



**HAUC (UK) Consultation on revisions to the Measures Necessary Where Apparatus Is Affected By
Major Works (Diversionary Works Code of Practice)**

Dear Colleague,

The HAUC Diversionary Works Task Group is currently undertaking a review of the Diversionary works Code and will be circulating documents to keep HAUC stakeholders informed of progress, to obtain feedback. And to help us shape the document prior to the group remitting it to governments for formal consultation.

This consultation covers the proposed revisions to Chapters 1, 3, 9 and 10 and is the final consultation on this matter by HAUC (UK)

A summary of the changes is set out below, along with the list of questions for this consultation.

Responses should be submitted by 19th August 2025 and can be made via the link below.

[HAUC Div Works Code mini consultation- chapters 1, 3, 9 and 10](#)

Can you please ensure that those functions in your organisation which are affected by this code are aware of this informal consultation,

Thank you,

Yours

Alison Williams

David Capon

Co-Chairs HAUC (UK) Diversionary Works Task Group.

Explanation of proposed changes

Chapters 1 and 3

The group has undertaken a review of the language and content resulting in some minor updates to Chapters 1 and 3, which along with “Chapter 2 Guiding Principles” provide all of the key information for users of the Code. Where to find important information, the works to which the Code applies and the guiding principles for decisions on the measures necessary.

While the chapters have been drafted and consulted upon separately, we are considering merging them into one single chapter which will then contain the framework upon which the code relies.

We are asking for feedback on this proposal within the consultation.

Both chapters have had some minor language and formatting edits to improve readability and ensure consistency with legislative references where required.

3.4 has been edited to focus on the objectives of authorities when designing highways and roads.

3.6 has been edited to make clear that undertakers apparatus includes all assets that the undertaker owns for the purpose of their statutory undertaking, including those structures defined in s105 and s164 of NRSWA, for the lodging therein of apparatus or for gaining access to apparatus.

Chapter 9- General Statement of Financial Agreement

- Standardisation of language and terminology used within the code throughout this review.
- Minor edits to ensure the chapters are consistent with other parts of the Code already consulted upon.
- Updated to include the cost sharing rate applicable to Major Transport Works
- Aligning allowable costs in 9.2 with the wording given in regulations.
- 9.3.4 reworded to clarify the treatment of contributions towards the costs by third parties, for example developers.

For the purposes of this Code a third party is a body which is not in scope of the New Roads And Street Works Act provisions for cost sharing as a works promotor (e.g. not a roads, transport, bridge or highway authority, including the case where the Authority are acting on behalf of a third party investor)

Chapter 10 Dispute Resolution

This chapter was significantly out of date and has required an almost complete rewrite to ensure that it is up to date with current HAUC processes and legal requirements.

- Chapter renamed to standardise with wider HAUC practice.

- Updated to reflect the modified regime now applicable in Scotland as a result of [The Road Works \(Settlement of Disputes and Appeals against Directions\) \(Scotland\) Regulations 2008 \(legislation.gov.uk\)](#)
- Update to align with the standard HAUC resolution processes applicable in England and Wales (as detailed in the relevant Co-ordination Codes)
- Update to clarify matters which HAUC are not able to make a determination upon.

Consultation Questions

Q1 Name of Organisation you represent?

Q2. Sector ?

- **Authority**
- **Utility Company**
- **Other-** please state

Chapters 1 &3

Q3. We propose to merge Chapters 1-3 into a single chapter containing all of the important information about the code. Where to find key information, the works to which it applies and the guiding principles for decisions on the measures necessary. (If the change is adopted subsequent chapters would be renumbered accordingly).

Do you agree with this proposal?

Y/N

Q4. Do you have any comments on Chapter 1?

Q5. In chapter 3, sections 3.1 to 3.4, Is it clear which authorities may undertake relevant works under the provisions of NRSWA and what works constitute major works?

Y/N

Q6. Do you have any comments on the above?

Q7. Do you agree with the revisions made to Chapter 3 sections 3.5- 3.6?

Y/N

Q8. Do you have any comments on the above?

Chapter 9



Q9- The wording of 9.2 has been amended to incorporate the wording given in regulation 2 (2)(a) of the relevant Cost Sharing Regulations, making clear that the “costs incurred in preparing the initial set of plans and estimates in relation to those diversionary works.” Do not form part of the allowable costs.

Do you agree with this change?

Y/N

Q10. Any comments on the above?

Q11- Is the rest of Chapter 9 clear and easy to understand?

Y/N

Q12- Do you have any other comments regarding Chapter 9?

Chapter 10

Q13- Does the Chapter provide clarity on the routes available for dispute resolution?

Y/N

Q14. Any comments on Chapter 10?

END