
WELSH STATUTORY INSTRUMENTS

2008 No. 540

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

Restriction on works following substantial street works

12.—(1) For the purposes of Schedule 3A to the 1991 Act, substantial street works means major works.

(2) The period prescribed under paragraph 2(2) of that Schedule must be not less than 20 days from the date on which the notice is published.

(3) A notice under paragraph 2 of that Schedule relating to a proposed restriction on street works following substantial street works must be published by the street authority concerned on any website maintained by the authority for the purpose of providing information to the public.

(4) In addition to those to whom a copy of the notice must be given under paragraph 2(4) of that Schedule, a copy must also be given to —

- (a) the occupier of any premises which have a frontage onto the part of the highway to which the proposed restriction relates; and
- (b) any other person who has made a written request asking for a copy of any such notice.

(5) Notification by an undertaker under paragraph 2(1)(d) of Schedule 3A of proposed street works and a direction restricting the execution of works under paragraph 4 of that Schedule must be in, or to the like effect as, the form contained in the Technical Specification and must contain such information as is relevant to the notification or direction, as the case may be, in accordance with that specification.

(6) The provisions of regulation 6(3) to (10) apply to the making of such notification in the same manner as they apply to the giving of a notice under that regulation.

(7) A direction under paragraph 4 of that Schedule must be given by publishing it on any website maintained by the street authority for the purpose of providing information to the public.

(8) In addition to the case specified in paragraph 3(5)(a) of Schedule 3A to the 1991 Act, paragraph 3(4) of that Schedule does not apply in the cases set out in paragraph (11) below where no prior notification has been given under section 54 or 55, or paragraph 2(1)(d) of that Schedule, in relation to the works referred to.

(9) For the purposes of paragraph 4(4) of that Schedule, the prescribed period is —

- (a) 1 year in relation to traffic-sensitive streets and streets in road category 0, 1 or 2 which are not traffic-sensitive streets; and
- (b) 6 months in relation to streets in road category 3 or 4 which are not traffic-sensitive streets.

(10) In addition to the cases specified in paragraph 5(2) of that Schedule, paragraph 5(1) of that Schedule does not apply in the cases set out in the following paragraph.

(11) The cases referred to in paragraphs (8) and (10) are where an undertaker executes urgent works or any other works set out in paragraph (12).

(12) The works referred to in paragraph (11) are street works —

- (a) not involving breaking up the street;

- (b) that are —
 - (i) required to respond to a request for a new service or supply to a customer which was not received at a time when it was practicable for the works to be done before the date on which the restriction began; and
 - (ii) carried out more than 19 days from that date;
 - (c) carried out —
 - (i) under regulation 16(3)(b) of the Gas Safety (Installation and Use) Regulations 1998;
 - (ii) to comply with an improvement notice under section 21 of the Health and Safety at Work etc Act 1974; or
 - (iii) as a consequence of a prohibition notice under section 22 of that Act; or
 - (d) that —
 - (i) are required to comply with a programme approved under regulation 13A of the Pipelines Safety Regulations 1996; and
 - (ii) could not have been identified before the restriction began.
- (13) For the purposes of paragraph 5(3) of Schedule 3A to the 1991 Act, any question as to whether the withholding of consent by a street authority is unreasonable will be settled by arbitration.