
STATUTORY INSTRUMENTS

1992 No. 1674 (S.161)

ROADS AND BRIDGES, SCOTLAND

The Road Works (Reinstatement) (Scotland) Regulations 1992

<i>Made</i>	- - - -	<i>14th July 1992</i>
<i>Laid before Parliament</i>		<i>15th July 1992</i>
<i>Coming into force</i>	- -	<i>1st January 1993</i>

The Secretary of State, in exercise of the powers conferred on him by sections 129(4), 130 and 163(1) and (3) of the New Roads and Street Works Act 1991⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Road Works (Reinstatement) (Scotland) Regulations 1992 and shall come into force on 1st January 1993.

2.—(1) In these Regulations—

“the Act” means the New Roads and Street Works Act 1991;

“the Code” means the Code of Practice entitled “Specification for the Reinstatement of Openings in Highways” dated June 1992, and approved by the Secretary of State on 14th July 1992 as revised or re-issued from time to time;

“immediate works” means works comprising the orderly replacement of excavated material, reasonably compacted and finished at surface level with a deferred set macadam.

“a road carrying more than 30 million standard axles” means a road so constructed as to be capable of carrying more than 30 million standard axles per annum.

(2) A reference in these Regulations to a numbered regulation is a reference to the regulation bearing that number in these Regulations.

3.—(1) For the purposes of applying the requirements specified in regulation 4, the different descriptions of road are the types of road specified in paragraph 1.3.1 of Chapter S1 of the Code and the different descriptions of footpath are the types of footpath specified in paragraphs 1.4.1, 1.4.2 and 1.4.3 of Chapter S1 of the Code and the method of assessing the road type is that set out in paragraph NG1.3.1 of the notes for guidance in the Code.

(2) In any case where the road works authority has given the undertaker which is intending to execute road works in the road written notice that it has classified the road as being of one of those types of road, the undertaker shall use the materials and observe the standards of workmanship specified in regulation 4 and satisfy the performance standards specified in regulation 5 appropriate to that type of road.

(3) In any case where the road works authority has given the undertaker which is intending to execute road works in the road written notice that the road is a road carrying more than 30 million standard axles the undertaker shall use such materials and observe such standards of workmanship as shall be agreed between the road works authority and the undertaker.

(4) In any case where the road works authority has not given the undertaker which is intending to execute works in the road written notice under paragraph (2) or (3) of this regulation, the undertaker shall use the materials and observe the standards of workmanship specified in regulation 4 for the type of road which the undertaker considers appropriate, provided that the road works authority shall not in such a case classify the road as being any other type of road until such road works, including reinstatement, have been completed.

4.—(1) Save as provided in regulations 3(3), 7 and 8, an undertaker executing road works shall in reinstating the road comply with –

- (a) the requirements specified in paragraph (2) below as to the specification of materials to be used so far as those requirements relate to reinstatement; and
- (b) the requirements specified in paragraph (3) below as to the standards of workmanship to be observed so far as those requirements relate to reinstatement.

(2) The requirements referred to in paragraph (1)(a) above are the requirements to use materials which are needed to satisfy the performance standards specified in regulation 5, having regard to the various provisions for each description of road specified in the chapters of the Code listed in column 2 of the Table below to the extent specified in column 3 of that Table.

TABLE

1 Item No	2 Chapter of Code	3 Extent of application
1	S1 (Operational Principles)	The whole so far as it applies to use of materials.
2	S2 (Performance Requirements)	Paragraph 2.6.4.
3	S4 (Surround to Apparatus)	The whole so far as it applies to use of materials.
4	S5 (Backfill)	The whole so far as it applies to use of materials.
5	S6 (Flexible and Composite Roads)	The whole so far as it applies to use of materials.
6	S7 (Rigid and Modular Roads)	The whole so far as it applies to use of materials.
7	S8 (Footways and Cycletracks)	The whole so far as it applies to use of materials.
8	S9 (Verges)	The whole so far as it applies to use of materials.
9	S11 (Ancillary Activities)	The whole so far as it applies to use of materials.
10	S12 (Remedial Works).	Paragraph 12.3

(3) The requirements referred to in paragraph (1)(b) above are the requirements to observe the standards of workmanship which are needed to satisfy the performance standards specified in regulation 5, having regard to the various provisions for each description of road specified in the chapters of the Code listed in column 2 of the Table below to the extent specified in column 3 of the Table.

