

Area 9 Asset Support Contract

Service Information

Annex 2

**Authorised Functions and Other
Services**

SERVICE INFORMATION FOR ASC
ANNEX 2
CONTENTS AMENDMENT SHEET

Amend. No.	Issue Date	Amendments	Initials	Date
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2. AUTHORISED FUNCTIONS AND OTHER SERVICES**2.1 NOTES TO TABLE 2.1**

2.1.1 The *Provider* accounts for and passes fees received to the *Employer* except where provided otherwise in this contract.

2.1.2 Nothing in this Table 2.1 shall permit the *Provider* to exercise:

- (1) Any function conferred by or under section 294 of the Highways Act 1980;
- (2) Any function to the extent that the function confers a power or right of entry into or on any premises or land of which the *Employer* is not the owner or occupier.

2.2 Table 2.1 Highways Act 1980

Section of Highways Act 1980	Provision	Authorised Functions	Services in relation to Employer's functions	Provider's Duties
59	Recovery of expenses due to extraordinary traffic		#	Assist the <i>Employer</i> as requested by the <i>Employer</i>
79	Prevention of obstruction to view at corners		#	Advise the <i>Employer</i> when it may be necessary for the <i>Employer</i> to issue a notice and plan pursuant to this section
101	Power to fill in roadside ditches etc		#	Advise the <i>Employer</i> when a ditch on land adjoining or lying near the highway may constitute a danger to users of the highway
112(3) (5)	Manage picnic sites and public conveniences for users of trunk roads		#	Inspect and arrange maintenance for picnic areas and public conveniences
132(1)	Unauthorised marks on highways		#	Advise <i>Employer</i> if any person commits an offence covered by this section, with details and recommendations for further action

Section of Highways Act 1980	Provision	Authorised Functions	Services in relation to Employer's functions	Provider's Duties
132(2)				If requested by <i>Employer</i> , arrange for the relevant unauthorised marks to be removed
133	Damage to footways of streets by excavations	#		Exercise the functions of the <i>Employer</i> by or under this section
139(1) and (2)	Prohibition on deposit of builder's skips without permission of the highway authority	#		Exercise the functions of the <i>Employer</i> by or under this section
139(3)	Control of builder's skips		#	Advise the <i>Employer</i> of skips deposited without permission with recommendations for further action
139(4)				Assist the <i>Employer</i> as requested by the <i>Employer</i>
				Monitor compliance with sub-section (4)
140(2)	Power to require owner of skip to remove or reposition it	#		Exercise the functions of the <i>Employer</i> by or under this section
140(3)	Removal of builders' skips		#	Advise <i>Employer</i> of failures to remove or reposition skips as soon as practicable with recommendations for further action
140(4)			#	When requested by the <i>Employer</i> , arrange for skips to be removed or repositioned
140(5) (6)				Where practicable, advise the <i>Employer</i> of the owners of skips removed or repositioned and of expenses reasonably incurred in removing or repositioning skips

Section of Highways Act 1980	Provision	Authorised Functions	Services in relation to Employer's functions	Provider's Duties
141(2)	Power by notice to require removal of tree or shrub on or near carriageway	#		Exercise the functions of the <i>Employer</i> by or under this section
141(3)	Restriction on planting of trees etc. in or near carriageway		#	Advise <i>Employer</i> of failures to comply with subsection (2) with recommendations for further action
142	Licence to plant trees, shrubs etc in a highway		#	Assist and advise the <i>Employer</i> , as requested by the <i>Employer</i> , on the issue and withdrawal of licences to plant, trees, shrubs etc in the highway.
				If requested by the <i>Employer</i> prepare draft licences for the removal of plant, trees, shrubs etc
143(1)	Power to give notice requiring removal of structures from highways	#		Exercise the functions of the <i>Employer</i> by or under this section
144	Power to erect flagpoles etc on highways		#	Advise <i>Employer</i> , as requested by <i>Employer</i> , on consents to erect flagpoles and other "relevant works" referred to in this section
				Advise <i>Employer</i> if any person commits an offence covered by this section, with details and recommendations for further action
149	Removal of things so deposited on highways as to be a nuisance etc		#	Advise the <i>Employer</i> of things deposited on a highway that may constitute a nuisance with recommendations for further action
				Assist the <i>Employer</i> as requested by the <i>Employer</i>
150(1), (2) and (4)	Duty to remove snow, soil etc from highway	#		Exercise the functions conferred on the <i>Employer</i> as Highway Authority by or under this section, except insofar as they relate to an obstruction in a highway which is the property of a person

