New Roads and Street Works Act 1991

1991 CHAPTER 22

An Act to amend the law relating to roads so as to enable new roads to be provided by new means; to make new provision with respect to street works and, in Scotland, road works; and for connected purposes. [27th June 1991]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extent Information

E1 Act except specified provisions does not extend to Northern Ireland see s. 169(3).

Modifications etc. (not altering text)

C1 Certain functions of the Act made exercisable by, or by employees of, such person (if any) as may be authorised by the Secretary of State for Transport (E.W.) (25.7.1995) by S.I. 1995/1986 art. 2, Sch. 2 Act (except s. 167(3)): transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

C2 Act: extended (E.W.S.) (30.4.1999) by S.I. 1999/1306, **art. 27(5)(b)**

C3 Act excluded (E.W.S.) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, **10(6)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

C4 Act applied (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **3(2)** (with arts. 19, 28, Sch. 3 para. 13(2))

C5 Act: functions made exercisable as specified (24.3.2009) by The Contracting Out (Highway Functions) Order 2009 (S.I. 2009/721), arts. 1, 3, **Sch. 2**

C6 Act applied in part (E.W.) (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch., **Appendix B2**

C7 Act: functions made exercisable as specified (E.) (1.4.2015) by The Delegation of Functions (Strategic Highways Companies) (England) Regulations 2015 (S.I. 2015/378), regs. 1(1), 3, **Sch. 2 para. 1**

C8 Act applied (with modifications) (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **10(2)(j)** (with arts. 37, 38)

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

PART I

NEW ROADS IN ENGLAND AND WALES

Concession agreements

1 Concession agreements.

(1) In this Part a "concession agreement" means an agreement entered into by a highway authority under which a person (the "concessionaire"), in return for undertaking such obligations as may be specified in the agreement with respect to the design, construction, maintenance, operation or improvement of a special road, is appointed to enjoy the right (conferred or to be conferred by a toll order under this Part) to charge tolls in respect of the use of the road.

References in this Part to a concession agreement are to the agreement as varied or supplemented from time to time.

(2) Except as otherwise expressly provided by this Part, the provisions of the [M1]Highways Act 1980 apply in relation to a special road in relation to which a concession agreement is in force (referred to in this Part as a "road subject to a concession") as in relation to any other special road provided or to be provided by the highway authority.

(3) A concession agreement shall provide that any land held by the concessionaire which in the opinion of the highway authority is required, in connection with the matters provided for in the agreement, for any purpose for which the authority may acquire land under Part XII of the [M2]Highways Act 1980 shall be transferred to the highway authority without payment.

(4) A concession agreement relating to the design and construction of a special road shall provide that if the special road scheme authorising the provision of the road is not made or confirmed, or if the highway authority decide not to proceed with the proposed road, the authority shall pay to the concessionaire such compensation in respect of costs incurred by him as may be determined in accordance with the agreement.

(5) A concession agreement relating to the design and construction of a special road shall provide that if the concessionaire fails to complete the road in accordance with the agreement, he shall, without prejudice to any other liability, pay to the highway authority such compensation as may be determined in accordance with the agreement in respect of costs incurred by them.

Those costs shall be taken to include the relevant administrative expenses of the authority, including an appropriate sum in respect of general staff costs and overheads.

Marginal Citations

M1 1980 c. 66.
M2 1980 c. 66.

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2 Exercise of highway functions by concessionaire.

(1) A concession agreement may authorise the concessionaire to exercise in place of the highway authority such highway functions to which this section applies as may be specified in the agreement.

(2) For this purpose "highway functions" means all functions in relation to the road subject to the concession which are exercisable, in whatever capacity, by the authority who are the highway authority; and this section applies to all such functions, except—

(a) powers to make schemes or orders under the Highways Act 1980,

(b) powers to make regulations or orders, or give directions, under the [M3]Road Traffic Regulation Act 1984, and

(c) such other functions as may be prescribed by the Secretary of State by regulations.

(3) A highway function exercisable by the concessionaire may be exercised by the highway authority themselves only—

(a) in an emergency, or

(b) if it appears to the authority that such exercise is necessary or expedient in the interests of road safety, or

(c) if it appears to the authority that the concessionaire has failed or is unable properly to discharge the function in any respect;

and the highway authority shall not be liable for anything done or omitted by the concessionaire in the exercise or purported exercise of a highway function.

(4) The highway authority may recover from the concessionaire the costs incurred by them in exercising in the circumstances mentioned in subsection (3)(a), (b) or (c) a highway function exercisable by the concessionaire.

Those costs shall be taken to include the relevant administrative expenses of the authority, including an appropriate sum in respect of general staff costs and overheads.

(5) The concessionaire shall in the exercise of a highway function act in accordance with the terms of the concession agreement; and the agreement may provide for the withdrawal of the concessionaire's authority to exercise any such function.

(6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C9 S. 2 applied (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **45** (with art. 51, Sch. 10 paras. 68, 85)

Marginal Citations

M3 1984 c. 27.

3 Provisions as to traffic regulation.

(1) The following provisions have effect with respect to the operation of the [M4]Road Traffic Regulation Act 1984 ("the 1984 Act") in relation to a road subject to a concession.

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(2) The traffic authority shall consult the concessionaire before making any regulations or order under the 1984 Act specifically relating to the road.

(3) The concessionaire may cause or permit traffic signs (within the meaning of section 64(1) of the 1984 Act) to be placed on or near the road, but subject to any directions given by the traffic authority.

If the concessionaire fails to comply with a direction of the traffic authority as to the placing of traffic signs, the authority may themselves carry out the work required and recover from the concessionaire the expenses reasonably incurred by them in doing so.

(4) The concessionaire may issue a notice under section 14 of the 1984 Act (temporary restriction or prohibition of traffic) having the same effect as a notice issued under that section by the traffic authority.

The Secretary of State may by regulations make provision excluding in relation to such a notice issued by a concessionaire the provisions of the 1984 Act relating to—

(a) the procedure in connection with the issue of the notice,

(b) the maximum duration of the notice, and

(c) the making of provision in relation to alternative roads,

and making instead such other provision as appears to him to be appropriate.

(5) A notice issued by the concessionaire by virtue of subsection (4) may be revoked or varied by the traffic authority and shall cease to have effect if provision inconsistent with it is made by that authority by order or notice under section 14 of the 1984 Act.

(6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

M4 1984 c. 27.

4 Leasing of land to concessionaire.

(1) A highway authority who have entered into a concession agreement may grant to the concessionaire a lease of any land if it appears to the authority to be expedient to do so for the purpose of or in connection with the exercise by the concessionaire of his functions under the agreement.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of an agreement between the authority and the concessionaire as to the terms on which land which is the subject of a lease granted under subsection (1) is provided for the concessionaire's use.

(3) Accordingly no such enactment or rule of law applies in relation to the rights and obligations of the parties to a lease so granted—

(a) so as to exclude or modify in any respect any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;

(b) so as to confer or impose on either party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is

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the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease;

(c) so as to restrict the enforcement (whether by action for damages or otherwise) by either party to the lease of any obligation of the other party under the lease.

5 Transfer or termination of concession.

(1) The rights of a concessionaire under a concession agreement may be assigned with the consent of the highway authority; and references in this Part to the concessionaire shall be construed as references to the person for the time being entitled to exercise those rights.

(2) On the termination of a concession agreement (by effluxion of time or otherwise) there shall be transferred to the highway authority by virtue of this section all such property, rights and liabilities of the concessionaire as in accordance with the concession agreement fall to be so transferred in the circumstances.

Schedule 1 contains supplementary provisions with respect to that transfer.

(3) Where a concession agreement terminates or is terminated before the end of the toll period, the highway authority—

(a) shall take reasonable steps to secure the appointment of a new concessionaire, and

(b) may, for a period of not more than two years until a new appointment or an extension toll order takes effect or the toll period ends, charge and collect tolls in the same way as a concessionaire.

(4) A concession agreement may contain provision as to the circumstances in which, and extent to which, any sum received by the highway authority—

(a) in consideration for the appointment of a new concessionaire, or

(b) by way of tolls collected by virtue of subsection (3)(b),

is to be applied for the benefit of the former concessionaire or his creditors, as the case may be.

Toll orders

6 Toll orders.

(1) An order authorising the charging of tolls (a "toll order") may be made in relation to a special road proposed to be provided by a highway authority.

The order shall state whether it authorises the charging of tolls by a concessionaire or by the highway authority.

[[F1](1A) Subsection (1) is subject to section 33(4) of the Planning Act 2008 (exclusion of powers to make or confirm orders in relation to highways for which development consent required).**]**

(2) A toll order relating to a special road to be provided by the Secretary of State shall be made by the Secretary of State; and a toll order relating to a special road to be provided by **[**[F2]a strategic highways company or**]** a local highway authority shall be made by **[**[F3]the company or**]** the authority and confirmed by the Secretary of State.

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(3) Schedule 2 has effect as to the making or confirmation of a toll order and as to its validity and date of operation.

(4) The proceedings required to be taken in relation to a toll order shall (so far as practicable) be taken concurrently with the proceedings required to be taken under the [M5]Highways Act 1980 in relation to the special road scheme authorising the provision of the road to which the order relates.

(5) The Secretary of State shall not make or confirm the scheme or the toll order unless he makes or confirms them both.

(6) The power conferred on the Secretary of State by this section to make or confirm a toll order is exercisable by statutory instrument.

Textual Amendments

F1 S. 6(1A) inserted (1.3.2010) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 2 para. 49** (with s. 226); S.I. 2010/101, art. 2 (with art. 6)

F2 Words in s. 6(2) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 114(a)**; S.I. 2015/481, reg. 2(a)

F3 Words in s. 6(2) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 114(b)**; S.I. 2015/481, reg. 2(a)

Marginal Citations

M5 1980 c. 66.

7 The toll period.

(1) A toll order shall provide for tolls to be chargeable for a period (the "toll period") specified in or determined in accordance with the order.

(2) The order may provide for the toll period to end—

(a) on a date, or at the end of a period, specified in the order, or

(b) on a date determined by reference to—

(i) the achievement of a specified financial objective, or

(ii) the passage of a specified number of vehicles,

or such other factors, or combinations of factors, as may be specified in the order, or

(c) on whichever is the earlier or later of dates specified in or determined in accordance with the order.

(3) In the case of a toll order authorising the charging of tolls by a concessionaire, it is for the highway authority to decide any matter relevant to determining the date on which the toll period ends.

8 Amount of tolls chargeable by concessionaire.

(1) A toll order authorising the charging of tolls by a concessionaire shall specify the maximum tolls which may be charged if, and only if, the road to which the order relates consists of or includes a major crossing to which there is no reasonably convenient alternative.

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(2) The Secretary of State may make provision by regulations as to what is to be treated as a major crossing for this purpose and as to the circumstances in which another route is to be taken to be, or not to be, a reasonably convenient alternative.

(3) Subject to any such regulations, a major crossing means a crossing of navigable waters more than 100 metres wide and a reasonably convenient alternative means another crossing (other than a ferry) which is free of toll and is within five miles of the crossing in question.

For this purpose—

(a) the width of tidal waters shall be ascertained by reference to the mean high-water mark and the width of other waters by reference to the ordinary limits of the waters, and

(b) the distance between two crossings shall be taken to be the shortest distance between the centre lines of the two crossings.

(4) The order shall specify the maximum tolls which may be charged for the use of the crossing or any length of the road including the crossing; and if the condition as to absence of a reasonably convenient alternative is satisfied in relation to certain types of traffic only, the order shall make provision only in relation to those types of traffic.

If that condition ceases to be satisfied, generally or in relation to certain types of traffic, the provisions of the order as to maximum tolls shall cease to apply, or cease to apply to that type of traffic, for so long as that remains the case.

(5) The order may specify different maxima for different descriptions of traffic (which need not correspond with the classes of traffic prescribed by the special road scheme) and may provide for the amounts to be varied in accordance with a formula specified in the order.

(6) Regulations under this section shall be made by statutory instrument and shall not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament.

Any regulations so made do not apply in relation to an order if notice of the draft order, and of the relevant draft special road scheme, have been published before the regulations come into force.

9 Amount of tolls chargeable by highway authority.

(1) A toll order authorising the charging of tolls by the highway authority shall in every case specify the maximum tolls which may be charged for the use of the road or any length of the road in respect of which tolls are charged.

(2) The order may specify different maxima for different descriptions of traffic (which need not correspond with the classes of traffic prescribed by the special road scheme) and may provide for the amounts to be varied in accordance with a formula specified in the order.

10 Application of enactments relating to monopolies, &c.

(1) **[**[F4]For the purposes of the Enterprise Act 2002, a person**]** authorised by a toll order to charge tolls shall be deemed to supply a service, namely, providing the facility to use the road in return for the toll charged.

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F5(2) . . . . . .

F6(3) . . . . . .

Textual Amendments

F4 Words in s. 10(1) substituted (20.6.2003) by The Enterprise Act 2002 (Consequential and Supplemental Provisions) Order 2003 (S.I. 2003/1398), art. 1, **Sch. para. 18(2)(a)**

F5 S. 10(2) repealed (20.6.2003) by The Enterprise Act 2002 (Consequential and Supplemental Provisions) Order 2003 (S.I. 2003/1398), art. 1, **Sch. para. 18(2)(b)**

F6 S. 10(1)(b)(c)(3) repealed (1.3.2000) by S.I. 2000/311, **art. 27**

11 Variation or revocation of toll order.

(1) A toll order may be varied or revoked—

(a) by an order made by the Secretary of State if he is the highway authority for the road, and

(b) by an order made by the highway authority and confirmed by the Secretary of State in any other case.

(2) The Secretary of State may confirm an order made by another authority either without modifications or subject to such modifications as he thinks fit.

(3) A toll order may not be varied so as to extend the toll period; and a toll order which does not authorise the charging of tolls in respect of the whole length of the special road to which it relates may not be varied so as to extend the length of road in respect of which tolls may be charged.

(4) A toll order relating to a road subject to a concession may not be varied or revoked without the consent of the concessionaire.

(5) An order under this section may contain such supplementary, incidental and transitional provisions as appear to the highway authority to be necessary or expedient.

(6) An order under this section made by the Secretary of State, and an instrument made by the Secretary of State confirming an order under this section made by another authority, shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

The provisions of Schedule 2 (procedure in connection with toll orders) do not apply.

12 Extension toll orders.

(1) An order authorising the charging of tolls by the highway authority (an "extension toll order") may be made in relation to a road which is or has been subject to a concession.

(2) An extension toll order relating to a special road for which the Secretary of State is the highway authority shall be made by the Secretary of State; and an extension toll order relating to a road for which the highway authority is **[**F7a strategic highways company or**]** a local highway authority shall be made by **[**F8that company or**]** that authority and confirmed by the Secretary of State.

(3) Any extension toll order must be made so as to come into force not later than—

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(a) the end of the toll period under the previous toll order, or

(b) where the concession agreement terminates or is terminated before the end of that period, two years after the termination of the agreement,

whichever is the earlier.

(4) The following provisions of this Act apply in relation to an extension toll order as in relation to a toll order under section 6(1)—

section 7(1) and (2) (the toll period),

section 9 (amount of tolls chargeable by highway authority),

section 10 (application of enactments relating to monopolies, &c.),

section 11 (variation or revocation of order),

sections 13 to 17 (further provisions with respect to tolls), and

section 18 (annual report by Secretary of State).

(5) An extension toll order made by the Secretary of State, and an instrument made by the Secretary of State confirming an extension toll order made by **[**F9a strategic highways company or**]** a local highway authority, shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

The provisions of Schedule 2 (procedure in connection with toll orders) do not apply.

Textual Amendments

F7 Words in s. 12(2) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 115(2)(a)**; S.I. 2015/481, reg. 2(a)

F8 Words in s. 12(2) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 115(2)(b)**; S.I. 2015/481, reg. 2(a)

F9 Words in s. 12(5) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 115(3)**; S.I. 2015/481, reg. 2(a)

Further provisions with respect to tolls

13 Further provisions as to charging of tolls.

(1) A toll order may contain provision exempting from liability for tolls such descriptions of traffic as may be specified in the order.

This does not affect the power of the person authorised by the order to charge tolls to grant such other exemptions from toll as he thinks fit.

(2) A toll order shall contain provision exempting from liability to pay any toll—

(a) a police vehicle, identifiable as such by writing or markings on it or otherwise by its appearance, if being used for police purposes;

[F10(b) a vehicle which is exempt from vehicle excise duty under—

(i) paragraph 4 (fire engines),

(ii) paragraph 6 (ambulances),

(iii) paragraph 18 (invalid carriages),

(iv) paragraph 19 (vehicles for use by or for purposes of certain disabled people), or

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(v) paragraph 20 (vehicles used for carriage of disabled people by recognised bodies),

of Schedule 2 to the Vehicle Excise and Registration Act 1994.**]**

(3) A person authorised by a toll order to charge tolls may, subject to the provisions of the order—

(a) suspend the collection of tolls;

(b) enter into agreements under which persons compound in advance, on such terms as may be agreed, for the payment of tolls;

(c) charge different tolls according to—

(i) the distance travelled, or

(ii) the day, time of day, week, month or other period; and

(d) charge different tolls for different descriptions of traffic.

In the case of a concessionaire the powers mentioned above are exercisable subject to the provisions of the concession agreement.

Textual Amendments

F10 S. 13(2)(b) substituted for s. 36(2)(b)-(d) (1.9.1994) by 1994 c. 22, ss. 63, 66, **Sch. 3 para. 28** (with s. 57(4))

14 Collection of tolls.

(1) The Secretary of State may make provision by regulations with respect to the collection of tolls in pursuance of a toll order.

(2) Different provision may be made for different types of road or different types of toll, or for particular roads or particular tolls.

(3) Regulations may, in particular, impose requirements with respect to—

(a) the displaying of lists of tolls, and

(b) the manner of implementing changes in the amount of tolls;

and where any such requirements are imposed, a toll may not be demanded unless they are, or as the case may be have been, complied with.

(4) A person who in respect of the use of a road to which a toll order relates demands a toll—

(a) which he is not authorised to charge, or

(b) which by virtue of subsection (3) may not be demanded,

commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

15 Refusal or failure to pay tolls.

(1) A person who without reasonable excuse refuses or fails to pay, or who attempts to evade payment of, a toll which he is liable to pay by virtue of a toll order commits

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an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If it appears to a person employed for the purpose of collecting tolls that a person has, without reasonable excuse, refused or failed to pay a toll which he is liable to pay by virtue of a toll order, he may—

(a) refuse to permit him to pass, or prevent him from passing, through any place at which tolls are payable, and

(b) require him to remove his vehicle from any such place by a particular route, and if he does not comply with such a requirement cause the vehicle to be so removed;

and for the purpose of exercising the powers conferred by this subsection, a person employed for the purpose of the collection of tolls may call upon such assistance as he thinks necessary.

(3) Where a person does not comply with a requirement under subsection (2)(b) as to the removal of his vehicle, he is liable to pay a prescribed charge in respect of the removal of the vehicle.

(4) Where there remains unpaid—

(a) a toll which a person is liable to pay by virtue of a toll order, or

(b) a prescribed charge which he is liable to pay by virtue of subsection (3),

the person authorised to charge tolls may recover from the person liable the amount of the toll or charge together with a reasonable sum to cover administrative expenses.

(5) In this section a "prescribed charge" means such charge as may be specified in, or calculated in accordance with, regulations made by the Secretary of State.

The regulations may provide for the amount of the charge, or any amount used for the purpose of calculating the charge, to be varied in accordance with a formula specified in the regulations.

(6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

16 Facilities for collection of tolls.

(1) A person authorised by a toll order to charge tolls may set up and maintain facilities for the collection of tolls.

The consent of the highway authority is required for the setting up of any such facilities by a concessionaire.

(2) Those responsible for the design and construction of facilities for the collection of tolls, and those responsible for the collection of tolls at such facilities, shall have due regard to the need to avoid delaying the passage of such vehicles as are mentioned in section 13(2)(a), (b) or (c) (police vehicles, ambulances and fire engines).

(3) The power of the highway authority under section 239(4)(c) of the [M6]Highways Act 1980 to acquire land for the provision of buildings or facilities to be used in connection with the use of the special road includes, in the case of a road subject to a toll order, power to acquire any land required for the purpose of setting up facilities for the collection of tolls.

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(4) Facilities for the collection of tolls are exempt from rating and shall not be included in any rating list.

(5) In this section "facilities for the collection of tolls" means such buildings, structures or other facilities within the boundary of the road, or on land adjoining the road, as are reasonably required for the purpose of or in connection with the collection of tolls in pursuance of a toll order.

Marginal Citations
M6 1980 c. 66.

17 Restriction of access to toll roads.

(1) Where a toll order is in force in relation to a road, no highway or private means of access to premises shall be so constructed as to afford access to the road except with the consent of the highway authority and, where the road is subject to a concession, of the concessionaire.

(2) Subsection (1) does not apply to the construction of a highway or private means of access by or on behalf of a government department or Minister of the Crown which the department or Minister is satisfied is reasonably required for discharging any function of the department or Minister.

Annual Report

18 Annual report on concession agreements and toll orders.

(1) The Secretary of State shall in respect of each calendar year lay before Parliament a report—

(a) stating the number of concession agreements entered into by him during that year,

(b) stating the number of new roads opened to public use during that year for which he is the highway authority and which at the time of their opening were subject to a concession,

(c) listing the toll orders, and orders varying or revoking toll orders, made or confirmed by him in that year, and

(d) containing such information as appears to him to be appropriate with respect to the toll orders (whenever made) which are in force during that year or any part of it.

(2) The report shall be laid on or before 31st July in the following calendar year.

Miscellaneous

19 Environmental assessment of projects involving special roads.

In section 105A of the [M7]Highways Act 1980 (environmental assessment of certain highway projects), after subsection (2) (cases in which environmental statement must be published) insert—

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

"(2A) Any project for the construction or improvement of a special road which falls within Annex II to the Directive shall be treated as having such characteristics that it should be made subject to an environmental assessment in accordance with the Directive.".

Marginal Citations
M7 1980 c. 66.

20 Classification of traffic for purposes of special roads.

(1) In section 17 of the Highways Act 1980 (classification of traffic for purposes of special roads), in subsection (3) omit the words from "and references" to the end (which relate to the effect of an amending order on existing schemes) and after that subsection insert—

"(4) An amending order may contain provision applying the amendments made by the order to existing schemes (whether made by the Minister or a local highway authority); and in the absence of such provision an amending order does not affect the classes of traffic prescribed in an existing scheme.

In this subsection an "existing scheme" means a scheme under section 16 made before the order comes into operation.".

(2) In section 325 of the [M8]Highways Act 1980 (provisions as to orders, &c.)—

(a) omit subsection (3) (which requires affirmative resolution for an order under section 17 varying the classes of traffic for the purposes of special roads); and

(b) in subsection (2)(b) (orders subject to negative resolution), after "section" insert " 17 above or ".

Marginal Citations
M8 1980 c. 66.

21 Certain special roads not necessarily trunk roads.

(1) In section 19 of the Highways Act 1980 (under which a special road provided by the Secretary of State becomes a trunk road), after subsection (2) add—

"(3) Subsections (1) and (2) above have effect subject to any provision of the scheme under section 16 directing that the special road in question or any part of it shall not be a trunk road.

Any such provision does not affect the power of the Minister to make an order under section 10(2)(a) with respect to the special road or part.".

(2) In section 1(1) of the Highways Act 1980 (highways for which the Minister is the highway authority), after paragraph (a) (trunk roads) insert—

"(aa) any special road provided by him;".

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(3) In section 2 of the Highways Act 1980 (responsibility of local highway authority for roads ceasing to be trunk roads), make the present provision subsection (1) and after it insert—

"(2) In the case of a special road provided by the Minister, subsection (1) above has effect subject to any provision of the order directing that the Minister shall continue to be the highway authority for the road.".

22 Adoption of privately constructed roads.

(1) In section 38 of the Highways Act 1980 (power of highway authorities to adopt by agreement), for subsection (3) (adoption by local highway authority of private road or way) substitute—

"(3) A local highway authority may agree with any person to undertake the maintenance of a way—

(a) which that person is willing and has the necessary power to dedicate as a highway, or

(b) which is to be constructed by that person, or by a highway authority on his behalf, and which he proposes to dedicate as a highway;

and where an agreement is made under this subsection the way to which the agreement relates shall, on such date as may be specified in the agreement, become for the purposes of this Act a highway maintainable at the public expense.

(3A) The Minister may agree with any person to undertake the maintenance of a road—

(a) which that person is willing and has the necessary power to dedicate as a highway, or

(b) which is to be constructed by that person, or by a highway authority on his behalf, and which he proposes to dedicate as a highway,

and which the Minister proposes should become a trunk road; and where an agreement is made under this subsection the road shall become for the purposes of this Act a highway maintainable at the public expense on the date on which an order comes into force under section 10 directing that the road become a trunk road or, if later, the date on which the road is opened for the purposes of through traffic.".

(2) In section 10 of the [M9]Highways Act 1980 (general provisions as to trunk roads)—

(a) in subsection (2)(a) (highways which may be made trunk roads) for ", or any highway proposed to be constructed by the Minister," substitute—

"or any proposed highway—

(i) to be constructed by the Minister, or

(ii) in relation to which the Minister has entered or proposes to enter into an agreement under section 38(3A),";

(b) in subsection (4) omit the words from "Without prejudice" to the end of paragraph (b), for "highway proposed to be constructed by the Minister" substitute " proposed highway " and omit "by the Minister" in the second place where it occurs; and

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(c) in subsection (7) for "highway proposed to be constructed by the Minister" substitute " proposed highway ".

Marginal Citations

M9 1980 c. 66.

23 Execution of works by highway authority at expense of another.

In Part XIII of the Highways Act 1980 (financial provisions), for section 278 (contributions by persons deriving special benefit from works) substitute—

"**278 Agreements as to execution of works.**

(1) A highway authority may, if they are satisfied it will be of benefit to the public, enter into an agreement with any person—

(a) for the execution by the authority of any works which the authority are or may be authorised to execute, or

(b) for the execution by the authority of such works incorporating particular modifications, additions or features, or at a particular time or in a particular manner,

on terms that that person pays the whole or such part of the cost of the works as may be specified in or determined in accordance with the agreement.

(2) Without prejudice to the generality of the reference in subsection (1) to the cost of the works, that reference shall be taken to include—

(a) the whole of the costs incurred by the highway authority in or in connection with—

(i) the making of the agreement,

(ii) the making or confirmation of any scheme or order required for the purposes of the works,

(iii) the granting of any authorisation, permission or consent required for the purposes of the works, and

(iv) the acquisition by the authority of any land required for the purposes of the works; and

(b) all relevant administrative expenses of the highway authority, including an appropriate sum in respect of general staff costs and overheads.

(3) The agreement may also provide for the making to the highway authority of payments in respect of the maintenance of the works to which the agreement relates and may contain such incidental and consequential provisions as appear to the highway authority to be necessary or expedient for the purposes of the agreement.

(4) The fact that works are to be executed in pursuance of an agreement under this section does not affect the power of the authority to acquire land, by agreement or compulsorily, for the purposes of the works.

(5) If any amount due to a highway authority in pursuance of an agreement under this section is not paid in accordance with the agreement, the authority may—

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(a) direct that any means of access or other facility afforded by the works to which the agreement relates shall not be used until that amount has been paid,

(b) recover that amount from any person having an estate or interest in any land for the benefit of which any such means of access or other facility is afforded, and

(c) declare that amount to be a charge on any such land (identifying it) and on all estates and interests therein.

(6) If it appears to the highway authority that a direction under subsection (5)(a) is not being complied with, the authority may execute such works as are necessary to stop up the means of access or deny the facility, as the case may be, and may for that purpose enter any land.

(7) Where a highway authority recovers an amount from a person by virtue of subsection (5)(b), he may in turn recover from any other person having an estate or interest in land for the benefit of which the means of access or other facility was afforded such contribution as may be found by the court to be just and equitable.

This does not affect the right of any of those persons to recover from the person liable under the agreement the amount which they are made to pay.

(8) The [M10] Local Land Charges Act 1975 applies in relation to a charge under subsection (5)(c) in favour of the Secretary of State as in relation to a charge in favour of a local authority.".

Marginal Citations
M10 1975 C. 76

24 Exercise of road traffic regulation powers.

In Part X of the [M11]Road Traffic Regulation Act 1984 (general and supplementary provisions), after section 122 insert—

"**122A Prospective exercise of powers.**

(1) Any power under this Act to make an order or give a direction may be exercised before the road to which it relates is open for public use, so as to take effect immediately on the road's becoming open for public use.

(2) The procedure for making an order or giving a direction applies in such a case with such modifications as may be prescribed.".

Marginal Citations
M11 1984 c. 27.

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
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General

25 Application of provisions of the Highways Act 1980, &c.

(1) The following provisions of the [M12]Highways Act 1980 apply for the purposes of this Part as if it were a part of that Act—

section 302 (inquiries),

section 303 (penalty for obstructing execution of Act),

section 312 (restriction on institution of proceedings for offence),

section 319 (judges and justices not to be disqualified by liability to rates),

sections 320 to 322 (provisions as to notices), and

section 323 (reckoning of periods).

(2) Nothing in this Part shall be construed as restricting the powers of a highway authority with respect to a road subject to a concession—

(a) as to the matters which may be provided for in the concession agreement or as to the making of agreements of any other description for any purpose connected with the special road; or

(b) as to the acquisition, by agreement or compulsorily, of any land which in the opinion of the authority is required, in connection with the road, for any purpose for which the authority may acquire land under Part XII of the Highways Act 1980.

(3) Nothing in a concession agreement shall be construed as affecting the status of the road subject to the concession as a highway maintainable at the public expense.

Marginal Citations

M12 1980 c. 66.

26 Interpretation.

(1) In this Part the following expressions have the same meaning as in the Highways Act 1980—

"highway authority",

"local highway authority",

"special road",

"special road authority", and

"traffic";

and "special road scheme" means a scheme under section 16 of that Act authorising the provision of a special road.

[[F11](1A) In this Part, "strategic highways company" means a company for the time being appointed under Part 1 of the Infrastructure Act 2015.**]**

(2) Where a concession agreement is entered into jointly by two or more local highway authorities, references in this Part to the highway authority shall be construed—

(a) as references to each of those authorities in relation to times, circumstances and purposes before the special road scheme becomes operative, and

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(b) in relation to times, circumstances and purposes after the special road scheme becomes operative, as references to the authority which in accordance with the scheme is the special road authority.

(3) The expressions listed below are defined or otherwise fall to be construed for the purposes of this Part in accordance with the provisions indicated—

concession agreement	section 1(1)
concessionaire	sections 1(1) and 5(1)
extension toll order	section 12(1)
highway authority	section 26(1) and (2)
local highway authority	section 26(1)
road subject to a concession	section 1(2)
special road	section 26(1)
special road authority	section 26(1)
special road scheme	section 26(1)
[[F12]strategic highways company**]**	**[**[F13]section 26(1)**]**
toll order	section 6
toll period	section 7
traffic	section 26(1).

Textual Amendments

F11 S. 26(1A) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 116(2)**; S.I. 2015/481, reg. 2(a)

F12 Words in s. 26(3) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 116(3)(a)**; S.I. 2015/481, reg. 2(a)

F13 Words in s. 26(3) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 116(3)(b)**; S.I. 2015/481, reg. 2(a)

Commencement Information

I1 S. 26 wholly in force at 01.11.1991, see s. 170 and S.I. 1991/2288, art.3, **Sch.**

PART II

NEW ROADS IN SCOTLAND

Toll Roads

27 Toll orders.

(1) An order authorising the charging of tolls (a "toll order") by a roads authority may be made in relation to a special road proposed to be provided by that roads authority.

