring information and performance assessment reports to the Director on a quarterly and annual basis.

10.1.6 The Operating Company shall provide a report on the performance of the Operating Company against the Scottish Road Works Commissionaire's indicators on an annual basis. The request for such a report will be received by the Director from the Scottish Road Works Commissioner and passed to the Operating Company within seven Working Days of receipt. The Operating Company shall propose any amendments and additions which are necessary to improve the indicators and which will assist in the improvement of its performance, for the Director's consent, within the timescale stipulated by the Director.

10.1.7 The Operating Company shall attend quarterly meetings and one annual meeting to discuss the quarterly and annual reports respectively and any other meetings that

are necessary in order to coordinate and ensure compliance with the Scottish Road Works Register and the Scottish Road Works Commissioner's requirements.

10.1.8 The Operating Company shall provide the annual report not later than 50 Working Days after the end of each Annual Period. The annual report shall:

- (i) include a review of the effectiveness of the Monitoring Indicators in measuring the performance of the Undertakers,
- (ii) include a review of the effectiveness of the Performance Indicators in measuring its own performance,
- (iii) include a review of the performance of the Operating Company against the Scottish Road Works Commissioner's indicators, and
- (iv) propose any amendments and additions which are necessary to improve the indicators and which will assist in the improvement of both its own and the Undertakers' performance, for the Director's consent.

10.1.9 When consented to in writing by the Director, the Operating Company shall implement the additional and revised Monitoring Indicators or Performance Indicators and the lists in Schedule 5 Part 6, Annexes 5.6/A and 5.6/B shall be updated accordingly.

10.1.10 Commencing 75 Working Days after the start of the first Annual Period and thereafter throughout the duration of this Contract, the Operating Company shall provide the Director with a quarterly report not later than 25 Working Days after the end of each quarter. The quarterly report shall include the amounts due from each Undertaker during the preceding three month period, together with any necessary information to support the reason for the fees, charges and penalties.

10.2 Enforcement

10.2.1 The Operating Company shall monitor the Scottish Roadworks Register for potential fixed penalty notices.

10.2.2 The Operating Company shall, on a set of dates to be confirmed in writing with the Director, on a monthly basis:

- (i) discuss potential fixed penalty notices with the Director,
- (ii) provide the necessary background,
- (iii) make recommendations to the Director for their issue or retention,
- (iv) on receipt of consent from the Director to the recommendations, notify the relevant party of the intention to pursue a fixed penalty notice and manage the process up to the point of issuing the penalty, and
- (v) make recommendations to the Director for the final fixed penalty issue or retention.

10.2.3 The Operating Company shall provide support to the Director at any hearings held in connection with disputed notices.

10.2.4 The Operating Company shall also create potential fixed penalties, where appropriate, for notices which have not been identified automatically by the Scottish Roadworks Register.

The issuing of fixed penalty notices shall be undertaken by the Director.

This is Annex 7.5/A to Schedule 7 Part 5 referred to in the foregoing Agreement between Scottish Ministers and BEAR Scotland Limited.

SCOTTISH MINISTERS' REQUIREMENTS

SCHEDULE 7 PART 5

NEW ROADS AND STREET WORKS ACT 1991

ANNEX 7.5/A – Statutory Functions and Other Services

SCOTTISH MINISTERS' REQUIREMENTS

SCHEDULE 7 PART 5

NEW ROADS AND STREET WORKS ACT 1991

ANNEX 7.5/A – Statutory Functions and Other Services

Notes to Table 7.5.A.1

Items in the Statutory Functions column marked # are in the current Contracting Out Order (1996). Items marked #* will be additions to the new Contracting Out Order due to commence before the Commencement of Service Date. In the event of the new Contracting Out Order not commencing before the Commencement of Service Date, the sections so marked will be treated as "Service to the Minister" until such time as the Contracting Out Order commences.

Where any particular section requires the Operating Company to "Assist the Minister as requested", if the assistance requires physical works to take place on the network, the request for assistance will be accompanied by an Order for the required activity.

