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STATUTORY INSTRUMENTS

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**2022 No. 831**

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

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

**3.—**(1) The Traffic Management Permit Scheme (England) Regulations 2007(1) 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<sup>(2)</sup>;
  - (ii) to comply with an improvement notice under section 21 (improvement notices) of the Health and Safety at Work etc. Act 1974<sup>(3)</sup>; or
  - (iii) as a consequence of a prohibition notice under section 22 (prohibition notices) of the Health and Safety at Work etc. Act 1974<sup>(4)</sup>; or
- (d) that—
  - (i) are required to comply with a programme approved under regulation 13A (iron pipelines) of the Pipelines Safety Regulations 1996<sup>(5)</sup>; 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<sup>(6)</sup>.

#### **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;

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(2) S.I. 1998/2451.

(3) 1974 c. 37.

(4) 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).

(5) S.I. 1996/825. Regulation 13A was inserted by S.I. 2003/2563.

(6) S.I. 2007/1951. Regulation 3 was amended by S.I. 2020/122 and S.I. 2020/346.

- (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—

**“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,”.