

**A Guide for Members of the
Public Wishing to Undertake Works
Which Involve Excavation in the
Public Highway within the
Metropolitan Borough of Barnsley**



1

As the owner of an apparatus or a sewer which already exists in the public highway you are an Undertaker, either as defined under Section 50 of the New Roads and Street Works Act 1991 or as defined under Section 106 of the Water Industries Act 1991. You are therefore under an ongoing obligation, as detailed in Section 81 of the New Roads and Street Works Act 1991, to maintain your apparatus or sewer in a safe and serviceable condition. As a consequence it may be necessary, from time to time, to inspect, maintain, repair or even replace the apparatus or sewer.

What are your powers?

2

As an Undertaker you are empowered to:

- a. Inspect, maintain, repair or replace, as necessary, your apparatus/sewer in order to permit its continued use.
- b. Break open the street and obtain access to the street in pursuance of this power.

What are your obligations?

3

As an Undertaker requiring to excavate in the Highway in order to inspect, maintain, repair or replace your existing apparatus, you are under the following obligations:

- a. Pay the necessary inspection charges for each and every occasion when works occur. (For the appropriate charges see the current issue of Fees and Charges Leaflet)
- b. Issues the necessary notifications of works, for each and every occasion when works occur, in accordance with the procedures laid down in the New Roads and Street Works Act 1991.
- c. Ensure that the execution of the works, for each and every occasion when works occur, is performed in a satisfactory manner with particular regard to the Code of Practice, "Safety at Street Works and Road Works".
- d. Ensure that on each and every occasion when works occur, that such works be supervised by an Accredited Supervisor in accordance with Section 67 of the Act, and that an Accredited Operative is physically present on site whilst works are being performed.
- e. Indemnify the Highway Authority against all and any claim made by a third party in connection with any aspect of the works.
- f. Ensure that the highway is permanently reinstated, for each and every occasion when works occur, to the satisfaction of the Barnsley Metropolitan Borough Council Engineer and that such permanent reinstatement shall be guaranteed for a period of not less than 2 years from the date of reinstatement (3 years in the case of excavations in excess of 1.5 metres). The standard of reinstatement to be in accordance with the "Specification for Reinstatement of Openings in Highways" (current edition). It is permissible to perform an Interim Reinstatement but this must be replaced by the Permanent Reinstatement in a period not exceeding 6 months.

- g. To maintain the apparatus/sewer in a serviceable condition until such time as the apparatus/sewer is removed.
- h. To notify the Highway Authority in writing prior to any transfer of ownership of the apparatus or the property which it serves.
- i. To notify any person to whom title, for the apparatus/sewer or the property which it serves, passes on the obligations herein stated. Any remaining warranty obligations are to be transferred with ownership.
- j. To provide, as and when requested by any person having reasonable cause, information regarding the location of the apparatus/sewer. Such information to be provided within 10 working days of request.

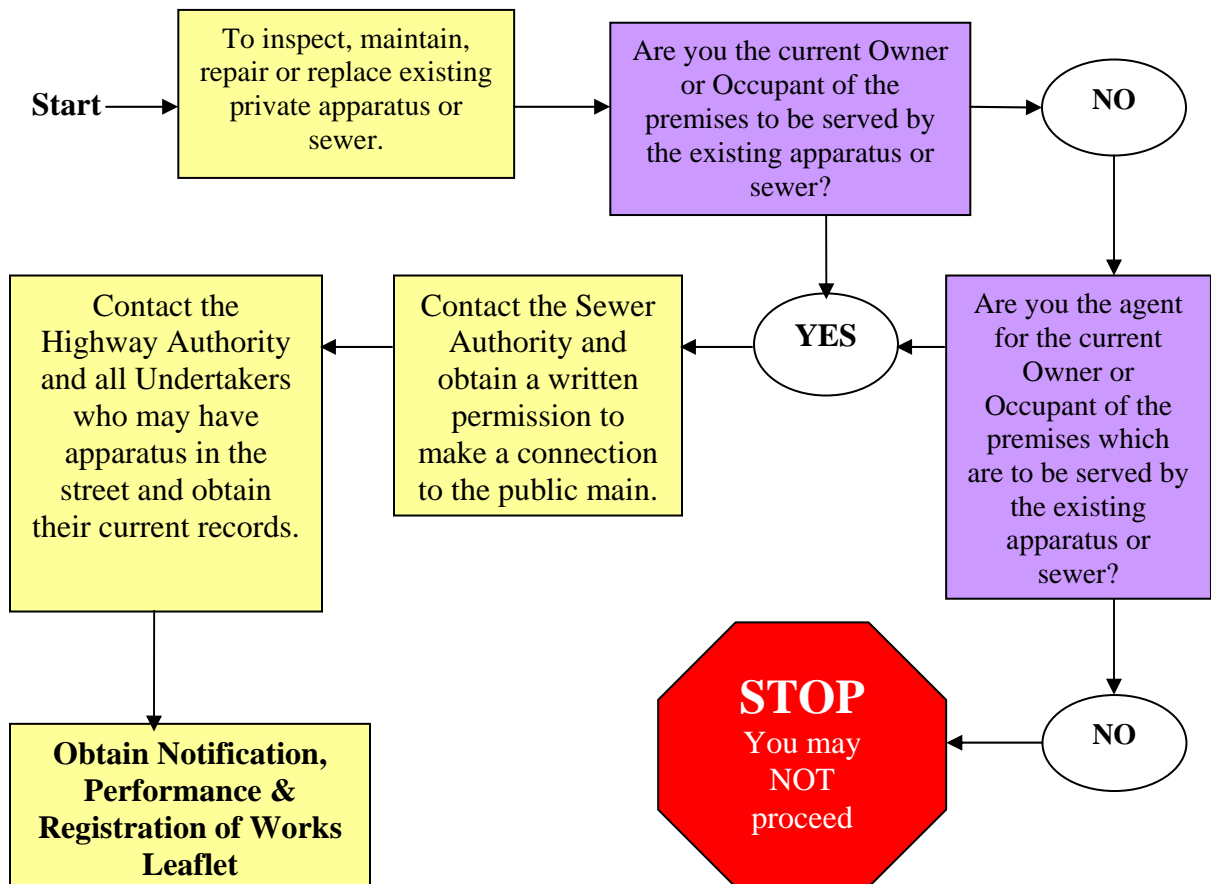
What must you do?

4

Look at the flow diagram (figure 5a) below, this will guide you through the steps to be taken.

5

Start at the top left and read each box in turn, the purple boxes are questions which can be answered yes or no. If you reach the “yes” box you may proceed. If you are led to the **STOP** sign, you may not proceed.



The following leaflets offer additional information and guidance and can be obtained from:

Barnsley Metropolitan Borough Council
Environmental Services
PO Box 601
Barnsley
S70 9FA

General Information

Guide to Obtaining a Licence

Guide to Installing a sewer

Obtaining Special Permission to Excavate

Working on Existing Apparatus and Sewers 6 Guide to Notification, Performance and
Registration of the Works

Guide to Charges and Fees

Undertakers Address List

These leaflets are amended from time to time. Please check that the document you are using is current.