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(2) A toll order relating to a special road to be provided by the Secretary of State shall be made by the Secretary of State; and a toll order relating to a special road to be provided by a local roads authority shall be made by the authority and confirmed by the Secretary of State.

(3) Part IIA **[**F14and paragraphs 15 and 18 of Part III**]** of Schedule 1 to the M13Roads (Scotland) Act 1984 apply to the making or confirmation of a toll order and Schedule 2 to that Act applies to a toll order with regard to its validity and date of operation.

(4) The proceedings required by Part IIA of Schedule 1 to that Act to be taken for the purposes of a toll order shall (so far as practicable) be taken concurrently with the proceedings required to be taken for the purposes of the special road scheme authorising the provision of the road to which the order relates.

(5) The Secretary of State shall not make or confirm the scheme or the toll order unless he makes or confirms them both.

(6) If under paragraph 3(b) of Schedule 2 to that Act the court quashes a toll order, the special road scheme for the road in respect of which the toll order was made shall also cease to have effect.

(7) Where a roads authority enter into a contract with a person for the design or construction of a road which both parties intend will be subject to a toll order, the contract shall make provision for the compensation of that person for such expenses as may be agreed in accordance with the contract in the event of—

(a) the roads authority deciding not to proceed with the special road scheme, or

(b) the Secretary of State failing to make or confirm either the toll order or the scheme.

(8) Where a roads authority enter into a contract such as is mentioned in subsection (7) above and the person who has contracted to design or construct the road fails to complete the road in accordance with the contract he shall, without prejudice to any other liability, pay the authority such compensation in respect of costs incurred by them as may be determined in accordance with the contract.

Those costs shall be taken to include the relevant administrative expenses of the authority, including an appropriate sum in respect of general staff costs and overheads.

(9) Where a toll order has been made—

(a) the road in respect of which it has been made, and

(b) such buildings, structures or other facilities within the boundary of the road or on land adjoining the road as are reasonably required for the purpose of or in connection with the collection of tolls,

are exempt from rating and shall not be included in any valuation roll.

[F15(9A) On the date when a toll order comes into force any provision of any enactment (other than an enactment contained in this Act) which confers a power or imposes a duty to charge tolls for the use of all or part of any road to which the toll order relates shall cease to have effect.**]**

(10) The power conferred on the Secretary of State by this section to make or confirm a toll order is exercisable by statutory instrument.

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Textual Amendments

F14 Words in s. 27(3) substituted (28.12.2007) by Transport and Works (Scotland) Act 2007 (asp 8), s. 30(4), **sch. 2 para. 4**; S.S.I. 2007/516, art. 2

F15 S. 27(9A) inserted (S.) (4.1.1995) by 1994 c. 39, **s. 148(2)** (with s. 128(8)); S.I. 1994/2850, art. 3(a), **Sch. 2**

Marginal Citations

M13 1984 c. 54.

28 Assignation of rights under a toll order.

(1) A toll order may authorise the special road authority in whose name it is made to assign, subject to subsection (2), to a person, for such period and subject to such terms and conditions as they think fit, their rights under a toll order to charge and to collect tolls.

(2) A special road authority may grant such an assignation only to a person who has undertaken such obligations as may be specified in the assignation with respect to the design, construction, maintenance, operation or improvement of the road.

(3) In this Part, a person to whom the rights under a toll order to charge and to collect tolls have been assigned is referred to as a concessionaire.

(4) References in this Part to a person authorised to charge tolls include references to a concessionaire.

(5) Where a special road authority grants an assignation under this section, they shall also assign to the concessionaire such income as they receive in respect of—

(a) charging for the occupation of the road,

(b) charging for any services in relation to the road other than services which they themselves have supplied, or

(c) any contribution made by a third party towards the cost of maintenance or improvement of the road,

except to the extent that they themselves have incurred expense in such cases.

(6) A special road authority shall not make a charge as mentioned in subsection (5) without consulting the concessionaire with regard to the amount to be charged in such cases as the authority has discretion as to the amount to be charged.

29 The toll period.

(1) A toll order shall provide for tolls to be chargeable for a period (the "toll period") specified in or determined in accordance with the order.

(2) The order may provide for the toll period to end—

(a) on a date, or at the end of a period, specified in the order, or

(b) on a date determined by reference to—

(i) the achievement of a specified financial objective, or

(ii) the passage of a specified number of vehicles,

or such other factors, or combinations of factors, as may be specified in the order, or

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(c) on whichever is the earlier or later of dates specified in or determined in accordance with the order.

(3) Where an assignation has been granted under section 28(1), it is for the special road authority to decide any matter relevant to determining the date on which the toll period ends.

30 Extension toll orders.

(1) Where a toll order authorises the special road authority to assign their rights under the order to charge and collect tolls and—

(a) the authority fail to do so;

(b) such an assignation terminates or is terminated within the toll period; or

(c) the authority wish to charge and collect tolls beyond the toll period,

a further order (an "extension toll order") may be made to authorise the authority to charge and collect tolls for a new toll period.

(2) An extension toll order shall not authorise the special road authority to assign their rights under it to charge and collect tolls.

(3) An extension toll order relating to a special road for which the Secretary of State is roads authority shall be made by the Secretary of State; and an extension toll order relating to a road for which the roads authority is a local authority shall be made by that authority and confirmed by the Secretary of State.

(4) Any extension toll order must be made so as to come into force not later than—

(a) the end of the toll period under the previous toll order; or

(b) where the assignation under section 28(1) terminates or is terminated before the end of that period, two years after the termination of the assignation,

whichever is the earlier.

(5) The following provisions of this Act apply in relation to an extension toll order as in relation to a toll order under section 27(1)—

section 29(1) and (2) (the toll period)

section 31 (amount of tolls chargeable by special road authority),

section 33 (application of enactments relating to monopolies, etc.),

section 34 (variation and revocation of order),

sections 36 to 40 (further provisions with respect to tolls), and

section 41 (report by Secretary of State).

(6) The power of the Secretary of State to make or confirm an extension toll order shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and the provisions of Schedules 1 and 2 to the [M14]Roads (Scotland) Act 1984 (procedure in connection with orders) shall not apply to an order under this section.

Marginal Citations

M14 1984 c. 54.

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
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31 Amount of tolls chargeable.

(1) Where a toll order does not authorise a special road authority to assign their rights under the order to charge and to collect tolls, the toll order shall in every case specify the maximum tolls which may be charged for the use of the road or any length of the road in respect of which tolls are charged.

(2) The order may specify different maxima for different descriptions of traffic (which need not correspond with the classes of traffic prescribed by the special road scheme) and may provide for the amounts to be varied in accordance with a formula specified in the order.

(3) Subject to section 32, where a toll order does authorise a special road authority to assign their rights under the order to charge and to collect tolls, it shall not specify any maximum in respect of tolls which may be charged by the concessionaire.

(4) Where a special road authority has authority to assign as described in subsection (3) but no such assignation is made, they shall not charge any tolls in respect of that road unless an extension toll order is made in respect of that road.

32 Toll order in respect of major crossings.

(1) A toll order which relates to a road which consists of or includes a major crossing to which there is no reasonably convenient alternative shall specify the maximum tolls which may be charged in respect of that road.

(2) The Secretary of State may make provision by regulations as to what is to be treated as a major crossing for this purpose and as to the circumstances in which another route is to be taken to be, or not to be, a reasonably convenient alternative.

(3) Subject to any such regulations, a major crossing means a crossing of navigable waters more than 100 metres wide and a reasonably convenient alternative means another crossing (other than a ferry) which is free of toll and is within five miles of the crossing in question.

For this purpose—

(a) the width of tidal waters shall be ascertained by reference to the mean high-water mark and the width of other waters by reference to the ordinary limits of the waters, and

(b) the distance between two crossings shall be taken to be the shortest distance between the centre lines of the two crossings.

(4) The order shall specify the maximum tolls which may be charged for the use of the crossing or any length of the road including the crossing; and if the condition as to absence of a reasonably convenient alternative is satisfied in relation to certain types of traffic only, the order shall make provision only in relation to those types of traffic.

If that condition ceases to be satisfied, generally or in relation to certain types of traffic, the provisions of the order as to maximum tolls shall, where an assignation has been granted under section 28(1), cease to apply, or cease to apply to that type of traffic, for so long as that remains the case.

(5) The order may specify different maxima for different descriptions of traffic (which need not correspond with the classes of traffic prescribed by the special road scheme) and may provide for the amounts to be varied in accordance with a formula specified in the order.

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(6) Regulations under this section shall be made by statutory instrument and shall not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament.

Any regulations so made do not apply in relation to an order if notice of the draft order, and of the relevant draft special road scheme, have been published before the regulations come into force.

33 Application of enactments relating to monopolies, &c.

(1) **[**F16For the purposes of the Enterprise Act 2002, a person**]** authorised to charge tolls shall be deemed to supply a service, namely, providing the facility to use the road in return for the toll charged.

F17(2) . . . . . .

F18(3) . . . . . .

Textual Amendments

F16 Words in s. 33(1) substituted (20.6.2003) by The Enterprise Act 2002 (Consequential and Supplemental Provisions) Order 2003 (S.I. 2003/1398), art. 1, **Sch. para. 18(3)(a)**

F17 S. 33(2) repealed (20.6.2003) by The Enterprise Act 2002 (Consequential and Supplemental Provisions) Order 2003 (S.I. 2003/1398), art. 1, **Sch. para. 18(3)(b)**

F18 S. 33(1)(b)(c)(3) repealed (1.3.2000) by S.I. 2000/311, **art. 27**

34 Variation or revocation of toll order.

(1) A toll order may be varied or revoked—

(a) by an order made by the Secretary of State if he made the toll order; and

(b) by an order made by the local roads authority and confirmed by the Secretary of State in any other case.

(2) Without prejudice to section 30 above (extension toll orders), a toll order may not be varied so as to extend the toll period.

(3) A toll order which does not authorise the charging of tolls in respect of the whole length of the special road to which it relates may not be varied so as to extend the length of road in respect of which tolls may be charged.

(4) The Secretary of State may confirm an order made by a local roads authority either without modifications or subject to such modifications as he thinks fit.

(5) Where an assignation has been granted under section 28(1), the toll order may not be varied or revoked without the consent of the concessionaire.

(6) An order under this section may contain such supplementary, incidental and transitional provisions as appear to the roads authority making the order to be necessary or expedient.

(7) The power conferred on the Secretary of State by this section to vary, revoke or confirm an order is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and the provisions of

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Schedules 1 and 2 to the [M15]Roads (Scotland) Act 1984 (procedure in connection with orders) shall not apply to an order under this section.

Marginal Citations
M15 1984 c. 54.

35 Transfer or termination of assignation.

(1) The rights of a concessionaire under an assignation granted under section 28(1) may, with the consent of the special road authority, be assigned by the concessionaire.

(2) Where an assignation granted by the special road authority under section 28(1) terminates or is terminated before the end of the toll period, the authority shall take reasonable steps to grant a fresh assignation to a new concessionaire and the authority may charge and collect tolls in the same way as a concessionaire within the period of two years beginning with that termination but, within that period, only until the earliest, if any, of the following events—

(a) the granting of a fresh assignation;

(b) the expiry of the toll period;

(c) the commencement of an extension toll order.

(3) References in this Part (including this section) to an assignation granted under section 28(1) shall include references to a fresh assignation granted by virtue of subsection (2) above.

(4) An assignation granted under section 28(1) may contain provision as to the circumstances in which, and the extent to which, any sum received by the special road authority—

(a) in consideration for the appointment of a new concessionaire, or

(b) by way of tolls collected by virtue of subsection (2),

is to be applied for the benefit of the former concessionaire or his creditors, as the case may be.

(5) Where an assignation granted by the special road authority under section 28(1) terminates or is terminated before the end of the toll period and the authority either intends to grant a fresh assignation or to charge and collect tolls itself then, for the purposes of the [M16]Transfer of Undertakings (Protection of Employment) Regulations 1981, or any regulations replacing those regulations, the concessionaire shall be treated as transferring to the authority an undertaking which, if a new concessionaire is appointed, the authority shall be treated as then transferring to the new concessionaire.

(6) References in this Part to the termination of an assignation are references to the termination of the rights assigned under the assignation.

Marginal Citations
M16 S.I. 1981/1794.

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
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Further provision with respect to tolls

36 Further provision as to charging of tolls.

(1) A toll order may contain provision exempting from liability for tolls such descriptions of traffic as may be specified in the order.

This does not affect the power of the person authorised to charge tolls to grant such other exemptions from toll as he thinks fit.

(2) A toll order shall contain provision exempting from liability to pay any toll—

(a) a police vehicle, identifiable as such by writing or markings on it or otherwise by its appearance, if being used for police purposes;

[F19(b) a vehicle which is exempt from vehicle excise duty under—

(i) paragraph 4 (fire engines),

(ii) paragraph 6 (ambulances),

(iii) paragraph 18 (invalid carriages),

(iv) paragraph 19 (vehicles for use by or for purposes of certain disabled people), or

(v) paragraph 20 (vehicles used for carriage of disabled people by recognised bodies),

of Schedule 2 to the Vehicle Excise and Registration Act 1994.**]**

(3) A person authorised to charge tolls may, subject to the provisions of the order—

(a) suspend the collection of tolls;

(b) enter into agreements under which persons compound in advance, on such terms as may be agreed, for the payment of tolls;

(c) charge different tolls according to—

(i) the distance travelled; or

(ii) the day, time of day, week, month or other period; and

(d) charge different tolls for different descriptions of traffic.

In the case of a concessionaire the powers mentioned above are exercisable subject to the provisions of the assignation.

Textual Amendments

F19 S. 36(2)(b) substituted (for s. 36(2)(b)-(d)) by (1.9.1994) by 1994 c. 22 ss. 63, 66, Sch. 3, para. 28; (with s. 57(4))

37 Collection of tolls.

(1) The Secretary of State may make provision by regulations with respect to the collection of tolls in pursuance of a toll order.

(2) Different provision may be made for different types of road or different types of toll, or for particular roads or particular tolls.

(3) Regulations may, in particular, impose requirements with respect to—

(a) the displaying of lists of tolls, and

(b) the manner of implementing changes in the amount of tolls;

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and where any such requirements are imposed, a toll may not be demanded unless they are, or as the case may be have been, complied with.

(4) A person who in respect of the use of a road to which a toll order relates demands a toll—

(a) which he is not authorised to charge, or

(b) which by virtue of subsection (3) may not be demanded,

commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

38 Refusal or failure to pay tolls.

(1) A person who without reasonable excuse refuses or fails to pay, or who attempts to evade payment of, a toll which he is liable to pay by virtue of a toll order commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If it appears to a person employed for the purpose of collecting tolls that a person has, without reasonable excuse, refused or failed to pay a toll which he is liable to pay by virtue of a toll order, he may—

(a) refuse to permit him to pass, or prevent him from passing, through any place at which tolls are payable, and

(b) require him to remove his vehicle from any such place by a particular route, and if he does not comply with such a requirement cause the vehicle to be so removed;

and for the purpose of exercising the powers conferred by this subsection, a person employed for the purpose of the collection of tolls may call upon such assistance as he thinks necessary.

(3) Where a person does not comply with a requirement under subsection (2)(b) as to the removal of his vehicle, he is liable to pay a prescribed charge in respect of the removal of the vehicle.

(4) Where there remains unpaid—

(a) a toll which a person is liable to pay by virtue of a toll order, or

(b) a prescribed charge which he is liable to pay by virtue of subsection (3),

the person authorised to charge tolls may recover from the person liable the amount of the toll or charge together with a reasonable sum to cover administrative expenses.

(5) In this section a "prescribed charge" means such charge as may be specified in, or calculated in accordance with, regulations made by the Secretary of State.

The regulations may provide for the amount of the charge, or any amount used for the purpose of calculating the charge, to be varied in accordance with a formula specified in the regulations.

(6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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39 Facilities for collection of tolls.

(1) A person authorised to charge tolls may set up and maintain facilities for the collection of tolls.

The consent of the special road authority is required for the setting up of any such facilities by a concessionaire.

(2) Those responsible for the design and construction of facilities for the collection of tolls, and those responsible for the collection of tolls at such facilities, shall have due regard to the need to avoid delaying the passage of such vehicles as are mentioned in section 36(2)(a), (b) or (c) (police vehicles, ambulances and fire engines).

(3) The power of the special road authority under section 104(3)(c) of the [M17]Roads (Scotland) Act 1984 to acquire land for the provision of buildings or facilities to be used in connection with the use of the special road includes, in the case of a road subject to a toll order, power to acquire any land required for the purpose of setting up facilities for the collection of tolls.

(4) In this section "facilities for the collection of tolls" means such buildings, structures or other facilities within the boundary of the road, or on land adjoining the road, as are reasonably required for the purpose of or in connection with the collection of tolls in pursuance of a toll order.

Marginal Citations
M17 1984 c. 54.

40 Restriction of access to toll roads.

(1) Where a toll order is in force in relation to a road, no road or private means of access to land shall be so constructed as to afford access to the road except with the consent of the special road authority and, where an assignation has been granted under section 28(1), the concessionaire.

(2) Subsection (1) does not apply to the construction of a road or private means of access by or on behalf of a government department or Minister of the Crown which the department or Minister is satisfied is reasonably required for discharging any function of the department or Minister.

Report

41 Report on toll roads and toll orders in Scotland.

(1) In any calendar year in which there occurs an event to which this section applies, the Secretary of State shall in respect of that year lay before Parliament a report informing Parliament of that occurrence or, as the case may be, the number of such occurrences.

(2) This section applies to the following events—

(a) the Secretary of State enters into a contract for the design and construction of a road which is to be subject to a toll order;

(b) there is opened to public use a new road subject to a toll order for which he is the roads authority;

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(c) a toll order, or an order varying or revoking a toll order, is made or confirmed by him.

(3) A report under this section shall contain such information as appears to him to be appropriate with respect to the toll orders (whenever made) which are in force during that year or any part of it.

(4) A report under this section shall be laid on or before 31st July in the following calendar year.

Supplementary provisions

42 Environmental assessment of projects involving special roads.

(1) In section 20A of the [M18]Roads (Scotland) Act 1984 (environmental assessment of certain road construction projects), after subsection (2) (cases in which environmental statement must be published) insert—

"(2A) Any project for the construction of a special road which falls within Annex II to the Directive shall be treated as having such characteristics that it should be made subject to an environmental assessment in accordance with the Directive.".

(2) In section 55A of that Act (environmental assessment of certain road improvement projects), in subsection (2) (cases in which environmental statement must be published) after the word "and" there shall be inserted the words " either the project is in respect of a special road or the project ".

Marginal Citations
M18 1984 c. 54.

43 Provisions as to traffic regulation.

(1) The following provisions have effect with respect to the operation of the [M19]Road Traffic Regulation Act 1984 ("the 1984 Act") in relation to a road in respect of which an assignation has been granted under section 28(1).

(2) The traffic authority shall consult the concessionaire before making any regulations or order under the 1984 Act specifically relating to the road.

(3) The concessionaire may cause or permit traffic signs (within the meaning of section 64(1) of the 1984 Act) to be placed on or near the road, but subject to any directions given by the traffic authority.

If the concessionaire fails to comply with a direction of the traffic authority as to the placing of traffic signs, the authority may themselves carry out the work required and recover from the concessionaire the expenses reasonably incurred by them in doing so.

(4) The concessionaire may issue a notice under section 14 of the 1984 Act (temporary restriction or prohibition of traffic) having the same effect as a notice issued under that section by the traffic authority.

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The Secretary of State may by regulations make provision excluding in relation to such a notice issued by a concessionaire the provisions of the 1984 Act relating to—

(a) the procedure in connection with the issue of the notice,

(b) the maximum duration of the notice, and

(c) the making of provision in relation to alternative roads,

and making instead such other provision as appears to him to be appropriate.

(5) A notice issued by the concessionaire by virtue of subsection (4) may be revoked or varied by the traffic authority and shall cease to have effect if provision inconsistent with it is made by that authority by order or notice under section 14 of the 1984 Act.

(6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

M19 1984 c. 27.

44 Exercise of road traffic regulation powers.

In Part X of the [M20]Road Traffic Regulation Act 1984 (general and supplementary provisions), after section 122 insert—

"**122A Prospective exercise of powers.**

(1) Any power under this Act to make an order or give a direction may be exercised before the road to which it relates is open for public use, so as to take effect immediately on the road's becoming open for public use.

(2) The procedure for making an order or giving a direction applies in such a case with such modifications as may be prescribed.".

Marginal Citations

M20 1984 c. 27.

45 Classification of traffic for purposes of special roads.

In section 8 of the [M21]Roads (Scotland) Act 1984 (classification of traffic for purposes of special roads), in subsection (3) there shall be omitted the words from "and where" to the end (which relate to the effect of a variation order on existing schemes) and after that subsection there shall be inserted—

"(4) A variation order may contain provision applying the variations made by the order to existing schemes (whether made by the Secretary of State or a local roads authority); and in the absence of such provision a variation order does not affect the classes of traffic prescribed in an existing scheme.

(5) In subsection (4) above an "existing scheme" means a scheme under section 7 made before the order comes into operation.".

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Marginal Citations
M21 1984 c. 54.

46 Special roads not necessarily to be trunk roads.

In section 10 of the Roads (Scotland) Act 1984 (under which a special road provided by the Secretary of State becomes a trunk road), after subsection (2) there shall be inserted—

"(3) Subsections (1) and (2) above shall have effect subject to any provision of the scheme under section 7 of this Act directing that the special road in question or any part of it shall not be a trunk road; but any such provision shall not affect the power of the Secretary of State to make an order under section 5(2)(a) of this Act with respect to the special road or part.".

47 The Roads (Scotland) Act 1984 and the interpretation of Part II.

(1) In this Part—

"extension toll order" means a toll order made under section 30(1) authorising the charging of tolls for a new toll period;

"roads authority", "local roads authority" and "special road authority" have the same meaning as in the [M22]Roads (Scotland) Act 1984;

"special road" has the same meaning as in that Act;

"special road scheme" means a scheme under section 7 of that Act authorising the provision of a special road;

"toll order" means an order under section 27 authorising the charging of tolls;

"toll period" has the meaning given in section 29(1).

(2) The following provisions of the Roads (Scotland) Act 1984 apply for the purposes of this Part as if it were a part of that Act—

sections 136 to 138 (provisions as to notices), and

section 139 (inquiries).

(3) Where an assignation is granted jointly under section 28(1) by two or more local roads authorities references in this Part to the roads authority shall be construed—

(a) as references to each of those authorities in relation to times, circumstances and purposes before the special road scheme becomes operative, and

(b) in relation to times, circumstances and purposes after the special road scheme becomes operative, as references to the authority which in accordance with the scheme is the special road authority.

(4) Nothing in this Part shall be construed as restricting the powers of a roads authority with respect to a road subject to a toll order in respect of which an assignation has been granted under section 28(1)—

(a) as to the matters which may be provided for in the assignation or as to the making of agreements of any other description for any purpose connected with the special road, or

(b) as to the acquisition, by agreement or compulsorily, of any land which in the opinion of the authority is required, in connection with the road, for

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any purpose for which the authority may acquire land under Part IX of the [M23]Roads (Scotland) Act 1984.

Marginal Citations

M22 1984 c. 54.

M23 1984 c. 54.

PART III

STREET WORKS IN ENGLAND AND WALES

Modifications etc. (not altering text)

C10 Pt. 3 (ss. 48-106) modified (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **arts. 3(1)(2)** (with art. 38);
Pt. 3 (ss. 48-106) modified (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(1)**

C11 Pt. 3 (ss. 48-106) applied (6.11.2000) by 2000 c. 26, s. 95, **Sch. 6 para. 1(3)**; S.I. 2000/2957, art. 2(1), **Sch. 1**
Pt. 3 (ss. 48-106) modified (29.3.2001) by S.I. 2001/1348, **art. 21(2)**
Pt. 3 (ss. 48-106) amended (24.7.2001) by S.I. 2001/3627, **art. 4(1)**

C12 Definition in Pt. 3 (ss. 48-106) applied (1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), ss. 71-84, 162-172, 219(1), 223(2), **Sch. 6 para. 6(3)(a)**.

C13 Definition in Pt. 3 (ss. 48-106) applied (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), ss. 178, 221(1), 225(2), **Sch. 22 para. 3(2)**.

C14 Pt. 3 excluded (16.3.1992) by Avon Weir Act 1992 (c. v), **s. 6(3)** (with s. 61(1))

C15 Pt. 3 modified (1.1.1993) by Pipelines Act 1962 (c. 58), **s. 16(1)** (as substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. 3 para. 101(3)**; S.I. 1992/2984, art. 2(2), **Sch.2**)
Pt. 3 modified (27.7.1993) by 1993 c. xv, **s. 4(1)**
Pt. 3 (ss. 48-106) excluded (27.7.1993) by 1993 c. xv, **s. 4(2)**

C16 Pt. 3 applied (with modifications) (21.7.1994) by 1994 c. xv, **s. 4(1)**
Pt. 3 applied (21.7.1994) by 1994 c. xv, **s. 45(5)(a)**
Pt. 3 excluded (21.7.1994) by 1994 c. xv, **s. 21(2)**
Pt. 3 restricted (21.7.1994) by 1994 c. xv, **s. 4(2)**

C17 Pt. 3 excluded (18.12.1996) by 1996 c. 61, s. 52, **Sch. 15 para. 1(3)**
Pt. 3 modified (18.12.1996) by 1996 c. 61, s. 3, **Sch. 3 para. 8**

C18 Pt. 3 extended (28.7.1998) by 1998 c. iv, **s. 3**

C19 Pt. 3 applied (27.8.1998) by S.I. 1998/1936, arts. 1, 41, Sch. 10 paras. 2(8), **3(2)**
Pt. 3 modified (13.1.1999) by S.I. 1998/3269, **art. 4(1)**

C20 Pt. 3 modified (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(1)**

C21 Pt. 3 modified (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(1)**(2) (with arts. 65, 66)

C22 Pt. 3 modified (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 3(1)**(2) (with art. 51)

C23 Pt. 3 modified (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), arts. 1, **3(1)**(2) (with art. 47)

C24 Pt. 3 applied (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(1)**

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C25 Pt. 3 modified (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, **8(7)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

C26 Pt. 3 restricted (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **10(3)**

C27 Pt. 3 modified (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **9(1)**

C28 Pt. 3 modified (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(1)** (with arts. 3(5), 15(3))

C29 Pt. 3 applied (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(1)** (with art. 52)

C30 Pt. 3 modified (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(1)(2)** (with art. 43)

C31 Pt. 3 modified (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **3**

C32 Pt. 3 modified (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **3(1)** (with arts. 19, 28, Sch. 3 para. 13(2))

C33 Pt. 3 modified (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(6)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C34 Pt. 3 modified (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(1)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C35 Pt. 3 modified (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 3 para. 8**

C36 Pt. 3 excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 17 para. 1(3)**

C37 Pt. 3 modified (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **4(1)** (with art. 36(3))

C38 Pt. 3 modified (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(1)(2)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C39 Pt. 3 modified (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(1)(2)**

C40 Pt. 3 modified (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **3(1)** (with art. 51, Sch. 10 paras. 68, 85)

C41 Pt. 3 modified (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **4(1)**

C42 Pt. 3 modified (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **4(1)** (with art. 42(2))

C43 Pt. 3 applied (with modifications) (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **9** (with arts. 48, 68, 79)

C44 Pt. 3 modified (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(1)**

C45 Pt. 3 modified (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(1)(2)** (with arts. 42, 43)

C46 Pt. 3 modified (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, 8(1)(2)

C47 Pt. 3 modified (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(1)**

C48 Pt. 3 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(9)** (with arts. 57, 58, Sch. 11 para. 19)

C49 Pt. 3 modified (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(1)(2)** (with arts. 57, 58, Sch. 11 para. 19)

C50 Pt. 3 modified (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **13(1)**

C51 Pt. 3 restricted (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), art. 1, **Sch. 12 Pt. 2 para. 3** (with arts. 12, 13, Sch. 12 Pt. 1 paras. 6(3), 19, Pt. 2 paras. 3, 6, 13, Pt. 3 para. 5, Pt. 4 para. 4, Pt. 5 para. 4)

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C52 Pt. 3 modified (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(1)(2)**
C53 Pt. 3 modified (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(5)**, 11(4)
C54 Pt. 3 modified (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(1)(2)**
C55 Pt. 3 modified (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(2)** (with Sch. 8 para. 45)
C56 Pt. 3 modified (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), arts. 1, **4(1)** (with art. 36(2))
C57 Pt. 3 modified (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(1)(2)**
C58 Pt. 3 modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **11(1)** (with art. 32)
C59 Pt. 3 modified (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(2)** (with art. 37)
C60 Pt. 3 modified (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(1)(2)** (with arts. 4, 5(3))
C61 Pt. 3 applied (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **3(1)** (with art. 39)
C62 Pt. 3 modified (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **3(2)** (with art. 39)
C63 Pt. 3 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **5(1)(2)** (with arts. 46, 47, Sch. 8 para. 2(7), Sch. 9 para. 4, Sch. 10 para. 12(2))
C64 Pt. 3 modified (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(2)**
C65 Pt. 3 modified (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(1)(2)** (with arts. 43, 44)

Introductory provisions

48 Streets, street works and undertakers.

(1) In this Part a "street" means the whole or any part of any of the following, irrespective of whether it is a thoroughfare—

(a) any highway, road, lane, footway, alley or passage,

(b) any square or court, and

(c) any land laid out as a way whether it is for the time being formed as a way or not.

Where a street passes over a bridge or through a tunnel, references in this Part to the street include that bridge or tunnel.

(2) The provisions of this Part apply to a street which is not a maintainable highway subject to such exceptions and adaptations as may be prescribed.

(3) In this Part "street works" means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence—

(a) placing apparatus, or

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(b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it,

or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).

[F20(3A) For the purposes of subsection (3), the works that are street works by virtue of being works required for or incidental to street works of any particular kind include—

(a) reinstatement of the street, and

(b) where an undertaker has failed to comply with his duties under this Part with respect to reinstatement of the street, any remedial works.**]**

(4) In this Part "undertaker" in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be.

(5) References in this Part to the undertaker in relation to apparatus in a street are to the person entitled, by virtue of a statutory right or a street works licence, to carry out in relation to the apparatus such works as are mentioned in subsection (3); and references to an undertaker having apparatus in the street, or to the undertaker to whom apparatus belongs, shall be construed accordingly.

Textual Amendments

F20 S. 48(3A) inserted (26.1.2009) by Local Transport Act 2008 (c. 26), **ss. 124(2)**, 134(2)

Modifications etc. (not altering text)

C66 S. 48(3) modified (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **10(2)**

C67 S. 48(3) modified (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **9(2)**

C68 S. 48(3) modified (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(2)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Pt. 2 para. 6, Pt. 3 para. 5, Pt. 4 para. 4, Pt. 5 para. 4)

C69 S. 48(3) modified (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(2)** (with arts. 30(4), 53)

C70 S. 48(3) applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(2)**

C71 S. 48(3) modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **10(2)**(3) (with art. 32)

C72 S. 48(3) modified (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(2)** (with art. 39)

49 The street authority and other relevant authorities.

(1) In this Part "the street authority" in relation to a street means, subject to the following provisions—

(a) if the street is a maintainable highway, the highway authority, and

(b) if the street is not a maintainable highway, the street managers.

