A guide for Members of the Public Wishing to Undertake Works which Involve Excavation in the Public Highway in the City of York.
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?

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?

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 Leaflet No.7).

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 and outlined in Leaflet No.6.

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. **From August 1997 there will be additional requirement that an Accredited Supervisor/Operative must be physically present on site whilst works are being performed.**

e. Indemnify the Highway Authority against all and any claim made be 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 Streetworks 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”. 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 sewer 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. regarding the location of the apparatus/sewer. Such information to be provided within 10 working days of request.

**What must you do?**

5.4

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

5.5

Start at the top left and read each box in turn, the double-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.

Start

To inspect, maintain, repair or replace existing private apparatus or sewer.

Are you the current Owner or Occupant of the premises to be served by the existing apparatus or sewer?

STOP

You may NOT proceed

Are you the agent or contractor for the current Owner or Occupant of the premises which are to be served by the new apparatus or sewer?

Contact the Highway Authority and all Undertakers who may have apparatus in the street and obtain their current records.

Obtain Leaflet No.6 Notifying the Works

Figure 5a. Existing Apparatus

5.6

Please note this does not mean that you may now rush out and dig a hole. As an Undertaker you are required to formally **Notify the works**. How this is to be done is outlined in Leaflet No.6.
BIBLIOGRAPHY

The following documents are HMSO publications and provide the source information for the production of SO YOU WANT TO DIG. All are available from good bookshops.

<table>
<thead>
<tr>
<th>Document Title</th>
<th>ISBN Number</th>
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<tbody>
<tr>
<td>New Roads and Street Works Act 1991</td>
<td>0-10-542291-6</td>
</tr>
<tr>
<td>Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters.</td>
<td>0-11-551162-8</td>
</tr>
<tr>
<td>Code of Practice for Inspections</td>
<td>0-11-551148-2</td>
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<tr>
<td>Specification for the Reinstatement of Openings in Highways.</td>
<td>0-11-551143-1</td>
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<tr>
<td>Safety at Street Works and Road Works, Code of Practice</td>
<td>0-11-551144-X</td>
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The following leaflets comprise the series SO YOU WANT TO DIG and can be obtained from:- Streetworks, West Offices, Station Rise, YORK YO1 6GA.

- Leaflet 1. General Information
- Leaflet 2. Guide to Obtaining a licence
- Leaflet 5. Guide to Working on Existing Apparatus and Sewers

This document is based upon a series of leaflets, titled: “SO YOU WANT TO DIG” developed by North Yorkshire County Council.