



# 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
- F1 . . .
- (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 <sup>M1</sup>Road Traffic Regulation Act 1984).

*Status: Point in time view as at 01/01/1993.*

**Changes to legislation:** Road Traffic (Driver Licensing and Information Systems) Act 1989, Section 12 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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 <sup>M2</sup>Local Government Act 1972, and in Scotland has the meaning given by the <sup>M3</sup>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.

#### Textual Amendments

- F1** Words in s. 12(2) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch.9](#); (E.W.) S.I. 1992/2984, art. 2(2), [Sch.2](#); (S.) S.I. 1992/2990, art. 2(2), [Sch. 2](#)

#### Marginal Citations

- M1** 1984 c. 27.  
**M2** 1972 c. 70.  
**M3** 1973 c. 65.

**Status:**

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