WELSH STATUTORY INSTRUMENTS

2005 No. 1812 (W.142)

HIGHWAYS, WALES

Street Works (Records) (Wales) Regulations 2005

Made - - - -	*5 July 2005*
Coming into force - -	*1 December 2005*

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary for State by sections 79 and 104(1) of the New Roads and Street Works Act 1991(**1**) and which are now exercisable by the National Assembly 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 (Records) (Wales) Regulations 2005 and they come into force on 1 December 2005.

(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;

"a geographical information system" ("*systemau gwybodaeth daearyddol*") means a computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to spatial locations;

"service pipes and lines" ("*pibellau a llinellau cyswllt*") means apparatus of any length of a description contained in paragraph 7(3)(a), (b) or (c) of Schedule 4 to the Act;

"urgent works" ("*gwaith brys*") means street works, other than emergency works, whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required):—to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker; or

— to avoid substantial loss to the undertaker in relation to an existing service; or

(**1**) 1991 c. 22.

(**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).

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

and includes works which cannot reasonably be severed from such works.

Form and manner of records

3.—(1) Subject to regulation 5, a record of every item of apparatus belonging to an undertaker and placed in the street must be kept by that undertaker on paper, or, subject to regulation 4, in the form of an electronic record or a combination of both, and must be prepared in the form of :

(a) a location or route map recorded on a map background, which is:

(i) related to the Ordnance Survey National Grid, subject to paragraph (2); and

(ii) prepared to an accuracy at least equivalent to the scale of an Ordnance Survey map which is nearest to the scale of that map background; or

(b) a statement of National Grid co-ordinates derived from a geographical information system.

(2) Ordnance Survey County Series Mapping may only be used to record the location or route map for a period not exceeding five years from the date on which these Regulations come into force (the "transitional period"), and records made in this way must be transferred into one of the other forms prescribed by paragraph (1) by no later than the end of the transitional period.

(3) In preparing the record, the location and route of the apparatus must be recorded so that the measured position is within 300mm of the actual position and the recorded position is within 500mm of the actual position.

Electronic Records

4. Where an electronic record is kept pursuant to regulation 3 above, it must be capable of being reproduced in a sufficiently legible form to comply with the duty imposed by section 79(3) of the Act (duty to make records available for inspection).

Exceptions

5. The duty in section 79(1) of the Act to keep a record of the location of every item of apparatus will not apply:-

(a) where compliance would lead to the disclosure of the following types of restricted information:

(i) information certified by or with the authority of the Secretary of State as being restricted information in the interest of national security;

(ii) information certified by or with the authorisation of an undertaker as being restricted information in accordance with the commercial interests of the undertaker;

(b) to any apparatus placed by an undertaker in the street within its existing apparatus where the location of the existing apparatus has already been recorded in a form prescribed by regulation 3;

(c) to any apparatus placed in the street prior to the date on which these Regulations came into force;

(d) to any apparatus belonging to an undertaker which is discovered by him in the street during the course of emergency works or urgent works carried out by him;

(e) to any apparatus not installed underground; and

(f) to service pipes and lines.