WELSH STATUTORY INSTRUMENTS

2008 No. 540 (W.52)

HIGHWAYS, WALES

The Street Works (Registers, Notices, Directions and Designations) (Wales) (No 2) Regulations 2008

Made - - - -	*28 February 2008*
Laid before the National Assembly for Wales - -	*29 February 2008*
Coming into force - -	*1 April 2008*

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State for Transport, by sections 48(2), 49(5), 53(1), (2), (3) and (6), 54(1), (2), (3), (4), (4A), and (4B), 55(1), (2), (3), (7) and (8), 56(2), 56A(4), 57(2) and (3), 58(1), (2), (3), (4), (5), (7) and (7A), 58A, 62(1), 63(2), 64(1) and 2, 70(3) (b), (4A) and (4B), 97, 104(1) and (3) of, and paragraphs1(2), 2 (2), (3), (4)(f) and (5), 3(5)(b), 4(4) and (5) and 5(2)(c), (3) and (4) of Schedule 3A to, the New Roads and Street Works Act 1991(**1**), subsequently transferred to the National Assembly for Wales and now vested in them(**2**), make the following Regulations.

Title, commencement and application

1. The title of these Regulations is the Street Works (Registers, Notices, Directions and Designations) (Wales) (No 2) Regulations 2008, they come into force on 1st April 2008 and apply in relation to Wales.

(**1**) 1991 c. 22. Section 53 is prospectively amended by section 45 of the Traffic Management Act 2004 ("the 2004 Act"). Section 54 is prospectively amended, and (4A), (4B) and (4C) inserted, by section 49(1) of the Traffic Management Act 2004. Section 55(2) and (5) are amended by section 51(9) and 40(1) and (2) of, and Schedule 1 to, the 2004 Act and section 55(8) and (9) are inserted by section 49(2) of that Act. Section 56A is inserted by section 44 of the 2004 Act. Section 58(1), (2), (3), (4), (6)(b) and (7) are amended, and section 58(7A) inserted, by section 51 of the 2004 Act. Section 58(6)(a) is amended by section 40(1) and (2) of, and Schedule 1 to, that Act. Section 58A and Schedule 3A are inserted by section 52(1) and (2) of the 2004 Act. Section 70(3) and (4) are substituted, and (1A), (4A) and (4B) inserted, by section 54 of that Act. Section 70(6) is amended by section 40(3) of the 2004 Act and section 95A and Schedules 4A and 4B are inserted by section 41 of, and Schedules 2 and 3 to, that Act. There are other amendments and prospective amendments which are not relevant to these Regulations.

(**2**) All functions of a Minister of the Crown under the 1991 Act, except section 167(3), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2, Schedule 1, as amended by section 96 of the Traffic Management Act 2004 (c. 18) ("the 2004 Act"). The functions of the National Assembly for Wales under the New Roads and Street Works Act 1991 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32).

Amendment of the Street Works (Registers, Notices, Directions and Designations) Regulations 1992

2.—(1) Subject to regulation 19, the Street Works (Registers, Notices, Directions and Designations) Regulations 1992(**3**) are amended as follows.

(2) After regulation 1 there is inserted the following regulation —

"**Application**

1A. These Regulations are revoked in relation to Wales."

Interpretation

3.—(1) In these Regulations —

"the 1984 Act" ("*Deddf 1984*") means the Road Traffic Regulation Act 1984(**4**);

"the 1991 Act" ("*Deddf 1991*") means the New Roads and Street Works Act 1991;

"the 2002 Regulations" ("*Rheoliadau 2002*") means the Traffic Signs Regulations 2002(**5**);

"day" ("*diwrnod*") means a working day;

"immediate works" ("*gwaith disymwth*") means urgent works or emergency works;

"limited designation" ("*dynodiad cyfyngedig*") means a designation in accordance with regulation 16(3) for particular times or on particular dates;

"major works" ("*gwaith pwysig*") means —

(a) street works which have been identified in the annual operating programme of an undertaker, or which, though not specifically identified in such programme, would normally be planned or known about at least six months in advance of the date proposed for the works;

(b) street works, other than immediate works, where —

(i) the street authority has indicated to an undertaker; or

(ii) an undertaker considers,

that an order under section 14 of the 1984 Act (temporary prohibition or restriction on roads) is required; or

(c) street works, other than immediate works, the planned duration of which exceeds ten days;

"minor works" ("*mân weithiau*") means street works, other than immediate works or major works, the planned duration of which does not exceed three days;

"road category" ("*categori o ffordd*") means one of the road categories specified in paragraph 1.3.1 of Chapter S1 of the Code of Practice 2006 no 72, entitled:"The Specification for the Reinstatement of Openings in Highways" dated November 2006 and approved by the National Assembly for Wales on 24th January 2007;

"standard works" ("*gwaith safonol*") means street works, other than immediate works or major works, the planned duration of which exceeds three days but does not exceed ten days;

"statutory undertaker" ("*ymgymerwr statudol*") means a person entitled by virtue of a statutory right to carry out street works;

(**3**) S.I. 1992/2985; as amended by S.I. 1995/990 and 2128 and 1999/1049.
(**4**) 1984 c. 27. Section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991, section 1(1) and Schedule 1. Section 138(3) was amended by the Road Traffic (Consequential Provisions) Act 1988, section 4 and Schedule 3, paragraph 25(8).
(**5**) Part 1 of S.I. 2002/3113, as amended by S.I. 2005/1670. There are other amendments not relevant to these Regulations.