Table 7.5.A.1 New Roads and Street Works Act 1991				
Section of NRSWA	Provision	Statutory Functions	Services in relation to Scottish Ministers functions	Operating Company 's Duties
109	Permission to Execute Road Works		#	Advise the Scottish Ministers on conditions to be attached to permission, payment of fees, withdrawal of permission and or removal of apparatus
		#		Exercise the functions conferred on the Scottish Ministers as road works authority by this section except for the power to grant permissions which must not be exercised without the prior consent of the Scottish Ministers
			#	Assist the Scottish Ministers, as requested by the Scottish Ministers

Table 7.6.A.1 New Roads and Street Works Act 1991				
Section of NRSWA	Provision	Statutory Functions	Services in relation to Scottish Ministers functions	Operating Company 's Duties
110	Prohibition of unauthorised road works		#	Advise the Scottish Ministers of any offences committed, with details and recommendations for further actions
				Assist the Scottish Ministers, as requested by the Scottish Ministers
112B	Duty to enter information on the Scottish Road Works Register	#*		Carry out the functions of the Scottish Ministers as road works authority or as roads authority under sub section
113(1)	Advance notice of certain works and compliance with requirements imposed by the roads authority		#	Monitor the Scottish Roadworks Register for notices of Undertakers' works on the network and processing any such notices
113 (4)		#*		Carry out the functions of the Scottish Ministers as road works authority under sub section (4)
113(5)		#		Advise the Scottish Ministers of any offences committed with details and recommendations for further actions
			Assist the Scottish Ministers, as requested by the Scottish Ministers	
114(1)	Notice of starting date of works and prohibition on starting works without notice except with consent of road works authority		#	Monitor the Scottish Roadworks Register for notices of undertakers works on the network and processing any such notices
114(4)		#*		Carry out the functions of the Scottish Ministers as road works authority under sub section (4)
114(5) and (6)			#	Advise the Scottish Ministers of any offences committed with details and recommendations for further actions
				Assist the Scottish Ministers, as requested by the Scottish Ministers

Table 7.5.A.1 New Roads and Street Works Act 1991				
Section of NRSWA	Provision	Statutory Functions	Services in relation to Scottish Ministers functions	Operating Company 's Duties
115(1) and (4)	Power to give directions as to timing of road works and duty to have regard to code of practice in exercising power	#		Exercise the functions conferred on the Scottish Ministers as road works authority by this section
115(1A)	Power to give directions as to timing of subsisting road works and duty to have regard to code of practice in exercising power	#*		Exercise the functions conferred on the Scottish Ministers as road works authority by this section
115(2A) (3)			#	Advise the Scottish Ministers of any appeals against directions or offences committed, with details and recommendations for further actions Assist the Scottish Ministers, as requested by the Scottish Ministers
115A(1) (3)	Powers to give direction as to placing apparatus	#*		Exercise the functions conferred on the Scottish Ministers as road works authority by this section Advise the Scottish Ministers of any disputes
115A (5) (6)			#	Advise the Scottish Ministers of any appeals or offences committed, with details and recommendations for further actions Assist the Scottish Ministers, as requested by the Scottish Ministers
116	Notice of emergency works		#	Monitor the Scottish Roadworks Register for notices of Undertakers' works on the network and process any such notices Advise the Scottish Ministers of any offences committed, with details and recommendations for further actions Assist the Scottish Ministers, as requested by the Scottish Ministers

Table 7.5.A.1 New Roads and Street Works Act 1991				
Section of NRSWA	Provision	Statutory Functions	Services in relation to Scottish Ministers functions	Operating Company 's Duties
117(1) to (3) (7) and (9)	Restriction on works following substantial works for road purposes	#		Exercise the functions conferred on the <i>Scottish Ministers</i> as road works authority by this section
			#	Advise the Scottish Ministers of any disputes regarding withholding consent
			#	Advise the Scottish Ministers of any offences committed, with details and recommendations for further actions
117(6)			Assist the Scottish Ministers, as requested by the Scottish Ministers	
118	General duty of roads works authority to co-ordinate works	#		Exercise the functions conferred on the Scottish Ministers as road works authority by this section
119(1)	General duty of undertakers to co-operate with respect to the execution of road works	#*		Exercise the functions conferred on the Scottish Ministers as road works authority by this section
119A	Enforcement of S118 S119 : imposition of penalties		#	Advise the Scottish Ministers of any offences committed, with details and recommendations for further actions
				Assist the Scottish Ministers, as requested by the Scottish Ministers