(2) In the case of a highway for which the Secretary of State **[**F21or a strategic highways company**]** is the highway authority but in relation to which a local highway authority

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acts as his **[**F22or its**]** agent under section 6 of the M24Highways Act 1980, the local highway authority shall be regarded as the street authority for the purposes of section 53 (the street works register) and sections 54 to 60 (advance notice and co-ordination of works).

(3) Subsection (1)(b) has effect subject to section 87 as regards the application of this Part to prospectively maintainable highways.

(4) In this Part the expression "street managers", used in relation to a street which is not a maintainable highway, means the authority, body or person liable to the public to maintain or repair the street or, if there is none, any authority, body or person having the management or control of the street.

(5) The Secretary of State may by regulations make provision for exempting street managers from provisions of this Part which would otherwise apply to them as the street authority in relation to a street.

(6) References in this Part to the relevant authorities in relation to any works in a street are to the street authority and also—

(a) where the works include the breaking up or opening of a public sewer in the street, the sewer authority;

(b) where the street is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, that authority; and

(c) where in any other case the street is carried or crossed by a bridge, the bridge authority.

Textual Amendments

F21 Words in s. 49(2) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 117(a)**; S.I. 2015/481, reg. 2(a)

F22 Words in s. 49(2) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 117(b)**; S.I. 2015/481, reg. 2(a)

Marginal Citations

M24 1980 c. 66.

50 Street works licences.

(1) The street authority may grant a licence (a "street works licence") permitting a person—

(a) to place, or to retain, apparatus in the street, and

(b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it,

and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).

[F23(1A) For the purposes of subsection (1), the works that are required for or incidental to works falling within paragraph (a) or (b) of that subsection include—

(a) reinstatement of the street, and

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(b) where an undertaker has failed to comply with his duties under this Part with respect to reinstatement of the street, any remedial works.**]**

(2) A street works licence authorises the licensee to execute the works permitted by the licence without obtaining any consent which would otherwise be required to be given—

(a) by any other relevant authority in its capacity as such, or

(b) by any person in his capacity as the owner of apparatus affected by the works;

but without prejudice to the provisions of this Part as to the making of requirements by any such authority or person or as to the settlement of a plan and section and the execution of the works in accordance with them.

(3) A street works licence does not dispense the licensee from obtaining any other consent, licence or permission which may be required; and it does not authorise the installation of apparatus for the use of which the licence of the Secretary of State is required, unless and until that licence has been granted.

(4) The provisions of Schedule 3 have effect with respect to the grant of street works licences, the attachment of conditions and other matters.

(5) A street works licence may be granted—

(a) to a person on terms permitting or prohibiting its assignment, or

(b) to the owner of land and his successors in title;

and references in this Part to the licensee are to the person for the time being entitled by virtue of the licence to do anything permitted by it.

(6) Any licence, consent, permission or other authority for the execution in a street of any such works as are mentioned in subsection (1) granted or given by the street authority before the commencement of this Part has effect after the commencement of this Part as a street works licence; but subsection (2) does not apply in relation to such a licence.

This applies in particular to licences granted under section 181 of the [M25]Highways Act 1980 or any corresponding earlier enactment.

(7) The works referred to in subsection (1) above do not include works for road purposes.

Textual Amendments

F23 S. 50(1A) inserted (26.1.2009) by Local Transport Act 2008 (c. 26), **ss. 124(3)**, 134(2)

Modifications etc. (not altering text)

C73 S. 50: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table B41

Marginal Citations

M25 1980 c. 66.

51 Prohibition of unauthorised street works.

(1) It is an offence for a person other than the street authority—

(a) to place apparatus in a street, or

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(b) to break up or open a street, or a sewer, drain or tunnel under it, or to tunnel or bore under a street, for the purpose of placing, inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, or of changing the position of apparatus or removing it,

otherwise than in pursuance of a statutory right or a street works licence.

(2) A person committing an offence under this section is liable on summary conviction to a fine not exceeding **[**F24level 5**]** on the standard scale.

(3) This section does not apply to works for road purposes or to emergency works of any description.

(4) If a person commits an offence under this section, the street authority may—

(a) in the case of an offence under subsection (1)(a), direct him to remove the apparatus in respect of which the offence was committed, and

(b) in any case, direct him to take such steps as appear to them necessary to reinstate the street or any sewer, drain or tunnel under it.

If he fails to comply with the direction, the authority may remove the apparatus or, as the case may be, carry out the necessary works and recover from him the costs reasonably incurred by them in doing so.

Textual Amendments

F24 Words in s. 51(2) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Modifications etc. (not altering text)

C74 S. 51(1) modified (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **10(2)**

C75 S. 51(1) modified (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **9(2)**

C76 S. 51(1) modified (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(2)** (with arts. 30(4), 53)

C77 S. 51(1) modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **10(2)**(3) (with art. 32)

C78 S. 51(1) modified (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(2)** (with art. 39)

F25 52 Emergency works.

(1) In this Part "emergency works" means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property.

(2) Where works comprise items some of which fall within the preceding definition, the expression "emergency works" shall be taken to include such of the items as do not fall within that definition as cannot reasonably be severed from those that do.

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(3) Where in any civil or criminal proceedings brought by virtue of any provision of this Part the question arises whether works were emergency works, it is for the person alleging that they were to prove it.

Textual Amendments

F25 Definition in s. 52 extended (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), **ss. 78(5)**, 225(2) (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)

Modifications etc. (not altering text)

C79 S. 52 excluded (27.11.1992) by S.I. 1992/2984, **art. 5**

The street works register

53 The street works register.

(1) A street authority shall keep a register showing with respect to each street for which they are responsible such information as may be prescribed with respect to the street works, and such other descriptions of works as may be prescribed, executed or proposed to be executed in the street.

(2) The register shall contain such other information, and shall be kept in such form and manner, as may be prescribed.

(3) The authority shall make the register available for inspection, at all reasonable hours and free of charge—

(a) so far as it relates to restricted information, by any person having authority to execute works of any description in the street, or otherwise appearing to the authority to have a sufficient interest, and

(b) so far as it relates to information which is not restricted, by any person.

The Secretary of State may make provision by regulations as to the information which is restricted for the purposes of this subsection.

(4) The Secretary of State may make arrangements for the duties of street authorities under this section to be discharged by means of one or more central registers kept by a person appointed in pursuance of the arrangements.

(5) If such arrangements are made the Secretary of State may require street authorities to participate in and make contributions towards the cost of the arrangements.

(6) The Secretary of State may by regulations make provision with respect to any register kept in pursuance of this section—

(a) requiring the registration of such information as may be prescribed, and

(b) requiring the payment of such fee as may be prescribed in respect of the registration of information of any prescribed description;

and the regulations may contain provision as to the person responsible for securing the registration of the information and the person liable to pay the fee.

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Modifications etc. (not altering text)

C80 S. 53: functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 1(a)**

C81 S. 53 excluded (E.) (1.4.2008) by The Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372), regs. 1(1), **36(a)** (with reg. 35)

C82 S. 53 modified (W.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (Wales) Regulations 2008 (S.I. 2008/101), regs. 1, **13** (with reg. 19)

C83 S. 53 modified (E.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 (S.I. 2007/1951), regs. 1(1), **13(2)(a)** (with reg. 19)

C84 S. 53 disapplied (W.) (1.6.2009) by The Traffic Management Permit Scheme (Wales) Regulations 2009 (S.I. 2009/1267), regs. 1, **36(a)**

C85 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, Sch. Appendix B

C86 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch. Appendix B

C87 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, Sch. Appendix B

C88 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch. Appendix B

C89 S. 53 disapplied (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch. Appendix B

C90 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch. Appendix B

C91 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, **Sch. Appendix B**

C92 S. 53 disapplied (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, **Sch. Appendix B**

C93 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, **Sch. Appendix B**

C94 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch. Appendix B

C95 S. 53 disapplied (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch. Appendix B

C96 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, **Sch. Appendix B**

C97 S. 53 disapplied (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, **Sch. Appendix B**

C98 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch. Appendix B

C99 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, **Sch. Appendix B**

C100 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, **Sch. Appendix B**

C101 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch. Appendix B

C102 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch. Appendix B

C103 S. 53 disapplied (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch. Appendix B

C104 S. 53 disapplied (25.1.2010) by The Traffic Management (Kent County Council) Permit Scheme Order 2009 (S.I. 2009/3188), art. 1, **Sch. Appendix B**

C105 S. 53 disapplied (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, **Sch. Appendix B**

C106 S. 53 disapplied (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, **Sch. Appendix B**

C107 S. 53 disapplied (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, **Sch. Appendix B**

C108 S. 53 disapplied (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, **Sch. Appendix B**

C109 S. 53 disapplied (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, **Sch. Appendix B**

C110 S. 53 disapplied (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, **Sch. Appendix B**

C111 S. 53 disapplied (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, **Sch. Appendix B**

C112 S. 53 disapplied (28.11.2011) by The Traffic Management (London Borough of Hillingdon) Permit Scheme Order 2011 (S.I. 2011/2600), art. 1, **Sch. Appendix B**

C113 S. 53 disapplied (28.11.2011) by The Traffic Management (London Borough of Barking and Dagenham) Permit Scheme Order 2011 (S.I. 2011/2599), art. 1, Sch., **Appendix B**

C114 S. 53 disapplied (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch., **Appendix D**

C115 S. 53 disapplied (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch., **Appendix D**

C116 S. 53 disapplied (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch., **Appendix D**

C117 S. 53 disapplied (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch., **Appendix D**

C118 S. 53 disapplied (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch., **Appendix D**

C119 S. 53 disapplied (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch., **Appendix D**

C120 S. 53 disapplied (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch., **Appendix B**

C121 S. 53 disapplied (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch. Appendix C

C122 S. 53 disapplied (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch. Appendix C

C123 S. 53 disapplied (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch. Appendix B

C124 S. 53 disapplied (14.1.2013) by The Traffic Management (London Borough of Sutton) Permit Scheme Order 2012 (S.I. 2012/3106), arts. 1, 2, Sch. Appendix B

C125 S. 53 disapplied (14.1.2013) by The Traffic Management (London Borough of Tower Hamlets) Permit Scheme Order 2012 (S.I. 2012/3107), arts. 1, 2, Sch. Appendix B

C126 S. 53 disapplied (18.2.2013) by The Traffic Management (London Borough of Bexley) Permit Scheme Order 2012 (S.I. 2012/3102), arts. 1, 2, Sch. Appendix B

C127 S. 53 disapplied (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch. Appendix B1

C128 S. 53 disapplied (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch. Appendix C

C129 S. 53 disapplied (29.4.2013) by The Traffic Management (Salford City Council) Permit Scheme Order 2013 (S.I. 2013/810), arts. 1, 2, Sch. Appendix C

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C130 S. 53 disapplied (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C

C131 S. 53 disapplied (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C

C132 S. 53 disapplied (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch. Appendix C

C133 S. 53 disapplied (29.4.2013) by The Traffic Management (Oldham Borough Council) Permit Scheme Order 2013 (S.I. 2013/808), arts. 1, 2, Sch. Appendix C

C134 S. 53 disapplied (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C

C135 S. 53 disapplied (29.4.2013) by The Traffic Management (Trafford Borough Council) Permit Scheme Order 2013 (S.I. 2013/807), arts. 1, 2, Sch. Appendix C

C136 S. 53 disapplied (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch. Appendix C

C137 S. 53 disapplied (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C

C138 S. 53 disapplied (1.10.2013) by The Traffic Management (Derby City Council) Permit Scheme Order 2013 (S.I. 2013/1781), arts. 1, 2, **Sch. para. 2.4**

C139 S. 53 disapplied (4.11.2013) by The Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 (S.I. 2013/2398), art. 1, Sch. para. 1.5, Appendix A

C140 S. 53 disapplied (11.11.2013) by The Traffic Management (East Sussex County Council) Permit Scheme Order 2013 (S.I. 2013/2399), arts. 1, 2, **Sch. para. 2.12.2**

C141 S. 53 disapplied (11.11.2013) by The Traffic Management (Surrey County Council) Permit Scheme Order 2013 (S.I. 2013/2389), arts. 1, 2, **Sch. para. 2.12.2**

C142 S. 53 disapplied (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**

C143 S. 53 disapplied (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, **Sch.** Appendix B

C144 S. 53 disapplied (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B

C145 S. 53 disapplied (19.1.2015) by The Traffic Management (Wokingham Borough Council) Permit Scheme Order 2014 (S.I. 2014/3105), arts. 1, 2, **Sch. para. 2.12.2**

C146 S. 53 disapplied (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C147 S. 53 disapplied (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C148 S. 53 disapplied (2.2.2015) by The Traffic Management (Sefton Metropolitan Borough Council) Permit Scheme Order 2014 (S.I. 2014/3107), arts. 1, 2, **Sch. para. 1.9**

C149 S. 53 disapplied (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch. para. 1.5, Appendix E**

C150 S. 53 disapplied (1.3.2015) by The Traffic Management (West Berkshire Council) Permit Scheme Order 2014 (S.I. 2014/3110), arts. 1, 2, **Sch. para. 2.12.2**

C151 S. 53 disapplied (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**

C152 S. 53 disapplied (4.3.2015) by The Traffic Management (Slough Borough Council) Permit Scheme Order 2014 (S.I. 2014/3112), arts. 1, 2, **Sch. para. 2.12.2**

C153 S. 53 disapplied (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**

C154 S. 53 disapplied (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch. Appendix B**

C155 S. 53 disapplied (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix B**

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C156 S. 53 disapplied (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**
C157 S. 53 disapplied (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**
C158 S. 53 disapplied (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**
C159 S. 53 disapplied (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**
C160 S. 53 disapplied (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**
C161 S. 53 disapplied (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**
C162 S. 53 disapplied (31.3.2015) by The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015 (S.I. 2015/107), art. 1, **Sch. para. 3.5**
C163 S. 53 disapplied (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**
C164 S. 53 disapplied (31.3.2015) by The Traffic Management (Council of the City of Wakefield MDC) Permit Scheme Order 2015 (S.I. 2015/293), arts. 1, 2, **Sch., Appendix D**
C165 S. 53 applied (13.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 175(3)**(4), 216(3); S.I. 2016/733, reg. 3(h)

Commencement Information
I2 S. 53 wholly in force: s. 53(1)-(3) in force at 28.11.1992 see s. 170(1) and S.I. 1992/2984, art. 2(1), **Sch. 1**; s. 53(4)-(6) in force at 14.7.1992 by S.I. 1992/1686, art. 3, **Sch.**

Notice and co-ordination of works

54 Advance notice of certain works.

(1) In such cases as may be prescribed an undertaker proposing to execute street works shall give the prescribed advance notice of the works to the street authority.

(2) Different periods of notice may be prescribed for different descriptions of works.

(3) The notice shall **[**F26state the date on which it is proposed to begin the works and shall contain such other**]** information as may be prescribed.

(4) After giving advance notice under this section an undertaker shall comply with such requirements as may be prescribed, or imposed by the street authority, as to the providing of information and other procedural steps to be taken for the purpose of co-ordinating the proposed works with other works of any description proposed to be executed in the street.

[F27(4A) If an undertaker who has given advance notice under this section has not, before the starting date specified in the notice, given to the street authority a notice under section 55 in respect of the works, he shall within such period as may be prescribed give to that authority a notice containing such information as may be prescribed.

(4B) An advance notice under this section shall cease to have effect in relation to the proposed works (so that subsection (1) applies again in relation to the works) if those works are not substantially begun before the end of such period beginning with the starting date specified in the notice as may be prescribed, or such further period as the street authority may allow.

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(4C) Different periods may be prescribed under subsection (4B) for different descriptions of works.**]**

(5) An undertaker who fails to comply with his duties under this section commits an offence and is liable on summary conviction to a fine not exceeding **[**[F28]level 4**]** on the standard scale.

Textual Amendments

F26 Words in s. 54(3) substituted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E. in so far as not already in force, 1.4.2008 for W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 49(1)(a)**, 99(1); S.I. 2007/1890, art. 2, Sch. (with art. 5); S.I. 2007/3174, art. 2, Sch. (with art. 6)

F27 S. 54(4A)-(4C) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E. in so far as not already in force, 1.4.2008 for W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 49(1)(b)**, 99(1); S.I. 2007/1890, art. 2, Sch. (with art. 5); S.I. 2007/3174, art. 2, Sch. (with art. 6)

F28 Words in s. 54(5) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Modifications etc. (not altering text)

C166 S. 54 modified (27.11.1992) by S.I. 1992/2984, **art. 3(1)**

C167 S. 54 applied (4.4.1996) by S.I. 1996/937, **art. 8(4)(5)**
S. 54 applied (13.1.1999) by S.I. 1998/3269, **art. 4(2)(3)(4)**
S. 54 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**
S. 54 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**
S. 54 applied (10.2.1997) by S.I. 1997/264, **art. 8(6)(7)**

C168 S. 54 applied (with modifications) (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**

C169 S. 54 applied (with modifications) (30.4.1999) by S.I. 1999/1306, **art. 8(4)(5)**
S. 54 applied (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 8(5)(6)**
S. 54 applied (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 9(5)(6)(8)**
S. 54 applied (with modifications) (23.8.1999) by S.I. 1999/2981, **art. 7(5)(6)**
S. 54 applied (with modifications) (29.3.2001) by S.I. 2001/1348, **art. 21(3)-(5)**
S. 54 applied (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 3(3)(4)**
S. 54 applied (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 10(6)**
S. 54 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**
S. 54 applied (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 8(6)**

C170 S. 54 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 9(4)(5)** (with art. 38)
S. 54 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(3)(4)**;
S. 54 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 3(3)**

C171 S. 54 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), arts. 1, **13(6)(7)(8)** (with art. 40)

C172 S. 54 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(3)**(4)

C173 S. 54 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), arts. 1, **6(4)**(5) (with art. 38)

C174 S. 54 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(4)**(5) (with arts. 65, 66)

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C175 S. 54 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 3(3)-(5)** (with art. 51)

C176 S. 54 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, **12(7)**

C177 S. 54 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), arts. 1, **3(3)-(5)** (with art. 47)

C178 S. 54 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)**(4)

C179 S. 54 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, **8(9)(10)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

C180 Ss. 54, 55 applied (with modifications) (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **9(2)**(3)

C181 S. 54 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(4)** (with arts. 3(5), 15(3))

C182 S. 54 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(3)**(4) (with art. 52)

C183 S. 54 applied (with modifications) (3.7.2006) by The Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **4**

C184 S. 54 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 1, **9(5)**(6) (with art. 40, Sch. 7 para. 12)

C185 S. 54 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(4)-(6)** (with art. 43)

C186 S. 54 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), arts. 1, **16(6)**(7) (with arts. 34, 35(2))

C187 S. 54 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **10(5)**(6)

C188 S. 54 applied (with modifications) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), arts. 1, **8(2)**(3) (with arts. 46-48, Sch. 6 para. 23)

C189 S. 54 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(4)**(5) (with arts. 3(6), 12(3))

C190 S. 54 applied (with modifications) (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **3(2)-(4)** (with arts. 19, 28, Sch. 3 para. 13(2))

C191 S. 54 excluded (E.) (1.4.2008) by The Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372), regs. 1(1), **36(b)** (with reg. 35)

C192 S. 54 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(3)-(5)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C193 S. 54 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **4(2)-(4)** (with art. 36(3))

C194 S. 54 disapplied (W.) (1.6.2009) by The Traffic Management Permit Scheme (Wales) Regulations 2009 (S.I. 2009/1267), regs. 1, **36(b)**

C195 S. 54 applied (with modifications) (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(4)-(6)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C196 S. 54 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(4)-(6)**

C197 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, Sch. Appendix B

C198 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch. Appendix B

C199 S. 54 disapplied (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch. Appendix B

C200 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, Sch. Appendix B

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C201 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch. Appendix B

C202 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch. Appendix B

C203 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, Sch. Appendix B

C204 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch. Appendix B

C205 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch. Appendix B

C206 S. 54 disapplied (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, Sch. Appendix B

C207 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, Sch. Appendix B

C208 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch. Appendix B

C209 S. 54 disapplied (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch. Appendix B

C210 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, Sch. Appendix B

C211 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, Sch. Appendix B

C212 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, Sch. Appendix B

C213 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch. Appendix B

C214 S. 54 disapplied (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch. Appendix B

C215 S. 54 disapplied (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, Sch. Appendix B

C216 S. 54 disapplied (25.1.2010) by The Traffic Management (Kent County Council) Permit Scheme Order 2009 (S.I. 2009/3188), art. 1, **Sch. Appendix B**

C217 S. 54 applied (with modifications) (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), arts. 1, **4**

C218 S. 54 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **3(2)**(3)(4) (with art. 51, Sch. 10 paras. 68, 85)

C219 S. 54 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **4(2)-(4)**

C220 S. 54 disapplied (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, Sch. Appendix B

C221 S. 54 disapplied (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, Sch. Appendix B

C222 S. 54 disapplied (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, Sch. Appendix B

C223 S. 54 disapplied (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, Sch. Appendix B

C224 S. 54 disapplied (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, Sch. Appendix B

C225 S. 54 disapplied (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, Sch. Appendix B

C226 S. 54 disapplied (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, Sch. Appendix B

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C227 S. 54 disapplied (28.11.2011) by The Traffic Management (London Borough of Barking and Dagenham) Permit Scheme Order 2011 (S.I. 2011/2599), art. 1, Sch., **Appendix B**

C228 S. 54 disapplied (28.11.2011) by The Traffic Management (London Borough of Hillingdon) Permit Scheme Order 2011 (S.I. 2011/2600), art. 1, **Sch. Appendix B**

C229 S. 54 disapplied (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch., **Appendix D**

C230 S. 54 disapplied (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch., **Appendix D**

C231 S. 54 disapplied (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch., **Appendix D**

C232 S. 54 disapplied (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch., **Appendix D**

C233 S. 54 disapplied (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch., **Appendix D**

C234 S. 54 disapplied (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch., **Appendix D**

C235 S. 54 applied (with modifications) (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **10(2)**(3) (with art. 26(2))

C236 S. 54 disapplied (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch. Appendix B

C237 S. 54 disapplied (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch. Appendix B

C238 S. 54 disapplied (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch., **Appendix B**

C239 S. 54 disapplied (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch., **Appendix B**

C240 S. 54 applied (with modifications) (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **14(2)-(4)** (with art. 35(2))

C241 S. 54 applied (with modifications) (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **4(2)-(4)** (with art. 42(2))

C242 S. 54 disapplied (14.1.2013) by The Traffic Management (London Borough of Tower Hamlets) Permit Scheme Order 2012 (S.I. 2012/3107), arts. 1, 2, Sch. Appendix B

C243 S. 54 disapplied (14.1.2013) by The Traffic Management (London Borough of Sutton) Permit Scheme Order 2012 (S.I. 2012/3106), arts. 1, 2, Sch. Appendix B

C244 S. 54 disapplied (18.2.2013) by The Traffic Management (London Borough of Bexley) Permit Scheme Order 2012 (S.I. 2012/3102), arts. 1, 2, Sch. Appendix B

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C246 S. 54 disapplied (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch. Appendix B1

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C248 S. 54 disapplied (29.4.2013) by The Traffic Management (Oldham Borough Council) Permit Scheme Order 2013 (S.I. 2013/808), arts. 1, 2, Sch. Appendix C

C249 S. 54 disapplied (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C

C250 S. 54 disapplied (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch. Appendix C

C251 S. 54 disapplied (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C

C252 S. 54 disapplied (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C

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C253 S. 54 disapplied (29.4.2013) by The Traffic Management (Trafford Borough Council) Permit Scheme Order 2013 (S.I. 2013/807), arts. 1, 2, Sch. Appendix C

C254 S. 54 disapplied (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C

C255 S. 54 disapplied (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch. Appendix C

C256 S. 54 disapplied (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch. Appendix C

C257 S. 54 disapplied (29.4.2013) by The Traffic Management (Salford City Council) Permit Scheme Order 2013 (S.I. 2013/810), arts. 1, 2, Sch. Appendix C

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C260 S. 54 applied (with modifications) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), arts. 1, **4(1)-(3)**

C261 S. 54 applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(3)-(5)**

C262 S. 54 disapplied (1.10.2013) by The Traffic Management (Derby City Council) Permit Scheme Order 2013 (S.I. 2013/1781), arts. 1, 2, **Sch. para. 2.4**

C263 S. 54 disapplied (4.11.2013) by The Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 (S.I. 2013/2398), art. 1, Sch. para. 1.5, Appendix A

C264 S. 54 applied (with modifications) (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(4)-(6)** (with arts. 42, 43)

C265 S. 54 disapplied (11.11.2013) by The Traffic Management (East Sussex County Council) Permit Scheme Order 2013 (S.I. 2013/2399), arts. 1, 2, **Sch. para. 2.12.2**

C266 S. 54 disapplied (11.11.2013) by The Traffic Management (Surrey County Council) Permit Scheme Order 2013 (S.I. 2013/2389), arts. 1, 2, **Sch. para. 2.12.2**

C267 S. 54 modified (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(6)**

C268 S. 54 applied (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(4)**(5)

C269 S. 54 applied (with modifications) (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **10(2)-(4)** (with arts. 27(2), 39, Sch. 10 para. 4)

C270 S. 54 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)-(4)**

C271 S. 54 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(4)-(6)** (with arts. 57, 58, Sch. 11 para. 19)

C272 S. 54 disapplied (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**

C273 S. 54 applied (with modifications) (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **12(3)-(5)** (with art. 34(2))

C274 S. 54 disapplied (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, Sch., **Appendix B**

C275 S. 54 applied (with modifications) (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **13(2)-(4)**

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

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C278 S. 54 applied (with modifications) (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(4)** (with art. 31(2))

C279 S. 54 modified (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(5)** (with art. 31(2))

C280 S. 54 applied (with modifications) (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(4)-(6)**

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C283 S. 54 applied (with modifications) (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **13(2)-(4)** (with art. 33)

C284 S. 54 applied (with modifications) (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(4)-(6)**

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C286 S. 54 disapplied (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C288 S. 54 applied (with modifications) (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(4)-(6)** (with Sch. 8 para. 45)

C289 S. 54 applied (with modifications) (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **7(1)-(3)** (with arts. 37, 38)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C291 S. 54 disapplied (19.1.2015) by The Traffic Management (Wokingham Borough Council) Permit Scheme Order 2014 (S.I. 2014/3105), arts. 1, 2, **Sch. para. 2.12.2**

C292 S. 54 disapplied (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C293 S. 54 disapplied (2.2.2015) by The Traffic Management (Sefton Metropolitan Borough Council) Permit Scheme Order 2014 (S.I. 2014/3107), arts. 1, 2, **Sch. para. 1.9**

C294 S. 54 disapplied (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C296 S. 54 disapplied (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch. para. 1.5, Appendix E**

C297 S. 54 applied (with modifications) (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(4)-(6)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C299 S. 54 disapplied (1.3.2015) by The Traffic Management (West Berkshire Council) Permit Scheme Order 2014 (S.I. 2014/3110), arts. 1, 2, **Sch. para. 2.12.2**

C300 S. 54 disapplied (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**

C301 S. 54 disapplied (4.3.2015) by The Traffic Management (Slough Borough Council) Permit Scheme Order 2014 (S.I. 2014/3112), arts. 1, 2, **Sch. para. 2.12.2**

C302 S. 54 disapplied (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**

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C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C304 S. 54 disapplied (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch. Appendix B**

C305 S. 54 disapplied (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C306 S. 54 disapplied (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix B**

C307 S. 54 disapplied (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C308 S. 54 disapplied (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**

C309 S. 54 disapplied (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**

C310 S. 54 disapplied (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**

C311 S. 54 disapplied (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**

C312 S. 54 disapplied (31.3.2015) by The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015 (S.I. 2015/107), art. 1, **Sch. para. 3.5**

C313 S. 54 disapplied (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**

C314 S. 54 disapplied (31.3.2015) by The Traffic Management (Council of the City of Wakefield MDC) Permit Scheme Order 2015 (S.I. 2015/293), arts. 1, 2, **Sch., Appendix D**

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C323 S. 54 applied (with modifications) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(4)**(5)(6)

C324 S. 54 modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **11(2)-(4)** (with art. 32)

C325 S. 54 applied (with modifications) (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(4)-(6)** (with art. 37)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C327 S. 54 applied (with modifications) (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(4)-(6)** (with arts. 4, 5(3))

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C328 S. 54 applied (with modifications) (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **3(3)-(5)** (with art. 39)

C329 S. 54 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **5(3)-(5)** (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C333 S. 54 applied (with modifications) (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **10(2)(a)**(3) (with arts. 37, 38)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C335 S. 54 applied (with modifications) (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(4)-(6)**

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C338 S. 54 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(4)** (with art. 37)

C339 S. 54 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(a)** (with art. 37)

C340 S. 54 applied (with modifications) (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(4)-(6)** (with arts. 43, 44)

C341 S. 54(1)(4): functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 1(b)**

55 Notice of starting date of works.

(1) An undertaker proposing to begin to execute street works involving—

(a) breaking up or opening the street, or any sewer, drain or tunnel under it, or

(b) tunnelling or boring under the street,

shall give not less than 7 working days' notice (or such other notice as may be prescribed) to the street authority, to any other relevant authority and to any other person having apparatus in the street which is likely to be affected by the works.

(2) Different periods of notice may be prescribed for different descriptions of works, **[**[F29]or in cases where the undertaker has been given notice under section 58(1),**]** and cases may be prescribed in which no notice is required.

(3) The notice shall state the date on which it is proposed to begin the works and shall contain such other information as may be prescribed.

(4) Where notice is required to be given under this section, the works shall not be begun without notice or before the end of the notice period, except with the consent of those to whom notice is required to be given.

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(5) An undertaker who begins to execute any works in contravention of this section commits an offence and is liable on summary conviction to a fine not exceeding **[**[F30]level 4**]** on the standard scale.

(6) In proceedings against a person for such an offence it is a defence for him to show that the contravention was attributable—

(a) to his not knowing the position, or not knowing of the existence, of another person's apparatus, or

(b) to his not knowing the identity or address of—

(i) a relevant authority, or

(ii) the person to whom any apparatus belongs,

and that his ignorance was not due to any negligence on his part or to any failure to make inquiries which he ought reasonably to have made.

(7) A notice under this section shall cease to have effect if the works to which it relates are not substantially begun before the end of the period of 7 working days (or such other period as may be prescribed) beginning with the starting date specified in the notice, or such further period as may be allowed by those to whom notice is required to be given.

[[F31](8) If a notice under this section ceases to have effect the undertaker shall, within such period as may be prescribed, give a notice containing such information as may be prescribed to those to whom the notice under this section was required to be given.

