WELSH STATUTORY INSTRUMENTS

2006 No. 1532 (W.150)

HIGHWAYS, WALES

The Street Works (Inspection Fees) (Wales) Regulations 2006

Made - - - -	*13 June 2006*
Coming into force - -	*2 October 2006*

The National Assembly for Wales, in exercise of the powers conferred on the Secretary of State by sections 75 and 104(1) of the New Roads and Street Works Act 1991(**1**) and which are now exercisable by the National Assembly for Wales in relation to Wales(**2**), hereby makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Street Works (Inspection Fees) (Wales) Regulations 2006 and they come into force on 2 October 2006.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations:

"the Act" ("y Ddeddf") means the New Roads and Street Works Act 1991;

"service pipe" ("pibell gyswllt") and "service line"("llinell gyswllt") have the same meaning as in paragraph 7(3) of Schedule 4 to the Act;

"statutory undertaker" ("ymgymerydd statudol") means an undertaker who executes street works by virtue of a statutory right;

"works" ("gwaith") means street works involving the excavation or reinstatement of any part of a street;

"year" ("blwyddyn") means a year starting on 1 April and ending on 31 March.

(**1**) 1991 c. 22. The amendment to section 75 of the New Roads and Street Works Act 1991 made by section 58(2) of the Traffic Management Act 2004 has not yet been brought into force.

(**2**) The powers of the Secretary of State, 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).

Inspection Fees

3.—(1) An undertaker must pay to the street authority a fee of £21 for each chargeable inspection of works carried out by the street authority.

(2) For the purposes of this regulation, subject to paragraph (6) below, a chargeable inspection of works is an inspection at random of not less than 10 per cent and not more than 10.5 per cent of each phase of works, and not more than 30 per cent of the total number of reckonable units of inspection in any year.

(3) For the purposes of this regulation, a unit of inspection is:

(a) a single excavation not exceeding 200 metres in length; or

(b) more than one and not more than 5 excavations and, in the case of works relating to service pipes and service lines, not more than 10 excavations, provided that in each case–

(i) all the excavations are in the same street,

(ii) all the excavations are part of the same works,

(iii) all the excavations are made within a period of 10 working days,

(iv) each excavation is within 500 metres of every other excavation; and

(v) the aggregate length of all the excavations does not exceed 200 metres; or

(c) in the case of an excavation longer than 200 metres each length of 200 metres within the length of that excavation or the balance of such length.

(4) For the purposes of this regulation, the phases of works are:–

(a) the period when the works are being carried out, ending with the day on which interim or permanent reinstatement is completed;

(b) the period of six months starting with the day on which interim or permanent reinstatement is completed; and

(c) the period of three months immediately preceding the end of–

(i) in the case of excavations to a depth exceeding 1.5 metres to the top of the apparatus over a length of 5 metres or more, 3 years from completion of permanent reinstatement,

(ii) in any other case, 2 years from the completion of permanent reinstatement.

(5) For the purposes of this regulation, save as provided in paragraph (6) below, the number of reckonable units of inspection in a year is the average of the number of units of inspection for the undertaker per year calculated over the three immediately preceding years.

(6) Where an undertaker has not previously executed any street works in streets for which the authority making the inspections is the street authority, the number of reckonable units of inspection for each of the first three years is the estimated number of units of inspection for the undertaker for that year.

(7) For the purposes of making the estimate referred to in paragraph (6), the undertaker must, prior to carrying out any works in streets for which the authority making the inspections is the street authority, provide the street authority with an estimate of the number of units of inspection it expects to generate in that year.

(8) Where an undertaker fails to provide the street authority with an estimate within the time period referred to in paragraph (7) above, the street authority must carry out and charge a fee of £21 to that undertaker for so many inspections as the street authority considers appropriate, until such time as the undertaker provides the street authority with an estimate, whereupon the provisions of paragraph (9) below will apply.