Section of Highways Act 1980	Provision	Authorised Functions	Services in relation to <i>Employer's</i> functions	<i>Provider's</i> Duties
154(1) and (2)	Competent authority's power to give notice requiring removal of overhanging hedge, tree or shrub	#		Exercise the functions conferred on the <i>Employer</i> as competent authority by virtue of his being Highway Authority by or under these sections.
154(4)			#	Arrange for work to be carried out and take steps to recover expenses reasonably incurred as requested by the <i>Employer</i>
167(2), (5) and (6)	Local authority consultation with highway authority and highway authority's power to give notice in relation to retaining walls near streets	#		Exercise the functions conferred on the <i>Employer</i> as Highway Authority by or under this section
				Request the local authority to issue notice pursuant to subsection (5)
				If local authority fails to issue notice, issue notice
167(4)	Offence of erecting a wall without prior written permission.		#	Advise <i>Employer</i> of retaining walls erected in contravention of this section
				Assist the <i>Employer</i> as requested by the <i>Employer</i>
168	Building operations affecting public safety		#	Advise the <i>Employer</i> of any offence committed under this section, with recommendations for further action
169(1), (2), (3) and (4)	Power of Highway Authority to licence and directions in relation to scaffolding or other structures on the highway	#		Exercise the functions conferred on the <i>Employer</i> as Highway Authority by or under this section

Section of Highways Act 1980	Provision	Authorised Functions	Services in relation to Employer's functions	Provider's Duties
169(5)			#	Advise the <i>Employer</i> of any offence committed under this section, with recommendations for further action
171(1), (2), (3), (4), (5), and (7)	Control of deposit of building materials and making of excavations in streets	#	#	Exercise the functions conferred on the <i>Employer</i> as Highway Authority by or under this section, except insofar as the functions conferred by or under 171(7) relate to the removal of property of any person
171(6)				Advise the <i>Employer</i> of any offence committed under this section, with recommendations for further action
176	Restriction on construction of bridges over highways		#	Advise the <i>Employer</i> , as requested by the <i>Employer</i> , on requests for a licence
				Advise the <i>Employer</i> of any offence committed under this section, with recommendations for further action
178(1)	Prohibition on placing rails, beams etc. over highways without consent of the Highway Authority	#	#	Exercise the functions conferred on the <i>Employer</i> as Highway Authority by or under this section
178(2)				Assist <i>Employer</i> to respond to appeals
178(4)				Advise the <i>Employer</i> of any offence committed under this section, with recommendations for further action
184(1) to (5), (8)	Vehicle crossings over footways and verges		#	Advise the <i>Employer</i> of the need to issue and form of notices

Section of Highways Act 1980	Provision	Authorised Functions	Services in relation to <i>Employer's</i> functions	<i>Provider's</i> Duties
(7)				If requested by the <i>Employer</i> , arrange for the execution of such work and take steps to recover expenses reasonably incurred
(9)			#	Advise the <i>Employer</i> , if requested by the <i>Employer</i> , on offers to execute work
(10)				Advise the <i>Employer</i> of failures to execute work with recommendations for further action
(11)				Advise the <i>Employer</i> , if requested by the <i>Employer</i> , on how to exercise his powers under this subsection
(13)				If requested by the <i>Employer</i> , arrange for works to be executed
(12)	Vehicle crossings over footways and verges		#	Assist and advise the <i>Employer</i>
(17)				Advise <i>Employer</i> of contravention of any condition with recommendations for further action
185	Power to install etc. refuse or storage bins in streets	#		Exercise the function conferred on the <i>Employer</i> as competent authority, by virtue of being Highway Authority, by or under this section
284	Powers of Minister in relation to privately maintainable parts of trunk roads		#	Advise <i>Employer</i> of need to exercise his powers

2.3 NOTES TO TABLE 2.2

2.3.1 The *Provider* accounts for and passes fees received to the *Employer* except as provided otherwise in this contract.

