
STATUTORY INSTRUMENTS

1992 No. 1675 (S.162)

ROADS AND BRIDGES, SCOTLAND

The Road Works (Qualifications of Supervisors and Operatives) (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>5th August 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 126 and 163(1) 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 (Qualifications of Supervisors and Operatives) (Scotland) Regulations 1992 and shall come into force on 5th August 1992.

2.—(1) In these Regulations—

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

“approved assessment centre” means an establishment approved by an approved body for the purposes of assessing achievement of units of competence;

“approved body” means a body mentioned in regulation 5;

“approved register” means the register mentioned in regulation 5;

“certificate of competence” means a qualification, award or an equivalent thereto granted by an approved body;

“supervisor” means a person by whom road works are required to be supervised under section 126(1) of the Act;

“trained operative” means a person whose presence at the site of road works is required under section 126(2) of the Act;

“unit of competence” means one of the areas of competence set out in Schedules 1 or 3 hereto and “unit” shall be construed accordingly;

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

- 3.—(1) A supervisor has a prescribed qualification for a particular type of supervisory work if—
- (a) an approved body has issued him with a certificate of competence showing that he has been assessed by an approved assessment centre as having achieved the relevant unit of competence as set out in Schedules 3 and 4 hereto and that certificate is registered in an approved register; or
 - (b) he has obtained a qualification of another member state of the European Community which gives an equivalent guarantee of skill and competence to that given by the certificate of competence as required by sub-paragraph (a) above,

provided that, for a period of two months beginning with the day on which he is assessed as having achieved the requisite unit of competence, a supervisor shall be treated as having a prescribed qualification for that type of supervisory work, notwithstanding that an approved body has not issued him with a certificate of competence or that the certificate issued to him has not been registered as required by sub-paragraph (a) above.

(2) A supervisor shall not require a prescribed qualification for supervising the replacement of poles, lamps, columns and signs, pole testing or similar works involving minimal breaking up of the road.

- 4.—(1) A trained operative has a prescribed qualification for a particular type of work if—
- (a) an approved body has issued him with a certificate of competence showing that he has been assessed by an approved assessment centre as having achieved the relevant unit of competence as set out in Schedules 1 and 2 hereto and that certificate is registered in an approved register; or
 - (b) he has obtained a qualification of another member state of the European Community which gives an equivalent guarantee of skill and competence to that given by the certificate of competence as required by sub-paragraph (a) above,

provided that, for a period of two months beginning with the day on which he is assessed as having achieved the requisite unit of competence, a trained operative shall be treated as having a prescribed qualification for that type of work, notwithstanding that an approved body has not issued him with a certificate of competence or that the certificate issued to him has not been registered as required by sub-paragraph (a) above.

(2) If the works do not involve breaking up the road or are works only of the type referred to in regulation 3(2), a trained operative has a prescribed qualification if he has achieved the unit of competence set out as unit 2 in Schedule 1 hereto.

5.—(1) The bodies approved for the purpose of issuing the certificates mentioned in regulations 3 and 4 are:—

- The City and Guilds of London Institute,
- The Scottish Vocational Education Council, and
- The Certification and Assessment Board for the Water Industry.

(2) The register approved for the purpose of registering certificates mentioned in regulations 3 and 4 is the register to be kept by the Scottish Vocational Education Council as the registration body approved for the purpose by the Secretary of State.

(3) Where an approved body has issued a certificate of competence to a supervisor or a trained operative (as the case may be) it shall within one month thereof register that certificate in the approved register.

(4) The Secretary of State may withdraw any approval given by paragraph (1) or (2) of this regulation if he is satisfied that the body to whom the approval is given has failed satisfactorily

to discharge the function of certification or registration under any of the provisions of these Regulations.

6.—(1) For a period of 2 years starting on 5th August 1992 a person may act as a supervisor without having a prescribed qualification.

(2) For a period of 5 years starting on 5th August 1992 a person may act as a trained operative without having a prescribed qualification.

7. A prescribed qualification for a supervisor may relate to all types of work which may fall to be done by a supervisor, or may be restricted to some types of that work and the requirements of section 126 of the Act shall be deemed to be satisfied only in relation to the types of work to which that qualification relates.

8. A prescribed qualification for a trained operative may relate to all types of work which may fall to be done by a trained operative, or may be restricted to some types of that work and the requirements of section 126 of the Act shall be deemed to be satisfied only in relation to the types of work to which that qualification relates.

