



# Road Traffic (Driver Licensing and Information Systems) Act 1989

## 1989 CHAPTER 22

### PART II

#### DRIVER INFORMATION SYSTEMS

##### *Supplementary*

#### **12 Power to install apparatus etc**

- (1) This section has effect—
- (a) for the purposes of any operator's licence to which it is applied by the licence, but
  - (b) subject to any exclusions or other modifications specified in the licence.
- (2) The holder of an operator's licence shall have power to do all or any of the following things, that is to say—
- (a) install system apparatus in, upon, under, over, along or across a public road;
  - (b) inspect, maintain, adjust, repair, alter, renew or remove any system apparatus so installed; and
  - (c) execute any works requisite for or incidental to the purposes of any works falling within paragraph (a) or (b) above, including for those purposes the following kinds of works, that is to say—
    - (i) breaking up or opening a public road;
    - (ii) tunnelling or boring under a public road; and
    - (iii) breaking up or opening a sewer, drain or tunnel;and accordingly the street works code contained in the Public Utilities Street Works Act 1950 has effect in relation to the licence holder's power to do those things.

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*Status: This is the original version (as it was originally enacted).*

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- (3) The powers conferred by subsection (2) above shall not be exercisable by fixing system apparatus to a traffic sign (within the meaning of section 64(1) of the Road Traffic Regulation Act 1984).
- (4) Subject to subsection (5) below, the powers conferred by subsection (2) above shall not be exercisable—
- (a) by fixing system apparatus to a structure or attachment to a structure belonging to another person or authority, or
  - (b) by making use, for the purpose of installing system apparatus, of an existing cable, duct or installation of any description (whether under ground or not) belonging to another person or authority,
- without the written consent of that other person or authority; and a local authority shall have power to give its consent upon such terms (including such terms as to payment) as it thinks appropriate.
- (5) Where the consent in question under subsection (4) above would be that of any authority prescribed by order made by the Secretary of State, subsection (4) shall, as specified in the order—
- (a) apply only in the circumstances specified in the order, or
  - (b) not apply except in such circumstances (if any) as may be specified in the order.
- (6) The powers conferred by subsection (2) above shall be so exercised as to comply with any regulations made by the Secretary of State relating to the situation or manner of installation of system apparatus of any description.
- (7) Subject to any terms or conditions of the licence, the licence holder, if so required by the highway authority or the roads authority—
- (a) shall remove any system apparatus which at the expiry of the licence remains in any land (whether or not vested in the authority) comprised in or lying under a public road, and shall restore the land to its condition before the system apparatus was installed there; or
  - (b) shall reimburse the authority the expenses incurred in doing so.
- (8) In subsection (4) above, “local authority” in England and Wales has the meaning given by the Local Government Act 1972, and in Scotland has the meaning given by the Local Government (Scotland) Act 1973.
- (9) This section applies in relation to any land belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a Government department, or held in trust for Her Majesty for the purposes of a Government department, as it applies in relation to other land.

### **13 Application of other Acts and protective provisions in relation to licence holders**

- (1) Schedule 4 to this Act shall have effect for the purpose of applying the enactments specified therein in relation to the holders of operators' licences and their system apparatus.
- (2) Schedule 5 to this Act (which regulates other undertakers' works affecting system apparatus) shall have effect.

#### **14 Offences by officers of bodies corporate**

- (1) Where a body corporate is guilty of an offence under any provision of this Part of this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### **15 Regulations and orders**

- (1) Any power to make regulations or orders under this Part of this Act may be exercised so as to make different provision for different circumstances and different provision for England, for Wales or for Scotland.
- (2) Any power to make regulations or orders under this Part of this Act is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.