2.4 Table 2.2

Section	Provision	Authorised Functions	Services in relation to <i>Employer's</i> functions	<i>Provider's</i> Duties
2.5 Public Health Act 1925				
14	Consent of highway authority required for the provision of public drinking fountains, seats etc in streets	#		Exercise the functions conferred on the <i>Employer</i> as Highway Authority by or under this section
2.6 Local Government (Miscellaneous Provisions) Act 1953				
5(1) and (2)	Prohibition on the provision of omnibus shelters etc except with the consent of the Highway Authority and other persons	#		Exercise the functions conferred on the <i>Employer</i> by or under this section
5(3)			#	Assist the <i>Employer</i> as required by the <i>Employer</i>
2.7 Parish Councils Act 1957				
5(1) and (2)	Prohibition on the provision of seats, shelters, lamps etc in roads except with the consent of specified persons	#		Exercise the functions conferred on the <i>Employer</i> by or under this section
5(3)	Disputes as to the consent for seats, shelters, lamps etc.		#	Assist the <i>Employer</i> as required by the <i>Employer</i>

Section	Provision	Authorised Functions	Services in relation to <i>Employer's</i> functions	<i>Provider's</i> Duties
2.8 Public Health Act 1961				
45	Attachment of street lamps	#		Exercise the functions conferred on the <i>Employer</i> as Highway Authority by or under this section
2.9 Litter Act 1983				
5(6) Schedule 1	Consent of the <i>Employer</i> required for works in relation to litter bins	#		Exercise the functions conferred on the <i>Employer</i> under this section and under this schedule
2.10 Road Traffic Regulation Act 1984				
65	Powers and duties of Highway Authority as to placing of traffic signs		#	Receive and process requests for traffic signs (including temporary traffic signals) on the highway. Advise the <i>Employer</i> of any directions or conditions imposed in relation to such traffic signs
72(1)	Provision of traffic and signs on or near a road with the permission of the highway authority	#		Exercise the functions conferred on the <i>Employer</i> as Highway Authority by or under this section
2.11 Coal Mining Subsidence Act 1991				
29			#	Advise <i>Employer</i> on remedial works after subsidence of highway

2.12 NOTES TO TABLE 2.3

2.12.1 The *Provider* accounts for and passes fees to the *Employer* except where provided otherwise in this contract.

2.12.2 Notices transferred electronically to the *Employer* are in the format described below from a source nominated from time to time by the *Employer*. They are then made available to the *Provider* as unpublished closures in SRW

Ref.	Format	Source	Remarks
1	XML	Utility via <i>Employer's</i> contractor	The <i>Employer's</i> contractor is as stated in the Network Information.

2.13 Table 2.3 NRSWA 1991

Section of NRSWA	Provision	Authorised Functions	Services in relation to <i>Employer's</i> functions	<i>Provider's</i> Duties
50 (4)	Street works licences		#	Advise the <i>Employer</i> on conditions to be attached to licence, payment of fees, withdrawal of licence, removal of apparatus
				Issue notices, as required by the <i>Employer</i>
				Assist the <i>Employer</i> , as requested by the <i>Employer</i>
51	Prohibition of unauthorised street works		#	Advise the <i>Employer</i> of any offences committed with details and recommendations for further actions
				Assist the <i>Employer</i> , as requested by the <i>Employer</i>

Section of NRSWA	Provision	Authorised Functions	Services in relation to <i>Employer's</i> functions	<i>Provider's</i> Duties
53	The street works register as amended by the Traffic Management Act 2004	#		Exercise the input and maintenance functions conferred on the <i>Employer</i> as street authority by or under this section except insofar as the requirement to keep a register and the functions conferred by or under 53(5) or 53(6) relate to the payment of fees or costs.
54(1) and (4)	Advance notice of certain works and compliance with requirements imposed by the street authority	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section
54 (4A)	Cancellation of advance works notice where no notice of start has been served under section 55	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section
54(5)	An undertaker failing to comply with this section commits an offence		#	Advise the <i>Employer</i> of any offences committed with details and recommendations for further actions
				Assist the <i>Employer</i> , as requested by the <i>Employer</i>
55(1) and (4)	Notice of starting date of works and prohibition on starting works without notice except with consent of street authority	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section
55(5) and (6)			#	Advise the <i>Employer</i> of any offences committed with details and recommendations for further actions

Section of NRSWA	Provision	Authorised Functions	Services in relation to Employer's functions	Provider's Duties
				Assist the <i>Employer</i> , as requested by the <i>Employer</i>
55 (8)	Cancellation of notice of starting date where works do not commence	#		Receive notices pursuant to section 55(8). Advise the <i>Employer</i> of any offences committed with details and recommendations for further actions
56(1) and (4)	Power to give directions as to timing of street works and duty to have regard to code of practice in exercising power	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section
56(1A)	Power to give directions as to timing of subsisting street works and duty to have regard to code of practice in exercising power	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section (except where the other street to place the apparatus in is not a street for which the <i>Employer</i> is the street authority)
56(3)	Offences under section 56		#	Advise the <i>Employer</i> of any offences committed with details and recommendations for further actions
				Assist the <i>Employer</i> , as requested by the <i>Employer</i>
56A(1), (3)	Powers to give direction as to placing apparatus		#	Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section
56A(6)				Advise the <i>Employer</i> of any appeals or offences committed with details and recommendations for further actions
				Assist the <i>Employer</i> , as requested by the <i>Employer</i>

