



## **Code of Practice 402**

**Issue 3**

**October 2019**

# **New Roads and Street Works Act**

## **Contents**

1. Scope
  2. Definitions
  3. New Roads and Street Works Act 1991
  4. Statutory Instruments
  5. Transitional Arrangements
  6. Notices, Registers and Coordination
  7. Designation of Streets Subject to Special Controls
  8. Treatment of Private Streets
  9. Computerised Street Works Register
  10. Inspections
  11. Diversionary Works
  12. Safety Measures
  13. Reinstatement
  14. Qualifications
  15. Records of Buried Apparatus
  16. Maintenance of Apparatus
  17. Documents Referenced
  18. Keywords
- Appendix A

### **Approved for issue by the Policy Approval Panel**

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Issue and Amendment Summary

Amendment No. Date	Brief Description and Amending Action
9 11/6/99	<p>Addition of Appendix E to code of practice for the co-ordination of street works and works for road purposes and related matters.</p> <p>Prepared by MK</p>
27/01/17	<p>Issue 2</p> <p>This code of practice has been completely revised and shall be treated as new, therefore, amendment marks have not been used to indicate changes. The latest template and editorial standard have been applied.</p> <p>Signing, Lighting and guarding (SLG) inspection regime included in Appendix A.</p> <p>Prepared by: P Twomey</p> <p>Approved by the Technical Policy Panel and signed on its behalf by: Dan Randles</p>
31/10/19	<p>Issue 3</p> <p>This CP has been revised to provide additional detail on who will carry out an audit and how it will be conducted. Also details of how inspections will be recorded and how it will be determined who is competent to carry out and audit has also been detailed in within issue update.</p> <p>Prepared by: M Lynch</p> <p>Approved by the Policy Approval Panel and signed on its behalf by Steve Cox, Engineering and Technical Director</p>

## 1. SCOPE

This Code of Practice contains references and links to:

- (a) The New Roads and Street Works Act 1991 NRWSA.
- (b) The Statutory Instruments (ie Regulations and Orders).
- (c) The Codes of Practice.

All of the above are issued by the Department of Transport as a result of the introduction of the New Roads and Street Works Act 1991.

Section 3 contains a link to the New Roads and Street Works Act 1991.

Section 4 contains Tables identifying the Statutory Instruments and Codes of Practice that have been issued and those Statutory Instruments not associated with a specific Code of Practice.

Section 5 onwards contains the Regulations and Codes of Practice.

Appendix A contains a series of Street Works Advice Notes (SWANs) which provide guidance for carrying out work.

## 2. DEFINITIONS

FC	Foam Concrete.
HAPAS	Highway Authority Product Approval Scheme.
HAUC	Highway Authorities and Utilities Committee.
HRA	Hot Rolled Asphalt.
NRSWA	New Roads and Street Works Act 1991.
SLG	Signing, Lighting and Guarding.
SROH	Specification for the Reinstatement of Openings in Highways.
SRV	Skid Resistance Value.
SWAN	Street Works Advice Note.
TMA	Traffic Management Act.

## 3. NEW ROAD AND STREET WORKS ACT 1991

To go to a copy of the New Road and Street Works Act 1991 [Click Here](#)

#### 4. REGULATIONS AND ORDERS

This section contains references and links to all the Statutory Instruments (ie Regulations and Orders) issued under the New Roads and Street Works Act 1991 that are not associated with a specific Code of Practice.

Table 1 contains a list of Statutory Instruments issued under the New Roads and Street Works Act 1991. The document is referred to within the Section indicated and a copy can be read by clicking on the link in the 'Title' column of this list.

Table 2 contains a list of, and links to, Codes of Practice issued under the New Roads and Street Works Act 1991.

Table 3 contains a list of the Sections in the New Roads and Street Works Act 1991. It lists the Commencement Orders that brought each Section into force along with the relevant commencement date.

**Table 1: Statutory Instruments Issued under the New Roads and Street Works Act 1991**

Section	Number	Title
3	SI 1991 No 2288 (C.70)	<a href="#">New Roads and Street Works Act 1991 (Commencement No 1) Order 1991</a>
3	SI 1992 No 1686 (C.57)	<a href="#">New Roads and Street Works Act 1991 (Commencement No 3) Order 1992</a>
13	SI 1992 No 1687	<a href="#">The Street Works (Qualifications of Supervisors and Operatives) Regulations 1992</a>
9	SI 1992 No 1688	<a href="#">The Street Works (Inspection Fees) Regulations 1992</a>
12	SI 1992 No 1689	<a href="#">The Street Works (Reinstatement) Regulations 1992</a>
10	SI 1992 No 1690	<a href="#">The Street Works (Sharing of Costs of Works) Regulations 1992</a>
15	SI 1992 No 1691	<a href="#">The Street Works (Maintenance) Regulations 1992 Transitional Arrangements and Commencement Regulations</a>
3	SI 1991 No 2984 (C.88)	<a href="#">New Roads and Street Works Act 1991 (Commencement No 5 and Transitional Provisions and Savings) Order 1992.</a>
5	SI 1992 No 2985	<a href="#">The Street Works (Registers, Notices, Directions and Designations) Regulations 1992.</a>

