

2022 No. 831

HIGHWAYS, ENGLAND

**The Street and Road Works (Miscellaneous Amendments)
(England) Regulations 2022**

<i>Made</i>	- - - -	<i>18th July 2022</i>
<i>Laid before Parliament</i>		<i>21st July 2022</i>
<i>Coming into force</i>		
<i>Regulations 1, 2(2)(a) and 4(2)</i>		<i>11th August 2022</i>
<i>Remainder</i>		<i>3rd April 2023</i>

The Secretary of State, in exercise of the powers conferred by sections 58(1) and (2), 64(1) and (2), 74, 74A, 97 and 104(1) and (3) of, and paragraph 2(2) of Schedule 3A to, the New Roads and Street Works Act 1991(a), and sections 37(1), (2)(b), (4)(a) and (13) and 39(2) of the Traffic Management Act 2004(b), makes the following Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Street and Road Works (Miscellaneous Amendments) (England) Regulations 2022.

(2) This regulation, and regulations 2(2)(a) (definition of “major works”) and 4(2) (definition of “major works”) come into force on 11th August 2022.

(3) The remaining regulations come into force on 3rd April 2023.

(4) These Regulations extend to England and Wales.

**Amendments to the Street Works (Registers, Notices, Directions and Designations)
(England) Regulations 2007**

2.—(1) The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007(c) are amended as follows.

(2) In paragraph (1) of regulation 3 (interpretation)—

(a) in the definition of “major works”, omit paragraph (a);

(b) in the definition of “road category”—

(i) for “dated June 2002” substitute “dated May 2020”; and

(ii) for “30th June 2002” substitute “10th May 2020”.

(a) 1991 c. 22. The 1991 Act was amended by section 256 of, and Schedule 31 to, the Transport Act 2000 (c. 38), sections 40, 49, 51, 52 and 54 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18) and section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7). Schedule 3A to the 1991 Act was inserted by paragraph 1 of Schedule 4 to the Traffic Management Act 2004.

(b) 2004 c. 18. Section 37 was amended by section 51 of, and Schedule 10 to, the Deregulation Act 2015 (c. 20).

(c) S.I. 2007/1951, amended by S.I. 2020/122 and S.I. 2020/346.

(3) In paragraph (2) of regulation 5 (service of notices: maintainable highways) after “57,” insert “58, 58A and Schedule 3A,”.

(4) In paragraph (2) of regulation 16 (designation of streets as traffic-sensitive)—

- (a) omit sub-paragraphs (c) and (f);
- (b) insert “or” at the end of sub-paragraph (g);
- (c) omit “or” at the end of sub-paragraph (h); and
- (d) omit sub-paragraph (i).

Amendments to the Traffic Management Permit Scheme (England) Regulations 2007

3.—(1) The Traffic Management Permit Scheme (England) Regulations 2007(**a**) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “Guidance”, for “March 2015” substitute “July 2022”;

(3) In regulation 9—

(a) after paragraph (3) insert—

“(3A) The information referred to in paragraph (3) shall include such supplementary information as is known by the applicant at the time of the application.”;

(b) after paragraph (11) insert—

“(12) In this regulation, “supplementary information” includes information about any activities ancillary to the specified works which are to be carried out either in the street to which the application relates or in an adjacent street.”.

(4) After regulation 9, insert—

“Permit scheme provision: restriction on works following substantial road works or street works

9A.—(1) This regulation applies where—

- (a) a notice has been issued under section 58(1) of the 1991 Act in respect of a specified street, or
- (b) a direction under paragraph (4) (direction restricting further works) of Schedule 3A to the 1991 Act is in force.

(2) A permit scheme shall provide that the availability of permits shall not be restricted in respect of—

- (a) immediate works, or
- (b) any of the works set out in paragraph (3).

(3) The works referred to in paragraph (2)(b) are works—

- (a) not involving breaking up the street;
- (b) that are—
 - (i) required to respond to a request for a new service or supply to a customer which was not received at a time when it was practicable for the works to be done before the date on which the restriction began, and
 - (ii) carried out more than 19 working days from that date;

(c) carried out—

- (i) under paragraph (3)(b) of regulation 16 (primary meters) of the Gas Safety (Installation and Use) Regulations 1998(**b**);

(a) S.I. 2007/3372, amended by S.I. 2015/958 and S.I. 2020/122.

