

PART III - NEW ROADS AND STREET WORKS ACT 1991

SECTION 50 - STREET WORKS LICENCE

Guidance Notes for Licensee

The attention of the **Licensee** is drawn to the following which must be read in conjunction with the provisions of Section 50 of the above Act under which your street works Licence has been granted, the granting of which makes you an “**undertaker**” for the purposes of this part, ie. Part III, of the Act and subject to the procedural code contained therein, and entitles you to execute the street works to which the Licence applies without obtaining the consent of the owner of any other apparatus affected by the works.

Part III of the Act, which details the duties and liabilities of undertakers and the general requirements as to the execution for the works permitted, is briefly summarised below:

1. The undertaker prior to the commencement of executing the said street works must first give the prescribed advance notice of not less than seven days in writing to the Council and any other relevant undertaker.
2. The undertaker after given advance notice must comply with such requirements as may be prescribed or imposed by the Council, as to the providing of information and other procedural steps to be taken for the purposes of co-ordinating the works with other works to be executed in the street.
3. The undertaker must afford such facilities as the Council may require for co-ordinating and inspecting the works in the street as it proceeds, and for inspecting the apparatus during the period of the Licence.

4. The undertaker must afford the Council facilities for ascertaining whether the undertaker is complying with his duties under Part III of the New Roads and Street Works Act 1991.
5. The undertaker will pay, to the Council, the cost incurred by the Council in respect of any traffic management measures it may be necessary for the Council as the traffic authority to implement arising out of the placing of the apparatus in the street. The undertaker will also implement such other traffic management measures as are deemed necessary, and in the manner required by the Council arising out of the works of construction of the apparatus.
6. The undertaker must ensure the safe passage of users of a street, including persons with a disability, at all times during construction work, by the provision of traffic signs, barriers, road danger lamps, and any other provisions deemed necessary and in the manner required by the Council.
7. The undertaker is required to carry on and complete the works, with all such dispatch as is reasonably practicable, and must reinstate the street after completion of the works, and must begin the reinstatement as soon as practicable, and will carry on and complete the reinstatement with all such dispatch as is reasonably practicable after completion of "any part of the street works". In reinstating the street, the undertaker must comply with the requirements prescribed by the Council as to the specification of materials to be used and the standards of workmanship to be observed.
8. Where the undertaker executing the street works creates an obstruction in the street, the Council may by notice require him to take such reasonable steps as are specified in the notice to mitigate or discontinue the obstruction.

9. The undertaker must secure that any part of the street which is broken up or is obstructed by plant or materials used in connection with his street works is adequately guarded or lit and that traffic signs are placed and maintained for the guidance or direction of persons using the street. The signs shall comply with any directions which the Council as traffic authority shall give, which requirements shall also be subject to the general requirements of the Traffic Signs and General Directions 1981 (S.I. 1981 No. 859) as amended.

It is important for you to note that the granting of a street works licence does not exempt you from the need to obtain any other consent, licence or permission which may be required, nor does it authorise the installation of apparatus for the use of which the Licence of the Secretary of State is required, (eg. a telecommunications and cable system), unless or until such a Licence has also been granted.