"street with special engineering difficulties" ("*stryd ag iddi anawsterau peirianyddol arbennig*") means a street designated as having special engineering difficulties under section 63 of the 1991 Act;

"street works register" ("*cofrestr gwaith stryd*") means a register required to be kept by a street authority by section 53 of the 1991 Act;

"the Technical Specification" ("*y Fanyleb Dechnolegol*") means 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;

"traffic-sensitive street" ("*stryd sy'n sensitif i draffig*") means a street designated as traffic-sensitive under section 64 of the 1991 Act;

"traffic-sensitive time" ("*amser sy'n sensitif i draffig*"), in relation to a traffic-sensitive street, means —

(a) the times or dates specified in the case of a limited designation; and

(b) any time in any other case; and

"urgent works" ("*gwaith brys*")—

(a) means street works, other than emergency works, whose execution at the time when they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required) —

(i) to prevent or put an end to an unplanned interruption of any supply or service provided by an undertaker;

(ii) to avoid substantial loss to an undertaker in relation to an existing service; or

(iii) to reconnect supplies or services where an undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and

(b) includes works which cannot reasonably be severed from such works.

(2) Unless it is expressly provided otherwise, a reference in these Regulations to a numbered section is a reference to the section so numbered in the 1991 Act.

Street works registers

4.—(1) Subject to regulation 13 and to the requirements set out in paragraphs (2) and (3), street works registers must be kept so as to enable the information referred to in paragraphs (4) and (5), relating to a particular street, to be traced.

(2) Each register must —

(a) be indexed;

(b) no later than 1st April 2009, be based on a geographical information system; and

(c) identify the highway authority in relation to every street in the street authority's area which is a maintainable highway.

(3) Every register kept by a local highway authority must be in a form which complies with the system of street referencing specified in Part I of the publication issued by the British Standards Institution on 1st August 2006 entitled: "*Spatial data sets for geographical referencing — specification for a street gazetteer*" under reference No.BS 7666-1 2006(**6**) as revised or re-issued from time to time.

(**6**) ISBN 0 580 48710 5.

(4) The information with respect to street works to be shown on the register and, in each case, the person responsible for securing its registration are specified in columns (1) and (2) respectively of the following Table.

Table

(1) Information		*(2) Person responsible for securing its registration*
1.	Particulars of all notices under sections 54, 55 and 57 served on the highway authority relating to street works in any street which is a maintainable highway.	The undertaker concerned.
2.	Particulars of all notices under sections 54, 55 and 57 served on street managers relating to street works in any street which is not a maintainable highway.	The undertaker concerned.
3.	Particulars of all directions given under sections 56 and 56A.	The street authority concerned.
4.	Particulars of all notices, consents and directions published or given by a street authority under sections 58 and 58A.	The street authority concerned.
5.	Particulars of all notifications made by an undertaker under paragraph 2(1)(d) of Schedule 3A to the 1991 Act.	The undertaker concerned.
6.	Particulars of all notices served by a street authority under section 66.	The street authority concerned.
7.	Information under section 70(3) and (4A) as to completion of reinstatements.	The undertaker concerned.
8.	Particulars of all notices given by a street authority under section 72(3).	The street authority concerned.
9.	Particulars of all notices given by an undertaker under section 74.	The undertaker concerned.
10.	Particulars of all notices given by a street authority under section 74.	The street authority concerned.

(1) Information		*(2) Person responsible for securing its registration*
11.	Description and location of street works for which plans and sections have been submitted under Schedule 4 to the 1991 Act.	The undertaker concerned.
12.	Particulars of notices given by any relevant authority under Schedule 4 to the 1991 Act.	The relevant authority.

(5) The information with respect to other descriptions of works and other matters to be shown on the register and, in each case, the person responsible for securing its registration are specified in columns (1) and (2) respectively of the following Table.

Table

(1) Information		*(2) Person responsible for securing its registration*
1.	Every street for which the local highway authority is the street authority.	The local highway authority.
2.	Every street which is a prospectively maintainable highway.	The local highway authority.
3.	Every street, of which the local highway authority is aware, which is a highway but for which it is not the street authority.	The local highway authority.
4.	Every street which — (a) is — (i) a protected street(**7**); (ii) a street with special engineering difficulties; or (iii) a traffic-sensitive street, including, where appropriate, details of the parts of the street so designated and, in the case of a traffic-sensitive street, of any limited designation; or (b) is proposed for designation as such.	The street authority concerned.

(**7**) *See* sections 61 and 62 New Roads and Street Works Act 1991 (1991 c. 22).