

PENALTIES PRESS RELEASE

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UTILITY COMPANY PENALISED FOR FAILURE TO COMPLY WITH SCOTTISH ROAD WORKS LEGISLATION

The Scottish Road Works Commissioner has issued a penalty of £10,000 to Scottish Water for systematic failure to comply with their statutory obligations when carrying out repairs to their pipes in roads.

Failings were identified through an investigation by the Scottish Road Works Commissioner following complaints made by a community group in relation to a road closure in Tillicoultry.

In November 2022, the Commissioner wrote to Scottish Water advising that he was considering penalising them as a result of his investigation. He gave Scottish Water the opportunity to submit representations detailing any mitigating factors.

Having considered Scottish Water's response, the Commissioner has issued a penalty of £10,000 against them.

The Commissioner has powers to issue penalties where a utility company has failed to comply with duties to co-operate with roads authorities, up to a maximum of £100,000.

Kevin Hamilton, Scottish Road Works Commissioner, said:

"It is often necessary to close roads in order to safely and efficiently maintain underground pipes. Sometimes, this has to be done urgently for safety reasons or when there is a need to rapidly re-establish supplies to businesses and households. However, this can only be done with proper co-operation with the roads authority, normally the local council. In this case, my investigation found that Scottish Water had failed to co-operate with the council which meant that the road closure was implemented without any proper consideration of the impacts. It also meant that emergency services and bus operators were not given adequate notification of the closure. My investigation further revealed that this was not a one-off occurrence and as a result I considered this to be a systematic failing.

Organisations with statutory powers to lay pipes and cables in Scotland's roads also have obligations set out in the New Roads and Street Works Act 1991. Compliance with these duties is essential to ensure safety, minimise disruption and protect the road network across Scotland.

The failings identified by my investigation had a serious impact on road users and given their systematic nature, have left me no option but to issue a financial penalty.

I am pleased that Scottish Water has provided me with an action plan and assurances that processes are being modified to demonstrate early improvement. My team will continue to scrutinise their performance closely."

Ends

NOTES FOR NEWS EDITORS

Kevin Hamilton took up the post of Scottish Road Works Commissioner in November 2020 and has over 30 years' experience in this sector.

The post of Commissioner was established under the Transport (Scotland) Act 2005 to improve the planning, co-ordination and quality of road works throughout Scotland. The Commissioner monitors performance and promotes good practice across both utility companies and roads authorities (Councils for local roads and Transport Scotland for the trunk road network).

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