## ROADS (SCOTLAND) ACT 1984 SECTION 56: ROAD OPENING PERMIT

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<td>Applicants Name</td>
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<td>Tel No</td>
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<td>E-Mail</td>
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<td>SRWR Reference</td>
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<td>Address or location of works</td>
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<td>Insurance and HAUC check</td>
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**IMPORTANT: NO WORK SHOULD COMMENCE UNTIL YOU RECEIVE OFFICIAL PERMISSION FROM ARGYLL AND BUTE COUNCIL**

I/We undertake to:

(i) Comply with the HAUC code of practice “Specification for the Reinstatement of Openings in Roads” and any specific additional conditions made by Argyll & Bute Council.

(ii) Maintain the reinstatement in good condition during the maintenance period in accordance with the “Specification for the Reinstatement of Openings in Roads”.

(iii) Relieve Argyll & Bute Council of all liability of any loss, injury or damage due to my/our operations either during the opening or during the period of maintenance.

Applicants Signature and Date

Authorising Officer’s Signature

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**THIS PART TO BE RETURNED TO ISSUING OFFICE**

PERMIT NO:....../......

Applicants’ Name..............................................................................

Address...............................................................................................  

Dear Sir

The temporary/permanent* reinstatement of the road opened by me has been completed in accordance with the HAUC code of Practice for the Reinstatement of Openings in Highways. The permanent reinstatement will be completed by ..................................................

Signed.................................................  

*delete as appropriate

Date.................................................
PROCEDURE FOR OBTAINING A ROAD OPENING PERMIT

1. Only qualified operatives are allowed to carry out work within the road corridor, this includes the verge. Highways and Utilities Committee (HAUC) certificates must be held by at least one of the operatives physically carrying out the work and by a supervisor. Holders of both supervisor and Operatives Qualifications may fulfil both roles. Supervisor must be present on site for a substantial proportion (greater than 50%) of the work period.

2. Applicants must contact Symology Ltd, the operator of the Scottish Road Works register (SRWR). They can be contacted on 08000 231251. Symology will arrange for information to be provided with respect to the location of any Public Utility Plant in the intended work area. It is useful when contacting Symology to have OS map references for the location. As much information about the intended work should be made available to Symology. They will allocate you with a reference number, which you should then provide when applying for the Road Opening Permit. You are reminded that it is an offence to undertake any excavation work in a road without a permit. It is a condition of the issue of a permit that all measures are taken to ensure the protection of all existing services.

3. If temporary traffic lights are required for the works a separate permit will be required.

4. All signing, lighting and guarding must comply with chapter 8 of The Traffic Signs Manual 2006.


6. Applications for Road Opening Permits should be made to the relevant area office. Applicants must provide:
   a) Copies of the HAUC certificates for both operatives and supervisors and copy of public liability insurance document.
   b) The Symology reference number, or copies of the relevant public utility service drawings,
   c) A completed application form for a Road Opening Permit and for temporary traffic lights (if required)
   d) Payment of the appropriate fee (this charge will vary in accordance with the council’s standard charges)

7. Failure to provide inadequate notice will result in delay to your works.

8. Charges will be payable in accordance with the set rate for any inspections carried out by the Roads Authorities.
New Roads And Street Works Act 1991 – Contractor Qualifications

The Legal Requirements
The New Roads and Street Works Act 1991 places a duty on undertakers or permit holders to ensure that work involving excavation in the road or verge, installation of, renewal, maintenance and inspection of underground apparatus (such as service connections) in any street or road is under the control of competent persons. To satisfy the requirements of the Act, undertakers must ensure that, except in prescribed cases, the execution of street works is supervised by a person having a prescribed qualification as a ‘supervisor’. In addition, whether or not the street is broken up, they must ensure that a person having a prescribed qualification as a 'trained operative' is present on the site at all times when the work is in progress.

All works must be signed and guarded as stated in the booklet “Safety at Street Works and Road Works – A Code of Practise” obtained from HMSO Publications Centre, Bookshop, Accredited Agents or through good booksellers.

This permit does not carry with it any right to interfere with any apparatus in or above the street or pavement.

No openings shall be permitted on bridges nor shall any tunnelling be allowed unless detailed application is made and approved.

We will require you to provide the name and qualification ID No. of the Qualified Supervisor in order to register the works.

What is a prescribed qualification?
The Street Works ( Qualification of Supervisors and Operatives ) Regulations 1992 and the Roads Works ( Qualifications of Supervisors and Operatives ) ( Scotland ) Regulations 1992 which came into force in August 1992 defined the prescribed qualifications for various types and combinations of work.

The Regulations define these in general as possession of a certificate of competence issued by an approved body, plus registration of that certificate in an approved register. The Regulations detail the qualifications for both supervisors and operatives by reference to the various units of competence in which they will be assessed.

Qualifications for 'supervisors'

1. Monitoring excavation in the highway
2. Monitoring excavation, backfilling and reinstatement of construction layers in bituminous materials
3. Monitoring reinstatement of construction layers in bituminous materials
4. Monitoring reinstatement of concrete slabs
5. Monitoring reinstatement of modular surfaces and concrete footways
From 5 August 1994 there is a legal requirement on undertakers to ensure (subject to exceptions) that most types of street works are supervised by a qualified supervisor.