Table 7.5.A.1 New Roads and Street Works Act 1991				
Section of NRSWA	Provision	Statutory Functions	Services in relation to Scottish Ministers functions	Operating Company 's Duties
120 (1)	Protected roads	#*		Exercise the functions conferred on the Scottish Ministers as road works authority by this section except for the power to designate which must not be exercised without the prior consent of the Scottish Ministers
120 (1)(4) and (6)			#	Advise the Scottish Ministers of the details of any proposed consents under this section and any disputes regarding consents
120(3)	Protected roads		#	Advise the <i>Scottish Ministers</i> of any fees recoverable from undertakers, with details and recommendations for further actions Advise the Scottish Ministers of any recommendation to designate a road
120 (3)(5) and (6)			#	Assist the Scottish Ministers, as requested by the Scottish Ministers Advise the Scottish Ministers of any expenses he may agree to contribute to undertakers, or disputes notified to him

Table 7.5.A.1 New Roads and Street Works Act 1991				
Section of NRSWA	Provision	Statutory Functions	Services in relation to Scottish Ministers functions	Operating Company 's Duties
121(2) to (4)	Supplementary provisions as to designation of protected roads		#	Assist the Scottish Ministers, as requested by the Scottish Ministers
			#	Advise the Scottish Ministers in respect of these subsections, with details and recommendations for further actions. Prepare appropriate directions to Undertakers for use by the Scottish Ministers
		#*		On consent from the Director, exercise the functions conferred on the Scottish Ministers as road works authority by this section
			#	Assist the Scottish Ministers, as requested by the Scottish Ministers
			#*	Carry out the functions of the Scottish Ministers as roads authority under sub section (6)
121(5)			#	Assist the Scottish Ministers, as requested by the Scottish Ministers
121 (6)		#*		Carry out the functions of the Scottish Ministers as roads authority under sub section (6)
122(1)	Roads with special engineering difficulties	#		Exercise the functions conferred on the Scottish Ministers as road works authority by this section except the power to designate which must not be exercised without the prior consent of the Scottish Ministers
122(6)		#		Carry out the functions of the Scottish Ministers as roads authority under sub section (6)

Table 7.5.A.1 New Roads and Street Works Act 1991				
Section of NRSWA	Provision	Statutory Functions	Services in relation to Scottish Ministers functions	Operating Company 's Duties
123(2)	Traffic-sensitive roads		#	Assist the Scottish Ministers, as requested by the Scottish Ministers
123(4)		#		Exercise the functions conferred on the Scottish Ministers as road works authority by this section except the power to designate without the consent of the Scottish Ministers
		#		Carry out the functions of the Scottish Ministers as roads authority under sub section (4)
124(2)	Undertaker to comply with directions given by traffic authority	#*		Make directions where appropriate for the Scottish Ministers as traffic authority under this section.
124(5)	Road works authority power to take steps where undertaker has failed to comply	#*		Take appropriate steps on behalf of the Scottish Ministers as roads authority under this section except insofar as they relate to the power to recover costs without the consent of the Scottish Ministers.
124(4) and (6)	Summary conviction		#	Advise the Scottish Ministers of any costs recoverable from undertakers, with details and recommendations for further actions Assist the Scottish Ministers, as requested by the Scottish Ministers Advise the Scottish Ministers of any offences committed, with details and recommendations for further actions

