
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace, with modifications, the Street Works (Registers, Notices, Directions and Designations) Regulations 1992 (“the 1992 Regulations”), as respects England.

Regulation 2 disapplies the 1992 Regulations as respects England.

Regulation 3 includes definitions of “major works”, “minor works”, “standard works” and “urgent works”.

Regulation 4 sets out requirements as to the form of the street works register that a street authority are required to keep under section 53(1) of the New Roads and Street Works Act 1991 (“the 1991 Act”). It also prescribes the information with respect to street works which is to be held in the register together with information about certain categories of street, other works, notices, licences, apparatus, reinstatements and other matters that must also be held. Provision is made for information certified by the Secretary of State for the purpose of safeguarding national security and for information which is commercially sensitive to an undertaker to be restricted information for the purposes of section 53(3) of the 1991 Act.

Regulation 5 prescribes, by reference to the Technical Specification for the Electronic Transfer of Notices produced by the Department for Transport and dated 5th July 2007 as revised or reissued from time to time, the form of notice to be given for the purposes of sections 54, 55, 57, 58, 58A, 66, 70, 72(3) and 74A of the 1991 Act. These sections deal with advance notice of certain works, notice of starting date of works, notice of emergency works, restrictions on works following both substantial road works and substantial street works, the avoidance of unnecessary delay or obstruction, reinstatement and charges determined by reference to the duration of works. Provision is also made for additional information to be contained in notices under sections 54, 55, 57 and 58A and as to the form of other notices.

Regulations 6 and 7 set out the manner in which service of notices under Part III of the 1991 Act, other than those under section 74, 74A or Schedule 4B, and copies of notices is to be effected and includes specific provision for service by using “electronic communications”.

Regulation 8 requires an undertaker to give not less than three months advance notice of major works, except in certain cases, and prescribes other periods for the purposes of notices under section 54 of the 1991 Act.

Regulation 9 prescribes the period of notice of starting date of street works, required to be given under section 55 of the 1991 Act, for major, standard, minor and urgent works. It also makes alternative provision where a notice is given under section 58(1) restricting future street works following substantial road works by establishing a period of not more than 20 days from publication of that notice in which undertakers, who have not already given notice of proposed works, must give notice of their proposals. It also deals with other matters connected with section 55.

Regulation 10 sets out the procedure to be followed where a street authority give a direction under section 56(1) or (1A) of the 1991 Act as to the timing of street works or under section 56A as to the placing of apparatus. It also prescribes periods after which such directions shall not be effective.

Regulation 11 defines “substantial road works” for the purposes of section 58(1) of the 1991 Act, prescribes different periods for the restriction on street works following the completion of substantial road works and provides that notice of a proposed restriction under this section shall be published on any website maintained by the street authority concerned for the purpose of providing the public with information. It goes on to prescribe additional persons to whom a copy of the notice must be

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given, additional categories of work that may be carried out despite the restriction and to deal with a number of related matters.

Regulation 12 defines “substantial street works” for the purposes of section 58A of, and Schedule 3A to, the 1991 Act. It makes provision for notice of a proposed restriction on street works following the completion of substantial street works to be published by way of a website and prescribes additional persons to whom a copy of the notice must be given. It establishes a period of not less than 20 days from publication in which undertakers, who have not already given notice of proposed works, must notify the street authority of their proposals and prescribes the form of such notification and the manner of giving it. It also prescribes the form of a direction imposing the restriction and provides for it to be given by way of publication on a website. It specifies different periods for the restriction on street works following the completion of substantial street works, prescribes additional categories of work that may be carried out despite the restriction and deals with other related matters.

Regulation 13 exempts street managers (the street authority for a street which is not a maintainable highway) from the requirement to keep a register and provides that the local highway authority shall be the street authority for such a street for the purposes of keeping the register and receiving information from an undertaker as to the location and description of apparatus he has found. It also provides that section 61 of the 1991 Act (protected streets) shall not apply to a street which is not a maintainable highway where consent to breaking up or opening is required under another enactment.

Regulations 14(1), 15(1) and 16(1) and (2) prescribe the criteria which a street authority shall use when designating a street as protected under section 61 of the 1991 Act, as a street having special engineering difficulties under section 63 or, except where designation is by agreement between the street authority and the majority of undertakers whom they know to have apparatus in the street, as traffic-sensitive under section 64.

Regulations 14(3), 15(3) and 16(6) set out the information which a street authority shall make available when designating a street as protected, as having special engineering difficulties or as traffic-sensitive.

Regulation 14(2) and Parts 1 and 3 of the Schedule set out the procedure for designating a street as protected. Provision is made for the publication of notice of a proposed designation by way of a website, its service upon specified bodies and persons and for the holding of a local inquiry before a designation is made if there are objections.

Regulations 15(2), 16(4) and Parts 2 and 3 of the Schedule set out the procedure for designating a street as having special engineering difficulties or as traffic-sensitive. Provision is made for the giving of a notice of the proposal to specified bodies and persons and for the consideration of objections before a designation is made.

Regulations 14(2), 15(2) and 16(4) and Part 4 of the Schedule provide for the withdrawal by a street authority of a designation of a street as protected, as having special engineering difficulties or as traffic-sensitive.

Regulation 17 modifies section 70(3) and (4A) of the 1991 Act (duty to notify authority of reinstatement) (in its application as respects England) by changing the period within which notice of interim and permanent reinstatements must be notified to the street authority from 7 to 10 working days.

Regulation 18 prescribes the information that undertakers must give to the street authority in notices under section 70 of the 1991 Act about interim and permanent reinstatements.

Regulation 19 disapplies these Regulations in relation to street works in England in respect of which a notice under section 54(1), 55(1) or 57 of the 1991 Act was given before the date on which they come into force and preserves the application of the 1992 Regulations in respect of those works.

The publication issued by the British Standards Institution (BSI) on 1st August 2006 entitled “Spatial data sets for geographical referencing - specification for a street gazetteer” under reference No.BS 7666- 1 2006 (ISBN 0 580 48710 5) can be obtained from any of the sales outlets operated by

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the BSI, or by post from the BSI at Milton Keynes. The publication entitled “Specification for the Reinstatement of Openings in Highways” dated June 2002 and approved by the Secretary of State for Transport on 30th June 2002 (ISBN 0 11 552538 6) can be obtained from the Stationery Office (TSO) and is also available on the Department’s website at www.dft.gov.uk/roads/streetworks. The “Technical Specification for the Electronic Transfer of Notices” dated 5th July 2007 is also available on that website and will be published in due course.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Transport, Zone 2/08, Great Minster House, 76 Marsham Street, London SW1P 4DR (Tel : 020 7944 8046) and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website. Both the Explanatory Memorandum and the assessment may also be found by visiting the Department’s website at www.dft.gov.uk.