(b) S.I. 1998/2451.

- (ii) to comply with an improvement notice under section 21 (improvement notices) of the Health and Safety at Work etc. Act 1974(a); or
- (iii) as a consequence of a prohibition notice under section 22 (prohibition notices) of the Health and Safety at Work etc. Act 1974(b); or

(d) that—

- (i) are required to comply with a programme approved under regulation 13A (iron pipelines) of the Pipelines Safety Regulations 1996(c); and
- (ii) could not have been identified before the restriction began.

(4) In this regulation “immediate works” has the same meaning as in regulation 3(1) of the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007(d).

Permit scheme provision: highway authority notices

9B.—(1) A permit scheme shall include provision requiring a highway authority undertaking works for road purposes to submit notice of the beginning of those works not later than—

- (a) in the case of works starting with the period beginning with 12am and ending with 7:59am, 10am on the same day;
- (b) in the case of works starting within the period beginning with 8am and ending with 4:30pm, two hours after the start of the works;
- (c) in the case of works starting within the period beginning with 4:31pm and ending with 11:59pm, 10am on the next day.

(2) When a highway authority has—

- (a) completed interim or permanent reinstatement of a highway (if applicable);
- (b) removed—
 - (i) all signing, lighting and guarding, and
 - (ii) all remaining spoil, unused materials and other plant; and
- (c) returned the highway fully to public use,

that highway authority shall give notice that this has been done not later than the time mentioned in paragraph (3).

(3) The time referred to in paragraph (2) is—

- (a) in the case of a highway returned fully to public use within the period beginning with 12am and ending with 7:59am, 10am on the same day;
- (b) in the case of a highway returned fully to public use within the period beginning with 8am and ending with 4:31pm, two hours after that full return;
- (c) in the case of a highway returned full to public use within the period beginning with 4:31pm and ending with 11:59pm, 10am on the next day.”.

(5) In regulation 14—

- (a) in the heading, after “Permit Authority” insert “where a section 58(1) notice has been issued”; and
- (b) in paragraph (1), after “made in respect of works” insert “(other than works within the scope of regulation 9A(2))”.

(6) After paragraph 14, insert—

(a) 1974 c. 37.
 (b) Section 22(1) and (2) of the Health and Safety at Work etc. Act 1974 (c. 37) were amended, and section 22(4) substituted, by the Consumer Protection Act 1987 (c. 43), section 36 and Schedule 3, paragraph (2).
 (c) S.I. 1996/825. Regulation 13A was inserted by S.I. 2003/2563.
 (d) S.I. 2007/1951. Regulation 3 was amended by S.I. 2020/122 and S.I. 2020/346.

“Criteria to be taken into account by Permit Authority where a Schedule 3A direction has effect

14A.—(1) Paragraph (2) applies—

- (a) where a direction has effect under paragraph 4 of Schedule 3A to the 1991 Act (direction restricting further works), and
- (b) an application for a permit, or for provisional advance authorisation for works (other than works within the scope of regulation 9A(2)) relating to the part of the street to which the direction relates, is made after the expiry of the notice period.

(2) Where this paragraph applies, the Permit Authority shall, when considering the application, have regard to—

- (a) whether the application could reasonably have been made during the notice period, and
- (b) the desirability of ensuring that specified works are not carried out in that street during the period specified in the direction.

(3) In this regulation, “notice period” means the notice period specified in the notice published by the street authority under paragraph (2) of Schedule 3A to the 1991 Act.”.

(7) In paragraph (9)(a) of regulation 37 (modification of enactments), for sub-paragraph (n) of the substituted paragraph 1 of Schedule 3A to the New Roads and Street Works Act 1991, substitute “paragraph 5 were omitted.”.

(8) In regulation 39 (service of documents under permit schemes and regulations 18, 21 and 27)—

- (a) in the title, after “regulations” insert “9B,”; and
- (b) in paragraph (1)(e), after “regulation” insert “9B,”.

Amendments to the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009

4.—(1) The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009(a) are amended as follows.

(2) In regulation 3 (interpretation), in the definition of “major works”, omit paragraph (a).