Table 7.5.A.1 New Roads and Street Works Act 1991				
Section of NRSWA	Provision	Statutory Functions	Services in relation to Scottish Ministers functions	Operating Company 's Duties
125(3) and (4)	Power to give notices to undertaker to mitigate and discontinue obstruction and to take necessary steps		#	Assist the Scottish Ministers, as requested by the Scottish Ministers
		#*		Serve notices as appropriate on behalf of the Scottish Ministers as road works authority under this section.
			#	Advise the Scottish Ministers of any non- compliance with a notice, and make recommendations for further action
125(2)	Summary Conviction		#	Advise the Scottish Ministers of any costs recoverable from undertakers, with details and recommendations for further actions
			#	Assist the Scottish Ministers, as requested by the Scottish Ministers
			#	Advise the Scottish Ministers of any offences committed, with details and recommendations for further actions
126 (1A) (2A)	Qualifications of supervisors and operatives:- Notification of names		#	Assist the Scottish Ministers, as requested by the Scottish Ministers
			#	Advise the Scottish Ministers of any instances where these powers should be used, with details and recommendations for further actions
126(3)	Qualifications of supervisors and operatives		#	Advise the Scottish Ministers of any offences committed, with details and recommendations for further actions

Table 7.5.A.1 New Roads and Street Works Act 1991				
Section of NRSWA	Provision	Statutory Functions	Services in relation to Scottish Ministers functions	Operating Company 's Duties
126A	Duty to ensure competence of employees		#	Assist the Scottish Ministers, as requested by the Scottish Ministers Assist the Scottish Ministers in ensuring that only competent employees are used for this function
127(1)	Undertaker to afford reasonable facilities to the road works authority	#*		Exercise the functions conferred on the Scottish Ministers as road works authority by this section
127(2)	Summary conviction		#	Advise the Scottish Ministers of any offences committed, with details and recommendations for further actions
129(3) and (4)	Undertaker to inform road works authority of completion of interim and permanent reinstatement		#	Assist the Scottish Ministers, as requested by the Scottish Ministers
129(6)	Summary conviction		#	Advise the Scottish Ministers of any offences committed, with details and recommendations for further actions
130(5)	Offence relating to materials, workmanship and standard of reinstatement		#	Assist the Scottish Ministers, as requested by the Scottish Ministers Advise the Scottish Ministers of any offences committed under any part of section 130, with details and recommendations for further actions

Table 7.5.A.1 New Roads and Street Works Act 1991				
Section of NRSWA	Provision	Statutory Functions	Services in relation to Scottish Ministers functions	Operating Company 's Duties
131(1)	Powers of road works authority in relation to reinstatement	#		Exercise the functions conferred on the Scottish Ministers as road works authority by this section
131(2)		#		Exercise the functions conferred on the Scottish Ministers as road works authority by this section and pass all costs received that are fixed fees in 131(2) to the Scottish Ministers
131(3) and (4)		#		Exercise the functions conferred on the Scottish Ministers as road works authority by this section, except insofar as they relate to the power to recover costs
131(3) and (4)			#	Advise the Scottish Ministers of any costs recoverable from Undertakers, with details and recommendations for further actions
132A	Powers of road works authority to require undertakers to resurface		#	Assist the Scottish Ministers, as requested by the Scottish Ministers
		#*		Exercise the functions conferred on the Scottish Ministers as road works authority or bridge authority by this section and the regulations referred to.
134	Inspection fees	#*		Exercise the functions conferred on the Scottish Ministers as roads works authority by this section and pass all fees received to the Scottish Ministers
135	Liability for cost of temporary traffic regulations		#	Advise the Scottish Ministers of any costs recoverable from Undertakers, with details and recommendations for further actions

Table 7.5.A.1 New Roads and Street Works Act 1991				
Section of NRSWA	Provision	Statutory Functions	Services in relation to Scottish Ministers functions	Operating Company 's Duties
137	Contributions to costs of making good long-term damage.		#	Assist the Scottish Ministers, as requested by the Scottish Ministers Advise the Scottish Ministers as road works authority or relevant authority of any costs recoverable from Undertakers, with details and recommendations for further actions
139	Duty to inform undertakers of location of apparatus		#	Assist the Scottish Ministers, as requested by the Scottish Ministers
140	Duty to maintain apparatus	#*		Exercise the functions conferred on the Scottish Ministers as road works authority or relevant authority by this section except insofar as they relate to the power to recover costs
141(1)	Liability for damage or loss caused		#	Advise the Scottish Ministers as road works authority or relevant authority of any costs recoverable from Undertakers, with details and recommendations for further actions Assist the Scottish Ministers, as requested by the Scottish Ministers
		#*		Advise the Scottish Ministers of any compensation recoverable from Undertakers, with details and recommendations for further actions On consent from the Scottish Ministers, exercise the functions conferred on the Scottish Ministers as road works authority or bridge authority by this section