Section of NRSWA	Provision	Authorised Functions	Services in relation to Employer's functions	Provider's Duties
57(2)	Notice of emergency works	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section
57(4)			#	Advise the <i>Employer</i> of any offences committed with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
58(1) to (3) and (7)	Restriction on works following substantial road works	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section
58(6)			#	Advise the <i>Employer</i> of any offences committed with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
58A and Schedule 3A, Para. 1(1), 2(1) and (4), 3(1), 4(1), (6), (8), (9), (10), 5(2)(b) and (3)	Restriction on works following substantial Street Works	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section and Schedule 3A
			#	Advise the <i>Employer</i> of any offences committed under Schedule 3A with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
59	General duty of street authority to co-ordinate works	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section

Section of NRSWA	Provision	Authorised Functions	Services in relation to Employer's functions	Provider's Duties
60(1)	General duty of undertakers to co-operate with respect to the execution of street works	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section
60(3)			#	Advise the <i>Employer</i> of any offences committed with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
61(1), (4)	Protected streets	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section (except insofar as they relate to the power to designate a street as protected) Advise the <i>Employer</i> if designation is appropriate with details and recommendations for further actions
61(3)			#	Advise the <i>Employer</i> of any fees recoverable from undertakers with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
61(5)			#	Advise the <i>Employer</i> of any expenses he may agree to contribute to undertakers Assist the <i>Employer</i> , as requested by the <i>Employer</i>
62(2) to (4)	Supplementary provisions as to designation of protected streets		#	Advise the <i>Employer</i> in respect of these subsections with details and recommendations for further actions. Prepare for use by the <i>Employer</i> appropriate directions to undertakers Assist the <i>Employer</i> , as requested by the <i>Employer</i>
62(5)			#	Assist the <i>Employer</i> , as requested by the <i>Employer</i>

Section of NRSWA	Provision	Authorised Functions	Services in relation to Employer's functions	Provider's Duties
63(1)	Streets with special engineering difficulties		#	Advise the <i>Employer</i> on the settlement of a plan and section of any street works to be executed with details and recommendations for further actions and if designation is appropriate with details and recommendations
Advise the <i>Employer</i> of any offences committed with details and recommendations for further actions				
Assist the <i>Employer</i> , as requested by the <i>Employer</i>				
64(3)	Traffic-sensitive streets		#	Advise the <i>Employer</i> if limited designations are appropriate with details and recommendations for further actions
Assist the <i>Employer</i> , as requested by the <i>Employer</i>				
65(2)	Undertaker to comply with directions given by traffic authority	#		Exercise the functions conferred on the <i>Employer</i> as traffic authority by or under this section
65(5)	Street authority power to take steps where undertaker has failed to comply	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section except insofar as they relate to the power to recover costs
			#	Advise the <i>Employer</i> of any costs recoverable from undertakers with details and recommendations for further actions
				Assist the <i>Employer</i> , as requested by the <i>Employer</i>
65(4) and (6)			#	Advise the <i>Employer</i> of any offences committed with details and recommendations for further actions
				Assist the <i>Employer</i> , as requested by the <i>Employer</i>

Section of NRSWA	Provision	Authorised Functions	Services in relation to Employer's functions	Provider's Duties
66(3) and (4)	Power to give notices to undertaker to mitigate and discontinue obstruction and to take necessary steps	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section, except insofar as they relate to the power to recover costs
				Advise the <i>Employer</i> of any costs recoverable from undertakers with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
66(2)	Summary Conviction		#	Advise the <i>Employer</i> of any offences committed with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
67 (1A) (2A)	Qualifications of supervisors and operatives:- Notification of names		#	Advise the <i>Employer</i> of any instances where these powers should be used with details and recommendations for further actions
67(3)	Qualifications of supervisors and operatives		#	Advise the <i>Employer</i> of any offences committed with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
68(1)	Undertaker to afford reasonable facilities to the street authority	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section
68(2)	Summary conviction		#	Advise the <i>Employer</i> of any offences committed under section 68 with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
70(3) and (4A)	Undertaker to inform street authority of completion of interim and permanent reinstatement	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section