**Table 2: Codes of Practice Issued under the New Roads and Street Works Act 1991**

Section	Title
5	<a href="#">Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters (November 1992).</a>
9	<a href="#">HAUC Code of Practice for Inspections (July 1992)</a>
10	Measures necessary where apparatus is affected by major works (Diversionary Works) (June 1992) [may now be supersede and removed?]
11	<a href="#">Safety at Street Works and Road Works - A Code of Practice (1992).</a>
12	<a href="#">Specification for the Reinstatement of Openings in Highways (June 1992)</a> [re-issued in2010]

**Table 3: Sections of the New Roads and Street Works Act 1991**

Section	Description	Commencement Date	Statutory Instrument Number	Sections Affected
PART III Street Works In England And Wales Introductory Provisions				
48	Streets, street works and undertakers	14 Jul 92	1992/1686	All
49	The street authority and other relevant authorities	14 Jul 92	1992/1686	All
50	Street works licences	1 Jan 93	1992/2984	All
51	Prohibition of unauthorised street works	1 Jan 93	1992/2984	All
52	Emergency works	14 Jul 92	1992/1686	All
The Street Works Register				
53	The street works register	14 Jul 92	1992/1686	4, 5 and 6
		28 Nov 92	1992/2984	1, 2 and 3
Notice and Coordination of works				
54	Advance notice of certain works	14 Jul 92	1992/1686	All
55	Notice of starting date of works	28 Nov 92	1992/2984	For making Regulations
		1 Jan 93	1992/2984	For all other purposes
56	Power to give direction as to timing of street works	14 Jul 92	1992/1686	All
57	Notice of emergency works	28 Nov 92	1992/2984	All
58	Restriction on works following substantial road works	28 Nov 92	1992/2984	All
59	General duty of street authority to co-ordinate works	14 Jul 92	1992/1686	3
		1 Jan 93	1992/2984	1,2,4,5 & 6
60	General duty of undertakers to co-operate	14 Jul 92	1992/1686	2
		1 Jan 93	1992/2984	1 and 3
Streets subject to special controls				
61	Protected streets	1 Jan 93	1992/2984	All
62	Supplementary provisions as to designation of protected streets	14 Jul 92	1992/1686	All
63	Streets with special engineering difficulties	14 Jul 92	1992/1686	All
64	Traffic-sensitive streets	14 Jul 92	1992/1686	All
General requirement as to execution of street works				
65	Safety measures	14 Jul 92	1992/1686	3
		1 Apr 93	1992/2984	1,2,4,5 & 6

Section	Description	Commencement Date	Statutory Instrument Number	Sections Affected
66	Avoidance of unnecessary delay or obstruction	1 Jan 93	1992/2984	All
67	Qualifications of supervisors and operatives	14 Jul 92	1992/1686	All
68	Facilities to be afforded to street authority	1 Jan 93	1992/2984	All
69	Works likely to affect other apparatus in the street	1 Jan 93	1992/2984	All
<b>Reinstatement</b>				
70	Duty of undertaker to reinstate	14 Jul 92	1992/1686	4
		1 Jan 93	1992/2984	1,2,3,5,6 & 7
71	Materials, workmanship and standard of reinstatement	14 Jul 92	1992/1686	All
72	Powers of street authority in relation to reinstatement	1 Jan 93	1992/2984	All
73	Reinstatement affected by subsequent works	1 Jan 93	1992/2984	All
<b>Charges, fees and contributions payable by undertakers</b>				
74	Charge for occupation of the highway where works unreasonable prolonged	1 Jan 93	1992/2984	All
75	Inspection Fees	14 Jul 92	1992/1686	All
76	Liability for cost of temporary traffic regulation	1 Jan 93	1992/2984	All
77	Liability for cost of use of alternative route	1 Jan 93	1992/2984	All
78	Contributions to costs of making good long-term damage	1 Jan 93	1992/2984	All
<b>Duties and liabilities of undertakers with respect to apparatus</b>				
79	Records of location of apparatus			
80	Duty to inform undertakers of location of apparatus			
81	Duty to maintain apparatus	14 Jul 92	1992/1686	3 & 4
		1 Jan 93	1992/2984	1,2,5,6 & 7
82	Liability for damage or loss caused	1 Jan 93	1992/2984	All
<b>Apparatus affected by highway, bridge or transport works</b>				
83	Works for road purposes likely to affect apparatus in the street	1 Jan 93	1992/2984	All
84	Measures necessary where apparatus affected by major works	14 Jul 92	1992/1686	2
		1 Jan 93	1992/2984	1,3 & 4