Table 7.5.A.1 New Roads and Street Works Act 1991				
Section of NRSWA	Provision	Statutory Functions	Services in relation to Scottish Ministers functions	Operating Company 's Duties
142(2)	Works for road purposes likely to affect apparatus in the road		#	Assist the Scottish Ministers, as requested by the Scottish Ministers
		#*		Exercise the functions conferred on the Scottish Ministers as road works authority or bridge authority by this section
142(3)	Summary conviction		#	Advise the Scottish Ministers of any offences committed by the Scottish Ministers with details and recommendations for further actions
143(1)	Undertaker and bridge or roads authority to take steps where apparatus is affected by major works		#	Assist the Scottish Ministers, as requested by the Scottish Ministers
		#*		Exercise the functions conferred on the Scottish Ministers as road works authority or bridge authority by this section
143(3)(4)	Requirement to pay compensation in certain circumstances		#	Advise the Scottish Ministers of any compensation recoverable from, or due to, Undertakers, with details and recommendations for further actions
				Assist the Scottish Ministers, as requested by the Scottish Ministers

Table 7.5.A.1 New Roads and Street Works Act 1991				
Section of NRSWA	Provision	Statutory Functions	Services in relation to Scottish Ministers functions	Operating Company 's Duties
144(1)	Sharing of costs of necessary measures		#	Advise the Scottish Ministers of allowable costs to be borne by the Scottish Ministers.
		#*		On consent from the Scottish Ministers, exercise the functions conferred on the Scottish Ministers as road works authority or bridge authority by this section
144 (2)		#*		Exercise the functions conferred on the Scottish Ministers as road works authority or bridge authority by this section and the regulations referred.
144(3)			#	Advise the Scottish Ministers of any costs recoverable from Undertakers, with details and recommendations for further actions Assist the Scottish Ministers, as requested by the Scottish Ministers
147(4) and (5)	Consultation with bridge authority prior to execution of certain works, provision of reasonable facilities for bridge authority to monitor works, and compliance with directions of bridge authority	#*		Exercise the functions conferred on the Scottish Ministers as bridge authority by this section
147(6)	bridge authority to monitor works, and compliance with directions of bridge authority		#	Advise the Scottish Ministers of any offences committed, with details and recommendations for further actions

Table 7.5.A.1 New Roads and Street Works Act 1991				
Section of NRSWA	Provision	Statutory Functions	Services in relation to Scottish Ministers functions	Operating Company 's Duties
149(2) and (3)	Provisions as to reinstatement of sewers, drains or tunnels		#	Assist the Scottish Ministers, as requested by the Scottish Ministers
		#*		Exercise the functions conferred on the Scottish Ministers by these sections, except insofar as they relate to the power to recover costs without the prior consent of the Scottish Ministers
154	Offences		#	Advise the Scottish Ministers of any costs recoverable from Undertakers, with details and recommendations for further actions
				Assist the Scottish Ministers, as requested by the Scottish Ministers
				Advise the Scottish Ministers on further offences, with details and recommendations for further actions
154A	Fixed penalties offences for some section of part IV as shown in schedule 6A		#	Assist the Scottish Ministers, as requested by the Scottish Ministers
				Advise the Scottish Ministers when a fixed penalty notice may be issued
162(3)	Former controlled land		#	Advise the Scottish Ministers on failure to pay fixed penalty notices and recommendations for further actions
				Advise the Scottish Ministers in respect of indemnities, with details and recommendations for further actions
				Assist the Scottish Ministers, as requested by the Scottish Ministers