|  |  |  |  |
| --- | --- | --- | --- |
| We, | (1) |  | , |
| (hereinafter referred to as “the Guarantor”) CONSIDERING THAT |
| (2) |  |
| (hereinafter referred to as “the Housebuilder”) has been granted Construction  |
| Consent Ref No: | (3) |  | by **THE HIGHLAND COUNCIL** |
| constituted by the Local Government etc. (Scotland) Act 1994 and having its Principal Offices at Council Offices, Glenurquhart Road, Inverness, IV3 5NX (hereinafter referred to as “the Council”) as Local Roads Authority in terms of Section 21 of the Roads (Scotland) Act 1984 for the construction of private roads or part thereof in connection with proposed housing at |
| (4) |  |
| all as is more fully detailed in the said Construction Consent and the plan and Schedule(s) relative thereto, CONSIDERING FURTHER that the estimated cost of constructing the said private road(s) in accordance with the said Construction Consent and others is |
| (5) |  | **STERLING** |
| (6) | **£** |  |  and that the Housebuilder has requested us to |
| grant security for such sum to the Council by means of a Bond in terms of the Security for Private Road Works (Scotland) Regulations 1985 as amended by the Security for Private Road Works (Scotland) Amendment Regulations 1998 (declaring that any reference in these presents to a numbered Regulation shall be construed as a reference to the Regulation bearing that number in the said Regulations as amended); THEREFORE we DO HEREBY as cautioners and sureties bind and oblige ourselves and our successors in the event of the Housebuilder failing to construct or to complete the construction of the said private road(s) in accordance with the terms of the said Construction Consent (compliance or otherwise with the said Construction Consent to be determined by the Council at all times acting reasonably), to pay to the Council and its successors or assignees, within 28 days of receiving from the Council a demand or demands in writing addressed to the Guarantor at the address above or such other address as has been intimated to the Council, the said sum of |
| (5) |  | **STERLING** |
| (6) | **£** |  |  or such lesser sum as the Council states in |
| the said demand or demands to be the costs incurred by it in the construction of, or in rectifying defects in the said private road(s) or part thereof in accordance with Regulation 13; And the Council by its acceptance hereof binds itself that it will release the appropriate part of this Bond, all in accordance with the provisions of Regulation 15; AND these presents shall be construed in accordance with, and all else arising therefrom shall be governed by, the Law of Scotland: AND we consent to registration hereof for preservation; IN WITNESS WHEREOF these presents consisting of this page are executed as follows: |

|  |  |
| --- | --- |
| Signature: |  |
| Full Name of Authorised Signatory (in capitals): |  |
|  |
| Witness Signature: |  |
| Full Name & Address of Witness (in capitals): |  |
|  |
|  |
|  |
|  |
| Place of Signing: |  |
| Date of Signing: |  |

|  |
| --- |
| **Data Protection** |
| Your personal data will be managed in compliance with the Data Protection legislation. You can read our privacy notice for road construction consent applications on the Council’s website at: <https://www.highland.gov.uk/directory_record/1129163/road_construction_consent_applications>​​[ ]  I have read and understood the privacy notice. |

Guidance Notes to assist completion of Road Bond:

1. Insert name/address/company number of bond provider
2. Insert name/address/company number of housebuilder
3. Insert RCC ref no
4. Insert address of proposed housing
5. Insert cost of road works in words
6. Insert cost of road works in figures
7. Insert same sum as (5) in words
8. Insert same sum as (6) in figures

**Guidance Notes for Developers**

**Roads (Scotland) Act 1984**

**Security for Private Road Works (Scotland) Amendment Regulations 1998**

In terms of Section 17 of the Roads (Scotland) Act, 1984 and the Security for Private Roadworks (Scotland) Amendment Regulations 1998 you, as a developer, are required to make financial provision with the Council, as Local Roads Authority, in order to safeguard the completion of housing development roads which are the subject of a Construction Consent. Such provision, as required by the Regulations, may take the form of a Road Bond or deposit and this will serve to protect prospective house purchasers from having to bring incomplete roads up to adoptable standards.

**Please note that time limited bonds will NOT be accepted.**

You are unable to commence building works adjacent to any road permitted by a Construction Consent until you have met the requirements of the above regulations which came into effect on 1st April 1986.

In terms of Regulation 6, the security shall be an amount sufficient to meet the cost of constructing or completing the construction of the said roads. Also to calculate the amount of that security by objective estimating and negotiation.

In terms of Regulation 5, that security shall be either a bond in favour of this Council or a cash deposit of a sum equating to that security. Such bond or deposit shall be lodged with the Council electronically. Details of this process can be obtained from the Transport Planning Team, Development & Infrastructure, Headquarters, Glenurquhart Road, Inverness IV3 5NX.

In terms of Regulation 16, any person who carries out building works in contravention of these regulations shall be guilty of an offence. It would, therefore, be in your interests to make early contact with the Transport Planning Team, who will be able to advise you fully on these procedures. Copies of form CC7 should be completed and returned with the security. Copies of the regulations are also available for inspection online at the links below:

The Security for Private Road Works (Scotland) Regulations 1985

<http://www.legislation.gov.uk/uksi/1985/2080/made>

The Security for Private Road Works (Scotland) Amendment Regulations 1998

<http://legislation.data.gov.uk/cy/uksi/1998/3220/made/data.htm?wrap=true>