Section of NRSWA	Provision	Authorised Functions	Services in relation to Employer's functions	Provider's Duties
70(4)	Undertaker to complete interim reinstatement to permanent within 6 months and inform the street authority		#	Advise the <i>Employer</i> of any offences committed under any part of section 70(4) with details and recommendations for further actions
70(6)	Summary conviction		#	Advise the <i>Employer</i> of any offences committed with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
71(5)	Offence relating to materials, workmanship and standard of reinstatement		#	Advise the <i>Employer</i> of any offences committed under any part of section 71 with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
72(1) (2)	Powers of street authority in relation to reinstatement	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section and pass all costs that are fixed fees in 72(2) received to the <i>Employer</i>
72(3) and (4)		#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section, except insofar as they relate to the power to recover costs
		#		Advise the <i>Employer</i> of any costs recoverable from undertakers with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
74(2), (3) and (4)	Agreement, challenge and revision of "a reasonable period" duration of Undertaker works	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under these sections
75	Inspection fees as amended by the Traffic Management Act 2004	#		Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section and pass all fees received to the <i>Employer</i>

Section of NRSWA	Provision	Authorised Functions	Services in relation to Employer's functions	Provider's Duties
76	Liability for cost of temporary traffic regulations		#	Advise the <i>Employer</i> of any costs recoverable from undertakers with details and recommendations for further actions
				Assist the <i>Employer</i> , as requested by the <i>Employer</i>
80	Duty to inform undertakers of location of apparatus		#	Assist the <i>Employer</i> , as requested by the <i>Employer</i>
81	Duty to maintain apparatus	#	#	Exercise the functions conferred on the <i>Employer</i> as street authority by or under this section and relevant authority except insofar as they relate to the power to recover costs
				Advise the <i>Employer</i> as street authority or relevant authority of any costs recoverable from undertakers with details and recommendations for further actions
				Assist the <i>Employer</i> , as requested by the <i>Employer</i>
82(1)	Liability for damage or loss caused		#	Advise the <i>Employer</i> of any compensation recoverable from undertakers with details and recommendations for further actions
				Assist the <i>Employer</i> , as requested by the <i>Employer</i>
83(2)	Works for road purposes likely to affect apparatus in the street	#		Exercise the functions covered by the <i>Employer</i> as highway authority or as bridge authority by or under this section
83(3)	Summary conviction		#	Advise the <i>Employer</i> of any offences committed by the <i>Employer</i> with details and recommendations for further actions
				Assist the <i>Employer</i> , as requested by the <i>Employer</i>
84(1)	Undertaker and bridge or highway authority to take steps where apparatus is affected by major works	#		Exercise the functions covered by the <i>Employer</i> as highway, or bridge authority by or under this section

Section of NRSWA	Provision	Authorised Functions	Services in relation to Employer's functions	Provider's Duties
84(4)	Requirement to pay compensation in certain circumstances		#	Advise the <i>Employer</i> of any compensation recoverable from or due to undertakers with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
85(1)	Sharing of costs of necessary measures		#	Advise the <i>Employer</i> of allowable costs to be borne by the <i>Employer</i>
85(3)	Sharing of costs of necessary measures		#	Advise the <i>Employer</i> of any costs recoverable from undertakers with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
88(4) and (5)	Consultation with bridge authority prior to execution of certain works, provision of reasonable facilities for bridge authority to monitor works, and compliance with directions of bridge authority	#		Exercise the functions conferred on the <i>Employer</i> as bridge authority by or under this section
88(6)	Summary conviction		#	Advise the <i>Employer</i> of any offences committed with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>
90(2) and (3)	Provisions as to reinstatement of sewers, drains or tunnels	#		Exercise the functions conferred on the <i>Employer</i> by or under these sections, except insofar as they relate to the power to recover costs
			#	Advise the <i>Employer</i> of any costs recoverable from undertakers with details and recommendations for further actions Assist the <i>Employer</i> , as requested by the <i>Employer</i>

Section of NRSWA	Provision	Authorised Functions	Services in relation to Employer's functions	Provider's Duties
95	Offences		#	Advise the <i>Employer</i> on further offences with details and recommendations for further actions
				Assist the <i>Employer</i> , as requested by the <i>Employer</i>
95A	Fixed penalties offences for some section of part III as shown in schedule 4A		#	Advise the <i>Employer</i> on failure to pay fixed penalty notices and recommendations for further actions
103(3)	Former controlled land		#	Advise the <i>Employer</i> in respect of indemnities with details and recommendations for further actions
				Assist the <i>Employer</i> , as requested by the <i>Employer</i>