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STATUTORY INSTRUMENTS

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**2002 No. 2092**

**HIGHWAYS, ENGLAND**

**The Street Works (Inspection Fees) (England) Regulations 2002**

<i>Made</i>	- - - -	<i>6th August 2002</i>
<i>Laid before Parliament</i>		<i>14th August 2002</i>
<i>Coming into force</i>	- -	<i>1st October 2002</i>

The Secretary of State for Transport, in exercise of his powers under sections 75 and 104 (1) of the New Roads and Street Works Act 1991(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Street Works (Inspection Fees) (England) Regulations 2002 and shall come into force on 1st October 2002.

(2) These Regulations extend to England only.

**Interpretation**

2. In these Regulations—

“the Act” means the New Roads and Street Works Act 1991;

“service pipe” and “service line” have the same meaning as in paragraph 7(3) of Schedule 4 to the Act;

“statutory undertaker” means an undertaker who executes street works by virtue of a statutory right;

“works” means street works involving the excavation or reinstatement of any part of a street;

“year” means a year starting on 1st April and ending on 31st March.

**Inspection fees**

3.—(1) An undertaker shall pay to the street authority a fee of £20.00 for each chargeable inspection of works carried out by the street authority.

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(1) 1991 c. 22. The function of the Secretary of State under section 75 is transferred, so far as exercisable to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2(a).

(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 shall, 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 they expect 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 shall carry out and charge a fee of £20.00 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 shall apply.

(9) Once the undertaker referred to in paragraph (8) above has provided an estimate to the street authority, the provisions of paragraph (6) above shall apply, and the first three years, referred to in paragraph (6) shall be deemed to commence on the date on which the estimate is received by the street authority.

## Revocations

4. The Street Works (Inspection Fees) Regulations 1992<sup>(2)</sup> are revoked so far as they extend to England, and The Street Works (Inspection Fees) (Amendment) (England) Regulations 2001<sup>(3)</sup> are revoked.

Signed by authority of the Secretary of State for Transport

6th August 2002

*John Spellar*  
Minister of State,  
Department of Transport

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(2) S.I. 1992/1688.  
(3) S.I. 2001/788.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Street Works (Inspection Fees) Regulations 1992 (“the 1992 Regulations”) as amended by The Street Works (Inspection Fees) (Amendment) (England) Regulations 2001 prescribe a scheme for the payment by undertakers for inspections of their works by street authorities. These Regulations revoke the 2001 Regulations and the 1992 Regulations so far as they extend to England and re-enact those Regulations to give effect to the following changes:

“Chargeable unit of inspection” is now defined simply as an inspection at random of 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: regulation 3(2).

“Unit of inspection”, in the case of clusters of not more than 5 excavations (or not more than 10 where the works relate to service pipes or lines) is redefined so that the previous requirement that in these cases, all the excavations are the subject of one notice of starting date, is replaced by two requirements, that all excavations are in the same street, and that they be part of the same works: regulation 3(3).

The five “Phases of work” contained in the 1992 regulations are now replaced by three: regulation 3(4).

“Estimated numbers of units of inspection” is replaced by “reckonable number of units of inspection”, being the average number of units of inspection for that undertaker during the three preceding years: regulation 3(5). Regulations 3(6) and (7) make provision for new undertakers to estimate the number of units of inspection they expect to generate for the first three years.

These Regulations provide for an increase to £20.00 (previously £15.50) in the fee payable by undertakers for inspections of their work by street authorities.