(9) An undertaker who fails to give notice in accordance with subsection (8) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.**]**

Textual Amendments

F29 Words in s. 55(2) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E. in so far as not already in force, 1.4.2008 for W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 51(9)**, 99(1); S.I. 2007/1890, art. 2, Sch. (with art. 6); S.I. 2007/3174, art. 2, Sch. (with art. 7)

F30 Words in s. 55(5) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

F31 S. 55(8)(9) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E. in so far as not already in force, 1.4.2008 for W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 49(2)**, 99(1); S.I. 2007/1890, art. 2, Sch. (with art. 5); S.I. 2007/3174, art. 2, Sch. (with art. 6)

Modifications etc. (not altering text)

C180 Ss. 54, 55 applied (with modifications) (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **9(2)**(3)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

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C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

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C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C342 S. 55 modified (27.11.1992) by S.I. 1992/2984, **art.4**
S. 55 modified (E.W.) (1. 1. 1993) by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **s. 15(4)** (as substituted by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. IV para. 106**; S.I. 1992/2984, art. 2(2), **Sch.2**)
S. 55 modified (E.W.) (1. 1. 1993) by Local Government, Planning and Land Act 1980 (c. 65), **s. 167(7)** (as substituted by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. IV para. 109**; S.I. 1992/2984, art. 2(2), **Sch.2**)

C343 S. 55 applied (4.4.1996) by S.I. 1996/937, **art. 8(4)(5)**
S. 55 applied (13.1.1999) by S.I. 1998/3269, **art. 4(2)(3)(4)**
S. 55 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**
S. 55 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**
S. 55 applied (10.2.1997) by S.I. 1997/264, **art. 8(6)(7)**
S. 55 applied with modifications (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**

C344 S. 55 applied (with modifications) (30.4.1999) by S.I. 1999/1306, **art. 8(4)(5)**
S. 55 applied (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 8(5)(6)**
S. 55 applied (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 9(5)(6)(8)**
S. 55 applied (with modifications) (23.8.1999) by S.I. 1999/2981, **art. 7(5)(6)**
S. 55 applied (with modifications) (29.3.2001) by S.I. 2001/1348, **art. 21(3)-(5)**
S. 55 applied (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 3(3)(4)**
S. 55 applied (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 10(6)**
S. 55 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**
S. 55 applied (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 8(6)**

C345 S. 55 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 9(4)(5)** (with art. 38)
S. 55 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(3)(4)**;
S. 55 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 3(3)**

C346 S. 55 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(3)**(4)

C347 S. 55 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), arts. 1, **6(4)**(5) (with art. 38)

C348 S. 55 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(4)**(5) (with arts. 65, 66)

C349 S. 55 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 3(3)-(5)** (with art. 51)

C350 S. 55 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, **12(7)**

C351 S. 55 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), arts. 1, **3(3)-(5)** (with art. 47)

C352 S. 55 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)**(4)

C353 S. 55 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, **8(9)(10)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

C354 S. 55 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(4)** (with arts. 3(5), 15(3))

C355 S. 55 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(3)**(4) (with art. 52)

C356 S. 55 applied (with modifications) (3.7.2006) by The Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **4**

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C357 S. 55 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 1, **9(5)**(6) (with art. 40, Sch. 7 para. 12)

C358 S. 55 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(4)-(6)** (with art. 43)

C359 S. 55 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), arts. 1, **16(6)**(7) (with arts. 34, 35(2))

C360 S. 55 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **10(5)**(6)

C361 S. 55 applied (with modifications) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), arts. 1, **8(2)**(3) (with arts. 46-48, Sch. 6 para. 23)

C362 S. 55 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(4)**(5) (with arts. 3(6), 12(3))

C363 S. 55 applied (with modifications) (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **3(2)-(4)** (with arts. 19, 28, Sch. 3 para. 13(2))

C364 S. 55 excluded (E.) (1.4.2008) by The Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372), regs. 1(1), **36(c)** (with reg. 35)

C365 S. 55 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(3)-(5)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C366 S. 55 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **4(2)-(4)** (with art. 36(3))

C367 S. 55 disapplied (W.) (1.6.2009) by The Traffic Management Permit Scheme (Wales) Regulations 2009 (S.I. 2009/1267), regs. 1, **36(c)**

C368 S. 55 applied (with modifications) (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(4)-(6)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C369 S. 55 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(4)-(6)**

C370 S. 55 disapplied (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch. Appendix B

C371 S. 55 disapplied (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, Sch. Appendix B

C372 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch. Appendix B

C373 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, Sch. Appendix B

C374 S. 55 disapplied (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch. Appendix B

C375 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, Sch. Appendix B

C376 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, Sch. Appendix B

C377 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch. Appendix B

C378 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, Sch. Appendix B

C379 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, Sch. Appendix B

C380 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch. Appendix B

C381 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch. Appendix B

C382 S. 55 disapplied (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, Sch. Appendix B

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C383 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch. Appendix B

C384 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch. Appendix B

C385 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, Sch. Appendix B

C386 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch. Appendix B

C387 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, Sch. Appendix B

C388 S. 55 disapplied (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch. Appendix B

C389 S. 55 disapplied (25.1.2010) by The Traffic Management (Kent County Council) Permit Scheme Order 2009 (S.I. 2009/3188), art. 1, **Sch. Appendix B**

C390 S. 55 applied (with modifications) (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), arts. 1, **4**

C391 S. 55 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **3(2)**(3)(4) (with art. 51, Sch. 10 paras. 68, 85)

C392 S. 55 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **4(2)-(4)**

C393 S. 55 disapplied (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, Sch. Appendix B

C394 S. 55 disapplied (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, Sch. Appendix B

C395 S. 55 disapplied (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, Sch. Appendix B

C396 S. 55 disapplied (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, Sch. Appendix B

C397 S. 55 disapplied (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, Sch. Appendix B

C398 S. 55 disapplied (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, Sch. Appendix B

C399 S. 55 disapplied (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, Sch. Appendix B

C400 S. 55 disapplied (28.11.2011) by The Traffic Management (London Borough of Barking and Dagenham) Permit Scheme Order 2011 (S.I. 2011/2599), art. 1, Sch., **Appendix B**

C401 S. 55 disapplied (28.11.2011) by The Traffic Management (London Borough of Hillingdon) Permit Scheme Order 2011 (S.I. 2011/2600), art. 1, **Sch. Appendix B**

C402 S. 55 disapplied (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch., **Appendix D**

C403 S. 55 disapplied (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch., **Appendix D**

C404 S. 55 disapplied (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch., **Appendix D**

C405 S. 55 disapplied (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch., **Appendix D**

C406 S. 55 disapplied (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch., **Appendix D**

C407 S. 55 disapplied (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch., **Appendix D**

C408 S. 55 applied (with modifications) (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **10(2)**(3) (with art. 26(2))

C409 S. 55 disapplied (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch. Appendix B

C410 S. 55 disapplied (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch. Appendix B

C411 S. 55 disapplied (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch. Appendix B

C412 S. 55 disapplied (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch., **Appendix B**

C413 S. 55 applied (with modifications) (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **14(2)-(4)** (with art. 35(2))

C414 S. 55 applied (with modifications) (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **4(2)-(4)** (with art. 42(2))

C415 S. 55 disapplied (14.1.2013) by The Traffic Management (London Borough of Tower Hamlets) Permit Scheme Order 2012 (S.I. 2012/3107), arts. 1, 2, Sch. Appendix B

C416 S. 55 disapplied (14.1.2013) by The Traffic Management (London Borough of Sutton) Permit Scheme Order 2012 (S.I. 2012/3106), arts. 1, 2, Sch. Appendix B

C417 S. 55 disapplied (18.2.2013) by The Traffic Management (London Borough of Bexley) Permit Scheme Order 2012 (S.I. 2012/3102), arts. 1, 2, Sch. Appendix B

C418 S. 55 disapplied (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch. Appendix B1

C419 S. 55 disapplied (29.4.2013) by The Traffic Management (Trafford Borough Council) Permit Scheme Order 2013 (S.I. 2013/807), arts. 1, 2, Sch. Appendix C

C420 S. 55 disapplied (29.4.2013) by The Traffic Management (Salford City Council) Permit Scheme Order 2013 (S.I. 2013/810), arts. 1, 2, Sch., **Appendix C**

C421 S. 55 disapplied (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C

C422 S. 55 disapplied (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C

C423 S. 55 disapplied (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch. Appendix C

C424 S. 55 disapplied (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C

C425 S. 55 disapplied (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch., **Appendix C**

C426 S. 55 disapplied (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch. Appendix C

C427 S. 55 disapplied (29.4.2013) by The Traffic Management (Oldham Borough Council) Permit Scheme Order 2013 (S.I. 2013/808), arts. 1, 2, Sch. Appendix C

C428 S. 55 disapplied (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C

C429 S. 55 applied (with modifications) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), arts. 1, **4(1)-(3)**

C430 S. 55 applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(3)-(5)**

C431 S. 55 disapplied (1.10.2013) by The Traffic Management (Derby City Council) Permit Scheme Order 2013 (S.I. 2013/1781), arts. 1, 2, **Sch. para. 2.4**

C432 S. 55 disapplied (4.11.2013) by The Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 (S.I. 2013/2398), art. 1, Sch. para. 1.5, Appendix A

C433 S. 55 applied (with modifications) (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(4)-(6)** (with arts. 42, 43)

C434 S. 55 disapplied (11.11.2013) by The Traffic Management (Surrey County Council) Permit Scheme Order 2013 (S.I. 2013/2389), arts. 1, 2, **Sch. para. 2.12.2**

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C435 S. 55 disapplied (11.11.2013) by The Traffic Management (East Sussex County Council) Permit Scheme Order 2013 (S.I. 2013/2399), arts. 1, 2, **Sch. para. 2.12.2**

C436 S. 55 applied (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(4)**(5)

C437 S. 55 modified (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(6)**

C438 S. 55 applied (with modifications) (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **10(2)-(4)** (with arts. 27(2), 39, Sch. 10 para. 4)

C439 S. 55 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)-(4)**

C440 S. 55 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(4)-(6)** (with arts. 57, 58, Sch. 11 para. 19)

C441 S. 55 disapplied (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**

C442 S. 55 applied (with modifications) (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **12(3)-(5)** (with art. 34(2))

C443 S. 55 disapplied (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, Sch., **Appendix B**

C444 S. 55 applied (with modifications) (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **13(2)-(4)**

C445 S. 55 applied (with modifications) (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(4)** (with art. 31(2))

C446 S. 55 modified (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(5)** (with art. 31(2))

C447 S. 55 applied (with modifications) (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(4)-(6)**

C448 S. 55 applied (with modifications) (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **13(2)-(4)** (with art. 33)

C449 S. 55 applied (with modifications) (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(4)-(6)**

C450 S. 55 disapplied (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B

C451 S. 55 applied (with modifications) (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(4)-(6)** (with Sch. 8 para. 45)

C452 S. 55 applied (with modifications) (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **7(1)-(3)** (with arts. 37, 38)

C453 S. 55 disapplied (19.1.2015) by The Traffic Management (Wokingham Borough Council) Permit Scheme Order 2014 (S.I. 2014/3105), arts. 1, 2, **Sch. para. 2.12.2**

C454 S. 55 disapplied (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C455 S. 55 disapplied (2.2.2015) by The Traffic Management (Sefton Metropolitan Borough Council) Permit Scheme Order 2014 (S.I. 2014/3107), arts. 1, 2, **Sch. para. 1.9**

C456 S. 55 disapplied (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C457 S. 55 disapplied (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch. para. 1.5, Appendix E**

C458 S. 55 applied (with modifications) (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(4)-(6)**

C459 S. 55 disapplied (1.3.2015) by The Traffic Management (West Berkshire Council) Permit Scheme Order 2014 (S.I. 2014/3110), arts. 1, 2, **Sch. para. 2.12.2**

C460 S. 55 disapplied (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**

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C461 S. 55 disapplied (4.3.2015) by The Traffic Management (Slough Borough Council) Permit Scheme Order 2014 (S.I. 2014/3112), arts. 1, 2, **Sch. para. 2.12.2**

C462 S. 55 disapplied (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**

C463 S. 55 disapplied (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C464 S. 55 disapplied (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch. Appendix B**

C465 S. 55 disapplied (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix B**

C466 S. 55 disapplied (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C467 S. 55 disapplied (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**

C468 S. 55 disapplied (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**

C469 S. 55 disapplied (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**

C470 S. 55 disapplied (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**

C471 S. 55 disapplied (31.3.2015) by The Traffic Management (Council of the City of Wakefield MDC) Permit Scheme Order 2015 (S.I. 2015/293), arts. 1, 2, **Sch., Appendix D**

C472 S. 55 disapplied (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**

C473 S. 55 disapplied (31.3.2015) by The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015 (S.I. 2015/107), art. 1, **Sch. para. 3.5**

C474 S. 55 applied (with modifications) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(4)**(5)(6)

C475 S. 55 modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **11(2)-(4)** (with art. 32)

C476 S. 55 applied (with modifications) (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(4)-(6)** (with art. 37)

C477 S. 55 applied (with modifications) (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(4)-(6)** (with arts. 4, 5(3))

C478 S. 55 applied (with modifications) (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **3(3)-(5)** (with art. 39)

C479 S. 55 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **5(3)-(5)** (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))

C480 S. 55 applied (with modifications) (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **10(2)(b)**(3) (with arts. 37, 38)

C481 S. 55 applied (with modifications) (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(4)-(6)**

C482 S. 55 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(b)** (with art. 37)

C483 S. 55 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(4)** (with art. 37)

C484 S. 55 applied (with modifications) (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(4)-(6)** (with arts. 43, 44)

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C485 S. 55(1)(4): functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 1(c)**

Commencement Information

I3 S. 55 wholly in force: s. 55 in force for the purpose of making regulations at 28.11.1992, and for all other purposes at 1.1.1993, see s. 170 and S.I. 1992/2984, art. 2, Schs. 1, **2**

56 Power to give directions as to timing of street works.

(1) If it appears to the street authority—

(a) that proposed street works are likely to cause serious disruption to traffic, and

(b) that the disruption would be avoided or reduced if the works were carried out only at certain times **[**F32or on certain days (or at certain times on certain days)**]**,

the authority may give the undertaker such directions as may be appropriate as to the times **[**F32or days (or both)**]** when the works may or may not be carried out.

[F33(1A) Where it appears to a street authority—

(a) that subsisting street works are causing or are likely to cause serious disruption to traffic, and

(b) that the disruption would be avoided or reduced if the works were to continue to be carried out only at certain times or on certain days (or at certain times on certain days),

the authority may give the undertaker such directions as may be appropriate as to the times or days (or both) when the works may or may not continue to be carried out.**]**

(2) The procedure for giving a direction shall be prescribed by the Secretary of State.

(3) An undertaker who executes works in contravention of a direction under this section commits an offence and is liable on summary conviction to a fine not exceeding **[**F34level 5**]** on the standard scale.

[F35(3A) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, his failure is attributable to a direction under this section.**]**

(4) The Secretary of State may issue or approve for the purposes of this section a code of practice giving practical guidance as to the exercise by street authorities of the power conferred by this section; and in exercising that power a street authority shall have regard to the code of practice.

Textual Amendments

F32 Words in s. 56(1)(b) inserted (4.1.2005 for E., 1.4.2008 for W.) by Traffic Management Act 2004 (c. 18), **ss. 43(2)**, 99(1); S.I. 2004/3110, art. 2(b); S.I. 2007/3174, art. 2, Sch.

F33 S. 56(1A) inserted (1.4.2008) by Traffic Management Act 2004 (c. 18), **ss. 43(3)**, 99(1); S.I. 2007/1890, art. 2, **Sch.** (with art. 4); S.I. 2007/3174, art. 2, **Sch.** (with art. 5)

F34 Words in s. 56(3) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

F35 S. 56(3A) inserted (4.1.2005 for E., 1.4.2008 for W.) by Traffic Management Act 2004 (c. 18), **ss. 43(4)**, 99(1); S.I. 2004/3110, art. 2(b); S.I. 2007/3174, art. 2, Sch.

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Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

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C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C486 S. 56 excluded (11.11.1996) by S.I. 1996/2714, **art. 4(1)**
S. 56 excluded (27.8.1998) by S.I. 1998/1936, **art. 4(1)**
S. 56 excluded (21.5.1997) by S.I. 1997/1266, **art. 5(1)**
S. 56 excluded (24.7.2001) by S.I. 2001/3627, **art. 4(2)**

C487 S. 56 excluded (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(2)**
S. 56 excluded (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 3(1)**

C488 S. 56 excluded (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(2)**

C489 S. 56 excluded (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(3)** (with arts. 65, 66)

C490 S. 56 excluded (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(2)**

C491 S. 56 excluded (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, **8(8)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

C492 S. 56 excluded (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(2)** (with arts. 3(5), 15(3))

C493 S. 56 excluded (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(2)** (with art. 52)

C494 S. 56 excluded (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(3)** (with art. 43)

C495 S. 56 excluded (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(2)** (with arts. 3(3)(6), 12(3))

C496 S. 56 excluded (E.) (1.4.2008) by The Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372), regs. 1(1), **36(d)** (with reg. 35)

C497 S. 56 excluded (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(2)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C498 S. 56 disapplied (W.) (1.6.2009) by The Traffic Management Permit Scheme (Wales) Regulations 2009 (S.I. 2009/1267), regs. 1, **36(d)**

C499 S. 56 excluded (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(3)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C500 S. 56 excluded (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(3)**

C501 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch. Appendix B

C502 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch. Appendix B

C503 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, Sch. Appendix B

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C504 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, Sch. Appendix B

C505 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, Sch. Appendix B

C506 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, Sch. Appendix B

C507 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch. Appendix B

C508 S. 56 disapplied (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, Sch. Appendix B

C509 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch. Appendix B

C510 S. 56 disapplied (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch. Appendix B

C511 S. 56 disapplied (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch. Appendix B

C512 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, Sch. Appendix B

C513 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch. Appendix B

C514 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch. Appendix B

C515 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch. Appendix B

C516 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, Sch. Appendix B

C517 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, Sch. Appendix B

C518 S. 56 disapplied (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, Sch. Appendix B

C519 S. 56 disapplied (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch. Appendix B

C520 S. 56 disapplied (25.1.2010) by The Traffic Management (Kent County Council) Permit Scheme Order 2009 (S.I. 2009/3188), art. 1, **Sch. Appendix B**

C521 S. 56 disapplied (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, Sch. Appendix B

C522 S. 56 disapplied (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, Sch. Appendix B

C523 S. 56 disapplied (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, Sch. Appendix B

C524 S. 56 disapplied (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, Sch. Appendix B

C525 S. 56 disapplied (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, Sch. Appendix B

C526 S. 56 disapplied (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, Sch. Appendix B

C527 S. 56 disapplied (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, Sch. Appendix B

C528 S. 56 disapplied (28.11.2011) by The Traffic Management (London Borough of Barking and Dagenham) Permit Scheme Order 2011 (S.I. 2011/2599), art. 1, Sch., **Appendix B**

C529 S. 56 disapplied (28.11.2011) by The Traffic Management (London Borough of Hillingdon) Permit Scheme Order 2011 (S.I. 2011/2600), art. 1, **Sch. Appendix B**

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C530 S. 56 disapplied (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch., **Appendix D**

C531 S. 56 disapplied (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch., **Appendix D**

C532 S. 56 disapplied (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch. Appendix D

C533 S. 56 disapplied (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch. Appendix D

C534 S. 56 disapplied (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch., **Appendix D**

C535 S. 56 disapplied (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch., **Appendix D**

C536 S. 56 disapplied (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch., **Appendix B**

C537 S. 56 disapplied (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch. Appendix B

C538 S. 56 disapplied (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch., **Appendix B**

C539 S. 56 disapplied (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch. Appendix B

C540 S. 56 disapplied (14.1.2013) by The Traffic Management (London Borough of Sutton) Permit Scheme Order 2012 (S.I. 2012/3106), arts. 1, 2, Sch. Appendix B

C541 S. 56 disapplied (14.1.2013) by The Traffic Management (London Borough of Tower Hamlets) Permit Scheme Order 2012 (S.I. 2012/3107), arts. 1, 2, Sch. Appendix B

C542 S. 56 disapplied (18.2.2013) by The Traffic Management (London Borough of Bexley) Permit Scheme Order 2012 (S.I. 2012/3102), arts. 1, 2, Sch. Appendix B

C543 S. 56 disapplied (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch. Appendix B1

C544 S. 56 disapplied (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C

C545 S. 56 disapplied (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C

C546 S. 56 disapplied (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch. Appendix C

C547 S. 56 disapplied (29.4.2013) by The Traffic Management (Oldham Borough Council) Permit Scheme Order 2013 (S.I. 2013/808), arts. 1, 2, Sch. Appendix C

C548 S. 56 disapplied (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch. Appendix C

C549 S. 56 disapplied (29.4.2013) by The Traffic Management (Salford City Council) Permit Scheme Order 2013 (S.I. 2013/810), arts. 1, 2, Sch. Appendix C

C550 S. 56 disapplied (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C

C551 S. 56 disapplied (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch. Appendix C

C552 S. 56 disapplied (29.4.2013) by The Traffic Management (Trafford Borough Council) Permit Scheme Order 2013 (S.I. 2013/807), arts. 1, 2, Sch. Appendix C

C553 S. 56 disapplied (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C

C554 S. 56 excluded (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(2)**

C555 S. 56 disapplied (1.10.2013) by The Traffic Management (Derby City Council) Permit Scheme Order 2013 (S.I. 2013/1781), arts. 1, 2, **Sch. para. 2.4**

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C556 S. 56 disapplied (4.11.2013) by The Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 (S.I. 2013/2398), art. 1, Sch. para. 1.5, Appendix A

C557 S. 56 excluded (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(3)** (with arts. 42, 43)

C558 S. 56 disapplied (11.11.2013) by The Traffic Management (Surrey County Council) Permit Scheme Order 2013 (S.I. 2013/2389), arts. 1, 2, **Sch. para. 2.12.2**

C559 S. 56 disapplied (11.11.2013) by The Traffic Management (East Sussex County Council) Permit Scheme Order 2013 (S.I. 2013/2399), arts. 1, 2, **Sch. para. 2.12.2**

C560 S. 56 excluded (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(3)**

C561 S. 56 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)

C562 S. 56 excluded (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(3)** (with arts. 57, 58, Sch. 11 para. 19)

C563 S. 56 disapplied (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**

C564 S. 56 excluded (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **12(2)** (with art. 34(2))

C565 S. 56 disapplied (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, Sch., **Appendix B**

C566 S. 56 excluded (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(2)** (with art. 31(2))

C567 S. 56 excluded (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(3)**

C568 S. 56 excluded (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(3)**

C569 S. 56 disapplied (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B

C570 S. 56 excluded (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(3)** (with Sch. 8 para. 45)

C571 S. 56 disapplied (19.1.2015) by The Traffic Management (Wokingham Borough Council) Permit Scheme Order 2014 (S.I. 2014/3105), arts. 1, 2, **Sch. para. 2.12.2**

C572 S. 56 disapplied (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C573 S. 56 disapplied (2.2.2015) by The Traffic Management (Sefton Metropolitan Borough Council) Permit Scheme Order 2014 (S.I. 2014/3107), arts. 1, 2, **Sch. para. 1.9**

C574 S. 56 disapplied (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C575 S. 56 disapplied (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch. para. 1.5, Appendix E**

C576 S. 56 excluded (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(3)**

C577 S. 56 disapplied (1.3.2015) by The Traffic Management (West Berkshire Council) Permit Scheme Order 2014 (S.I. 2014/3110), arts. 1, 2, **Sch. para. 2.12.2**

C578 S. 56 disapplied (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**

C579 S. 56 disapplied (4.3.2015) by The Traffic Management (Slough Borough Council) Permit Scheme Order 2014 (S.I. 2014/3112), arts. 1, 2, **Sch. para. 2.12.2**

C580 S. 56 disapplied (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**

C581 S. 56 disapplied (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix B**

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C582 S. 56 disapplied (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**
C583 S. 56 disapplied (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**
C584 S. 56 disapplied (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch. Appendix B**
C585 S. 56 disapplied (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**
C586 S. 56 disapplied (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**
C587 S. 56 disapplied (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**
C588 S. 56 disapplied (31.3.2015) by The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015 (S.I. 2015/107), art. 1, **Sch. para. 3.5**
C589 S. 56 disapplied (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**
C590 S. 56 disapplied (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**
C591 S. 56 excluded (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(3)**
C592 S. 56 excluded (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(3)** (with art. 37)
C593 S. 56 excluded (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(3)** (with arts. 4, 5(3))
C594 S. 56 excluded (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(3)**
C595 S. 56 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(c)** (with art. 37)
C596 S. 56 excluded (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(3)** (with arts. 43, 44)
C597 S. 56(1)(4): functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 1(d)**
C598 S. 56(1)(1A) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 14 para. 14(1)**
C599 S. 56(1)(1A) excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 4(1)**

[F36 56A Power to give directions as to placing of apparatus

(1) Where—

(a) an undertaker is proposing to execute street works consisting of the placing of apparatus in a street ("street A"),

(b) placing the apparatus in street A is likely to cause disruption to traffic, and

(c) it appears to the street authority that—

(i) there is another street ("street B") in which the apparatus could be placed, and

(ii) the conditions in subsection (2) are satisfied,

the authority may by direction require the undertaker not to place the apparatus in street A (but may not require him to place the apparatus in street B).

(2) The conditions referred to in subsection (1)(c) are that—

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(a) disruption to traffic would be avoided or reduced if the apparatus were to be placed in street B;

(b) placing the apparatus in street B would be a reasonable way of achieving the purpose for which the apparatus is to be placed; and

(c) it is reasonable to require the undertaker not to place the apparatus in street A.

(3) A direction under this section may be varied or revoked by a further such direction.

(4) The procedure for giving a direction under this section shall be prescribed by the Secretary of State.

(5) The Secretary of State may by regulations make provision for appeals against directions under this section, including provision as to the persons who may determine appeals and the procedure to be followed on an appeal.

(6) An undertaker who executes works in contravention of a direction under this section commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, his failure is attributable to a direction under this section.

(8) The Secretary of State may issue or approve for the purposes of this section a code of practice giving practical guidance as to the exercise by street authorities of the power conferred by this section; and in exercising that power a street authority shall have regard to the code of practice.**]**

Textual Amendments

F36 S. 56A inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 44**, 99(1); S.I. 2007/1890, art. 2, **Sch.** (with art. 4); S.I. 2007/3174, art. 2, **Sch.** (with art. 5)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

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C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C600 S. 56A excluded (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(3)** (with arts. 65, 66)

C601 S. 56A excluded (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(3)** (with art. 43)

C602 S. 56A excluded (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(2)** (with arts. 3(3)(6), 12(3))

C603 S. 56A excluded (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(2)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C604 S. 56A excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 14 para. 14(2)**

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C605 S. 56A excluded (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(3)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)
C606 S. 56A excluded (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(3)**
C607 S. 56A excluded (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(2)**
C608 S. 56A excluded (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(3)** (with arts. 42, 43)
C609 S. 56A excluded (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(3)**
C610 S. 56A excluded (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(3)** (with arts. 57, 58, Sch. 11 para. 19)
C611 S. 56A excluded (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **12(2)** (with art. 34(2))
C612 S. 56A excluded (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(2)** (with art. 31(2))
C613 S. 56A excluded (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(3)**
C614 S. 56A excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 4(2)**
C615 S. 56A excluded (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(3)**
C616 S. 56A excluded (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(3)** (with Sch. 8 para. 45)
C617 S. 56A excluded (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(3)**
C618 S. 56A excluded (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(3)**
C619 S. 56A excluded (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(3)** (with art. 37)
C620 S. 56A excluded (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(3)** (with arts. 4, 5(3))
C621 S. 56A excluded (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(3)**
C622 S. 56A excluded (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(3)** (with arts. 43, 44)

57 Notice of emergency works.

(1) Nothing in section 54 (advance notice), section 55 (notice of starting date) or section 56 (directions as to timing of works) **[**[F37]or paragraph 2(1)(d) or 3(1) of Schedule 3A (notification of proposed works or directions as to timings of works)**]** affects the right of an undertaker to execute emergency works.

(2) An undertaker executing emergency works shall, if the works are of a kind in respect of which notice is **[**[F38](or would, but for paragraph 2(6) of Schedule 3A, be)**]** required by section 55, give notice as soon as reasonably practicable, and in any event within two hours (or such other period as may be prescribed) of the works being begun, to the persons to whom notice would be required to be given under that section.

(3) The notice shall state his intention or, as the case may be, the fact that he has begun to execute the works and shall contain such other information as may be prescribed.

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(4) An undertaker who fails to give notice in accordance with this section commits an offence and is liable on summary conviction to a fine not exceeding **[**[F39]level 4**]** on the standard scale.

(5) In proceedings against a person for such an offence it is a defence for him to show that the contravention was attributable—

(a) to his not knowing the position, or not knowing of the existence, of another person's apparatus, or

(b) to his not knowing the identity or address of—

(i) a relevant authority, or

(ii) the person to whom any apparatus belongs,

and that his ignorance was not due to any negligence on his part or to any failure to make inquiries which he ought reasonably to have made.

