

NEW ROADS AND STREET WORKS ACT 1991

STREET WORKS QUALIFICATIONS

The legal requirements

The New Roads and Street Works Act 1991 places duty on undertakers to ensure that work involving the installation, renewal, maintenance and inspection of underground apparatus in any street or road is under the control of competent persons. To satisfy the requirements of the Act, undertakers must arrange for work involving breaking up the street to be under the supervision of a person having a prescribed qualification as a 'supervisor'. In addition, whether or not the street is broken up, they must ensure that a person having a prescribed qualification as a 'trained operative' is present on the site at all times when the work is in progress.

Detailed provisions covering the qualification system are contained in the Street Works (Qualifications of Supervisors and Operatives) Regulations 1992, which came into force on 5th August 1992. The Regulations require undertakers to comply with the duty to provide qualified supervisors within two years from the above date and, in the case of trained operatives, within five years.

What is meant by an 'undertaker'?

An undertaker is a person or organisation doing work under either:

- i) a statutory right (such as the Utility organisation - cable television, electricity, gas, sewerage, water, telecommunications etc) or
- ii) a licence or permission granted by the street or road works authority (such as persons and organisations laying sewers, drains, water supply connections and other apparatus for their own private purposes).

Undertakers may make arrangements for the qualified persons to be provided by contractors or agents working on their behalf, but the responsibility for ensuring that the requirements of the Act are met rests with the undertakers.

What is a prescribed qualification?

The Street Works (Qualifications of Supervisors and Operatives) Regulations 1992 define the prescribed qualifications for various types and combinations of work:

Qualifications for 'supervisors'

1. Monitoring excavation in the highway
2. Monitoring excavation, backfilling and reinstatement of construction layers with bituminous materials
3. Monitoring reinstatement of construction layers in bituminous materials
4. Monitoring reinstatement of concrete slabs

5. Monitoring reinstatement of modular surfaces and concrete footways

Qualifications for 'trained operatives'

1. Excavation in the highway
2. Excavation, backfilling and reinstatement of construction layers with a cold-lay bituminous surface.
3. Reinstatement of construction layers in hot-lay and cold-lay bituminous materials
4. Reinstatement of concrete slabs
5. Reinstatement of modular surfaces and concrete footways

A person may only act as a supervisor or trained operative for the type of work for which the person has the relevant qualification. It may, therefore, be necessary for a number of persons having different qualifications to be involved during the progress of the work through its various stages. There is, however, no limit to the number of qualifications that may be held by one person.

What is the position regarding work that does not involve breaking up the street or road?

A qualified supervisor is not required for supervising the opening of covers and chambers, or for the renewal or replacement of poles, lamps, columns and signs, pole testing and similar work involving minimal breaking up of the street or road. These types of work do, however, require the presence of a trained operative who has successfully completed a unit of competence in signing, lighting and guarding. For this purpose, a record of achievement in this unit will count as a prescribed qualification.

For all other types of work, a full qualification must be held by the relevant person.

Who will award the qualifications?

The Secretary of State has appointed three organisations to act as awarding bodies for the scheme:

- City and Guilds of London Institute (England and Wales only)
- Scottish Vocational Education Council (Scotland only)
- Certification and Assessment Board for the Water Industry

How will the qualified persons be identified?

A Street Works Qualification Register containing details of the qualifications awarded by all awarding bodies will be maintained. Each person included in the register will be issued with a personal identity card showing the qualification or qualifications held by that person. The Register will respond in writing to authorised telephone or written requests for information about the qualification status of individuals. The enquirer will be invoiced for this service. Qualifications will need to be re-registered by the holder five years after the date of the previous registration.