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WELSH STATUTORY INSTRUMENTS

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**2009 No. 1268**

**The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (Wales) Regulations 2009**

**Interpretation**

**2. In these Regulations—**

- “the 1984 Act” (“*Deddf 1984*”) means the Road Traffic Regulation Act 1984(1);
- “the 1991 Act” (“*Deddf 1991*”) means the New Roads and Street Works Act 1991;
- “the 1992 Regulations” (“*Rheoliadau 1992*”) means the Street Works (Registers, Notices, Directions and Designations) Regulations 1992(2);
- “the 2004 Act” (“*Deddf 2004*”) means the Traffic Management Act 2004(3);
- “address” (“*cyfeiriad*”), in relation to a particular method for transmitting an electronic communication, means any number or address used for the purposes of such method of transmission;
- “bridleway” (“*llwybr ceffylau*”), “footpath” (“*llwybr troed*”) and “footway” (“*troedffordd*”) have the meaning given in section 329(1) of the Highways Act 1980(4);
- “day” (“*diwrnod*”) means a working day;
- “electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000(5);
- “immediate works” (“*gwaith di-oad*”) means urgent works or emergency works(6);
- “limited designation” (“*dynodiad cyfyngedig*”) means a designation in accordance with regulation 16(3) of the Street Works (Registers, Notices, Directions and Designations) (Wales) (No.2) Regulations 2008(7), for particular times or on particular dates;
- “major works” (“*gwaith mawr*”) means—
- (a) street works which have been identified in the annual operating programme of an undertaker, or which, though not specifically identified in such programme, would

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- (1) 1984 c. 27. Sections 1, 6 and 9 were amended by the New Roads and Street Works Act 1991 (c. 22), section 168 and Schedule 8, paragraphs 17, 21 and 23 and modified by the Tramcars and Trolley Vehicles (Modification of Enactments) Regulations 1992 (S.I. 1992/1217) (“the Tramcars Regulations”). Sections 1 and 6 were also amended by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 36. Section 1 was also amended by the Transport Act 2000, section 161 and Schedule 11, paragraphs 6 and 7. Sections 6 and 9 were amended by the Local Government Act 1985 (c. 51), section 8 and Schedule 5, paragraph 4 and section 9 was also amended by the Road Traffic Act 1991 (c. 27), section 48 and Schedule 4, paragraph 24. Section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c. 26), section 1(1) and Schedule 1 and modified by the Tramcars Regulations.
- (2) S.I. 1992/2985; as amended by S.I. 1995/990 and 2128 and 1999/1049. The 1992 Regulations were dis-applied as respects Wales by the Street Works (Registers, Notices, Directions and Designations) (Wales) (No. 2) Regulations 2008 (S.I. 2008/540 (W.52)), regulation 2, subject to transitional arrangements contained in regulation 19.
- (3) 2004 c. 18.
- (4) 1980 c. 66.
- (5) 2000 c. 7. Section 15(1) was amended by the Communications Act 2003 (c. 21), section 406(1) and Schedule 17, paragraph 158.
- (6) See section 52 of the New Roads and Street Works Act 1991 (c. 22) for the definition of “emergency works”.
- (7) S.I. 2008/540 (W.52).

normally be planned or known about at least six months in advance of the date proposed for the works;

- (b) street works, other than immediate works, where—
  - (i) the street authority has indicated to an undertaker, or
  - (ii) the undertaker considers,
 that an order under section 14 of the 1984 Act (temporary prohibition or restriction on roads) is required; or
- (c) street works, other than immediate works, the planned duration of which exceeds ten days;

“minor works” (“*mân waith*”) means, save as provided in regulation 8(8), street works, other than immediate works or major works, the planned duration of which does not exceed three days;

“pedestrian planning order” (“*gorchymyn cynllunio ar gyfer cerddwyr*”) means an order made under section 249(2) of the Town and Country Planning Act 1990<sup>(8)</sup>;

“permit” (“*trwydded*”) and “permit scheme” (“*cynllun trwyddedau*”) are to be construed in accordance with section 32 of the 2004 Act;

“Permit Authority” (“*Awdurdod Trwyddedau*”) means—

- (a) a local highway authority in respect of which an order has been made under section 34(4) of the 2004 Act; or
- (b) the Welsh Ministers, as a highway authority, in respect of whom an order has been made under section 35(2) of that Act,

giving effect to a permit scheme;

“prescribed period” (“*cyfnod rhagnodedig*”) means the period prescribed by regulation 6;

“remedial works” (“*gwaith adfer*”) are works carried out under section 72(3) of the 1991 Act;

“road category” (“*categori ffordd*”) means one of the road categories specified in paragraph 1.3.1 of Chapter S1 of the code of practice entitled “Specification for the Reinstatement of Openings in Highways” dated November 2006<sup>(9)</sup> and approved by the Welsh Ministers on 7 November 2006, as revised or re-issued from time to time;

“standard axle” (“*echel safonol*”) means an axle which exerts a force of 80 kilo Newtons;

“standard works” (“*gwaith safonol*”) means, save as provided in regulation 8(8), street works, other than immediate works or major works, the planned duration of which exceeds three days but does not exceed ten days;

“statutory undertaker” (“*ymgymerydd statudol*”) means a person entitled by virtue of a statutory right to carry out street works;

“the Technical Specification” (“*y Fanyleb Dechnegol*”) means the Technical Specification for the Electronic Transfer of Notifications produced by the Department for Transport and dated December 2008, as revised or re-issued from time to time;<sup>(10)</sup>

“traffic order” (“*gorchymyn traffig*”) means an order made under section 1 or 9 of the 1984 Act;

“traffic-sensitive street” (“*stryd sydd yn sensitif i draffig*”) means a street designated as traffic-sensitive under section 64 of the 1991 Act;

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<sup>(8)</sup> 1990 c. 8. Section 249(2) was amended by the Greater London Authority Act 1999 (c. 29), section 270, Schedule 22, paragraph 5.

<sup>(9)</sup> Available at <http://wales.gov.uk/legislation/subordinate/nonsi/highwales/2006/SpecificationReinstatementHighwa?lang=en>

<sup>(10)</sup> This is available at [www.dft.gov.uk](http://www.dft.gov.uk)

“traffic-sensitive time” (“*adeg sydd yn sensitifi draffig*”), in relation to a traffic-sensitive street, means—

- (a) the times or dates specified in the case of a limited designation; and
- (b) any time in any other case; and

“urgent works” (“*gwaith brys*”)

- (a) means street works, other than emergency works, whose execution at the time when they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required)—
  - (i) to prevent or put an end to an unplanned interruption of any supply or service provided by an undertaker;
  - (ii) to avoid substantial loss to an undertaker in relation to an existing service; or
  - (iii) to reconnect supplies or services where an undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiry of the appropriate notice period; and
- (b) includes works which cannot reasonably be severed from such works.