TABLE

1 Item No.	2 Chapter of Code	3 Extent of application
1	S1 (Operational Principles)	The whole so far as it applies to standards of workmanship.
2	S2 (Performance Requirements)	Paragraphs 2.2.1, 2.3.1, 2.4.2, 2.4.3, 2.6.2, 2.6.3.
3	S3 (Excavation)	The whole so far as it is relevant to reinstatement.
4	S4 (Surround to Apparatus)	The whole so far as it applies to standards of workmanship.
5	S6 (Flexible and Composite Roads)	The whole so far as it applies to standards of workmanship.
6	S7 (Rigid and Modular Roads)	The whole so far as it applies to standards of workmanship.
7	S8 (Footways and Cycletracks)	The whole so far as it applies to standards of workmanship.
8	S9 (Verges)	The whole so far as it applies to standards of workmanship.
9	S10 (Compaction)	The whole.
10	S11 (Ancillary Activities)	The whole so far as it applies to standards of workmanship.
11	S12 (Remedial Works)	The whole so far as it applies to standards of workmanship.

5. The performance standards referred to in regulation 4 are the performance requirements specified in Chapter S2 of the Code.

6. The requirements specified in regulation 4 apply—

- (a) to immediate works in so far as the provisions of the Code to which these requirements relate are expressly confined to immediate works;
- (b) to interim reinstatements in so far as the provisions of the Code to which those requirements relate are expressly confined to interim reinstatements;
- (c) to permanent reinstatements in so far as the provisions of the Code to which those requirements relate are expressly confined to permanent reinstatements;
- (d) to immediate works, interim reinstatements and permanent reinstatements in so far as the provisions of the Code to which those requirements relate are not expressly confined to immediate works, interim reinstatements or permanent reinstatements.

7. The requirements specified in regulation 4 apply subject to the provisions of paragraphs 1.5, 1.6.1 and 1.6.2 of Chapter S1 of the Code.

8. An undertaker executing road works which consist of immediate works shall comply with the provisions specified in paragraphs 1.6.1 and 1.6.2 of Chapter S1 of the Code.

9.—(1) An undertaker who has complied with the Code shall be taken to have complied with his duties under section 130 of the Act and under these Regulations.

(2) Any failure by an undertaker in any respect to comply with any provision of the Code shall be evidence of failure in that respect on his part to comply with his duties under section 130 of the Act and under these Regulations.

10. Where an undertaker has carried out an interim reinstatement, the period for the completion of the permanent reinstatement may be extended by agreement between the undertaker and the road works authority to a date not later than twelve months from the date on which the interim reinstatement was completed.

St. Andrew's House, Edinburgh
14th July 1992

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the requirements for the specification of materials to be used and the standards of workmanship to be observed by undertakers when reinstating roads in which they have executed road works in accordance with their duty under section 129(1) of the New Roads and Street Works Act 1991 (“the Act”).

An undertaker executing road works is required, when reinstating the road, to comply with specified requirements as to materials to be used (regulation 4(1) and (2)) and standards of workmanship to be observed (regulation 4(1) and (3)). The specified requirements are prescribed by reference to the Code of Practice (“the Code”) issued by the Secretary of State under section 130(4) of the Act. Different requirements are specified for different types of road (regulation 3) and special provision is made for roads carrying very heavy traffic where the materials and standards of workmanship are to be agreed between the road works authority and the undertaker (regulation 3(3)) and for road works classified as immediate works (regulation 8).

Performance standards are prescribed by reference to the Code (regulation 5). It is provided that compliance by an undertaker with the Code, or failure to do so, shall amount to compliance with his duties under section 130 of the Act or be evidence of his failure to comply (regulation 9). There is provision for the extension by agreement between the undertaker and the road works authority of the period for the completion of permanent reinstatement where an interim reinstatement has been carried out (regulation 10).

A copy of the Code may be inspected during business hours at New St Andrew’s House, Edinburgh and may be purchased through HMSO.