(3) In regulation 6 (notices)—

(a) for paragraph (1) substitute—

“(1) An undertaker executing street works in a highway to which these Regulations apply shall give the highway authority for that highway notice of the beginning of those works not later than—

- (a) in the case of works starting within the period beginning with 12am and ending with 7:59am, 10am on the same day;
- (b) in the case of works starting with the period beginning with 8am and ending with 4:30pm, two hours after the start of the works;
- (c) in the case of works starting with the period beginning with 4:31pm and ending with 11:59pm, 10am on the next day.”.

(b) for paragraph (5) substitute—

“(5) The time is—

- (a) in the case of a highway returned fully to public use within the period beginning with 12am and ending with 7:59am, 10am on the same day;

(a) S.I. 2009/303, amended by S.I. 2009/1178, S.I. 2012/2272 and S.I. 2020/122; there are other amending instruments but none is relevant.

- (b) in the case of a highway returned fully to public use within the period beginning with 8am and ending with 4:30pm, two hours after that full return;
 - (c) in the case of a highway returned fully to public use within the period beginning with 4:31pm and ending with 11:59pm, 10am on the next day.”.
- (4) In regulation 9 (prescribed charges)—
- (a) in paragraph (1), for “(10) and (11)” substitute “(10), (11) and (12)”;
 - (b) for paragraph (11) substitute—
 - “(11) Charges are only payable in respect of street works where the highway authority has—
 - (a) within two working days beginning with the date on which the authority became aware that the works were exceeding the longer of the prescribed period or a reasonable period, given the undertaker a notice informing it that the works are overrunning, and
 - (b) not later than three months after receipt of a works closed notice, given the undertaker an account setting out the charges payable.”; and
 - (c) after paragraph (11) insert—
 - “(12) The requirement in paragraph (11)(a) does not apply where the authority becomes aware that the works are exceeding the prescribed period or a reasonable period more than two months after receipt of a works closed notice.”.

Amendments to the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012

5.—(1) The Street Works (Charges for Occupation of the Highway) (England) Regulations 2012(a) are amended as follows.

- (2) In regulation 5 (duration of the works)—
 - (a) in paragraph (4), omit the words “6(3)(a) to (c) or”, and
 - (b) in paragraph (5), omit the words “6(3)(b)(i) or”.

Signed by authority of the Secretary of State for Transport

18th July 2022

Vere
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments relating to street works and works for road purposes. They amend the following instruments—

- (a) the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 (S.I. 2007/1951) (“the 2007 Noticing Regulations”),
- (b) the Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372) (“the Permit Scheme Regulations”),

(a) S.I. 2012/425.

- (c) the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009 (S.I. 2009/303) (“the 2009 Regulations”), and
- (d) the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012 (S.I. 2012/425).

The 2007 Noticing Regulations are amended to require notices under sections 58 (restriction on works following substantial road works) and section 58A (restriction on works following substantial street works) and Schedule 3A of the New Roads and Street Works Act 1991 (c. 22) to be submitted by Street Manager (the digital service for planning, managing and communicating street and road works which was introduced in 2020), to amend the list of criteria by reference to which an authority can designate a road as “traffic sensitive” and to amend the definition of “major works”.

The Permit Scheme Regulations are amended so that:

- (a) permit schemes will require applicants to submit additional information relating to “ancillary works” as part of their application,
- (b) the exceptions to the effect of restrictions under section 58 and section 58A of the 1991 Act which have effect in noticing areas are replicated in areas which operate permit schemes (see regulation 3(4) which inserts new regulation 9A), and
- (c) authorities will be required to give work start/stop notices in respect of their own works for road purposes via Street Manager in the same way as undertakers are required to do under the 2009 Regulations (see new regulation 9B).

The 2009 Regulations are amended to require more real-time updates of works’ start and stop information, including at weekends (see regulation 4(3)). Regulation 9 of the 2009 Regulations is also amended to require authorities to issue overrunning undertakers with a notice of works overrunning ahead of issuing an account setting out the charges payable (see regulation 4(4)(c)).

Minor amendments consequential on changes made to the 2009 Regulations by The Street and Road Works (Amendments Relating to Electronic Communications) (England) Regulations 2020 (S.I. 2020/122) have been made to The Street Works (Charges for Occupation of the Highway) (England) Regulations 2012 (S.I. 2012/425) (see regulation 5).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.

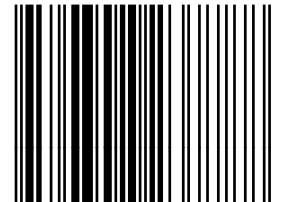
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