9.—(1) A certificate mentioned in regulation 3 or regulation 4 shall cease to be registered on the expiry of 5 years from the date of registration.

(2) A certificate may be registered for further successive periods of five years provided that an application for registration is received by the registration body no later than three months after the expiry of the previous registration.

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

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulations 2(1) and 4(1) and (2)

UNITS OF COMPETENCE FOR TRAINED OPERATIVES

Unit 1	Location and avoidance of underground apparatus
Unit 2	Signing, lighting and guarding
Unit 3	Excavation in the road
Unit 4	Reinstatement and compaction of backfill materials
Unit 5	Reinstatement of sub-base and roadbase in non-bituminous materials
Unit 6	Reinstatement in cold-lay bituminous materials
Unit 7	Reinstatement in hot-lay bituminous materials
Unit 8	Reinstatement of concrete slabs
Unit 9	Reinstatement of modular surfaces and concrete footways

SCHEDULE 2

Regulation 4(1)

QUALIFICATIONS FOR TRAINED OPERATIVES

Type of Work	Units of competence required
1. Excavation in the road	Units 1, 2 and 3
2. Excavation, backfilling and reinstatement of construction layers with a cold-lay bituminous surface	Units 1, 2, 3, 4, 5 and 6
3. Reinstatement of construction layers in hot-lay and cold-lay bituminous materials	Units 1, 2, 6 and 7
4. Reinstatement of concrete slabs	Units 1, 2 and 8
5. Reinstatement of modular surfaces and concrete footways	Units 1, 2 and 9

SCHEDULE 3

Regulations 2(1) and 3(1)

UNITS OF COMPETENCE FOR SUPERVISORS

Unit 1	Location and avoidance of underground apparatus
Unit 10	Monitoring signing, lighting and guarding

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Unit 11	Monitoring excavation in the road
Unit 12	Monitoring reinstatement and compaction of backfill materials
Unit 13	Monitoring reinstatement of sub-base and roadbase in non-bituminous materials
Unit 14	Monitoring reinstatement in bituminous materials
Unit 15	Monitoring reinstatement of concrete slabs
Unit 16	Monitoring reinstatement of modular surfaces and concrete footways

SCHEDULE 4

Regulation 3(1)

QUALIFICATIONS FOR SUPERVISORS

Type of Supervisory Work	Units of competence required
1. Monitoring excavation in the road	Units 1, 10 and 11
2. Monitoring excavation, backfilling and reinstatement of construction layers with bituminous materials	Units 1, 10, 11, 12, 13 and 14
3. Monitoring reinstatement of construction layers in bituminous materials	Units 1, 10 and 14
4. Monitoring reinstatement of concrete slabs	Units 1, 10 and 15
5. Monitoring reinstatement of modular surfaces and concrete footways	Units 1, 10 and 16

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the qualifications needed for supervisors (regulation 3) and trained operatives (regulation 4), one of each of whom is required by section 126(1) and (2) of the New Roads and Street Works Act 1991 (subject to exceptions) to supervise or be on site at all times when an undertaker executes road works involving, in the case of both supervisors and trained operatives, breaking up the road, or any sewer, drain, or tunnel under it, or tunnelling or boring under the road and, in the case of trained operatives, opening the road.

A supervisor or a trained operative has a prescribed qualification if an approved body has issued him with a certificate of competence showing that he has been assessed as having achieved the relevant units of competence for the work being executed as set out in Schedules 1 and 2 (operatives) and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Schedules 3 and 4 (supervisors). Provision is made for the recognition of equivalent qualifications obtained in another member state of the European Community (regulations 3(1)(b) and 4(1)(b)). Regulation 5 prescribes the City and Guilds of London Institute, the Scottish Vocational Education Council (“SCOTVEC”) and the Certification and Assessment Board for the Water Industry as the approved bodies for the issuing of certificates of competence and provides that SCOTVEC is the approved registration body to keep the register of certificates. Regulation 5(4) provides that the Secretary of State may withdraw approval from a named body if it fails satisfactorily to discharge its functions.

Regulation 6 makes transitional provisions and regulation 7 and 8 provide that prescribed qualifications may relate to all or any types of work to be done by a supervisor or trained operative. Finally, regulation 9 provides that a certificate expires after 5 years, but may be re-registered.