Textual Amendments

F37 Words in s. 57(1) inserted (1.4.2008) by Traffic Management Act 2004 (c. 18), **ss. 52(3)(a)**, 99(1); S.I. 2007/1890, art. 2, **Sch.**; S.I. 2007/3174, art. 2, **Sch.**

F38 Words in s. 57(2) inserted (1.4.2008) by Traffic Management Act 2004 (c. 18), **ss. 52(3)(b)**, 99(1); S.I. 2007/1890, art. 2, **Sch.**; S.I. 2007/3174, art. 2, **Sch.**

F39 Words in s. 57(4) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

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C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C623 S. 57 modified (27.11.1992) by S.I. 1992/2984, **art. 5**

C624 S. 57 applied (with modifications) (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**
S. 57 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**
S. 57 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**
S. 57 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**

C625 S. 57 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(3)(4)**;
S. 57 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 3(3)**

C626 S. 57 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(3)**(4)

C627 S. 57 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(4)**(5) (with arts. 65, 66)

C628 S. 57 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)**(4)

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C629 S. 57 applied (with modifications) (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **9(2)**(3)

C630 S. 57 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(4)** (with arts. 3(5), 15(3))

C631 S. 57 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(3)**(4) (with art. 52)

C632 S. 57 applied (with modifications) (3.7.2006) by The Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **4**

C633 S. 57 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(4)**(5) (with art. 43)

C634 S. 57 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(4)**(5) (with arts. 3(6), 12(3))

C635 S. 57 excluded (E.) (1.4.2008) by The Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372), regs. 1(1), **36(e)** (with reg. 35)

C636 S. 57 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(3)**(4) (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C637 S. 57 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **4(2)**(3) (with art. 36(3))

C638 S. 57 disapplied (W.) (1.6.2009) by The Traffic Management Permit Scheme (Wales) Regulations 2009 (S.I. 2009/1267), regs. 1, **36(e)**

C639 S. 57 applied (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(4)**(5) (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C640 S. 57 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(4)**(5)

C641 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, Sch. Appendix B

C642 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch. Appendix B

C643 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch. Appendix B

C644 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch. Appendix B

C645 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, Sch. Appendix B

C646 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, Sch. Appendix B

C647 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, Sch. Appendix B

C648 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, Sch. Appendix B

C649 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch. Appendix B

C650 S. 57 disapplied (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, Sch. Appendix B

C651 S. 57 disapplied (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch. Appendix B

C652 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch. Appendix B

C653 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch. Appendix B

C654 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, Sch. Appendix B

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C655 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch. Appendix B

C656 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, Sch. Appendix B

C657 S. 57 disapplied (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, Sch. Appendix B

C658 S. 57 disapplied (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch. Appendix B

C659 S. 57 disapplied (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch. Appendix B

C660 S. 57 disapplied (25.1.2010) by The Traffic Management (Kent County Council) Permit Scheme Order 2009 (S.I. 2009/3188), art. 1, **Sch. Appendix B**

C661 S. 57 applied (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), arts. 1, **4(1)**(2)

C662 S. 57 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **3(2)**(3) (with art. 51, Sch. 10 paras. 68, 85)

C663 S. 57 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **4(2)-(3)**

C664 S. 57 disapplied (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, Sch. Appendix B

C665 S. 57 disapplied (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, Sch. Appendix B

C666 S. 57 disapplied (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, Sch. Appendix B

C667 S. 57 disapplied (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, Sch. Appendix B

C668 S. 57 disapplied (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, Sch. Appendix B

C669 S. 57 disapplied (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, Sch. Appendix B

C670 S. 57 disapplied (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, Sch. Appendix B

C671 S. 57 disapplied (28.11.2011) by The Traffic Management (London Borough of Barking and Dagenham) Permit Scheme Order 2011 (S.I. 2011/2599), art. 1, Sch., **Appendix B**

C672 S. 57 disapplied (28.11.2011) by The Traffic Management (London Borough of Hillingdon) Permit Scheme Order 2011 (S.I. 2011/2600), art. 1, **Sch. Appendix B**

C673 S. 57 disapplied (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch. Appendix D

C674 S. 57 disapplied (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch. Appendix D

C675 S. 57 disapplied (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch. Appendix D

C676 S. 57 disapplied (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch. Appendix D

C677 S. 57 disapplied (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch. Appendix D

C678 S. 57 disapplied (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch. Appendix D

C679 S. 57 applied (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **10(2)** (with art. 26(2))

C680 S. 57 disapplied (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch. Appendix B

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C681 S. 57 disapplied (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch. Appendix B

C682 S. 57 disapplied (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch., **Appendix B**

C683 S. 57 disapplied (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch. Appendix B

C684 S. 57 applied (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **14(2)**(3) (with art. 35(2))

C685 S. 57 applied (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **4(2)**(3) (with art. 42(2))

C686 S. 57 disapplied (14.1.2013) by The Traffic Management (London Borough of Tower Hamlets) Permit Scheme Order 2012 (S.I. 2012/3107), arts. 1, 2, Sch. Appendix B

C687 S. 57 disapplied (14.1.2013) by The Traffic Management (London Borough of Sutton) Permit Scheme Order 2012 (S.I. 2012/3106), arts. 1, 2, Sch. Appendix B

C688 S. 57 disapplied (18.2.2013) by The Traffic Management (London Borough of Bexley) Permit Scheme Order 2012 (S.I. 2012/3102), arts. 1, 2, Sch. Appendix B

C689 S. 57 disapplied (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch. Appendix B1

C690 S. 57 disapplied (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch., **Appendix C**

C691 S. 57 disapplied (29.4.2013) by The Traffic Management (Oldham Borough Council) Permit Scheme Order 2013 (S.I. 2013/808), arts. 1, 2, Sch. Appendix C

C692 S. 57 disapplied (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C

C693 S. 57 disapplied (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch. Appendix C

C694 S. 57 disapplied (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C

C695 S. 57 disapplied (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch. Appendix C

C696 S. 57 disapplied (29.4.2013) by The Traffic Management (Trafford Borough Council) Permit Scheme Order 2013 (S.I. 2013/807), arts. 1, 2, Sch. Appendix C

C697 S. 57 disapplied (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C

C698 S. 57 disapplied (29.4.2013) by The Traffic Management (Salford City Council) Permit Scheme Order 2013 (S.I. 2013/810), arts. 1, 2, Sch., **Appendix C**

C699 S. 57 disapplied (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C

C700 S. 57 applied (with modifications) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), arts. 1, **4(1)**(2)

C701 S. 57 applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(3)**(4)

C702 S. 57 disapplied (1.10.2013) by The Traffic Management (Derby City Council) Permit Scheme Order 2013 (S.I. 2013/1781), arts. 1, 2, **Sch. para. 2.4**

C703 S. 57 disapplied (4.11.2013) by The Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 (S.I. 2013/2398), art. 1, Sch. para. 1.5, Appendix A,

C704 S. 57 applied (with modifications) (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(4)**(5) (with arts. 42, 43)

C705 S. 57 disapplied (11.11.2013) by The Traffic Management (Surrey County Council) Permit Scheme Order 2013 (S.I. 2013/2389), arts. 1, 2, **Sch. para. 2.12.2**

C706 S. 57 disapplied (11.11.2013) by The Traffic Management (East Sussex County Council) Permit Scheme Order 2013 (S.I. 2013/2399), arts. 1, 2, **Sch. para. 2.12.2**

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C707 S. 57 applied (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(4)**(5)

C708 S. 57 applied (with modifications) (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **10(2)**(3) (with arts. 27(2), 39, Sch. 10 para. 4)

C709 S. 57 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)

C710 S. 57 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(4)**(5) (with arts. 57, 58, Sch. 11 para. 19)

C711 S. 57 disapplied (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**

C712 S. 57 applied (with modifications) (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **12(3)**(4) (with art. 34(2))

C713 S. 57 disapplied (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, Sch., **Appendix B**

C714 S. 57 applied (with modifications) (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **13(2)**(3)

C715 S. 57 applied (with modifications) (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(4)** (with art. 31(2))

C716 S. 57 applied (with modifications) (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(4)**(5)

C717 S. 57 applied (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **13(2)**(3) (with art. 33)

C718 S. 57 applied (with modifications) (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(4)**(5)

C719 S. 57 disapplied (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B

C720 S. 57 applied (with modifications) (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(4)**(5) (with Sch. 8 para. 45)

C721 S. 57 applied (with modifications) (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **7(1)**(2) (with arts. 37, 38)

C722 S. 57 disapplied (19.1.2015) by The Traffic Management (Wokingham Borough Council) Permit Scheme Order 2014 (S.I. 2014/3105), arts. 1, 2, **Sch. para. 2.12.2**

C723 S. 57 disapplied (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C724 S. 57 disapplied (2.2.2015) by The Traffic Management (Sefton Metropolitan Borough Council) Permit Scheme Order 2014 (S.I. 2014/3107), arts. 1, 2, **Sch. para. 1.9**

C725 S. 57 disapplied (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C726 S. 57 disapplied (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch. para. 1.5, Appendix E**

C727 S. 57 applied (with modifications) (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(4)**(5)

C728 S. 57 disapplied (1.3.2015) by The Traffic Management (West Berkshire Council) Permit Scheme Order 2014 (S.I. 2014/3110), arts. 1, 2, **Sch. para. 2.12.2**

C729 S. 57 disapplied (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**

C730 S. 57 disapplied (4.3.2015) by The Traffic Management (Slough Borough Council) Permit Scheme Order 2014 (S.I. 2014/3112), arts. 1, 2, **Sch. para. 2.12.2**

C731 S. 57 disapplied (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**

C732 S. 57 disapplied (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**

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C733 S. 57 disapplied (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch., Appendix B**

C734 S. 57 disapplied (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C735 S. 57 disapplied (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix B**

C736 S. 57 disapplied (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**

C737 S. 57 disapplied (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**

C738 S. 57 disapplied (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**

C739 S. 57 disapplied (31.3.2015) by The Traffic Management (Council of the City of Wakefield MDC) Permit Scheme Order 2015 (S.I. 2015/293), arts. 1, 2, **Sch., Appendix D**

C740 S. 57 disapplied (31.3.2015) by The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015 (S.I. 2015/107), art. 1, **Sch. para. 3.5**

C741 S. 57 disapplied (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**

C742 S. 57 disapplied (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**

C743 S. 57 applied (with modifications) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(4)**(5)

C744 S. 57 modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **11(2)**(3) (with art. 32)

C745 S. 57 applied (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(4)**(5) (with art. 37)

C746 S. 57 applied (with modifications) (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(4)**(5) (with arts. 4, 5(3))

C747 S. 57 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **5(3)**(4) (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))

C748 S. 57 applied (with modifications) (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **10(2)(c)** (with arts. 37, 38)

C749 S. 57 applied (with modifications) (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(4)**(5)

C750 S. 57 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(d)** (with art. 37)

C751 S. 57 applied (with modifications) (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(4)**(5) (with arts. 43, 44)

58 Restriction on works following substantial road works.

(1) Where it is proposed to carry out substantial road works in a highway, the street authority may by notice in accordance with this section restrict the execution of street works during the **[**[F40]prescribed period**]** following the completion of those works.

For this purpose substantial road works means works for road purposes, or such works together with other works, of such description as may be prescribed.

(2) The notice shall be published in the prescribed **[**[F41]form and**]** manner and shall specify the nature and location of the proposed works, the date (not being less than **[**[F42]such

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period as may be prescribed**]** after the notice is published, or first published) on which it is proposed to begin the works, and the extent of the restriction.

(3) A copy of the notice shall be given to each of the following—

(a) where there is a public sewer in the part of the highway to which the restriction relates, to the sewer authority,

(b) where the part of the highway to which the restriction relates is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, to that authority,

(c) where in any other case the part of the highway to which the restriction relates is carried or crossed by a bridge, to the bridge authority,

(d) any person who has given notice under section 54 (advance notice of certain works) of his intention to execute street works in the part of the highway to which the restriction relates, **F43**...

(e) any other person having apparatus in the part of the highway to which the restriction relates; **[F44**and

(f) any other person of a prescribed description;**]**

but a failure to do so does not affect the validity of the restriction imposed by the notice.

(4) A notice ceases to be effective if the works to which it relates are not substantially begun **[F45**within such period as may be prescribed**]**.

(5) An undertaker shall not in contravention of a restriction imposed by a notice under this section break up or open the part of the highway to which the restriction relates, except—

(a) to execute emergency works,

(b) with the consent of the street authority, or

(c) in such other cases as may be prescribed.

(6) If he does—

(a) he commits an offence and is liable on summary conviction to a fine not exceeding **[F46**level 5**]** on the standard scale, and

(b) **[F47**if he is convicted of an offence under this subsection**]** he is liable to reimburse the street authority any costs reasonably incurred by them in reinstating the highway.

(7) The consent of the street authority under subsection (5)(b) shall not be unreasonably withheld; and any question whether the withholding of consent is unreasonable shall be settled **[F48**in the prescribed manner**]**.

[F49(7A) Regulations under subsection (7) may in particular make provision for the question referred to in that subsection to be settled—

(a) by arbitration;

(b) by a person designated by the Secretary of State on appeal by the undertaker.**]**

(8) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, his failure is attributable to a restriction imposed by a notice under this section.

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Textual Amendments

F40 Words in s. 58(1) substituted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E.W in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 51(2)**, 99(1); S.I. 2007/1890, art. 2, **Sch.** (with art. 6); S.I. 2007/3174, art. 2, **Sch.** (with art. 7)

F41 Words in s. 58(2) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 51(3)**, 99(1); S.I. 2007/1890, art. 2, **Sch.** (with art. 6); S.I. 2007/3174, art. 2, **Sch.** (with art. 7)

F42 Words in s. 58(2) substituted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 51(3)**, 99(1); S.I. 2007/1890, art. 2, **Sch.** (with art. 6); S.I. 2007/3174, art. 2, **Sch.** (with art. 7)

F43 Word in s. 58(3) repealed (29.6.2007 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), **ss. 51(4)**, 99(1); S.I. 2007/1890, art. 2, Sch. (with art. 6); S.I. 2007/3174, art. 2, Sch. (with art. 7)

F44 S. 58(3)(f) and word inserted (29.6.2007 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), **ss. 51(4)**, 99(1); S.I. 2007/1890, art. 2, Sch. (with art. 6); S.I. 2007/3174, art. 2, Sch. (with art. 7)

F45 Words in s. 58(4) substituted for s. 58(4)(a)(b) (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 51(5)**, 99(1); S.I. 2007/1890, art. 2, **Sch.** (with art. 6); S.I. 2007/3174, art. 2, **Sch.** (with art. 7)

F46 Words in s. 58(6)(a) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

F47 Words in s. 58(6)(b) inserted (1.4.2008) by Traffic Management Act 2004 (c. 18), **ss. 51(6)**, 99(1); S.I. 2007/1890, art. 2, **Sch.** (with art. 6); S.I. 2007/3174, art. 2, **Sch.** (with art. 7)

F48 Words in s. 58(7) substituted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 51(7)**, 99(1); S.I. 2007/1890, art. 2, **Sch.** (with art. 6); S.I. 2007/3174, art. 2, **Sch.** (with art. 7)

F49 S. 58(7A) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 51(8)**, 99(1); S.I. 2007/1890, art. 2, **Sch.** (with art. 6); S.I. 2007/3174, art. 2, **Sch.** (with art. 7)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

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C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C752 S. 58 restricted (27.11.1992) by S.I. 1992/2984, **art. 6**

C753 S. 58 excluded (11.11.1996) by S.I. 1996/2714, **art. 4(1)**
S. 58 excluded (27.8.1998) by S.I. 1998/1936, **art. 4(1)**
S. 58 excluded (21.5.1997) by S.I. 1997/1266, **art. 5(1)**
S. 58 excluded (24.7.2001) by S.I. 2001/3627, **art. 4(2)**
S. 58: functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 1(e)**

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C754 S. 58 excluded (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(2)**;
S. 58 excluded (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 3(1)**

C755 S. 58 excluded (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(2)**

C756 S. 58 excluded (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(3)** (with arts. 65, 66)

C757 S. 58 excluded (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(2)**

C758 S. 58 excluded (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, **8(8)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

C759 S. 58 excluded (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(2)** (with arts. 3(5), 15(3))

C760 S. 58 excluded (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(2)** (with art. 52)

C761 S. 58 excluded (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(3)** (with art. 43)

C762 S. 58 excluded (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(2)** (with arts. 3(3)(6), 12(3))

C763 S. 58 modified (E.) (1.4.2008) by The Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372), regs. 1(1), **37(2)** (with reg. 35)

C764 S. 58 excluded (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(2)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C765 S. 58 modified (W.) (1.6.2009) by The Traffic Management Permit Scheme (Wales) Regulations 2009 (S.I. 2009/1267), regs. 1, **37(2)**

C766 S. 58 excluded (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(3)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C767 S. 58 excluded (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(3)**

C768 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch. Appendix B

C769 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch. Appendix B

C770 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch. Appendix B

C771 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, Sch. Appendix B

C772 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch. Appendix B

C773 S. 58 modified (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, Sch. Appendix B

C774 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, Sch. Appendix B

C775 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch. Appendix B

C776 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, Sch. Appendix B, **Appendix B**

C777 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, Sch. Appendix B

C778 S. 58 modified (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch. Appendix B

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C779 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch. Appendix B

C780 S. 58 modified (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch. Appendix B

C781 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch. Appendix B

C782 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, Sch. Appendix B

C783 S. 58 modified (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, Sch. Appendix B

C784 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch. Appendix B

C785 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, Sch. Appendix B

C786 S. 58 modified (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, **Sch. Appendix B**

C787 S. 58 modified (25.1.2010) by The Traffic Management (Kent County Council) Permit Scheme Order 2009 (S.I. 2009/3188), art. 1, **Sch. Appendix B**

C788 S. 58 modified (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, Sch. Appendix B

C789 S. 58 modified (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, Sch. Appendix B

C790 S. 58 modified (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, Sch. Appendix B

C791 S. 58 modified (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, Sch. Appendix B

C792 S. 58 modified (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, Sch. Appendix B

C793 S. 58 modified (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, Sch. Appendix B

C794 S. 58 modified (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, Sch. Appendix B

C795 S. 58 modified (28.11.2011) by The Traffic Management (London Borough of Barking and Dagenham) Permit Scheme Order 2011 (S.I. 2011/2599), art. 1, Sch., **Appendix B**

C796 S. 58 modified (28.11.2011) by The Traffic Management (London Borough of Hillingdon) Permit Scheme Order 2011 (S.I. 2011/2600), art. 1, **Sch. Appendix B**

C797 S. 58 modified (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch. Appendix D

C798 S. 58 modified (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch. Appendix D

C799 S. 58 modified (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch. Appendix D

C800 S. 58 modified (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch. Appendix D

C801 S. 58 modified (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch. Appendix D

C802 S. 58 modified (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch. Appendix D

C803 S. 58 modified (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch. Appendix C

C804 S. 58 modified (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch. Appendix C

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C805 S. 58 modified (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch. Appendix C

C806 S. 58 modified (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch. Appendix C

C807 S. 58 modified (14.1.2013) by The Traffic Management (London Borough of Sutton) Permit Scheme Order 2012 (S.I. 2012/3106), arts. 1, 2, Sch. Appendix B

C808 S. 58 modified (14.1.2013) by The Traffic Management (London Borough of Tower Hamlets) Permit Scheme Order 2012 (S.I. 2012/3107), arts. 1, 2, Sch. Appendix B

C809 S. 58 modified (18.2.2013) by The Traffic Management (London Borough of Bexley) Permit Scheme Order 2012 (S.I. 2012/3102), arts. 1, 2, Sch. Appendix B

C810 S. 58 modified (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch. Appendix B1

C811 S. 58 modified (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch. Appendix C

C812 S. 58 modified (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C

C813 S. 58 modified (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C

C814 S. 58 modified (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch., **Appendix C**

C815 S. 58 modified (29.4.2013) by The Traffic Management (Oldham Borough Council) Permit Scheme Order 2013 (S.I. 2013/808), arts. 1, 2, Sch. Appendix C

C816 S. 58 modified (29.4.2013) by The Traffic Management (Trafford Borough Council) Permit Scheme Order 2013 (S.I. 2013/807), arts. 1, 2, Sch. Appendix C

C817 S. 58 modified (29.4.2013) by The Traffic Management (Salford City Council) Permit Scheme Order 2013 (S.I. 2013/810), arts. 1, 2, Sch. Appendix C

C818 S. 58 modified (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C

C819 S. 58 modified (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch. Appendix C

C820 S. 58 modified (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C

C821 S. 58 excluded (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(2)**

C822 S. 58 modified (1.10.2013) by The Traffic Management (Derby City Council) Permit Scheme Order 2013 (S.I. 2013/1781), arts. 1, 2, **Sch. para. 2.4**

C823 S. 58 modified (4.11.2013) by The Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 (S.I. 2013/2398), art. 1, Sch. para. 1.5, Appendix A

C824 S. 58 excluded (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(3)** (with arts. 42, 43)

C825 S. 58 modified (11.11.2013) by The Traffic Management (East Sussex County Council) Permit Scheme Order 2013 (S.I. 2013/2399), arts. 1, 2, **Sch. para. 2.12.2**

C826 S. 58 modified (11.11.2013) by The Traffic Management (Surrey County Council) Permit Scheme Order 2013 (S.I. 2013/2389), arts. 1, 2, **Sch. para. 2.12.2**

C827 S. 58 excluded (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(3)**

C828 S. 58 excluded (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(3)** (with arts. 57, 58, Sch. 11 para. 19)

C829 S. 58 modified (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**

C830 S. 58 excluded (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **12(2)** (with art. 34(2))

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C831 S. 58 modified (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, Sch., **Appendix C**

C832 S. 58 excluded (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(2)** (with art. 31(2))

C833 S. 58 excluded (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(3)**

C834 S. 58 excluded (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(3)**

C835 S. 58 modified (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B

C836 S. 58 excluded (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(3)** (with Sch. 8 para. 45)

C837 S. 58 modified (19.1.2015) by The Traffic Management (Wokingham Borough Council) Permit Scheme Order 2014 (S.I. 2014/3105), arts. 1, 2, **Sch. para. 2.12.2**

C838 S. 58 modified (2.2.2015) by The Traffic Management (Sefton Metropolitan Borough Council) Permit Scheme Order 2014 (S.I. 2014/3107), arts. 1, 2, **Sch. para. 1.9**

C839 S. 58 modified (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C840 S. 58 modified (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C841 S. 58 modified (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch. para. 1.5, Appendix E**

C842 S. 58 excluded (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(3)**

C843 S. 58 modified (1.3.2015) by The Traffic Management (West Berkshire Council) Permit Scheme Order 2014 (S.I. 2014/3110), arts. 1, 2, **Sch. para. 2.12.2**

C844 S. 58 modified (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**

C845 S. 58 modified (4.3.2015) by The Traffic Management (Slough Borough Council) Permit Scheme Order 2014 (S.I. 2014/3112), arts. 1, 2, **Sch. para. 2.12.2**

C846 S. 58 modified (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**

C847 S. 58 modified (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C848 S. 58 modified (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch., Appendix C**

C849 S. 58 modified (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix C**

C850 S. 58 modified (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C851 S. 58 modified (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1** (with Sch. para. 2.7.2)

C852 S. 58 modified (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1** (with **Sch. para. 2.8.2**)

C853 S. 58 modified (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1** (with Sch. para. 2.8.2)

C854 S. 58 modified (31.3.2015) by The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015 (S.I. 2015/107), art. 1, **Sch. para. 3.5**

C855 S. 58 modified (31.3.2015) by The Traffic Management (Council of the City of Wakefield MDC) Permit Scheme Order 2015 (S.I. 2015/293), arts. 1, 2, **Sch., Appendix D**

C856 S. 58 modified (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**

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C857 S. 58 modified (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**
C858 S. 58 excluded (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(3)**
C859 S. 58 excluded (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(3)** (with art. 37)
C860 S. 58 excluded (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(3)** (with arts. 4, 5(3))
C861 S. 58 excluded (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(3)**
C862 S. 58 excluded (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(3)** (with arts. 43, 44)
C863 S. 58(1) restricted (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 14 para. 14(3)**
C864 S. 58(1) excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 4(3)**

[F50 58A Restriction on works following substantial street works

Schedule 3A shall have effect.]

Textual Amendments

F50 S. 58A inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 52(1)**, 99(1); S.I. 2007/1890, art. 2, **Sch.** (with art. 7); S.I. 2007/3174, art. 2, **Sch.** (with art. 8)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**
C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**
C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)
C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)
C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)
C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)
C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)
C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)
C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)
C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)
C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

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C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C865 S. 58A excluded (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(3)** (with arts. 65, 66)

C866 S. 58A excluded (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(3)** (with art. 43)

C867 S. 58A excluded (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(2)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C868 S. 58A excluded (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(3)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C869 S. 58A excluded (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(3)**

C870 S. 58A modified (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch. Appendix B

C871 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, Sch. Appendix B

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C872 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, Sch. Appendix B

C873 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, Sch. Appendix B

C874 S. 58A modified (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, Sch. Appendix B

C875 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch. Appendix B

C876 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch. Appendix B

C877 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, Sch. Appendix B

C878 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, Sch. Appendix B

C879 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, Sch. Appendix B

C880 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch. Appendix B

C881 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch. Appendix B

C882 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, Sch. Appendix B

C883 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch. Appendix B, **Appendix B**

C884 S. 58A modified (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, Sch. Appendix B

C885 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch. Appendix B

C886 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch. Appendix B

C887 S. 58A modified (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch. Appendix B

C888 S. 58A modified (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch. Appendix B

C889 S. 58A modified (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, Sch. Appendix B

C890 S. 58A modified (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, Sch. Appendix B

C891 S. 58A modified (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, Sch. Appendix B

C892 S. 58A modified (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, Sch. Appendix B

C893 S. 58A modified (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, Sch. Appendix B

C894 S. 58A modified (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, Sch. Appendix B

C895 S. 58A modified (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, Sch. Appendix B

C896 S. 58A modified (28.11.2011) by The Traffic Management (London Borough of Hillingdon) Permit Scheme Order 2011 (S.I. 2011/2600), art. 1, **Sch. Appendix B**

C897 S. 58A modified (28.11.2011) by The Traffic Management (London Borough of Barking and Dagenham) Permit Scheme Order 2011 (S.I. 2011/2599), art. 1, Sch., **Appendix B**

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C898 S. 58A modified (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch. Appendix D

C899 S. 58A modified (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch. Appendix D

C900 S. 58A modified (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch. Appendix D

C901 S. 58A modified (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch. Appendix D

C902 S. 58A modified (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch. Appendix D

C903 S. 58A modified (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch. Appendix D

C904 S. 58A modified (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch. Appendix C

C905 S. 58A modified (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch. Appendix C

C906 S. 58A modified (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch. Appendix C

C907 S. 58A modified (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch., **Appendix C**

C908 S. 58A modified (14.1.2013) by The Traffic Management (London Borough of Sutton) Permit Scheme Order 2012 (S.I. 2012/3106), arts. 1, 2, Sch. Appendix B

C909 S. 58A modified (14.1.2013) by The Traffic Management (London Borough of Tower Hamlets) Permit Scheme Order 2012 (S.I. 2012/3107), arts. 1, 2, Sch. Appendix B

C910 S. 58A modified (18.2.2013) by The Traffic Management (London Borough of Bexley) Permit Scheme Order 2012 (S.I. 2012/3102), arts. 1, 2, Sch. Appendix B

C911 S. 58A modified (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch. Appendix B1

C912 S. 58A modified (29.4.2013) by The Traffic Management (Oldham Borough Council) Permit Scheme Order 2013 (S.I. 2013/808), arts. 1, 2, Sch. Appendix C

C913 S. 58A modified (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch., **Appendix C**

C914 S. 58A modified (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C

C915 S. 58A modified (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch. Appendix C

C916 S. 58A modified (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C

C917 S. 58A modified (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C

C918 S. 58A modified (29.4.2013) by The Traffic Management (Salford City Council) Permit Scheme Order 2013 (S.I. 2013/810), arts. 1, 2, Sch. Appendix C

C919 S. 58A modified (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch., **Appendix C**

C920 S. 58A modified (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C

C921 S. 58A excluded (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(3)** (with arts. 42, 43)

C922 S. 58A excluded (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(3)**

C923 S. 58A excluded (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(3)** (with arts. 57, 58, Sch. 11 para. 19)

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C924 S. 58A modified (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**

C925 S. 58A excluded (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **12(2)** (with art. 34(2))

C926 S. 58A modified (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, Sch., **Appendix C**

C927 S. 58A excluded (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(3)**

C928 S. 58A excluded (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(3)**

C929 S. 58A modified (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B

C930 S. 58A excluded (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(3)** (with Sch. 8 para. 45)

C931 S. 58A modified (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C932 S. 58A modified (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C933 S. 58A modified (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch., Appendix E**

C934 S. 58A excluded (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(3)**

C935 S. 58A modified (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**

C936 S. 58A modified (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**

C937 S. 58A modified (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C938 S. 58A modified (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C939 S. 58A modified (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch., Appendix C**

C940 S. 58A modified (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix C**

C941 S. 58A modified (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1** (with Sch. para. 2.8.2)

C942 S. 58A modified (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**

C943 S. 58A modified (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, Sch. 1 para. 2.8.2**Sch. para. 2.8.1** (with **Sch. para. 2.8.2**)

C944 S. 58A modified (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**

C945 S. 58A modified (31.3.2015) by The Traffic Management (Council of the City of Wakefield MDC) Permit Scheme Order 2015 (S.I. 2015/293), arts. 1, 2, **Sch., Appendix D**

C946 S. 58A modified (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**

C947 S. 58A excluded (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(3)**

C948 S. 58A excluded (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(3)** (with art. 37)

C949 S. 58A excluded (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(3)** (with arts. 4, 5(3))

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C950 S. 58A excluded (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(3)**

C951 S. 58A excluded (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(3)** (with arts. 43, 44)

59 General duty of street authority to co-ordinate works.

(1) A street authority shall use their best endeavours to co-ordinate the execution of works of all kinds (including works for road purposes) **[**F51and the carrying out of relevant activities**]** in the streets for which they are responsible—

(a) in the interests of safety,

(b) to minimise the inconvenience to persons using the street (having regard, in particular, to the needs of people with a disability), and

(c) to protect the structure of the street and the integrity of apparatus in it.

(2) That duty extends to co-ordination with other street authorities where works **[**F52or relevant activities**]** in a street for which one authority are responsible affect streets for which other authorities are responsible.

(3) The Secretary of State shall issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned above; and in discharging their general duty of co-ordination a street authority shall have regard to any such code of practice.

(4) If it appears to the Secretary of State that a street authority are not properly discharging their general duty of co-ordination, he may direct the authority to supply him with such information as he considers necessary to enable him to decide whether that is the case and if so what action to take.

The direction shall specify the information to be provided and the period within which it is to be provided.

(5) If after the end of that period (whether or not the direction has been complied with) it appears to the Secretary of State that the authority are not properly discharging their general duty of co-ordination, he may direct the authority to take such steps as he considers appropriate for the purpose of discharging that duty.

The direction shall specify the steps to be taken and the period within which they are to be taken, and may include a requirement to make a report or periodic reports to the Secretary of State as to what steps have been taken and the results of taking them.

(6) A direction under this section may be varied or revoked by a further direction.

[F53(7) In this section "relevant activities" means any activity, other than the execution of works in the street or the use of the street by traffic (including pedestrians), which—

(a) involves the temporary occupation or use of space in a street;

(b) is subject to regulation by the street authority by virtue of provision made by or under any Act other than this Act; and

(c) is prescribed by regulations made by the Secretary of State.**]**

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Textual Amendments

F51 Words in s. 59(1) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes) by Traffic Management Act 2004 (c. 18), **ss. 42(2)**, 99(1); S.I. 2007/1890, art. 2, Sch.; S.I. 2007/3174, art. 2, Sch.

F52 Words in s. 59(2) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes) by Traffic Management Act 2004 (c. 18), **ss. 42(3)**, 99(1); S.I. 2007/1890, art. 2, Sch.; S.I. 2007/3174, art. 2, Sch.

F53 S. 59(7) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes) by Traffic Management Act 2004 (c. 18), **ss. 42(4)**, 99(1); S.I. 2007/1890, art. 2, Sch.; S.I. 2007/3174, art. 2, Sch.

