
STATUTORY INSTRUMENTS

1992 No. 1675

The Road Works (Qualifications of Supervisors and Operatives) (Scotland) Regulations 1992

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