STATUTORY RULES OF NORTHERN IRELAND

1998 No. 20

ROADS
STREET WORKS

Street Works (Qualifications of Supervisors and Operatives) Regulations (Northern Ireland) 1998

Made - - - -	*26th January 1998*
Coming into operation	*9th March 1998*

The Department of the Environment for Northern Ireland in exercise of its powers under Article 27(1), (2) and (4) of the Street Works (Northern Ireland) Order 1995(**1**), and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Street Works (Qualifications of Supervisors and Operatives) Regulations (Northern Ireland) 1998 and shall come into operation on 9th March 1998.

(2) In these regulations—

"the Order" means the Street Works (Northern Ireland) Order 1995;

"approved assessment centre" means an establishment approved by an approved body for the purposes of assessing achievement of units of competence;

"approved body" means a body mentioned in regulation 4;

"approved register" means the register mentioned in regulation 4;

"certificate of competence" means a qualification, award or an equivalent thereto granted by an approved body;

"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(**2**) as adjusted by the Protocol signed at Brussels on 17th March 1993(**3**);

"EEA State" means a State which is a contracting party to the EEA Agreement;

"supervisor" means a person by whom street works are required to be supervised under Article 27(1) of the Order;

(**1**) S.I.1995/3210 (N.I. 19); *see* Article 2(2) for the definitions of "the Department" and "prescribed"
(**2**) Cmnd 2073
(**3**) Cmnd 2183

"trained operative" means a person whose presence at the site of street works is required under Article 27(2) of the Order; and

"unit of competence" in relation to a trained operative means one of the units of competence set out in Schedule 1 and in relation to a supervisor means one of the units of competence set out in Schedule 3 and "unit" shall be construed accordingly.

Qualifications of supervisors

2.—(1) A supervisor has a prescribed qualification for a particular type of supervisory work specified in column (1) of Schedule 4 if—

(a) an approved body has issued him with a certificate of competence showing that he has been assessed by an approved assessment centre as having achieved the relevant units of competence as set out in column (2) of that Schedule and that certificate is currently registered in an approved register; or

(b) he has obtained a qualification of another EEA State which gives an equivalent guarantee of skill and competence to that given by the certificate of competence required by sub-paragraph (*a*),

provided that, for a period of two months beginning with the day on which he is assessed as having achieved the requisite units of competence, a supervisor shall be treated as having a prescribed qualification for that type of supervisory work, notwithstanding that an approved body has not issued him with a certificate of competence or that the certificate issued to him has not been registered as required by sub-paragraph (*a*).

(2) A supervisor shall not require to have a prescribed qualification for supervising the replacement of poles, lamps, columns and signs, pole testing or similar works involving minimal breaking up of the street.

(3) A prescribed qualification for a supervisor may relate to all types of work which may fall to be done by a supervisor, or may be restricted to some types of that work and the requirements of Article 27 of the Order shall be deemed to be satisfied only in relation to the types of work to which that qualification relates.

Qualifications of trained operatives

3.—(1) A trained operative has a prescribed qualification for a particular type of work specified in column (1) of Schedule 2 if—

(a) an approved body has issued him with a certificate of competence showing that he has been assessed by an approved assessment centre as having achieved the relevant units of competence as set out in column (2) of that Schedule and that certificate is currently registered in an approved register; or

(b) he has obtained a qualification of another EEA State which gives an equivalent guarantee of skill and competence to that given by the certificate of competence required by sub-paragraph (*a*),

provided that, for a period of two months beginning with the day on which he is assessed as having achieved the requisite units of competence, a trained operative shall be treated as having a prescribed qualification for that type of work, notwithstanding that an approved body has not issued him with a certificate of competence or that the certificate issued to him has not been registered as required by sub-paragraph (*a*).

(2) If the works do not involve breaking up the street or are works only of the type referred to in regulation 2(2), a trained operative has a prescribed qualification if he has achieved the unit of competence set out as Unit 2 in Schedule 1.

(3) A prescribed qualification for a trained operative may relate to all types of work which may fall to be done by a trained operative, or may be restricted to some types of that work and the requirements of Article 27 of the Order shall be deemed to be satisfied only in relation to the types of work to which that qualification relates.

Approvals

4.—(1) The bodies approved for the purpose of issuing the certificates mentioned in regulations 2 and 3 are—

(a) the City and Guilds of London Institute,

(b) the Scottish Vocational Education Council, and

(c) the Certification and Assessment Board for the Water Industry.

(2) The register approved for the purpose of registering certificates mentioned in regulations 2 and 3 is the register to be kept by the Scottish Vocational Education Council as the registration body approved for the purpose by the Department.

(3) Where an approved body has issued a certificate of competence to a supervisor or a trained operative (as the case may be) it shall within one month thereof register that certificate in the approved register.

(4) The Department may withdraw any approval given by paragraph (1) or (2) if it is satisfied that the body to whom the approval is given has failed satisfactorily to discharge the function of certification or registration under any of the provisions of these regulations.

Expiry of certificates

5.—(1) A certificate mentioned in regulation 2 or 3 shall cease to be registered on the expiry of five years from the date of registration in accordance with regulation 4(3).

(2) A certificate may be registered for further successive periods of five years provided that an application for registration is received by the Scottish Vocational Education Council no later than three months after the expiry of the previous registration.

Transitional provisions

6.—(1) For a period of two years from 9th March 1998 a person may act as a supervisor without having a prescribed qualification.

(2) For a period of five years from 9th March 1998 a person may act as a trained operative without having a prescribed qualification.

Sealed with the Official Seal of the Department of the Environment on

26th January 1998.

J. Carlisle
Assistant Secretary