Section	Description	Commencement Date	Statutory Instrument Number	Sections Affected
85	Sharing of cost of necessary measures	14 Jul 92	1992/1686	All
Provision with respect to particular authorities and undertakings				
86	Highway authorities, highways and related matters	14 Jul 92	1992/1686	All
87	Prospectively maintainable highways	14 Jul 92	1992/1686	All
88	Bridges, bridge authorities and related matters	1 Jan 93	1992/2984	All
89	Public sewers, sewer authorities and related matters	1 Jan 93	1992/2984	All
90	Provisions as to reinstatement of sewers, drains or tunnels	1 Jan 93	1992/2984	All
91	Transport authorities, transport undertakings and related matters	1 Jan 93	1992/2984	All
92	Special precautions as to displaying of lights	1 Jan 93	1992/2984	All
93	Works affecting level crossings or tramways	1 Jan 93	1992/2984	All
Power of street authority or district council to undertake street works				
94	Power of street authority or district council to undertake street works	1 Jan 93	1992/2984	All
Supplementary provisions				
95	Offences	1 Jan 93	1992/2984	All
96	Recovery of costs or expenses	1 Jan 93	1992/2984	All
97	Service of notices and other documents	14 Jul 92	1992/1686	All
98	Reckoning of periods	14 Jul 92	1992/1686	All
99	Arbitration	14 Jul 92	1992/1686	All
100	Agreements inconsistent with the provisions of this Part	1 Jan 93	1992/2984	All
101	Effect of this Part on certain existing special enactments or instruments	1 Jan 93	1992/2984	All
102	Effect of this Part on other existing enactments or instruments	1 Jan 93	1992/2984	All
103	Former controlled land	1 Jan 93	1992/2984	All
104	Meaning of 'prescribed' and regulations generally	14 Jul 92	1992/1686	All
105	Minor definitions	14 Jul 92	1992/1686	All
106	Index of defined expressions	14 Jul 92	1992/1686	All



Section	Description	Commencement Date	Statutory Instrument Number	Sections Affected
<b>PART V GENERAL</b>				
166	Offences by bodies corporate or Scottish partnerships	1 Nov 91	1991/2288	1
167	Crown Application	1 Nov 91	1991/2288	1,2,3 & 6
		14 Jul 92	1992/1686	4 & 5
168	Minor and consequential amendments and repeals	1 Nov 91	1991/2288	
		1 Jan 93	1992/2984	References to Schedules 8 & 9
169	Extent	1 Nov 91	1991/2288	1
170	Commencement	1 Nov 91	1991/2288	All
171	Short Title	1 Nov 91	1991/2288	All
<b>SCHEDULES</b>				
Schedule 3	Street Works Licences	1 Jan 93	1992/2984	All
Schedule 4	Streets with Special Engineering Difficulties	14 Jul 92	1992/1686	All
Schedule 5	Procedure for making certain orders under Part III	1 Jan 93	1992/2884	All
Schedule 8	Minor and consequential amendments			
Part I	Amendments to the Highways Act 1980	1 Jan 93	1992/2884	
Part II	Amendments of the Road Traffic Regulation Act 1984	1 Nov 91	1991/2288	
Part IV	Amendments of other Enactments	1 Nov 91	1991/2288	Paras 98, 99(1) & (2) 117,121(1) & (3) as they relate to England & Wales. Paras 99(3)(a), 107,112,116, 118(1) & (2),121(4), 126(1)& (2).
Schedule 9	Repeals	1 Jan 93	1992/2884	Repeals not specified below
	1984 Road Traffic Act	1 Nov 91	1991/2288	
	1985 Local Government Act	1 Nov 91	1991/2288	Schedule 5
	1985 Transport Act	1 Nov 91	1991/2288	
	1988 Road Traffic Offenders Act	1 Nov 91	1991/2288	

Section	Description	Commencement Date	Statutory Instrument Number	Sections Affected
	1990 Environmental Protection Act	1 Nov 91	1991/2288	

## 5. TRANSITIONAL ARRANGEMENTS

This Section of Code of Practice 402 contains the following documents:

- (a) SI 19922984 The New Roads and Street Works Act 1991 (Commencement No. 5 and Transitional Provisions and Savings) Order 1992

which have been issued by the Department of Transport as a result of the introduction of the New Roads and Street Works Act 1991.

