

THE NEW ROADS AND STREET WORKS ACT 1991

GUIDANCE NOTES FOR LICENSEES/APPLICANTS

From 1st January 1993 all Licences granted for street works to a person(s) is/are granted under, and will be subject to the requirements of the New Roads & Street Works Act 1991.

- Section 69 & Sch. 3 Before granting a licence the Street Authority (means highway authority in the case of the maintainable highway, or if the street is not a maintainable highway, the street managers) Carmarthenshire County Council, must give Undertakers and others likely to be affected by the works at least 10 days notice.
- Section 48 For street works purposes, Licensees are now deemed "undertakers", and as such they must comply with all the regulations and codes of practice contained within the new legislation.
- Section 65 Licensees will need to sign, guard and light works in accordance with the Code of Practice for Safety at Street Works & Road Works. Failure to comply is a criminal offence.
- Section 67 Licensees also have a duty to meet the qualification requirements for supervisors and operatives. From August 1994 all works where excavation takes place must be supervised by an accredited person. Failure to comply is a criminal offence.
- Sections 70, 71 Licensees must comply with the Highway Authority Utilities Committee Specification for the Reinstatement of Openings, and guarantee periods for all reinstatements must be met.
- Section 75 The Street Authority (Carmarthenshire County Council), will inspect individual works in accordance with the HAUC Code of Practice for Inspections.
- Section 72 If any works are found to be defective the Street Authority will invoke the appropriate defect procedure and recharge the licensee the Street Authority's costs in rectifying the defects in accordance with the procedures laid down in the Code of Practice for Inspections and Specification for the Reinstatement of Openings in Highways.
- The cost of any recharge will include three defect inspections at £25 per inspection, plus the costs of any investigatory works the Street Authority may have undertaken.
- Sections 79 & 66 Licensees have a duty to produce records for the apparatus they install, have an obligation to other undertakers apparatus which may be affected by the works, and must avoid unnecessary delays and obstructions during the works.
- Sch. 3(5)(6)(7) Licensees must inform the Street Authority of any change of ownership, or surrender of licence in accordance with the prescribed timescales.
- Section 58 The licensee must comply with any direction given by the Street Authority as to the timing of works, or any restriction on works.
- Sch. 3(8) Licensees must show proof of their Public Liability Insurance at the time of their application for a licence.

For further information contact:
Street Care / NRASWA Section
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TERMS AND DEFINITIONS

Section 48 of the Act states that:

A 'Street' means the whole or any part of any of the following, irrespective of whether it is a thoroughfare:

- a) any highway, road, lane, footway, alley or passage,
- b) any square or court, and
- c) any land laid out as a way whether it is for the time being formed as a way or not.

Where a street passes over a bridge or through a tunnel, references in this part to the street include that bridge or tunnel.

A street which is not a maintainable highway subject certain exceptions.

"Street Works" means works of any of the following kinds executed in a street in pursuant of a statutory right or a Street Works Licence:

- a) placing apparatus, or
- b) inspecting, maintaining, adjusting, repairing altering or renewing apparatus, changing the position of apparatus or removing it,

or works required for or incidental to any works including, in particular, breaking up or opening a street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street.

"Undertaker" in relation to street works means the person by whom the relevant statutory right is exercisable by him, or the licensee under the relevant Street Works Licence, as the case may be.

Section 50 of the Act states that:

The Street Authority may grant a licence (a "Street Works Licence") permitting a person -

- a) to place, or to retain apparatus in the street, and
- b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it,

and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).

A Street Works Licence does not dispense the licensee from obtaining any other consent, licence or permission which may be required.

Schedule 3 of the Act sets out the provisions, attachment of conditions and other matters in relation to the grant of a licence.

Section 105 of the Act states that:

"apparatus" includes any structure for the lodging therein of apparatus or for gaining access to apparatus.

"in" in the context referring to works, apparatus or other property in a street or other place includes a reference to works, apparatus or other property under, across, along or upon it.

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STREET WORKS LICENCE

The Licencee, whether small builder or large developer, must be aware of his obligations under the Act in relation, for instance, to:

- Safety, signing, lighting and guarding
- Qualifications of Operatives and Supervisors
- Delays and obstructions
- Other undertakers' apparatus which might be affected
- Reinstatement
- Records of apparatus, and
- The needs of disabled people

The licencee should also be aware of the restrictions that apply in relation to streets subject to special controls and relevant Section 58 notices, and that the street authority may direct times of working.

Reinstatement specifications and guarantee periods will be exactly the same as for any other undertaker of street works.

All apparatus should be laid whenever possible in conformity with NJUG publication No. 7 (obtained from the National Joint Utilities Group, 30 Millbank, London, SW1P 4RD).