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

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C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C952 S. 59 applied (4.4.1996) by S.I. 1996/937, **art. 8(4)(5)**
S. 59 applied (13.1.1999) by S.I. 1998/3269, **art. 4(2)(3)**
S. 59 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**
S. 59 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**
S. 59 applied (10.2.1997) by S.I. 1997/264, **art. 8(6)(7)**
S. 59 applied (with modifications) (30.4.1999) by S.I. 1999/1306, **art. 8(4)(5)**
S. 59 applied (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 8(5)(6)**
S. 59 applied (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 9(5)(6)(8)**
S. 59 applied (with modifications) (23.8.1999) by S.I. 1999/2981, **art. 7(5)(6)**
S. 59 applied (with modifications) (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**
S. 59: functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 1(c)**
S. 59 applied (with modifications) (29.3.2001) by S.I. 2001/1348, **art. 21(3)-(5)**
S. 59 applied (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 3(3)**
S. 59 applied (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 10(6)**
S. 59 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**
S. 59 applied (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 8(6)**

C953 S. 59 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 9(4)(5)** (with art. 38);
S. 59 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(3)(4)**;
S. 59 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 3(3)**

C954 S. 59 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), arts. 1, **13(6)(7)(8)** (with art. 40)

C955 S. 59 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(3)**(4)

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C956 S. 59 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), arts. 1, **6(4)**(5) (with art. 38)

C957 S. 59 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(4)**(5) (with arts. 65, 66)

C958 S. 59 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 3(3)**(4) (with art. 51)

C959 S. 59 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, **12(7)**

C960 S. 59 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), arts. 1, **3(3)**(4) (with art. 47)

C961 S. 59 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)**(4)

C962 S. 59 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, **8(9)(10)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

C963 Ss. 59, 60 applied (with modifications) (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **9(2)**(3)

C964 S. 59 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(4)** (with arts. 3(5), 15(3))

C965 S. 59 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(3)**(4) (with art. 52)

C966 S. 59 applied (with modifications) (3.7.2006) by The Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **4**

C967 S. 59 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 1, **9(5)**(6) (with art. 40, Sch. 7 para. 12)

C968 S. 59 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(4)**(5) (with art. 43)

C969 S. 59 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), arts. 1, **16(6)**(7) (with arts. 34, 35(2))

C970 S. 59 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **10(5)**(6)

C971 S. 59 applied (with modifications) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), arts. 1, **8(2)** (with arts. 46-48, Sch. 6 para. 23)

C972 S. 59 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(4)**(5) (with arts. 3(6), 12(3))

C973 S. 59 applied (with modifications) (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **3(2)**(3) (with arts. 19, 28, Sch. 3 para. 13(2))

C974 S. 59 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(3)**(4) (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C975 S. 59 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **4(2)**(3) (with art. 36(3))

C976 S. 59 applied (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(4)**(5) (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C977 S. 59 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(4)**(5)

C978 S. 59 applied (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), arts. 1, **4(1)**(2)

C979 S. 59 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **3(2)**(3) (with art. 51, Sch. 10 paras. 68, 85)

C980 S. 59 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **4(2)-(3)**

C981 S. 59 applied (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **10(2)** (with art. 26(2))

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C982 S. 59 applied (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **14(2)**(3) (with art. 35(2))

C983 S. 59 applied (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **4(2)**(3) (with art. 42(2))

C984 S. 59 applied (with modifications) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), arts. 1, **4(1)**(2)

C985 S. 59 applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(3)**(4)

C986 S. 59 applied (with modifications) (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(4)**(5) (with arts. 42, 43)

C987 S. 59 applied (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(4)**(5)

C988 S. 59 applied (with modifications) (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **10(2)**(3) (with arts. 27(2), 39, Sch. 10 para. 4)

C989 S. 59 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)

C990 S. 59 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(4)**(5) (with arts. 57, 58, Sch. 11 para. 19)

C991 S. 59 applied (with modifications) (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **12(3)**(4) (with art. 34(2))

C992 S. 59 applied (with modifications) (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **13(2)**(3)

C993 S. 59 applied (with modifications) (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(4)** (with art. 31(2))

C994 S. 59 applied (with modifications) (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(4)**(5)

C995 S. 59 applied (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **13(2)**(3) (with art. 33)

C996 S. 59 applied (with modifications) (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(4)**(5)

C997 S. 59 applied (with modifications) (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(4)**(5) (with Sch. 8 para. 45)

C998 S. 59 applied (with modifications) (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **7(1)**(2) (with arts. 37, 38)

C999 S. 59 applied (with modifications) (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(4)**(5)

C1000 S. 59 applied (with modifications) (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), arts. 1, **4(2)**(3) (with art. 36(2))

C1001 S. 59 applied (with modifications) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(4)**(5)

C1002 S. 59 modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **11(2)**(3) (with art. 32)

C1003 S. 59 applied (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(4)**(5) (with art. 37)

C1004 S. 59 applied (with modifications) (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(4)**(5) (with arts. 4, 5(3))

C1005 S. 59 applied (with modifications) (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **3(3)**(4) (with art. 39)

C1006 S. 59 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **5(3)**(4) (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))

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C1007 S. 59 applied (with modifications) (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **10(2)(d)** (with arts. 37, 38)
C1008 S. 59 applied (with modifications) (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(4)**(5)
C1009 S. 59 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(e)** (with art. 37)
C1010 S. 59 applied (with modifications) (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(4)**(5) (with arts. 43, 44)

Commencement Information
I4 S. 59 wholly in force: s. 59(1)(2)(4)-(6) in force at 1.1.1993, see s. 170 and S.I. 1992/2984, art. 2(2), **Sch. 2**; s. 59(3) in force at 14.7.1992 by S.I. 1992/1686, art. 3, **Sch.**

60 General duty of undertakers to co-operate.

(1) An undertaker shall as regards the execution of street works use his best endeavours to co-operate with the street authority and with other undertakers—
(a) in the interests of safety,
(b) to minimise the inconvenience to persons using the street (having regard, in particular, to the needs of people with a disability), and
(c) to protect the structure of the street and the integrity of apparatus in it.

(2) The Secretary of State shall issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned in subsection (1); and—
(a) so far as an undertaker complies with such a code of practice he shall be taken to comply with his duty under that subsection, and
(b) a failure in any respect to comply with any such code is evidence of failure in that respect to comply with that duty.

(3) An undertaker who fails to comply with his duty under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding **[**[F54]level 5**]** on the standard scale.

Textual Amendments
F54 Words in s. 60(3) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Modifications etc. (not altering text)
C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**
C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**
C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)
C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)
C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

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C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

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C963 Ss. 59, 60 applied (with modifications) (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **9(2)**(3)

C1011 S. 60 applied (4.4.1996) by S.I. 1996/937, **art. 8(4)(5)**
S. 60 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**
S. 60 applied (with modifications) (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**
S. 60 applied (13.1.1999) by S.I. 1998/3269, **art. 4(2)(3)**
S. 60 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**
S. 60 applied (10.2.1997) by S.I. 1997/264, **art. 8(6)(7)**
S. 60 applied (with modifications) (30.4.1999) by S.I. 1999/1306, **art. 8(4)(5)**
S. 60 applied (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 8(5)(6)**
S. 60 applied (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 9(5)(6)(8)**
S. 60 applied (with modifications) (23.8.1999) by S.I. 1999/2981, **art. 7(5)(6)**
S. 60 applied (with modifications) (29.3.2001) by S.I. 2001/1348, **art. 21(3)-(5)**
S. 60 applied (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 3(3)**
S. 60 applied (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 10(6)**
S. 60 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**
S. 60 applied (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 8(6)**

C1012 S. 60 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 9(4)(5)** (with art. 38);
S. 60 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(3)(4)**;
S. 60 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 3(3)**

C1013 S. 60 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), arts. 1, **13(6)(7)(8)** (with art. 40)

C1014 S. 60 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(3)**(4)

C1015 S. 60 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), arts. 1, **6(4)**(5) (with art. 38)

C1016 S. 60 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(4)**(5) (with arts. 65, 66)

C1017 S. 60 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 3(3)**(4) (with art. 51)

C1018 S. 60 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, **12(7)**

C1019 S. 60 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), arts. 1, **3(3)**(4) (with art. 47)

C1020 S. 60 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)**(4)

C1021 S. 60 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, **8(9)(10)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

C1022 S. 60 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(4)** (with arts. 3(5), 15(3))

C1023 S. 60 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(3)**(4) (with art. 52)

C1024 S. 60 applied (with modifications) (3.7.2006) by The Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **4**

C1025 S. 60 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 1, **9(5)**(6) (with art. 40, Sch. 7 para. 12)

C1026 S. 60 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(4)**(5) (with art. 43)

C1027 S. 60 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), arts. 1, **16(6)**(7) (with arts. 34, 35(2))

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C1028 S. 60 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **10(5)**(6)

C1029 S. 60 applied (with modifications) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), arts. 1, **8(2)** (with arts. 46-48, Sch. 6 para. 23)

C1030 S. 60 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(4)**(5) (with arts. 3(6), 12(3))

C1031 S. 60 applied (with modifications) (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **3(2)**(3) (with arts. 19, 28, Sch. 3 para. 13(2))

C1032 S. 60 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(3)**(4) (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C1033 S. 60 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **4(2)**(3) (with art. 36(3))

C1034 S. 60 applied (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(4)**(5) (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C1035 S. 60 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(4)**(5)

C1036 S. 60 applied (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), arts. 1, **4(1)**(2)

C1037 S. 60 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **3(2)**(3) (with art. 51, Sch. 10 paras. 68, 85)

C1038 S. 60 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **4(2)-(3)**

C1039 S. 60 applied (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **10(2)** (with art. 26(2))

C1040 S. 60 applied (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **14(2)**(3) (with art. 35(2))

C1041 S. 60 applied (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **4(2)**(3) (with art. 42(2))

C1042 S. 60 applied (with modifications) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), arts. 1, **4(1)**(2)

C1043 S. 60 applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(3)**(4)

C1044 S. 60 applied (with modifications) (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(4)**(5) (with arts. 42, 43)

C1045 S. 60 applied (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(4)**(5)

C1046 S. 60 applied (with modifications) (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **10(2)**(3) (with arts. 27(2), 39, Sch. 10 para. 4)

C1047 S. 60 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(4)**(5) (with arts. 57, 58, Sch. 11 para. 19)

C1048 S. 60 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)

C1049 S. 60 applied (with modifications) (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **12(3)**(4) (with art. 34(2))

C1050 S. 60 applied (with modifications) (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **13(2)**(3)

C1051 S. 60 applied (with modifications) (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(4)** (with art. 31(2))

C1052 S. 60 applied (with modifications) (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(4)**(5)

C1053 S. 60 applied (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **13(2)**(3) (with art. 33)

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C1054 S. 60 applied (with modifications) (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(4)**(5)
C1055 S. 60 applied (with modifications) (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(4)**(5) (with Sch. 8 para. 45)
C1056 S. 60 applied (with modifications) (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **7(1)**(2) (with arts. 37, 38)
C1057 S. 60 applied (with modifications) (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(4)**(5)
C1058 S. 60 applied (with modifications) (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), arts. 1, **4(2)**(3) (with art. 36(2))
C1059 S. 60 applied (with modifications) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(4)**(5)
C1060 S. 60 modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **11(2)**(3) (with art. 32)
C1061 S. 60 applied (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(4)**(5) (with art. 37)
C1062 S. 60 applied (with modifications) (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(4)**(5) (with arts. 4, 5(3))
C1063 S. 60 applied (with modifications) (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **3(3)**(4) (with art. 39)
C1064 S. 60 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **5(3)**(4) (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))
C1065 S. 60 applied (with modifications) (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **10(2)(e)** (with arts. 37, 38)
C1066 S. 60 applied (with modifications) (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(4)**(5)
C1067 S. 60 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(f)** (with art. 37)
C1068 S. 60 applied (with modifications) (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(4)**(5) (with arts. 43, 44)
C1069 S. 60(1): functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 1(g)**

Commencement Information

I5 S. 60 wholly in force: s. 60(1)(3) in force at 1.1.1993 see s. 170 and S.I. 1992/2984, art. 2(2), **Sch. 2**; s. 60(2) in force at 14.7.1992 by S.I. 1992/1686, art. 3, **Sch.**

Streets subject to special controls

61 Protected streets.

(1) The consent of the street authority is required for the placing of apparatus by an undertaker in a protected street, except as mentioned below.

The following are "protected streets" for this purpose—

(a) any highway or proposed highway which is a special road in accordance with section 16 of the [M26]Highways Act 1980, and

(b) any street designated by the street authority as protected.

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(2) Consent is not required for the placing of apparatus—

(a) by way of renewal of existing apparatus, or

(b) in pursuance of a street works licence,

unless, in the latter case, the licence was granted before the street became a protected street.

(3) The street authority may require the payment of—

(a) a reasonable fee in respect of the legal or other expenses incurred in connection with the giving of their consent under this section, and

(b) an annual fee of a reasonable amount for administering the consent;

and any such fee is recoverable from the undertaker.

This shall not be construed as affecting any right of the authority where they own the land on which the street is situated to grant for such consideration as they think fit the right to place anything in, under or over the land.

(4) Where the apparatus is to be placed crossing the protected street and not running along it, the street authority shall not withhold their consent unless there are special reasons for doing so.

(5) Consent to the placing of apparatus in a protected street may be given subject to conditions; and the street authority may agree to contribute to the expenses incurred by the undertaker in complying with the conditions.

(6) Any dispute between a street authority and an undertaker as to the withholding of consent, the imposition of conditions, or the making of contributions shall be settled by arbitration.

(7) An undertaker having a statutory duty to afford a supply or service shall not be regarded as in breach of that duty if, or to the extent that, it is not reasonably practicable to afford a supply or service by reason of anything done by the street authority in exercise of their functions under this section.

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

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C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1070 S. 61 modified (27.11.1992) by S.I. 1992/2984, **art. 7**
S. 61: functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 1(h)**

C1071 S. 61 modified (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **20** (with art. 52)

C1072 S. 61 excluded (E.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 (S.I. 2007/1951), regs. 1(1), **13(2)(b)** (with reg. 19)

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C1073 S. 61 excluded (W.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (Wales) Regulations 2008 (S.I. 2008/101), regs. 1, **13** (with reg. 19)
C1074 S. 61(1) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 14 para. 14(4)**
C1075 S. 61(1) excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 4(4)**

Marginal Citations
M26 1980 c. 66.

62 Supplementary provisions as to designation of protected streets.

(1) The Secretary of State may prescribe—
(a) the criteria for designating a street as protected,
(b) the procedure for making or withdrawing such a designation, and
(c) the information to be made available by a street authority as to the streets for the time being so designated by them.

(2) Where a street has been designated as protected the street authority may direct an undertaker to remove or change the position of apparatus placed in the street at a time when it was not so designated.

The authority shall indemnify the undertaker in respect of his reasonable expenses in complying with such a direction.

(3) Where a designation is withdrawn the street authority may give such directions as they consider appropriate as to—
(a) the continuance in force of any conditions subject to which consent was given for the placing of apparatus in the street, and
(b) the continuance of entitlement to any contributions in respect of the expenses of an undertaker in complying with such conditions.

(4) Where a designation is made or withdrawn the street authority may give such directions as they consider appropriate with respect to works in progress in the street when the designation comes into force or ceases to have effect.

(5) Any dispute between a street authority and an undertaker as to the exercise by the authority of their powers under subsection (2), (3) or (4) shall be settled by arbitration.

Modifications etc. (not altering text)
C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**
C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**
C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)
C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)
C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)
C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

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C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1076 S. 62(2) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 14 para. 14(5)**

C1077 S. 62(2) excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 4(5)**

C1078 S. 62(4) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 14 para. 14(6)**

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C1079 S. 62(4) excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 4(6)**

63 Streets with special engineering difficulties.

(1) The provisions of Schedule 4 have effect for requiring the settlement of a plan and section of street works to be executed in a street designated by the street authority as having special engineering difficulties.

(2) The Secretary of State may prescribe—

(a) the criteria for designating a street as having special engineering difficulties,

(b) the procedure for making or withdrawing such a designation, and

(c) the information to be made available by a street authority as to the streets for the time being so designated by them.

(3) Where **[**[F55]a strategic highways company or**]** a local highway authority are asked to designate a street as having special engineering difficulties—

(a) by a transport authority on the ground of the proximity of the street to a structure belonging to, or under the management or control of, the authority, or

(b) by an undertaker having apparatus in the street,

and decline to do so, the transport authority or undertaker may appeal to the Secretary of State who may direct that the street be designated.

(4) The designation of a street as having special engineering difficulties shall not be withdrawn except after consultation with any transport authority or undertaker at whose request the designation was made; and a designation made in pursuance of a direction by the Secretary of State shall not be withdrawn except with his consent.

Textual Amendments

F55 Words in s. 63(3) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 118**; S.I. 2015/481, reg. 2(a)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

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C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)
C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)
C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**
C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**
C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**
C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)
C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)
C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**
C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)
C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)
C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**
C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)
C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**
C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)
C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)
C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)
C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)
C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**
C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)
C1080 S. 63(1) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 14 para. 14(7)**
C1081 S. 63(1) excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 4(7)**

64 Traffic-sensitive streets.

(1) Regulations made for the purposes of section 54, 55 or 57 (notices required to be given in respect of street works) **[**[F56]or paragraph 2 of Schedule 3A**]** may make special

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provision in relation to street works in a street designated by the street authority as traffic-sensitive.

(2) The Secretary of State may prescribe—

(a) the criteria for designating a street as traffic-sensitive,

(b) the procedure for making or withdrawing such a designation, and

(c) the information to be made available by a street authority as to the streets for the time being so designated by them.

(3) If it appears to the street authority that the prescribed criteria are met only at certain times or on certain dates, a limited designation may be made accordingly.

In such a case the reference in subsection (1) to the execution of works in a street designated as traffic-sensitive shall be construed as a reference to works so executed at those times or on those dates.

[F57(4) Where any council of a London borough or the Common Council of the City of London are asked by the Traffic Director for London to designate a street as a traffic-sensitive street and they decline to do so, the Director may appeal to the Secretary of State who may direct that the street be designated.**]**

Textual Amendments

F56 Words in s. 64(1) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 52(4)**, 99(1); S.I. 2007/1890, art. 2, **Sch.**; S.I. 2007/3174, art. 2, **Sch.**

F57 S. 64(4) added (10.4.1998) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, **Sch. 7 para.12**; S.I. 1998/967, **art. 2(1)(a)**

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

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C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1082 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch. Appendix B

C1083 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch. Appendix B

C1084 S. 64 modified (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, **Sch. Appendix B**

C1085 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, **Sch. Appendix B**

C1086 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch. Appendix B

C1087 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, Sch. Appendix B

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C1088 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, **Sch. Appendix B**

C1089 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch. Appendix B

C1090 S. 64 modified (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch. Appendix B

C1091 S. 64 modified (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch. Appendix B

C1092 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch. Appendix B

C1093 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch. Appendix B

C1094 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch. Appendix B

C1095 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, **Sch. Appendix B**

C1096 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch. Appendix B

C1097 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, **Sch. Appendix B**

C1098 S. 64 modified (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, **Sch. Appendix B**

C1099 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, **Sch. Appendix B**

C1100 S. 64 modified (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, **Sch. Appendix B**

C1101 S. 64 modified (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, Sch. Appendix B

C1102 S. 64 modified (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, Sch. Appendix B

C1103 S. 64 modified (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, Sch. Appendix B

C1104 S. 64 modified (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, Sch. Appendix B

C1105 S. 64 modified (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, Sch. Appendix B

C1106 S. 64 modified (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, Sch. Appendix B

C1107 S. 64 modified (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, Sch. Appendix B

C1108 S. 64 modified (28.11.2011) by The Traffic Management (London Borough of Barking and Dagenham) Permit Scheme Order 2011 (S.I. 2011/2599), art. 1, Sch., **Appendix B**

C1109 S. 64 modified (28.11.2011) by The Traffic Management (London Borough of Hillingdon) Permit Scheme Order 2011 (S.I. 2011/2600), art. 1, **Sch. Appendix B**

C1110 S. 64 modified (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch. Appendix D

C1111 S. 64 modified (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch. Appendix D

C1112 S. 64 modified (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch. Appendix D

C1113 S. 64 modified (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch. Appendix D

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C1114 S. 64 modified (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch. Appendix D

C1115 S. 64 modified (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch. Appendix D

C1116 S. 64 modified (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch., **Appendix C**

C1117 S. 64 modified (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch. Appendix C

C1118 S. 64 modified (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch., **Appendix C**

C1119 S. 64 modified (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch. Appendix C

C1120 S. 64 modified (14.1.2013) by The Traffic Management (London Borough of Sutton) Permit Scheme Order 2012 (S.I. 2012/3106), arts. 1, 2, Sch. Appendix B

C1121 S. 64 modified (14.1.2013) by The Traffic Management (London Borough of Tower Hamlets) Permit Scheme Order 2012 (S.I. 2012/3107), arts. 1, 2, Sch. Appendix B

C1122 S. 64 modified (18.2.2013) by The Traffic Management (London Borough of Bexley) Permit Scheme Order 2012 (S.I. 2012/3102), arts. 1, 2, Sch. Appendix B

C1123 S. 64 modified (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch. Appendix B1

C1124 S. 64 modified (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**

C1125 S. 64 modified (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, Sch., **Appendix C**

C1126 S. 64 modified (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B

C1127 S. 64 modified (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C1128 S. 64 modified (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C1129 S. 64 modified (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch., Appendix E**

C1130 S. 64 modified (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**

C1131 S. 64 modified (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**

C1132 S. 64 modified (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix C**

C1133 S. 64 modified (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C1134 S. 64 modified (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch., Appendix C**

C1135 S. 64 modified (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C1136 S. 64 modified (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**

C1137 S. 64 modified (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**

C1138 S. 64 modified (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**

C1139 S. 64 modified (31.3.2015) by The Traffic Management (Council of the City of Wakefield MDC) Permit Scheme Order 2015 (S.I. 2015/293), arts. 1, 2, **Sch., Appendix D**

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C1140 S. 64 modified (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**
C1141 S. 64 modified (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**

General requirements as to execution of street works

65 Safety measures.

(1) An undertaker executing street works shall secure—

(a) that any part of the street which is broken up or open, or is obstructed by plant or materials used or deposited in connection with the works, is adequately guarded and lit, and

(b) that such traffic signs are placed and maintained, and where necessary operated, as are reasonably required for the guidance or direction of persons using the street,

having regard, in particular, to the needs of people with a disability.

(2) In discharging in relation to a highway his duty with respect to the placing, maintenance or operation of traffic signs, an undertaker shall comply with any directions given by the traffic authority.

The power of the traffic authority to give directions under this subsection is exercisable subject to any directions given by the Secretary of State under section 65 of the [M27]Road Traffic Regulation Act 1984.

(3) The Secretary of State may issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned in subsection (1); and—

(a) so far as an undertaker complies with such a code of practice he shall be taken to comply with that subsection; and

(b) a failure in any respect to comply with any such code is evidence of failure in that respect to comply with that subsection.

(4) An undertaker who fails to comply with subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding **[**[F58]level 5**]** on the standard scale.

(5) If it appears to the street authority that an undertaker has failed to comply with subsection (1) or (2), they may take such steps as appear to them necessary and may recover from the undertaker the costs reasonably incurred by them in doing so.

(6) If a person without lawful authority or excuse—

(a) takes down, alters or removes any fence, barrier, traffic sign or light erected or placed in pursuance of subsection (1) or (2) above, or

(b) extinguishes a light so placed,

he commits an offence and is liable on summary conviction to a fine not exceeding **[**[F59]level 5**]** on the standard scale.

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Textual Amendments

F58 Words in s. 65(4) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

F59 Words in s. 65(6) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

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C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)
C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**
C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)
C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)
C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)
C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)
C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**
C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)
C1142 S. 65 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)
C1143 S. 65 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(g)** (with art. 37)
C1144 S. 65(2)(5): functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, Sch. 2 paras. 1(i), **2**

Commencement Information

I6 S. 65 wholly in force: s. 65(1)(2)(4)-(6) in force at 1.4.1993 see s. 170(1) and S.I. 1992/2984, art. 2(3), **Sch. 3**; s. 65(3) in force at 14.7.1992 by S.I. 1992/1686, art. 2, **Sch.**

Marginal Citations

M27 1984 c. 27.

66 Avoidance of unnecessary delay or obstruction.

(1) An undertaker executing street works which involve—

(a) breaking up or opening the street, or any sewer, drain or tunnel under it, or

(b) tunnelling or boring under the street,

shall carry on and complete the works with all such dispatch as is reasonably practicable.

(2) An undertaker who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding **[**F60level 5**]** on the standard scale.

(3) Where an undertaker executing any street works creates an obstruction in a street to a greater extent or for a longer period than is reasonably necessary, the street authority may by notice require him to take such reasonable steps as are specified in the notice to mitigate or discontinue the obstruction.

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(4) If the undertaker fails to comply with such a notice within 24 hours of receiving it, or any longer period specified in the notice, the authority may take the necessary steps and recover from him the costs reasonably incurred by them in doing so.

Textual Amendments

F60 Words in s. 66(2) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Modifications etc. (not altering text)

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C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

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C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

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C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1145 S. 66 excluded (E.) (1.4.2008) by The Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372), regs. 1(1), **36(f)** (with reg. 35)

C1146 S. 66 disapplied (W.) (1.6.2009) by The Traffic Management Permit Scheme (Wales) Regulations 2009 (S.I. 2009/1267), regs. 1, **36(f)**

C1147 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch. Appendix B

C1148 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, Sch. Appendix B

C1149 S. 66 disapplied (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, Sch. Appendix B

C1150 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, Sch. Appendix B

C1151 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch. Appendix B

C1152 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, Sch. Appendix B

C1153 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, Sch. Appendix B

C1154 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch. Appendix B

C1155 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch. Appendix B

C1156 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, Sch. Appendix B

C1157 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch. Appendix B

C1158 S. 66 disapplied (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch. Appendix B

C1159 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch. Appendix B

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C1160 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch. Appendix B

C1161 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch. Appendix B

C1162 S. 66 disapplied (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch. Appendix B

C1163 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, Sch. Appendix B

C1164 S. 66 disapplied (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, Sch. Appendix B

C1165 S. 66 disapplied (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, Sch. Appendix B, **Appendix B**

C1166 S. 66 disapplied (25.1.2010) by The Traffic Management (Kent County Council) Permit Scheme Order 2009 (S.I. 2009/3188), art. 1, **Sch. Appendix B**

C1167 S. 66 disapplied (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, Sch. Appendix B

C1168 S. 66 disapplied (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, Sch. Appendix B

C1169 S. 66 disapplied (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, Sch. Appendix B

C1170 S. 66 disapplied (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, Sch. Appendix B

C1171 S. 66 disapplied (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, Sch. Appendix B

C1172 S. 66 disapplied (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, Sch. Appendix B

C1173 S. 66 disapplied (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, Sch. Appendix B

C1174 S. 66 disapplied (28.11.2011) by The Traffic Management (London Borough of Hillingdon) Permit Scheme Order 2011 (S.I. 2011/2600), art. 1, **Sch. Appendix B**

C1175 S. 66 disapplied (28.11.2011) by The Traffic Management (London Borough of Barking and Dagenham) Permit Scheme Order 2011 (S.I. 2011/2599), art. 1, Sch., **Appendix B**

C1176 S. 66 disapplied (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch. Appendix D

C1177 S. 66 disapplied (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch. Appendix D

C1178 S. 66 disapplied (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch. Appendix D

C1179 S. 66 disapplied (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch. Appendix D

C1180 S. 66 disapplied (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch. Appendix D

C1181 S. 66 disapplied (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch. Appendix D

C1182 S. 66 disapplied (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch. Appendix B

C1183 S. 66 disapplied (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch. Appendix B

C1184 S. 66 disapplied (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch. Appendix B

C1185 S. 66 disapplied (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch. Appendix B

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C1186 S. 66 disapplied (14.1.2013) by The Traffic Management (London Borough of Sutton) Permit Scheme Order 2012 (S.I. 2012/3106), arts. 1, 2, Sch. Appendix B

C1187 S. 66 disapplied (14.1.2013) by The Traffic Management (London Borough of Tower Hamlets) Permit Scheme Order 2012 (S.I. 2012/3107), arts. 1, 2, Sch. Appendix B

C1188 S. 66 disapplied (18.2.2013) by The Traffic Management (London Borough of Bexley) Permit Scheme Order 2012 (S.I. 2012/3102), arts. 1, 2, Sch. Appendix B

C1189 S. 66 disapplied (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch. Appendix B1

C1190 S. 66 disapplied (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C

C1191 S. 66 disapplied (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch. Appendix C

C1192 S. 66 disapplied (29.4.2013) by The Traffic Management (Oldham Borough Council) Permit Scheme Order 2013 (S.I. 2013/808), arts. 1, 2, Sch. Appendix C

C1193 S. 66 disapplied (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch. Appendix C

C1194 S. 66 disapplied (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C

C1195 S. 66 disapplied (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C

C1196 S. 66 disapplied (29.4.2013) by The Traffic Management (Salford City Council) Permit Scheme Order 2013 (S.I. 2013/810), arts. 1, 2, Sch. Appendix C

C1197 S. 66 disapplied (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C

C1198 S. 66 disapplied (29.4.2013) by The Traffic Management (Trafford Borough Council) Permit Scheme Order 2013 (S.I. 2013/807), arts. 1, 2, Sch. Appendix C

C1199 S. 66 disapplied (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch. Appendix C

C1200 S. 66 disapplied (1.10.2013) by The Traffic Management (Derby City Council) Permit Scheme Order 2013 (S.I. 2013/1781), arts. 1, 2, **Sch. para. 2.4**

C1201 S. 66 disapplied (4.11.2013) by The Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 (S.I. 2013/2398), art. 1, Sch. para. 1.5, Appendix A

C1202 S. 66 disapplied (11.11.2013) by The Traffic Management (East Sussex County Council) Permit Scheme Order 2013 (S.I. 2013/2399), arts. 1, 2, **Sch. para. 2.12.2**

C1203 S. 66 disapplied (11.11.2013) by The Traffic Management (Surrey County Council) Permit Scheme Order 2013 (S.I. 2013/2389), arts. 1, 2, **Sch. para. 2.12.2**

C1204 S. 66 disapplied (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**

C1205 S. 66 disapplied (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, Sch., **Appendix B**

C1206 S. 66 disapplied (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B

C1207 S. 66 disapplied (19.1.2015) by The Traffic Management (Wokingham Borough Council) Permit Scheme Order 2014 (S.I. 2014/3105), arts. 1, 2, **Sch. para. 2.12.2**

C1208 S. 66 disapplied (2.2.2015) by The Traffic Management (Sefton Metropolitan Borough Council) Permit Scheme Order 2014 (S.I. 2014/3107), arts. 1, 2, **Sch. para. 1.9**

C1209 S. 66 disapplied (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C1210 S. 66 disapplied (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C1211 S. 66 disapplied (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch. para. 1.5, Appendix E**

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C1212 S. 66 disapplied (1.3.2015) by The Traffic Management (West Berkshire Council) Permit Scheme Order 2014 (S.I. 2014/3110), arts. 1, 2, **Sch. para. 2.12.2**
C1213 S. 66 disapplied (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**
C1214 S. 66 disapplied (4.3.2015) by The Traffic Management (Slough Borough Council) Permit Scheme Order 2014 (S.I. 2014/3112), arts. 1, 2, **Sch. para. 2.12.2**
C1215 S. 66 disapplied (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**
C1216 S. 66 disapplied (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**
C1217 S. 66 disapplied (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch., Appendix B**
C1218 S. 66 disapplied (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**
C1219 S. 66 disapplied (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix B**
C1220 S. 66 disapplied (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**
C1221 S. 66 disapplied (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**
C1222 S. 66 disapplied (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**
C1223 S. 66 disapplied (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**
C1224 S. 66 disapplied (31.3.2015) by The Traffic Management (Council of the City of Wakefield MDC) Permit Scheme Order 2015 (S.I. 2015/293), arts. 1, 2, **Sch., Appendix D**
C1225 S. 66 disapplied (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**
C1226 S. 66 disapplied (31.3.2015) by The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015 (S.I. 2015/107), art. 1, **Sch. para. 3.5**
C1227 S. 66(3)(4): functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 1(j)**

67 Qualifications of supervisors and operatives.

(1) It is the duty of an undertaker executing street works involving—

(a) breaking up the street, or any sewer, drain or tunnel under it, or

(b) tunnelling or boring under the street,

to secure that, except in such cases as may be prescribed, the execution of the works is supervised by a person having a prescribed qualification as a supervisor.

(2) It is the duty of an undertaker executing street works involving—

(a) breaking up or opening the street, or any sewer, drain or tunnel under it, or

(b) tunnelling or boring under the street,

to secure that, except in such cases as may be prescribed, there is on site at all times when any such works are in progress at least one person having a prescribed qualification as a trained operative.

(3) An undertaker who fails to comply with his duty under subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding **[**[F61]level 5**]** on the standard scale.