## 6. NOTICES, REGISTERS AND COORDINATION

This Section of Code of Practice 402 contains the following documents:

- (a) SI 19922985 The Street Works (Registers, Notices, Directions and Designations) Regulations 1992
- (b) Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters HAUC 4th Ed 2012

which have been issued by the Department of Transport as a result of the introduction of the New Roads and Street Works Act 1991.

## 7. DESIGNATION OF STREETS SUBJECT TO SPECIAL CONTROLS

This Section of Code of Practice 402 is currently blank.

## 8. TREATMENT OF PRIVATE STREETS

This Section of Code of Practice 402 is currently blank.

## 9. COMPUTERISED STREET WORKS REGISTER

This Section of Code of Practice is currently blank.

## 10. INSPECTIONS

This Section of Code of Practice 402 contains the following documents:

- (a) SI 19921688 The Street Works (Inspection Fees) Regulations 1992
- (b) Code of Practice for inspections HAUC 2nd Ed Sept 2002

which have been issued by the Department of Transport as a result of the introduction of the New Roads and Street Works Act 1991.

## 11. DIVERSIONARY WORKS

This Section of Code of Practice 402 contains the following documents:

- (a) SI 19921690 The Street Works (Sharing of Costs of Works) Regulations 1992
- (b) Measures necessary where apparatus is affected by major works (Diversionary Works)
- (c) The Street Works (Sharing of Costs of Works) (England) Regulations 2000

which have been issued by the Department of Transport as a result of the introduction of the New Roads and Street Works Act 1991.

## 12. SAFETY MEASURES

This Section of Code of Practice 402 contains the following documents:

- (a) Safety at Street Works - A code of practice Oct 2013 (the Red Book)

which have been issued by the Department of Transport as a result of the introduction of the New Roads and Street Works Act 1991.

## 13. REINSTATEMENT

This Section of Code of Practice 402 contains the following documents:

- (a) SI 19921689 The Street Works (Reinstatement) Regulations 1992
- (b) Specification for Reinstatement of Openings in Highways - HAUC 3rd Edition 2010

which have been issued by the Department of Transport as a result of the introduction of the New Roads and Street Works Act 1991.

## **14. QUALIFICATIONS**

This Section of Code of Practice 402 contains the following documents:

- (a) SI 19921687 The Street Works (Qualifications of Supervisors and Operatives) Regulations 1992

which have been issued by the Department of Transport as a result of the introduction of the New Roads and Street Works Act 1991.

## **15. RECORDS OF BURIED APPARATUS**

This Section of Code of Practice is currently blank.

## **16. MAINTENANCE OF APPARATUS**

This Section of Code of Practice 402 contains the following documents:

- (a) SI 19921691 The Street Works (Maintenance) Regulations 1992

which have been issued by the Department of Transport as a result of the introduction of the New Roads and Street Works Act 1991.

## **17. DOCUMENTS REFERENCED**

New Roads and Street Works Act 1991, including derivative and associated Statutory Instruments, Codes of Practice, Orders and Regulations (refer to the above content for detail).

Specification for Reinstatement of Openings in Highways.

Safety at Street Works and Road Works – A Code of Practice (the Red Book).

Foam Concrete for Reinstatements.

