



The Scottish Parliament
Pàrlamaid na h-Alba

INFRASTRUCTURE AND CAPITAL INVESTMENT COMMITTEE

AGENDA

22nd Meeting, 2012 (Session 4)

Wednesday 28 November 2012

The Committee will meet at 10.00 am in Committee Room 5.

1. **Decision on taking business in private:** The Committee will decide whether to take item 4 in private.
2. **Mobility and Access Committee for Scotland and Passengers' View Scotland Annual Reports 2011-12:** The Committee will take evidence from—

Anne MacLean, Convener, and Jane Horsburgh, Committee Member, Mobility and Access Committee for Scotland;

Hugh Flinn, Acting Chair, and Professor Colin Reid, Committee Member, Passengers' View Scotland.
3. **Subordinate legislation:** The Committee will consider the following negative instrument—

Road Works (Maintenance) (Scotland) Amendment Regulations 2012 SSI/2012/286.
4. **Marine Navigation (No.2) Bill (UK Parliament legislation):** The Committee will consider its approach to the legislative consent memorandum lodged by the Minister of Transport and Veterans on 21 November (LCM(S4)18.1).
5. **Water Resources (Scotland) Bill (in private):** The Committee will consider a further draft Stage 1 report.

ICI/S4/12/22/A

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The papers for this meeting are as follows—

Agenda Item 2

PRIVATE PAPER

ICI/S4/12/22/1 (P)

Link to Mobility and Access Committee for Scotland Annual Report 2011-2012

<http://www.transportscotland.gov.uk/files/documents/public-transport/MACS/MACS - Annual Report 2011-12 - PDF Version.pdf>

Link to Passengers' View Scotland Annual Report 2011-2012

<http://www.transportscotland.gov.uk/files/documents/PVS - Annual Report - 2011 - 2012 - pdf Version.pdf>

Agenda Item 3

Paper from the Clerk

ICI/S4/12/22/2

Agenda Item 4

PRIVATE PAPER

ICI/S4/12/22/3 (P)

Agenda Item 5

PRIVATE PAPER

ICI/S4/12/22/4 (P)

Infrastructure and Capital Investment Committee

22nd Meeting, 2012 (Session 4), Wednesday, 28 November 2012

Subordinate Legislation

Title of Instrument	Road Works (Maintenance) (Scotland) Amendment Regulations 2012 (SSI/2012/286)
Type of Instrument	Negative
Laid Date	29 October 2012
Minister to attend the meeting	No
SSI drawn to the Parliament's attention by Subordinate Legislation Committee	No
Reporting Deadline	3 December 2012

Title of instrument

Purpose

1. Section 140 of the New Roads and Street Works Act 1991 requires that road apparatus must be properly maintained to the satisfaction of the relevant road works authority. The Act allowed for a road works authority to undertake emergency improvements to bring the road apparatus up to standard, following an inspection of the relevant apparatus. However, regulations¹ under that Act stipulated the circumstances in which an inspection was able to be conducted: in such cases where the road works authority has “reasonable cause to believe, by reason of subsidence or disturbance of the road surface, that the undertaker’s apparatus has not been maintained”.

2. The Regulations that are under consideration by the Committee seek to extend the circumstances in which emergency improvements can take place by specifying that such works may follow any inspection rather than just those reasons for an inspection set out in paragraph 1 above.

Consideration by the Subordinate Legislation Committee

3. On 6 November, the Subordinate Legislation Committee considered the Regulations and determined that it did not need to draw the attention of the Parliament to them.

¹ Regulations make an amendment to regulation 4 of the Road Works (Maintenance) (Scotland) Regulations 1992

Recommendation

4. A copy of all the SSI and the accompanying documents are included with the papers.

5. The Committee is invited to consider any issues that it wishes to raise in reporting to the Parliament on the instrument.

Steve Farrell
Clerk to the Committee
November 2012