Qualification for 'trained operatives'

1. Excavation in the highway
2. Excavation, backfilling and reinstatement of construction layers with a cold-‐lay bituminous surface
3. Reinstatement of construction layers in hot-‐lay and cold-‐lay bituminous materials
4. Reinstatement of concrete slabs
5. Reinstatement of modular surfaces and concrete footways

From 5 August 1997 undertakers must ensure that a person having a prescribed qualification as a trained operative is on site whilst street works are in progress.

A person may only act as a supervisor or a trained operative for the type of work for which the person has the relevant qualification. It may, therefore, be necessary for a number of persons having different qualifications to be involved during the progress of the work through it's various stages. There is, however, no limit to the number of qualifications that may be held by one person. A supervisor qualification does not qualify the holder to work as a qualified operative and vice versa.

How are the qualified persons identified?
A Street Works Qualifications Register containing details of the qualifications awarded by all awarding bodies is maintained by SCOTVEC. Each person included in the register is issued with a personal identity card showing the qualification or qualifications held by that person. A Roads Authority Inspector may ask to see this qualification at any time, and hence operatives should carry this at all times.

Conditions

The Standard Conditions attached to any minor road-‐works consent granted are:

1. The Contractor will be responsible for the provision of signs and barriers and ensure that all works shall, where appropriate, be signed in accordance with Chapter 8 of the Traffic Signs Manual.
2. The Contractor shall assume responsibility for claims against Argyll and Bute Council as a consequence of the works, both during the time that work is in progress and for a period of twenty-‐four months after the date of completion of the works.
3. The consent is valid for a period of three months, during which the works must begin, but this may be extended at the discretion of the Head of Roads.
4. Reinstatements to be carried out in accordance with the ‘Specification for the Reinstatement of Openings in Roads’
5. Where a ditch or drain is required to be piped under the access, the minimum diameter will be determined by the Roads Authority.
**Additional Information:**

Conditions applicable to standard vehicular crossings (installation of drop kerbs) on classified roads. (A, B and C Class)

1. Planning permission must be obtained
2. A vehicle turning space must be provided and maintained within the site.

**General Roads Conditions for Vehicular Crossings**

1. There shall be no obstruction over 0.9m in height above carriageway level within 2.5m of the carriageway edge along the frontage of your garden ground to the public road.
2. There shall be no obstruction to visibility over 1m in height above carriageway level within the visibility splay onto the public road.
3. The gradient of the access shall not exceed 1 in 20.
4. The access shall be constructed at right angles to the public road.
5. Any garage shall be erected at least 6.0m back from the heel of the footway.
6. The hard standing shall be of a sufficient length to ensure that the gates may open inwards when a vehicle is parked on the hard standing.

As each site is unique you may wish to consult a Roads Officer regarding feasibility and any other relevant conditions, which may apply.

**Construction**

Any Contractor tendering must have full knowledge of the specifications and conditions. Contractors must all be accredited contractors under the New Roads and Street Works Act (1991) and have **Public Liability Insurance cover of up to £5 Million.**

**Safety at Roadworks**

When roadworks are being executed the law requires precautions to be taken by those carrying them out in order to protect people using the road from danger or inconvenience. The 1991 Act, The Traffic Signs Regulations and General Directions 2002, The 1984 Act, Section 57, and Health and Safety at Work Act 1974 all apply.

The under mentioned rules are not a legal interpretation but simply ten basic rules which should be adhered to, so that vehicular and pedestrian traffic and those engaged in roadworks are adequately protected:

1. Use only signs that meet the requirements of the prevailing conditions and that are prescribed in the Traffic Signs and General Directions 1981 and the Traffic Sign Manual, any amendments and extensions thereof current at the time.
2. Position the signs so that they are (a) clearly visible and (b) securely fixed to ensure that they do not blow away.
3. Use only reflectorised signs and site them so that during the hours of darkness they receive the maximum benefit from street lighting. Inspect them regularly for damage and cleanliness. Remove or cover up signs when no longer required because display of unnecessary signs can cause confusion and frustration.
4. During one-way traffic operations use approved portable traffic lights, phased to suit traffic requirements, or manually operated Stop/Go signs. Police may control traffic,
for a short duration, in a sudden emergency. (The advice of the Roads Authority should be sought especially for heavily trafficked roads).

5. **NOTE: It is a statutory requirement to notify the Roads Authority of ALL portable signal installations and to obtain written approval for those sites, which contain or are near a junction.**

6. Backfill all openings as the work progresses so that the minimum inconvenience and danger is caused to traffic.

7. Do not obstruct the carriageway/footway or footpath unnecessarily with excavated material or equipment.

8. Obstructions and excavations must be adequately lit and fenced. When a footpath/footway is obstructed a diversion must be provided. Barriers must be at least 1 metre in height and special precautions should be taken so see that a blind person, using his stick, can, with safety, negotiate the obstruction.

9. All personnel engaged on works on or near the carriageway must wear a high visibility jacket or coat.

10. Ensure so far as is reasonably practicable the Health and Safety of employees and members of the public.