## **18. KEYWORDS**

NRSWA

## APPENDIX A

### SIGNING, LIGHTING AND GAURDING INSPECTION REGIME

30/10/19

Work Stream Activity	Who Undertakes Inspections	Frequency of Inspections and Number of Inspections <i>(note – these are <u>minimum numbers</u> required per month)</i>	Area / Contractor	Reporting Responsibility and source data for reporting results
Operations Capital (Contractor delivered)	ENWL Street-works team	<u>20 works in each operational area per month</u>	<u>To include all works undertaken by all ENWL contactors or their sub contractors</u>	Street Works Compliance Team  <i>(results to be obtained from <u>standard audit question set</u>)</i>
Operations Capital (Contractor delivered)	Contractor Competent Person	5 sites per contractor competent person per month	<u>To include all works undertaken by all ENWL contactors or their sub contractors</u>	Delivery Contractor and Street Works Compliance Team  <i>(results to be obtained from existing contractor question set)</i>
Operations (DLO Faults, Maintenance & Energy solutions)	<u>ENWL Street-works team</u>	<u>40 works in each operational area per month</u>	<u>North and South</u>	Street Works Compliance Team  <i>(results to be obtained from <u>standard audit question set</u>)</i>
<u>Operations (DLO Faults, Maintenance &amp; Energy solutions)</u>	ENWL Ops Competent Person	<u>5 Works in each delivery manager area</u>	<u>North and South</u>	  <i>(results to be obtained from <u>standard audit question set</u>)</i>
Energy Solutions (Contractor Delivered)	Contractor Competent Person	10 sites per contractor competent person per month	<u>To include all works undertaken by all ENWL contactors or their sub contractors</u>	Delivery Contractor and Street Works Compliance Team  <i>(results to be obtained from existing contractor question set)</i>

In addition to the above SLG safety and compliance will be recorded within the audits undertaken by the ENWL Site Compliance Auditors from within the ENWL HSEQ team. Audits will be completed using existing I phone scripts and the frequency of these audits will be the minimum monthly numbers as currently exists (as of 1/01/17)

Further assurance will be given by a twice yearly exercise to use North and South Operational managers to inspect the SLG compliance for a number of works in each other's areas  
This exercise will be facilitated by the Street Works Quality and Assurance Officers

The ENWL streetworks compliance team will report on these exercises

**APPENDIX A SIGNING LIGHTING AND GUARDING INSPECTION REGIME-CONTINUED**

The purpose of this quality assurance regime is to demonstrate compliance with ENWL CP402 and to evidence satisfactory compliance with NRSWA s65 and the Safety at Street Works Code of Practice in terms of ensuring safe signing, lighting and guarding and thereby ensuring the safety of all who are affected by our streetworks.

By combining audits and inspections undertaken by the Street Works Quality and Assurance Officers and those undertaken by the designated ENWL and Contractor competent persons this regime will be designed to deliver 100% compliance.

All parties will be required to determine site SLG safety and compliance by comparison to the standard NRSWA Inspections Code SLG question set reference to suitable notes for guidance as part of the decisions made in terms of unsafe and / or none complaint sites.

For audits undertaken by the ENWL Street Works Quality and Assurance Officers each site inspection will be deemed as a “pass” or “failure” via a standard I audit form which will directly replicate the standard NRSWA Inspections Code SLG question set.

A Pass will be recorded when all signing lighting and guarding complies with the requirements of the Safety Code (Red Book).

A Fail will be recorded when there are one or more none compliances noted at the time of the inspection.

A Failed – Site Maintained will be recorded when the person inspecting the site has found one or more non compliances but has been able to ensure they have been corrected before they leave site. This will be recorded as a pass within high level summary report.

Contractor inspections / audits will utilise their own existing question sets which will contain the same minimum requirements as the ENWL NRSWA Inspections Code SLG question set

Failed inspections (or unsafe and / or none complaint sites. ) will also report on reasons for failure / none compliance

This will enable accurate monitoring and ongoing comparison reporting to produce management information that will highlight any areas of concern and to report compliance across all areas of our operations.

A standard monthly SLG compliance report will be produced and issued which will include results of all audits (and inspections ) completed by the ENWL Street Works Quality and Assurance Officers and also those completed by the Contractor Competent Persons.

Monthly and quarterly performance reports will be shared with the relevant ENWL and Contractor manager’s at the most appropriate meetings as a standard agenda item.

A high level summary report of companywide SLG compliance will also be included in the monthly operational report to the ENWL Company C.E.O.

The content of these reports will identify the route cause for non compliances and will highlight the risks associated with failure to comply with s65 of NRSWA and the Safety at Street Works Code of Practice and the reports will demonstrate that the inspection process remains fit for purpose.

This policy is reviewed annually by the streetworks manager and may be amended by reference to performance.

Determining “Competent to Inspect / Audit”

- A matrix exists to identify competent persons for undertaking SLG compliance inspections and audits.
- Competency to audit and inspect will be determined by an annual Elearning exercise using a module developed by the ENWL Street Works Compliance team.
- Individuals competency will then be reassessed annually using the Elearning module
- For ENWL “Competent Persons” - The competency to inspect SLG will be recorded formally on an individual’s competency certificate as issued by the Training Academy

<u>Document Owner - Adam Brunskill (Street Works Manager)</u>	<u>Document Completed - 23<sup>rd</sup> September 2019</u>
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