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(4) Regulations made by the Secretary of State for the purposes of this section may include provision with respect to—

(a) the approval of bodies conferring qualifications (and the withdrawal of such approval), and

(b) the circumstances in which a qualification may be conferred.

Textual Amendments

F61 Words in s. 67(3) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

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C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)
C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**
C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)
C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**
C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)
C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)
C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)
C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)
C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**
C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)
C1228 S. 67 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)
C1229 S. 67 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(h)** (with art. 37)

68 Facilities to be afforded to street authority.

(1) An undertaker executing street works shall afford the street authority reasonable facilities for ascertaining whether he is complying with his duties under this Part.

(2) An undertaker who fails to afford the street authority such facilities commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding **[**[F62]level 4**]** on the standard scale.

Textual Amendments

F62 Words in s. 68(2) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

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C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**
C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

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C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

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C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

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C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

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C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1230 S. 68 applied (with modifications) (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**
S. 68 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**
S. 68 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**
S. 68 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**

C1231 S. 68 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(3)(4)**;
S. 68 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 3(3)**

C1232 S. 68 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(3)**(4)

C1233 S. 68 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(4)**(5) (with arts. 65, 66)

C1234 S. 68 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)**(4)

C1235 Ss. 68, 69 applied (with modifications) (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **9(2)**(3)

C1236 S. 68 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(4)** (with arts. 3(5), 15(3))

C1237 S. 68 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(3)**(4) (with art. 52)

C1238 S. 68 applied (with modifications) (3.7.2006) by The Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **4**

C1239 S. 68 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(4)**(5) (with art. 43)

C1240 S. 68 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(4)**(5) (with arts. 3(6), 12(3))

C1241 S. 68 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(3)**(4) (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C1242 S. 68 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **4(2)**(3) (with art. 36(3))

C1243 S. 68 applied (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(4)**(5) (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C1244 S. 68 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(4)**(5)

C1245 S. 68 applied (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), arts. 1, **4(1)**(2)

C1246 S. 68 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **3(2)**(3) (with art. 51, Sch. 10 paras. 68, 85)

C1247 S. 68 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **4(2)-(3)**

C1248 S. 68 applied (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **10(2)** (with art. 26(2))

C1249 S. 68 applied (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **14(2)**(3) (with art. 35(2))

C1250 S. 68 applied (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **4(2)**(3) (with art. 42(2))

C1251 S. 68 applied (with modifications) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), arts. 1, **4(1)**(2)

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C1252 S. 68 applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(3)**(4)

C1253 S. 68 applied (with modifications) (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(4)**(5) (with arts. 42, 43)

C1254 S. 68 applied (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(4)**(5)

C1255 S. 68 applied (with modifications) (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **10(2)**(3) (with arts. 27(2), 39, Sch. 10 para. 4)

C1256 S. 68 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(4)**(5) (with arts. 57, 58, Sch. 11 para. 19)

C1257 S. 68 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)

C1258 S. 68 applied (with modifications) (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **12(3)**(4) (with art. 34(2))

C1259 S. 68 applied (with modifications) (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **13(2)**(3)

C1260 S. 68 applied (with modifications) (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(4)** (with art. 31(2))

C1261 S. 68 applied (with modifications) (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(4)**(5)

C1262 S. 68 applied (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **13(2)**(3) (with art. 33)

C1263 S. 68 applied (with modifications) (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(4)**(5)

C1264 S. 68 applied (with modifications) (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(4)**(5) (with Sch. 8 para. 45)

C1265 S. 68 applied (with modifications) (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **7(1)**(2) (with arts. 37, 38)

C1266 S. 68 applied (with modifications) (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(4)**(5)

C1267 S. 68 applied (with modifications) (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), arts. 1, **4(2)**(3) (with art. 36(2))

C1268 S. 68 applied (with modifications) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(4)**(5)

C1269 S. 68 modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **11(2)**(3) (with art. 32)

C1270 S. 68 applied (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(4)**(5) (with art. 37)

C1271 S. 68 applied (with modifications) (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(4)**(5) (with arts. 4, 5(3))

C1272 S. 68 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **5(3)**(4) (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))

C1273 S. 68 applied (with modifications) (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **10(2)(f)** (with arts. 37, 38)

C1274 S. 68 applied (with modifications) (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(4)**(5)

C1275 S. 68 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(i)** (with art. 37)

C1276 S. 68 applied (with modifications) (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(4)**(5) (with arts. 43, 44)

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C1277 S. 68: functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 1(k)**

69 Works likely to affect other apparatus in the street.

(1) Where street works are likely to affect another person's apparatus in the street, the undertaker executing the works shall take all reasonably practicable steps—

(a) to give the person to whom the apparatus belongs reasonable facilities for monitoring the execution of the works, and

(b) to comply with any requirement made by him which is reasonably necessary for the protection of the apparatus or for securing access to it.

(2) An undertaker who fails to comply with subsection (1) commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding **[**[F63]level 4**]** on the standard scale.

(3) In proceedings against a person for such an offence it is a defence for him to show that the failure was attributable—

(a) to his not knowing the position, or not knowing of the existence, of another person's apparatus, or

(b) to his not knowing the identity or address of the person to whom any apparatus belongs,

and that his ignorance was not due to any negligence on his part or to any failure to make inquiries which he ought reasonably to have made.

Textual Amendments

F63 Words in s. 69(2) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

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C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1235 Ss. 68, 69 applied (with modifications) (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **9(2)**(3)

C1278 S. 69 excluded (27.11.1992) by S.I. 1992/2984, **art. 8**

C1279 S. 69 modified (1.1.1993) by Local Government, Planning and Land Act 1980 (c. 65), **s. 167(7)**(as substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. IV para. 109**; S.I. 1992/2984, art. 2(2), **Sch.2**)
S. 69 modified (1.1.1993) by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **s. 15(4)** (as substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. IV para. 106**; S.I. 1992/2984, art. 2(2), **Sch.2**)

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C1280 S. 69 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**
S. 69 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**
S. 69 applied (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**
S. 69 applied (13.1.1999) by S.I. 1998/3269, **art. 4(2)(3)**
S. 69 applied (10.2.1997) by S.I. 1997/264, **art. 8(6)(7)**
S. 69 applied (with modifications) (30.4.1999) by S.I. 1999/1306, **art. 8(4)(5)**
S. 69 applied (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 8(5)(6)**
S. 69 applied (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 9(5)(6)(8)**
S. 69 applied (with modifications) (23.8.1999) by S.I. 1999/2981, **art. 7(5)(6)**
S. 69 applied (4.4.1996) by S.I. 1996/937, **art. 8(4)(5)**
S. 69 applied (with modifications) (29.3.2001) by S.I. 2001/1348, **art. 21(3)-(5)**
S. 69 applied (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 3(3)**
S. 69 applied (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 10(6)**
S. 69 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**
S. 69 applied (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 8(6)**

C1281 S. 69 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 9(4)(5)** (with art. 38);
S. 69 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(3)(4)**;
S. 69 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 3(3)**

C1282 S. 69 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), arts. 1, **13(6)(7)(8)** (with art. 40)

C1283 S. 69 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(3)**(4)

C1284 S. 69 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), arts. 1, **6(4)**(5) (with art. 38)

C1285 S. 69 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(4)**(5) (with arts. 65, 66)

C1286 S. 69 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 3(3)**(4) (with art. 51)

C1287 S. 69 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, **12(7)**

C1288 S. 69 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), arts. 1, **3(3)**(4) (with art. 47)

C1289 S. 69 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)**(4)

C1290 S. 69 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, **8(9)(10)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

C1291 S. 69 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(4)** (with arts. 3(5), 15(3))

C1292 S. 69 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(3)**(4) (with art. 52)

C1293 S. 69 applied (with modifications) (3.7.2006) by The Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **4**

C1294 S. 69 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 1, **9(5)**(6) (with art. 40, Sch. 7 para. 12)

C1295 S. 69 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(4)**(5) (with art. 43)

C1296 S. 69 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), arts. 1, **16(6)**(7) (with arts. 34, 35(2))

C1297 S. 69 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **10(5)**(6)

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C1298 S. 69 applied (with modifications) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), arts. 1, **8(2)** (with arts. 46-48, Sch. 6 para. 23)

C1299 S. 69 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(4)**(5) (with arts. 3(6), 12(3))

C1300 S. 69 applied (with modifications) (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **3(2)**(3) (with arts. 19, 28, Sch. 3 para. 13(2))

C1301 S. 69 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(3)**(4) (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C1302 S. 69 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **4(2)**(3) (with art. 36(3))

C1303 S. 69 applied (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(4)**(5) (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C1304 S. 69 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(4)**(5)

C1305 S. 69 modified (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, Sch. Appendix B

C1306 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch. Appendix B

C1307 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch. Appendix B

C1308 S. 69 modified (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch. Appendix B

C1309 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch. Appendix B

C1310 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, Sch. Appendix B

C1311 S. 69 modified (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch. Appendix B

C1312 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch. Appendix B

C1313 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch. Appendix B

C1314 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, Sch. Appendix B

C1315 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch. Appendix B

C1316 S. 69 modified (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, Sch. Appendix B

C1317 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, Sch. Appendix B

C1318 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, Sch. Appendix B

C1319 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, Sch. Appendix B

C1320 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch. Appendix B

C1321 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch. Appendix B

C1322 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, Sch. Appendix B

C1323 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, Sch. Appendix B

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C1324 S. 69 applied (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), arts. 1, **4(1)**(2)

C1325 S. 69 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **3(2)**(3) (with art. 51, Sch. 10 paras. 68, 85)

C1326 S. 69 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **4(2)-(3)**

C1327 S. 69 modified (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, Sch. Appendix B

C1328 S. 69 modified (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, Sch. Appendix B

C1329 S. 69 modified (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, Sch. Appendix B

C1330 S. 69 modified (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, Sch. Appendix B

C1331 S. 69 modified (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, Sch. Appendix B

C1332 S. 69 modified (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, Sch. Appendix B

C1333 S. 69 modified (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, Sch. Appendix B

C1334 S. 69 modified (28.11.2011) by The Traffic Management (London Borough of Hillingdon) Permit Scheme Order 2011 (S.I. 2011/2600), art. 1, **Sch. Appendix B**

C1335 S. 69 modified (28.11.2011) by The Traffic Management (London Borough of Barking and Dagenham) Permit Scheme Order 2011 (S.I. 2011/2599), art. 1, Sch., **Appendix B**

C1336 S. 69 modified (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch. Appendix D

C1337 S. 69 modified (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch. Appendix D

C1338 S. 69 modified (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch. Appendix D

C1339 S. 69 modified (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch. Appendix D

C1340 S. 69 modified (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch. Appendix D

C1341 S. 69 modified (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch. Appendix D

C1342 S. 69 applied (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **10(2)** (with art. 26(2))

C1343 S. 69 modified (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch., **Appendix C**

C1344 S. 69 modified (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch. Appendix C

C1345 S. 69 modified (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch. Appendix C

C1346 S. 69 modified (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch. Appendix C

C1347 S. 69 applied (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **14(2)**(3) (with art. 35(2))

C1348 S. 69 applied (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **4(2)**(3) (with art. 42(2))

C1349 S. 69 modified (14.1.2013) by The Traffic Management (London Borough of Sutton) Permit Scheme Order 2012 (S.I. 2012/3106), arts. 1, 2, Sch. Appendix B

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C1350 S. 69 modified (14.1.2013) by The Traffic Management (London Borough of Tower Hamlets) Permit Scheme Order 2012 (S.I. 2012/3107), arts. 1, 2, Sch. Appendix B

C1351 S. 69 modified (18.2.2013) by The Traffic Management (London Borough of Bexley) Permit Scheme Order 2012 (S.I. 2012/3102), arts. 1, 2, Sch. Appendix B

C1352 S. 69 modified (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch. Appendix B1

C1353 S. 69 applied (with modifications) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), arts. 1, **4(1)**(2)

C1354 S. 69 applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(3)**(4)

C1355 S. 69 applied (with modifications) (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(4)**(5) (with arts. 42, 43)

C1356 S. 69 applied (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(4)**(5)

C1357 S. 69 applied (with modifications) (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **10(2)**(3) (with arts. 27(2), 39, Sch. 10 para. 4)

C1358 S. 69 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)

C1359 S. 69 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(4)**(5) (with arts. 57, 58, Sch. 11 para. 19)

C1360 S. 69 modified (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**

C1361 S. 69 applied (with modifications) (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **12(3)**(4) (with art. 34(2))

C1362 S. 69 modified (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, Sch., **Appendix C**

C1363 S. 69 applied (with modifications) (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **13(2)**(3)

C1364 S. 69 applied (with modifications) (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(4)** (with art. 31(2))

C1365 S. 69 applied (with modifications) (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(4)**(5)

C1366 S. 69 applied (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **13(2)**(3) (with art. 33)

C1367 S. 69 applied (with modifications) (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(4)**(5)

C1368 S. 69 modified (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B

C1369 S. 69 applied (with modifications) (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(4)**(5) (with Sch. 8 para. 45)

C1370 S. 69 applied (with modifications) (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **7(1)**(2) (with arts. 37, 38)

C1371 S. 69 modified (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C1372 S. 69 modified (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C1373 S. 69 modified (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch., Appendix E**

C1374 S. 69 applied (with modifications) (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(4)**(5)

C1375 S. 69 modified (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**

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C1376 S. 69 modified (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**

C1377 S. 69 extended (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C1378 S. 69 extended (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C1379 S. 69 extended (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch., Appendix C**

C1380 S. 69 modified (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix C**

C1381 S. 69 modified (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**

C1382 S. 69 modified (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**

C1383 S. 69 modified (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**

C1384 S. 69 modified (31.3.2015) by The Traffic Management (Council of the City of Wakefield MDC) Permit Scheme Order 2015 (S.I. 2015/293), arts. 1, 2, **Sch., Appendix D**

C1385 S. 69 modified (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**

C1386 S. 69 modified (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**

C1387 S. 69 applied (with modifications) (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), arts. 1, **4(2)**(3) (with art. 36(2))

C1388 S. 69 applied (with modifications) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(4)**(5)

C1389 S. 69 modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **11(2)**(3) (with art. 32)

C1390 S. 69 applied (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(4)**(5) (with art. 37)

C1391 S. 69 applied (with modifications) (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(4)**(5) (with arts. 4, 5(3))

C1392 S. 69 applied (with modifications) (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **3(3)**(4) (with art. 39)

C1393 S. 69 applied (13.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 175(3)**(4), 216(3); S.I. 2016/733, reg. 3(h)

C1394 S. 69 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **5(3)**(4) (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))

C1395 S. 69 applied (with modifications) (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **10(2)(g)** (with arts. 37, 38)

C1396 S. 69 applied (with modifications) (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(4)**(5)

C1397 S. 69 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(j)** (with art. 37)

C1398 S. 69 applied (with modifications) (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(4)**(5) (with arts. 43, 44)

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Reinstatement

70 Duty of undertaker to reinstate.

(1) It is the duty of the undertaker by whom street works are executed to reinstate the street.

[F64(1A) The reinstatement required by subsection (1) may be permanent or interim.**]**

(2) He shall begin the reinstatement as soon after the completion of any part of the street works as is reasonably practicable and shall carry on and complete the reinstatement with all such dispatch as is reasonably practicable.

[F65(3) He shall within **[**F6610**]** working days from the date on which the reinstatement is completed give notice to the street authority of that completion—

(a) stating whether the reinstatement is permanent or interim; and

(b) giving such other information about the reinstatement as may be prescribed.

(4) If the reinstatement is interim, he shall complete the permanent reinstatement of the street as soon as reasonably practicable, and in any event within 6 months from the date on which the interim reinstatement was completed.

(4A) He shall, within **[**F6710**]** working days from the date on which the permanent reinstatement required by subsection (4) is completed, give notice to the street authority of that completion, giving such other information about the reinstatement as may be prescribed.

(4B) The Secretary of State may by regulations modify the period specified in subsection (3), (4) or (4A).**]**

(5) The permanent reinstatement of the street shall include, in particular, the reinstatement of features designed to assist people with a disability.

(6) An undertaker who fails to comply with any provision of this section commits an offence and is liable on summary conviction—

[F68(a) in the case of an offence consisting of a failure to comply with subsection (3) or (4A), to a fine not exceeding level 4 on the standard scale; and

(b) in any other case, to a fine not exceeding level 5 on that scale.**]**

(7) In proceedings against a person for an offence of failing to comply with subsection (2) it is a defence for him to show that any delay in reinstating the street was in order to avoid hindering the execution of other works, or other parts of the same works, to be undertaken immediately or shortly thereafter.

Textual Amendments

F64 S. 70(1A) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 54(2)**, 99(1); S.I. 2007/1890, art. 2, **Sch.** (with art. 8); S.I. 2007/3174, art. 2, **Sch.** (with art. 9)

F65 S. 70(3)-(4B) substituted for s. 70(3)(4) (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 54(3)**, 99(1); S.I. 2007/1890, art. 2, **Sch.** (with art. 8); S.I. 2007/3174, art. 2, **Sch.** (with art. 9)

F66 Word in s. 70(3) substituted (E.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 (S.I. 2007/1951), regs. 1(1), **17** (with reg. 19); and

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word in s. 70(3) substituted (W.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (Wales) Regulations 2008 (S.I. 2008/101), regs. 1, **17(2)** (with reg. 19)

F67 Word in s. 70(4A) substituted (E.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 (S.I. 2007/1951), regs. 1(1), **17** (with reg. 19); and word in s. 70(4A) substituted (W.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (Wales) Regulations 2008 (S.I. 2008/101), regs. 1, **17(2)** (with reg. 19)

F68 S. 70(6)(a)(b) substituted for words in s. 70(6) (4.10.2004 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 40(3)**, 99(1); S.I. 2004/2380, **art. 2(d)(ii)** (with art. 3); S.I. 2007/1890, art. 2, **Sch.**; S.I. 2007/3174, art. 2, **Sch.** (with art. 4)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

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C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**
C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)
C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**
C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)
C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)
C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)
C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)
C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**
C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)
C1399 S. 70 excluded (27.11.1992) by S.I. 1992/2984, **art. 9**
C1400 S. 70 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)
C1401 S. 70 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(k)** (with art. 37)
C1402 S. 70(3) modified (W.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (Wales) (No 2) Regulations 2008 (S.I. 2008/540), regs. 1, **17(2)**
C1403 S. 70(4A) modified (W.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (Wales) (No 2) Regulations 2008 (S.I. 2008/540), regs. 1, **17(2)**

Commencement Information

I7 S. 70 wholly in force: s.70(1)-(3)(5)-(7) in force at 1.1.1993 see s. 170(1) and S.I. 1992/2984, art. 2(2), **Sch. 2**; s. 70(4) in force at 14.7.1992, see s. 170 and S.I. 1992/1686, art. 2, **Sch.**

71 Materials, workmanship and standard of reinstatement.

(1) An undertaker executing street works shall in reinstating the street comply with such requirements as may be prescribed as to the specification of materials to be used and the standards of workmanship to be observed.

(2) He shall also ensure that the reinstatement conforms to such performance standards as may be prescribed—

(a) in the case of interim reinstatement, until permanent reinstatement is effected, and

(b) in the case of permanent reinstatement, for the prescribed period after the completion of the reinstatement.

This obligation is extended in certain cases and restricted in others by the provisions of section 73 as to cases where a reinstatement is affected by subsequent works.

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(3) Regulations made for the purposes of this section may make different provision in relation to different classes of excavation and different descriptions of street, and in relation to interim and permanent reinstatement.

(4) The Secretary of State may issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned in subsections (1) and (2); and regulations made for the purposes of this section may provide that—

(a) so far as an undertaker complies with such a code of practice he shall be taken to comply with his duties under this section; and

(b) a failure in any respect to comply with any such code is evidence of failure in that respect to comply with those duties.

(5) An undertaker who fails to comply with his duties under this section commits an offence and is liable on summary conviction to a fine not exceeding **[**F69level 5**]** on the standard scale.

Textual Amendments

F69 Words in s. 71(5) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

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C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

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C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)
C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)
C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**
C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)
C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**
C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)
C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)
C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)
C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)
C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**
C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)
C1404 S. 71 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)
C1405 S. 71 modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **11(2)**(3) (with art. 32)
C1406 S. 71 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(l)** (with art. 37)

72 Powers of street authority in relation to reinstatement.

(1) The street authority may carry out such investigatory works as appear to them to be necessary to ascertain whether an undertaker has complied with his duties under this Part with respect to reinstatement.

If such a failure is disclosed, the undertaker shall bear the cost of the investigatory works; if not, the street authority shall bear the cost of the investigatory works and of any necessary reinstatement.

(2) Where an undertaker has failed to comply with his duties under this Part with respect to reinstatement, he shall bear the cost of—

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(a) a joint inspection with the street authority to determine the nature of the failure and what remedial works need to be undertaken,

(b) an inspection by the authority of the remedial works in progress, and

(c) an inspection by the authority when the remedial works have been completed.

(3) The street authority may by notice require an undertaker who has failed to comply with his duties under this Part with respect to reinstatement to carry out the necessary remedial works within such period of not less than 7 working days as may be specified in the notice.

If he fails to comply with the notice, the authority may carry out the necessary works and recover from him the costs reasonably incurred by them in doing so.

(4) If it appears to the street authority that a failure by an undertaker to comply with his duties under this Part as to reinstatement is causing danger to users of the street, the authority may carry out the necessary works without first giving notice and may recover from him the costs reasonably incurred by them in doing so.

They shall, however, give notice to him as soon as reasonably practicable stating their reasons for taking immediate action.

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

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C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

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C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

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C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

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C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1407 S. 72: functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 1(m)**

C1408 S. 72 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)

C1409 S. 72 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(m)** (with art. 37)

C1410 S. 72 applied (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(8)** (with arts. 43, 44)

73 Reinstatement affected by subsequent works.

(1) The provisions of this section apply in relation to an undertaker's duty under section 71(2) to ensure that a reinstatement conforms to the prescribed performance standards for the requisite period; and references to responsibility for a reinstatement and to the period of that responsibility shall be construed accordingly.

(2) Where a reinstatement is affected by remedial works executed by the undertaker in order to comply with his duties under this Part with respect to reinstatement and the

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extent of the works exceeds that prescribed, the subsequent reinstatement shall be treated as a new reinstatement as regards the period of his responsibility.

(3) Where the street authority carry out investigatory works in pursuance of section 72(1) and the investigation does not disclose any failure by the undertaker to comply with his duties under this Part with respect to reinstatement, then, to the extent that the original reinstatement has been disturbed by the investigatory works, the responsibility of the undertaker for the reinstatement shall cease.

(4) Where a reinstatement is affected by remedial works executed by the street authority in exercise of their powers under section 72(3) or (4) (powers to act in default of undertaker)—

(a) the undertaker is responsible for the subsequent reinstatement carried out by the authority, and

(b) if the extent of the works exceeds that prescribed, the subsequent reinstatement shall be treated as a new reinstatement as regards the period of his responsibility.

(5) The following provisions apply where a reinstatement is affected by subsequent works in the street otherwise than as mentioned above.

(6) If the reinstatement is dug out to any extent in the course of the subsequent works, the responsibility of the undertaker for the reinstatement shall cease to that extent.

(7) If in any other case the reinstatement ceases to conform to the prescribed performance standards by reason of the subsequent works, the responsibility of the undertaker for the reinstatement is transferred to the person executing the subsequent works; and the provisions of this Part apply in relation to him as they would have applied in relation to the undertaker.

(8) Where there are successive subsequent works affecting a reinstatement, then as between earlier and later works—

(a) subsections (6) and (7) apply in relation to the cessation or transfer of the responsibility of the person for the time being responsible for the reinstatement; and

(b) if the reinstatement ceases to conform to the prescribed performance standards by reason of the works or any of them, it shall be presumed until the contrary is proved that this was caused by the later or last of the works.

Modifications etc. (not altering text)

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C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

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C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

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C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

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C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

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C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

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C1411 S. 73 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)

C1412 S. 73 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(n)** (with art. 37)

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C1413 S. 73(5)-(8) extended (27.11.1992) by S.I. 1992/2984, **art. 11**

[F70 Inspections

Textual Amendments

F70 S. 73F and cross-heading inserted (6.4.2015 for E.) by Traffic Management Act 2004 (c. 18), **ss. 59**, 99(1); S.I. 2015/199, art. 2

73F Guidance about street authority inspections

(1) The Secretary of State may issue or approve guidance to street authorities about any matter relating to the exercise by them of any power to carry out inspections of street works.

(2) In exercising their powers to carry out such inspections a street authority shall have regard to any guidance issued or approved under this section.

(3) In this section any reference to inspections includes the carrying out of investigatory works.**]**

Modifications etc. (not altering text)

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C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

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Charges, fees and contributions payable by undertakers

74 Charge for occupation of the highway where works unreasonably prolonged.

(1) The Secretary of State may make provision by regulations requiring an undertaker executing street works in a maintainable highway to pay a charge to the highway authority where—

(a) the duration of the works exceeds such period as may be prescribed, and

(b) the works are not completed within a reasonable period.

(2) For this purpose "a reasonable period" means such period as is agreed by the authority and the undertaker to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable, for completion of the works in question.

In default of agreement, the authority's view as to what is a reasonable period shall be acted upon pending the decision of the arbitrator.

[F71(2A) The regulations may prescribe exemptions from the requirement to pay charges.**]**

(3) The regulations may provide that if an undertaker has reason to believe that the duration of works will exceed the prescribed period he **[**F72shall give to the authority, in such manner as may be prescribed, notice containing**]** an estimate of their likely duration—

(a) in the case of works in connection with the initial placing of apparatus in the street in pursuance of a street works licence, together with his application for the licence,

(b) in the case of other works (not being emergency works), together with his notice under section 55 (notice of starting date) **[**F73or notification under paragraph 2(1)(d) of Schedule 3A (notification of proposed works)**]**, or

(c) in the case of emergency works, as soon as reasonably practicable after the works are begun,

and that the period stated in an estimate **[**F74contained in a notice given to an authority in such manner**]** shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.

(4) The regulations may also provide that if it appears to the undertaker that by reason of matters not previously foreseen or reasonably foreseeable the duration of the works—

(a) is likely to exceed the prescribed period,

(b) is likely to exceed the period stated in his previous estimate, or

(c) is likely to exceed the period previously agreed or determined to be a reasonable period,

he **[**F75shall give to the authority, in such manner as may be prescribed, notice containing**]** an estimate or revised estimate accordingly, and that if he does so any previous estimate, agreement or determination shall cease to have effect and the period stated in the new estimate shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.

(5) The amount of the charge shall be determined in such manner as may be prescribed by reference to the time taken to complete the works and the extent to which the surface of the highway is affected by the works.

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Different rates of charge may be prescribed according to the place and time at which the works are executed and such other factors as appear to the Secretary of State to be relevant.

[F76(5A) The regulations may—

(a) prescribe more than one rate of charge in respect of the same description of works, and

(b) provide that charges are to be paid in respect of any works of that description at the rate which appears to the highway authority to be appropriate in relation to those works.

(5B) The regulations may make provision for the determination of the duration of works for the purposes of the regulations.

(5C) And they may, in particular, make provision for works to be treated as beginning or ending on the giving of, or as stated in, a notice given by the undertaker to the highway authority, in the prescribed manner, in accordance with a requirement imposed by the regulations.**]**

(6) The regulations may make provision as to the time and manner of making payment of any charge.

(7) The regulations shall provide that a highway authority may reduce the amount, or waive payment, of a **[**F77charge -

(a) in any particular case,

(b) in such classes of case as they may decide or as may be prescribed, or

(c) in all cases or in all cases other than a particular case or such class of case as they may decide or as may be prescribed.**]**

[F78(7A) The regulations may make provision as to—

(a) the application by **[**F79strategic highways companies or**]** local highway authorities of sums paid by way of charges, and

(b) the keeping of accounts, and the preparation and publication of statements of account, relating to sums paid by way of charges.

