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STATUTORY INSTRUMENTS

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**2015 No. 384**

**HIGHWAYS, ENGLAND**

**The Street Works (Qualifications of Supervisors and Operatives) (England) (Amendment) Regulations 2015**

<i>Made</i>	- - - -	<i>23rd February 2015</i>
<i>Laid before Parliament</i>		<i>2nd March 2015</i>
<i>Coming into force</i>	- -	<i>6th April 2015</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 67 of the New Roads and Street Works Act 1991<sup>(1)</sup>.

**Citation, application and commencement**

1. These Regulations —
  - (a) may be cited as the Street Works (Qualifications of Supervisors and Operatives) (England) (Amendment) Regulations 2015;
  - (b) apply in respect of street works in England; and
  - (c) come into force on 6th April 2015.

**Amendment of Regulations**

2.—(1) The Street Works (Qualifications of Supervisors and Operatives) (England) Regulations 2009<sup>(2)</sup> are amended as follows.

(2) In regulation 2 (interpretation) insert the following definitions at the appropriate alphabetical position —

- ““adaptation period” has the meaning given to it in regulation 23 of the 2007 Regulations<sup>(3)</sup>;
- “aptitude test” has the meaning given to it in regulation 24 of the 2007 Regulations;

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(1) [1991 c.22](#). The functions of the Secretary of State under section 67 are, so far as exercisable in relation to Wales, vested in the Welsh Ministers. Those functions were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)), article 2, Schedule 1. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 ([c.32](#)), they were transferred to the Welsh Ministers.

(2) [S.I. 2009/2257](#).

(3) [S.I. 2007/2781](#)

“competent authority” means the relevant competent authority for the United Kingdom for regulating Road/Street Works Operatives and Road/Street Works Supervisors as named in Part 1 of Schedule 1 to the 2007 Regulations;”.

- (3) In regulation 4 (prescribed qualifications for supervisors) —
  - (a) in paragraphs (1)(b) and (c) and 2(b), for “Scottish Qualifications Authority” substitute “competent authority”; and
  - (b) omit paragraph (3).
- (4) In regulation 5 (prescribed qualification for trained operatives) —
  - (a) in paragraphs (1)(b) and (c) and (2)(b) for “Scottish Qualifications Authority” substitute “competent authority”; and
  - (b) omit paragraph (3).
- (5) In regulation 7 (qualification registration) —
  - (a) for paragraph (1) substitute —
    - “(1) The bodies approved for the purpose of issuing certificates mentioned in regulations 4(1)(a) and 5(1)(a) are those bodies that have been formally recognised for that purpose in accordance with the rules and criteria set out in sections 132 and 133 of the Apprenticeships, Skills, Children and Learning Act 2009(4).”; and
    - (b) in paragraph (4)(b), for “Scottish Qualifications Authority” substitute “competent authority”.
- (6) In regulation 10 (expiry of registration, reassessment and re-registration) omit paragraph (5).
- (7) Omit regulation 11 (prescribed qualifications gained pursuant to the 1992 Regulations)(5).

Signed by authority of the Secretary of State for Transport

*Robert Goodwill*  
Parliamentary Under Secretary of State  
Department for Transport

23rd February 2015

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(4) 2009 c.22.

(5) The Street Works (Qualifications of Supervisors and Operatives) Regulations 1992 (S.I. 1992/1687).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Street Works (Qualifications of Supervisors and Operatives) (England) Regulations 2009 (the “2009 Regulations”) by removing the restriction contained in regulation 7(1) to the effect that only certain specified bodies could issue the necessary certificates of competence to become a trained supervisor or a trained operative. The certificates of competence can now be issued by any body that has been formally recognised for that purpose in accordance with the rules and criteria set out in sections 132 and 133 of the Apprenticeships, Skills, Children and Learning Act 2009.

In addition, these Regulations incorporate specific definitions for “adaptation period”, “aptitude test” and “competent authority” and delete certain provisions of the 2009 Regulations which have become time-expired.

A full regulatory impact assessment has not been produced for this instrument as it has no significant effect on business, charities, voluntary bodies or the public sector.