
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 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.