(7B) The regulations may create in respect of any failure to give a notice required by the regulations a criminal offence triable summarily and punishable with a fine not exceeding **[**F80level 4**]** on the standard scale.**]**

(8) The first regulations for the purposes of this section shall not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament; subsequent regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F71 S. 74(2A) inserted (1.2.2001 subject to transitional provision and saving in Sch. 2 Pt. II of the commencing S.I.) by 2000 c. 38, **s. 256(2)**; S.I. 2001/57, art. 3, **Sch. 2 Pt. I**, (as amended by S.I. 2001/115, **art. 2(5)**)

F72 Words in s. 74(3) substituted (1.2.2001 subject to transitional provision and saving in Sch. 2 Pt. II of the commencing S.I.) by 2000 c. 38, **s. 256(3)(a)**; S.I. 2001/57, art. 3, **Sch. 2 Pt. I** (as amended by S.I. 2001/115, **art. 2(5)**)

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F73 Words in s. 74(3)(b) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 52(5)**, 99(1); S.I. 2007/1890, art. 2, **Sch.**; S.I. 2007/3174, art. 2, **Sch.**

F74 Words in s. 74(3) substituted (1.2.2001 subject to transitional provision and saving in Sch. 2 Pt. II of the commencing S.I.) by 2000 c. 38, **s. 256(3)(b)**; S.I. 2001/57, art. 3, **Sch. 2 Pt. I** (as amended by S.I. 2001/115, **art. 2(5)**)

F75 Words in s. 74(4) substituted (1.2.2001 subject to transitional provision and saving in Sch. 2 Pt. II of the commencing S.I.) by 2000 c. 38, **s. 256(4)**; S.I. 2001/57, art. 3, **Sch. 2 Pt. I** (as amended by S.I. 2001/115, **art. 2(5)**)

F76 S. 74(5A)-(5C) inserted (1.2.2001 subject to transitional provision and saving in Sch. 2 Pt. II of the commencing S.I.) by 2000 c. 38, **s. 256(5)**; S.I. 2001/57, art. 3, **Sch. 2 Pt. I** (as amended by S.I. 2001/115, **art. 2(5)**)

F77 Words in s. 74(7) substituted (1.2.2001 subject to transitional provision and saving in Sch. 2 Pt. II of the commencing S.I.) by 2000 c. 38, **s. 256(6)**; S.I. 2001/57, art. 3, **Sch. 2 Pt. I** (as amended by S.I. 2001/115, **art. 2(5)**)

F78 S. 74(7A)(7B) inserted (1.2.2001 subject to transitional provision and saving in Sch. 2 Pt. II of the commencing S.I.) by 2000 c. 38, **s. 256(7)**; S.I. 2001/57, **art. 3 Sch. 2 Pt. I** (as amended by S.I. 2001/115, **art. 2(5)**)

F79 Words in s. 74(7A)(a) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 119**; S.I. 2015/481, reg. 2(a)

F80 Words in s. 74(7B) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), **ss. 40(4)**, 99(1); S.I. 2004/2380, art. 2(d)(iii) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

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C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1414 S. 74 modified (E.) (1.4.2008) by The Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372), regs. 1(1), **37(4)** (with reg. 35)

C1415 S. 74 modified (W.) (1.6.2009) by The Traffic Management Permit Scheme (Wales) Regulations 2009 (S.I. 2009/1267), regs. 1, **37(4)**

C1416 S. 74 modified (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, Sch. Appendix B

C1417 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, Sch. Appendix B

C1418 S. 74 modified (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, Sch. Appendix B

C1419 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch. Appendix B

C1420 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, Sch. Appendix B

C1421 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, Sch. Appendix B

C1422 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch. Appendix B

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C1423 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch. Appendix B

C1424 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch., **Appendix B**

C1425 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch. Appendix B

C1426 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, Sch. Appendix B

C1427 S. 74 modified (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch. Appendix B

C1428 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch. Appendix B

C1429 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch. Appendix B

C1430 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, Sch. Appendix B

C1431 S. 74 modified (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch. Appendix B

C1432 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, Sch. Appendix B

C1433 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch. Appendix B

C1434 S. 74 modified (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, Sch. Appendix B

C1435 S. 74 modified (25.1.2010) by The Traffic Management (Kent County Council) Permit Scheme Order 2009 (S.I. 2009/3188), art. 1, **Sch. Appendix B**

C1436 S. 74 modified (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, Sch. Appendix B

C1437 S. 74 modified (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, Sch. Appendix B

C1438 S. 74 modified (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, Sch. Appendix B

C1439 S. 74 modified (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, Sch. Appendix B

C1440 S. 74 modified (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, Sch. Appendix B

C1441 S. 74 modified (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, Sch. Appendix B

C1442 S. 74 modified (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, Sch. Appendix B

C1443 S. 74 modified (28.11.2011) by The Traffic Management (London Borough of Barking and Dagenham) Permit Scheme Order 2011 (S.I. 2011/2599), art. 1, Sch., **Appendix B**

C1444 S. 74 modified (28.11.2011) by The Traffic Management (London Borough of Hillingdon) Permit Scheme Order 2011 (S.I. 2011/2600), art. 1, **Sch. Appendix B**

C1445 S. 74 modified (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch. Appendix D

C1446 S. 74 modified (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch. Appendix D

C1447 S. 74 modified (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch. Appendix D

C1448 S. 74 modified (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch. Appendix D

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C1449 S. 74 modified (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch. Appendix D
C1450 S. 74 modified (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch. Appendix D
C1451 S. 74 modified (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch. Appendix C
C1452 S. 74 modified (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch., **Appendix C**
C1453 S. 74 modified (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch., **Appendix C**
C1454 S. 74 modified (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch. Appendix C
C1455 S. 74 modified (14.1.2013) by The Traffic Management (London Borough of Sutton) Permit Scheme Order 2012 (S.I. 2012/3106), arts. 1, 2, Sch. Appendix B
C1456 S. 74 modified (14.1.2013) by The Traffic Management (London Borough of Tower Hamlets) Permit Scheme Order 2012 (S.I. 2012/3107), arts. 1, 2, Sch. Appendix B
C1457 S. 74 modified (18.2.2013) by The Traffic Management (London Borough of Bexley) Permit Scheme Order 2012 (S.I. 2012/3102), arts. 1, 2, Sch. Appendix B
C1458 S. 74 modified (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch. Appendix B1
C1459 S. 74 modified (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C
C1460 S. 74 modified (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch. Appendix C
C1461 S. 74 modified (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C
C1462 S. 74 modified (29.4.2013) by The Traffic Management (Oldham Borough Council) Permit Scheme Order 2013 (S.I. 2013/808), arts. 1, 2, Sch. Appendix C
C1463 S. 74 modified (29.4.2013) by The Traffic Management (Salford City Council) Permit Scheme Order 2013 (S.I. 2013/810), arts. 1, 2, Sch. Appendix C
C1464 S. 74 modified (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C
C1465 S. 74 modified (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch. Appendix C
C1466 S. 74 modified (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C
C1467 S. 74 modified (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch. Appendix C
C1468 S. 74 modified (1.10.2013) by The Traffic Management (Derby City Council) Permit Scheme Order 2013 (S.I. 2013/1781), arts. 1, 2, **Sch. para. 2.4**
C1469 S. 74 modified (4.11.2013) by The Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 (S.I. 2013/2398), art. 1, Sch. para. 1.5, Appendix A,
C1470 S. 74 modified (11.11.2013) by The Traffic Management (Surrey County Council) Permit Scheme Order 2013 (S.I. 2013/2389), arts. 1, 2, **Sch. para. 2.12.2**
C1471 S. 74 modified (11.11.2013) by The Traffic Management (East Sussex County Council) Permit Scheme Order 2013 (S.I. 2013/2399), arts. 1, 2, **Sch. para. 2.12.2**
C1472 S. 74 modified (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**
C1473 S. 74 modified (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, Sch., **Appendix C**
C1474 S. 74 excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 4(9)**

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C1475 S. 74 modified (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B
C1476 S. 74 modified (19.1.2015) by The Traffic Management (Wokingham Borough Council) Permit Scheme Order 2014 (S.I. 2014/3105), arts. 1, 2, **Sch. para. 2.12.2**
C1477 S. 74 modified (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**
C1478 S. 74 modified (2.2.2015) by The Traffic Management (Sefton Metropolitan Borough Council) Permit Scheme Order 2014 (S.I. 2014/3107), arts. 1, 2, **Sch. para. 1.9**
C1479 S. 74 modified (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**
C1480 S. 74 modified (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch. para. 1.5, Appendix E**
C1481 S. 74 modified (1.3.2015) by The Traffic Management (West Berkshire Council) Permit Scheme Order 2014 (S.I. 2014/3110), arts. 1, 2, **Sch. para. 2.12.2**
C1482 S. 74 modified (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**
C1483 S. 74 modified (4.3.2015) by The Traffic Management (Slough Borough Council) Permit Scheme Order 2014 (S.I. 2014/3112), arts. 1, 2, **Sch. para. 2.12.2**
C1484 S. 74 modified (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**
C1485 S. 74 modified (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**
C1486 S. 74 modified (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**
C1487 S. 74 modified (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch., Appendix C**
C1488 S. 74 modified (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix C**
C1489 S. 74 modified (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1** (with Sch. para. 2.8.2)
C1490 S. 74 modified (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1** (with Sch. para. 2.7.2)
C1491 S. 74 modified (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1** (with **Sch. para. 2.8.2**)
C1492 S. 74 modified (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**
C1493 S. 74 modified (31.3.2015) by The Traffic Management (Council of the City of Wakefield MDC) Permit Scheme Order 2015 (S.I. 2015/293), arts. 1, 2, **Sch., Appendix D**
C1494 S. 74 modified (31.3.2015) by The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015 (S.I. 2015/107), art. 1, **Sch. para. 3.5**
C1495 S. 74 modified (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**

[74A [F81]Charge determined by reference to duration of works.

(1) The Secretary of State may make provision by regulations requiring an undertaker executing street works in a maintainable highway to pay to the highway authority a charge determined, in the prescribed manner, by reference to the duration of the works.

(2) The regulations shall not require charges to be paid to **[**[F82]a strategic highways company or**]** a local highway authority unless the Secretary of State has approved it for the purposes of the regulations by order made by statutory instrument.

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(3) The regulations may prescribe exemptions from the requirement to pay charges.

(4) The regulations may prescribe different rates of charge according to—

(a) the extent to which the surface of the highway is affected by the works,

(b) the place and time at which the works are executed, and

(c) such other factors as appear to the Secretary of State to be relevant.

(5) The regulations may—

(a) prescribe more than one rate of charge in respect of the same description of works, and

(b) provide that charges are to be paid in respect of any works of that description at the rate which appears to the highway authority to be appropriate in relation to those works.

(6) The regulations may make provision for the determination of the duration of works for the purposes of the regulations.

(7) And they may, in particular, make provision for works to be treated as beginning or ending on the giving of, or as stated in, a notice given by the undertaker to the highway authority, in the prescribed manner, in accordance with a requirement imposed by the regulations.

(8) The regulations may make provision as to the time and manner of making payment of charges.

(9) The regulations shall provide that a highway authority may reduce the amount, or waive payment, of a charge—

(a) in any particular case,

(b) in such classes of case as they may decide or as may be prescribed, or

(c) in all cases or in all cases other than a particular case or such class of case as they may decide or as may be prescribed.

(10) The regulations may make provision as to—

(a) the application by **[**F83strategic highways companies or**]** local highway authorities of sums paid by way of charges, and

(b) the keeping of accounts, and the preparation and publication of statements of account, relating to sums paid by way of charges.

(11) The regulations may create in respect of any failure to give a notice required by the regulations a criminal offence triable summarily and punishable with a fine not exceeding **[**F84level 4**]** on the standard scale.

(12) The regulations may require disputes of any prescribed description to be referred to an arbitrator appointed in accordance with the regulations.

(13) The first regulations under this section shall not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament; subsequent regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

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Textual Amendments

F81 Ss. 74A, 74B inserted (1.2.2001 subject to transitional provision and saving in Sch. 2 Pt. II of the commencing S.I.) by 2000 c. 38, **s. 255(1)**; S.I. 2001/57, art. 3, **Sch. 2 Pt. I** (as amended by S.I. 2001/115, **art. 2(5)**)

F82 Words in s. 74A(2) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 120(2)**; S.I. 2015/481, reg. 2(a)

F83 Words in s. 74A(10)(a) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 120(3)**; S.I. 2015/481, reg. 2(a)

F84 Words in s. 74A(11) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), **ss. 40(4)**, 99(1); S.I. 2004/2380, **art. 2(d)(iii)** (with art. 3); S.I. 2007/3174, art. 2, **Sch.** (with art. 4)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

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C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)
C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**
C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)
C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**
C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)
C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)
C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)
C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)
C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**
C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)
C1496 S. 74A excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 4(9)**

[F85]74B Regulations under sections 74 and 74A.

Nothing shall be taken to prevent the imposition of charges by both regulations under sections 74 and regulations under section 74A in respect of the execution of the same works at the same time.

Textual Amendments

F85 Ss. 74A, 74B inserted (1.2.2001 subject to transitional provision and saving in Sch. 2 Pt. II of the commencing S.I.) by 2000 c. 38, **s. 255(1)**; S.I. 2001/57, art. 3, **Sch. 2 Pt. I** (as amended by S.I. 2001/115, **art. 2(5)**)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**
C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**
C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)
C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)
C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

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C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

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C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

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75 Inspection fees.

(1) An undertaker executing street works shall, subject to the provisions of any scheme under this section, pay to the street authority the prescribed fee in respect of each inspection of the works carried out by the authority.

(2) Different fees may be prescribed according to the nature or extent of the excavation or other works, the place where they are executed and such other factors as appear to the Secretary of State to be relevant.

(3) The Secretary of State may by regulations make a scheme under which undertakers pay the prescribed fee only in respect of such proportion or number of excavations or other works as may be determined in accordance with the scheme.

(4) The scheme may make provision—

(a) as to the periods and areas by reference to which the proportion or number is to be determined, and

(b) as to the intervals at which an account is to be struck between an undertaker and a street authority and any necessary payment or repayment made;

and different provision may be made for different descriptions of undertaker and different descriptions of street authority.

(5) Nothing in this section applies in relation to inspections in respect of which the undertaker is obliged to bear the cost under section 72(2) (inspections consequent on his failure to comply with his duties as to reinstatement).

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

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C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1497 S. 75 applied (with modifications) (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**
S. 75 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**
S. 75 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**
S. 75: functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 1(n)**
S. 75 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**

C1498 S. 75 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(3)(4)**;
S. 75 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 3(3)**

C1499 S. 75 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(3)**(4)

C1500 S. 75 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(4)**(5) (with arts. 65, 66)

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C1501 S. 75 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)**(4)
C1502 S. 75 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(4)** (with arts. 3(5), 15(3))
C1503 S. 75 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(3)**(4) (with art. 52)
C1504 S. 75 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(4)**(5) (with art. 43)
C1505 S. 75 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(4)**(5) (with arts. 3(6), 12(3))
C1506 S. 75 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(3)**(4) (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))
C1507 S. 75 applied (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(4)**(5) (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)
C1508 S. 75 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(4)**(5)
C1509 S. 75 applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(3)**(4)
C1510 S. 75 applied (with modifications) (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(4)**(5) (with arts. 42, 43)
C1511 S. 75 applied (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(4)**(5)
C1512 S. 75 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)
C1513 S. 75 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(4)**(5) (with arts. 57, 58, Sch. 11 para. 19)
C1514 S. 75 applied (with modifications) (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(4)**(5)
C1515 S. 75 applied (with modifications) (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(4)**(5)
C1516 S. 75 applied (with modifications) (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(4)**(5)
C1517 S. 75 applied (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(4)**(5) (with art. 37)
C1518 S. 75 applied (with modifications) (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(4)**(5) (with arts. 4, 5(3))
C1519 S. 75 applied (with modifications) (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(4)**(5)
C1520 S. 75 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(o)** (with art. 37)
C1521 S. 75 applied (with modifications) (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(4)**(5) (with arts. 43, 44)

76 Liability for cost of temporary traffic regulation.

(1) Where by reason of street works—

(a) the traffic authority makes an order or issues a notice under section 14 of the [M28]Road Traffic Regulation Act 1984 (temporary prohibition or restriction of traffic), or

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(b) a concessionaire issues a notice under that section by virtue of section 3(4) of this Act,

the authority or concessionaire may recover from the undertaker the whole of the costs incurred by them in connection with or in consequence of the order or notice.

(2) Those costs shall be taken to include, in particular, the cost to the authority or concessionaire—

(a) of complying with any requirement to notify the public of any matter in connection with the making, issuing or operation of the order or notice, and

(b) of providing traffic signs in connection with the prohibition or restriction of traffic by the order or notice.

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

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C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1522 S. 76 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**
S. 76 applied (13.1.1999) by S.I. 1998/3269, **art. 4(2)(3)**
S. 76 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**
S. 76 applied (10.2.1997) by S.I. 1997/264, **art. 8(6)(7)**
S. 76 applied (with modifications) (30.4.1999) by S.I. 1999/1306, **art. 8(4)(5)**
S. 76 applied (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 8(5)(6)**
S. 76 applied (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 9(5)(6)(8)**
S. 76 applied (with modifications) (23.8.1999) by S.I. 1999/2981, **art. 7(5)(6)**
S. 76 applied (with modifications) (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**
S. 76 applied (4.4.1996) by S.I. 1996/937, **art. 8(4)(5)**
S. 76 applied (with modifications) (29.3.2001) by S.I. 2001/1348, **art. 21(3)-(5)**
S. 76 applied (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 3(3)**
S. 76 applied (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 10(6)**
S. 76 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**
S. 76 applied (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 8(6)**

C1523 S. 76 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 9(4)(5)** (with art. 38)
S. 76 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(3)(4)**;
S. 76 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 3(3)**

C1524 S. 76 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), arts. 1, **13(6)(7)(8)** (with art. 40)

C1525 S. 76 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(3)**(4)

C1526 S. 76 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), arts. 1, **6(4)**(5) (with art. 38)

C1527 S. 76 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(4)**(5) (with arts. 65, 66)

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C1528 S. 76 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 3(3)**(4) (with art. 51)

C1529 S. 76 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, **12(7)**

C1530 S. 76 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), arts. 1, **3(3)**(4) (with art. 47)

C1531 S. 76 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)**(4)

C1532 S. 76 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, **8(9)(10)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

C1533 Ss. 76, 77 applied (with modifications) (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **9(2)**(3)

C1534 S. 76 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(4)** (with arts. 3(5), 15(3))

C1535 S. 76 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(3)**(4) (with art. 52)

C1536 S. 76 applied (with modifications) (3.7.2006) by The Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **4**

C1537 S. 76 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 1, **9(5)**(6) (with art. 40, Sch. 7 para. 12)

C1538 S. 76 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(4)**(5) (with art. 43)

C1539 S. 76 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), arts. 1, **16(6)**(7) (with arts. 34, 35(2))

C1540 S. 76 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **10(5)**(6)

C1541 S. 76 applied (with modifications) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), arts. 1, **8(2)** (with arts. 46-48, Sch. 6 para. 23)

C1542 S. 76 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(4)**(5) (with arts. 3(6), 12(3))

C1543 S. 76 applied (with modifications) (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **3(2)**(3) (with arts. 19, 28, Sch. 3 para. 13(2))

C1544 S. 76 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(3)**(4) (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C1545 S. 76 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **4(2)**(3) (with art. 36(3))

C1546 S. 76 applied (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(4)**(5) (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C1547 S. 76 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(4)**(5)

C1548 S. 76 applied (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), arts. 1, **4(1)**(2)

C1549 S. 76 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **3(2)**(3) (with art. 51, Sch. 10 paras. 68, 85)

C1550 S. 76 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **4(2)-(3)**

C1551 S. 76 applied (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **10(2)** (with art. 26(2))

C1552 S. 76 applied (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **14(2)**(3) (with art. 35(2))

C1553 S. 76 applied (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **4(2)**(3) (with art. 42(2))

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C1554 S. 76 applied (with modifications) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), arts. 1, **4(1)**(2)

C1555 S. 76 applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(3)**(4)

C1556 S. 76 applied (with modifications) (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(4)**(5) (with arts. 42, 43)

C1557 S. 76 applied (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(4)**(5)

C1558 S. 76 applied (with modifications) (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **10(2)**(3) (with arts. 27(2), 39, Sch. 10 para. 4)

C1559 S. 76 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)

C1560 S. 76 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(4)**(5) (with arts. 57, 58, Sch. 11 para. 19)

C1561 S. 76 applied (with modifications) (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **12(3)**(4) (with art. 34(2))

C1562 S. 76 applied (with modifications) (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **13(2)**(3)

C1563 S. 76 applied (with modifications) (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(4)** (with art. 31(2))

C1564 S. 76 applied (with modifications) (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(4)**(5)

C1565 S. 76 applied (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **13(2)**(3) (with art. 33)

C1566 S. 76 applied (with modifications) (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(4)**(5)

C1567 S. 76 applied (with modifications) (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(4)**(5) (with Sch. 8 para. 45)

C1568 S. 76 applied (with modifications) (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **7(1)**(2) (with arts. 37, 38)

C1569 S. 76 applied (with modifications) (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(4)**(5)

C1570 S. 76 applied (with modifications) (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), arts. 1, **4(2)**(3) (with art. 36(2))

C1571 S. 76 applied (with modifications) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(4)**(5)

C1572 S. 76 modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **11(2)**(3) (with art. 32)

C1573 S. 76 applied (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(4)**(5) (with art. 37)

C1574 S. 76 applied (with modifications) (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(4)**(5) (with arts. 4, 5(3))

C1575 S. 76 applied (with modifications) (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **3(3)**(4) (with art. 39)

C1576 S. 76 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **5(3)**(4) (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))

C1577 S. 76 applied (with modifications) (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **10(2)(h)** (with arts. 37, 38)

C1578 S. 76 applied (with modifications) (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(4)**(5)

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C1579 S. 76 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(p)** (with art. 37)
C1580 S. 76 applied (with modifications) (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(4)**(5) (with arts. 43, 44)

Marginal Citations
M28 1984 c. 27.

77 Liability for cost of use of alternative route.

(1) Where by reason of street works the use of a highway is restricted or prohibited and the diverted traffic uses as an alternative route a highway of a lower classification, the undertaker shall indemnify the highway authority for the latter highway in respect of costs reasonably incurred by them—

(a) in strengthening the highway, so far as that is done with a view to and is necessary for the purposes of its use by the diverted traffic; or

(b) in making good any damage to the highway occurring in consequence of the use by it of the diverted traffic.

(2) For this purpose the order of classification of highways, from higher to lower, is as follows:

1	Trunk roads.
2	Principal roads.
3	Other classified roads.
4	Other highways.

As to principal and other classified roads, see sections 12 and 13 of the [M29]Highways Act 1980.

Modifications etc. (not altering text)
C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**
C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**
C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)
C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)
C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)
C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)
C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

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C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1533 Ss. 76, 77 applied (with modifications) (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **9(2)**(3)

C1581 S. 77 applied (4.4.1996) by S.I. 1996/937, **art. 8(4)(5)**
S. 77 applied (13.1.99) by S.I. 1998/3269, **art. 4(2)(3)**
S. 77 applied (27.8.98) by S.I. 1998/1936, **art. 4(3)**
S. 77 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**

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S. 77 applied (10.2.1997) by S.I. 1996/264, **art. 8(6)(7)**
S. 77 applied (with modifications) (30.4.1999) by S.I. 1999/1306, **art. 8(4)(5)**
S. 77 applied (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 8(5)(6)**
S. 77 applied (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 9(5)(6)(8)**
S. 77 applied (with modifications) (23.8.1999) by S.I. 1999/2981, **art. 7(5)(6)**
S. 77 applied modifications (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**
S. 77 applied (with modifications) (29.3.2001) by S.I. 2001/1348, **art. 21(3)-(5)**
S. 77 applied (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 3(3)**
S. 77 applied (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 10(6)**
S. 77 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**
S. 77 applied (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 8(6)**

C1582 S. 77 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 9(4)(5)** (with art. 38);
S. 77 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(3)(4)**;
S. 77 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 3(3)**

C1583 S. 77 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), arts. 1, **13(6)(7)(8)** (with art. 40)

C1584 S. 77 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(3)**(4)

C1585 S. 77 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), arts. 1, **6(4)**(5) (with art. 38)

C1586 S. 77 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(4)**(5) (with arts. 65, 66)

C1587 S. 77 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 3(3)**(4) (with art. 51)

C1588 S. 77 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, **12(7)**

C1589 S. 77 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), arts. 1, **3(3)**(4) (with art. 47)

C1590 S. 77 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)**(4)

C1591 S. 77 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, **8(9)(10)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

C1592 S. 77 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(4)** (with arts. 3(5), 15(3))

C1593 S. 77 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(3)**(4) (with art. 52)

C1594 S. 77 applied (with modifications) (3.7.2006) by The Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **4**

C1595 S. 77 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 1, **9(5)**(6) (with art. 40, Sch. 7 para. 12)

C1596 S. 77 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(4)**(5) (with art. 43)

C1597 S. 77 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), arts. 1, **16(6)**(7) (with arts. 34, 35(2))

C1598 S. 77 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **10(5)**(6)

C1599 S. 77 applied (with modifications) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), arts. 1, **8(2)** (with arts. 46-48, Sch. 6 para. 23)

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C1600 S. 77 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(4)**(5) (with arts. 3(6), 12(3))

C1601 S. 77 applied (with modifications) (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **3(2)**(3) (with arts. 19, 28, Sch. 3 para. 13(2))

C1602 S. 77 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(3)**(4) (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C1603 S. 77 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **4(2)**(3) (with art. 36(3))

C1604 S. 77 applied (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(4)**(5) (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C1605 S. 77 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(4)**(5)

C1606 S. 77 applied (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), arts. 1, **4(1)**(2)

C1607 S. 77 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **3(2)**(3) (with art. 51, Sch. 10 paras. 68, 85)

C1608 S. 77 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **4(2)-(3)**

C1609 S. 77 applied (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **10(2)** (with art. 26(2))

C1610 S. 77 applied (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **14(2)**(3) (with art. 35(2))

C1611 S. 77 applied (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **4(2)**(3) (with art. 42(2))

C1612 S. 77 applied (with modifications) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), arts. 1, **4(1)**(2)

C1613 S. 77 applied (with modifications) (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(3)**(4)

C1614 S. 77 applied (with modifications) (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(4)**(5) (with arts. 42, 43)

C1615 S. 77 applied (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(4)**(5)

C1616 S. 77 applied (with modifications) (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **10(2)**(3) (with arts. 27(2), 39, Sch. 10 para. 4)

C1617 S. 77 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(4)**(5) (with arts. 57, 58, Sch. 11 para. 19)

C1618 S. 77 applied (with modifications) (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(2)**(3)

C1619 S. 77 applied (with modifications) (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **12(3)**(4) (with art. 34(2))

C1620 S. 77 applied (with modifications) (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **13(2)**(3)

C1621 S. 77 applied (with modifications) (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(4)** (with art. 31(2))

C1622 S. 77 applied (with modifications) (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(4)**(5)

C1623 S. 77 applied (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **13(2)**(3) (with art. 33)

C1624 S. 77 applied (with modifications) (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(4)**(5)

C1625 S. 77 applied (with modifications) (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(4)**(5) (with Sch. 8 para. 45)

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C1626 S. 77 applied (with modifications) (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **7(1)**(2) (with arts. 37, 38)
C1627 S. 77 applied (with modifications) (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(4)**(5)
C1628 S. 77 applied (with modifications) (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), arts. 1, **4(2)**(3) (with art. 36(2))
C1629 S. 77 applied (with modifications) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(4)**(5)
C1630 S. 77 modified (9.2.2016) by The National Grid (Hinkley Point C Connection Project) Order 2016 (S.I. 2016/49), arts. 1, **11(2)**(3) (with art. 32)
C1631 S. 77 applied (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(4)**(5) (with art. 37)
C1632 S. 77 applied (with modifications) (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(4)**(5) (with arts. 4, 5(3))
C1633 S. 77 applied (with modifications) (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **3(3)**(4) (with art. 39)
C1634 S. 77 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **5(3)**(4) (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))
C1635 S. 77 applied (with modifications) (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **10(2)(i)** (with arts. 37, 38)
C1636 S. 77 applied (with modifications) (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(4)**(5)
C1637 S. 77 applied (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **8(3)(q)** (with art. 37)
C1638 S. 77 applied (with modifications) (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(4)**(5) (with arts. 43, 44)

Marginal Citations
M29 1980 c. 66.

78 Contributions to costs of making good long-term damage.

(1) The Secretary of State may make provision by regulations requiring an undertaker executing street works to contribute to the costs incurred or likely to be incurred by the street authority or, in the case of a road subject to a concession within the meaning of Part I of this Act, by the concessionaire, in works of reconstruction or re-surfacing of the street.

(2) The regulations may provide—
(a) for a contribution to the cost of particular remedial works, or
(b) for a general contribution calculated in such manner as may be prescribed.

(3) In the former case the regulations may contain provision for apportioning the liability where the need for the remedial works is attributable to works executed by more than one person.

(4) In the latter case the regulations may provide for the amount of the contribution to vary according to the nature of the street, the description and extent of the works and such other factors as appear to the Secretary of State to be relevant.

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(5) The first regulations under this section shall not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament; subsequent regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

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C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**
C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)
C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)
C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)
C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)
C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**
C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

Duties and liabilities of undertakers with respect to apparatus

79 Records of location of apparatus.

(1) An undertaker shall, except in such cases as may be prescribed, record the location of every item of apparatus belonging to him as soon as reasonably practicable after—

(a) placing it in the street or altering its position,

(b) locating it in the street in the course of executing any other works, or

(c) being informed of its location under section 80 below,

stating the nature of the apparatus and (if known) whether it is for the time being in use.

(2) The records shall be kept up to date and shall be kept in such form and manner as may be prescribed.

(3) An undertaker shall make his records available for inspection, at all reasonable hours and free of charge, by any person having authority to execute works of any description in the street or otherwise appearing to the undertaker to have a sufficient interest.

(4) If an undertaker fails to comply with his duties under this section—

(a) he commits an offence and is liable on summary conviction to a fine not exceeding **[**[F86]level 5**]** on the standard scale; and

(b) he is liable to compensate any person in respect of damage or loss incurred by him in consequence of the failure.

(5) In criminal or civil proceedings arising out of any such failure it is a defence for the undertaker to show that all reasonable care was taken by him, and by his contractors and by persons in his employ or that of his contractors, to secure that no such failure occurred.

(6) An order under section 102 (power to make consequential amendments, repeals, &c.) relating to an enactment or instrument containing provision for the keeping of records of apparatus which appears to the Secretary of State to be superseded by or otherwise inconsistent with the provisions of this section—

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(a) shall not be subject to the procedure provided for in Schedule 5, and

(b) may make such transitional and other provision as appears to the Secretary of State appropriate for applying in relation to records compiled under that enactment or instrument the provisions of subsections (2) to (5) above and section 80 below.

Textual Amendments

F86 Words in s. 79(4) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

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C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)
C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**
C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)
C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**
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C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)
C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)
C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)
C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**
C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)
C1639 S. 79(1) excluded (E.) (1.5.2003) by The Street Works (Records) (England) Regulations 2002 (S.I. 2002/3217), regs. 1(1), **5**
C1640 S. 79(1) restricted (W.) (1.12.2005) by Street Works (Records) (Wales) Regulations 2005 (S.I. 2005/1812), regs. 1(1), **5**

Commencement Information

I8 S. 79 partly in force; s. 79 not in force at Royal Assent, see s. 170
S. 79(1)(a)(b)(2)-(6) in force for E. at 1.5.2003 by S.I. 2002/3267, **art. 2**
I9 S. 79(1)(a)(b)(2)-(6) in force for W. at 23.7.2004 by S.I. 2004/1780, **art. 2**

80 Duty to inform undertakers of location of apparatus.

(1) A person executing works of any description in the street who finds apparatus belonging to an undertaker which is not marked, or is wrongly marked, on the records made available by the undertaker, shall take such steps as are reasonably practicable to inform the undertaker to whom the apparatus belongs of its location and (so far as appears from external inspection) its nature and whether it is in use.

(2) Where a person executing works of any description in the street finds apparatus which does not belong to him and is unable, after taking such steps as are reasonably practicable, to ascertain to whom the apparatus belongs, he shall—

(a) if he is an undertaker, note on the records kept by him under section 79(1) (in such manner as may be prescribed) the location of the apparatus he has found and its general description; and

(b) in any other case, inform the street authority of the location and general description of the apparatus he has found.

(3) Subsections (1) and (2) have effect subject to such exceptions as may be prescribed.

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(4) A person who fails to comply with subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding **[**[F87]level 4**]** on the standard scale.

Textual Amendments

F87 Words in s. 80(4) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

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C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)
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C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
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C1641 S. 80 modified (E.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 (S.I. 2007/1951), regs. 1(1), **13(2)(a)** (with reg. 19)
C1642 S. 80 modified (W.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (Wales) Regulations 2008 (S.I. 2008/101), regs. 1, **13** (with reg. 19)

81 Duty to maintain apparatus.

(1) An undertaker having apparatus in the street shall secure that the apparatus is maintained to the reasonable satisfaction of—

(a) the street authority, as regards the safety and convenience of persons using the street (having regard, in particular, to the needs of people with a disability), the structure of the street and the integrity of apparatus of the authority in the street, and

(b) any other relevant authority, as regards any land, structure or apparatus of theirs;

and he shall afford reasonable facilities to each such authority for ascertaining whether it is so maintained.

(2) For this purpose maintenance means the carrying out of such works as are necessary to keep the apparatus in efficient working condition (including periodic renewal where appropriate); and includes works rendered necessary by other works in the street, other than major highway, bridge or transport works (as to which, see sections 84 and 85 below).

(3) If an undertaker fails to give a relevant authority the facilities required by this section—

(a) the street authority may in such cases as may be prescribed, and

(b) any other relevant authority may in any case,

execute such works as are needed to enable them to inspect the apparatus in question, including any necessary breaking up or opening of the street.

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(4) If an undertaker fails to secure that apparatus is maintained to the reasonable satisfaction of a relevant authority in accordance with this section—

(a) the street authority may in such cases as may be prescribed, and

(b) any other relevant authority may in any case,

execute any emergency works needed in consequence of the failure.

(5) The provisions of this Part apply in relation to works executed by a relevant authority under subsection (3) or (4) as if they were executed by the undertaker; and the undertaker shall indemnify the authority in respect of the costs reasonably incurred by them in executing the works.

(6) A relevant authority who execute or propose to execute any works under subsection (3) or (4) shall give notice to any other relevant authority as soon as reasonably practicable stating the general nature of the works.

(7) Nothing in subsection (3) or (4) shall be construed as excluding any other means of securing compliance with the duties imposed by subsection (1).

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

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C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

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C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

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C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)
C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)
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C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)
C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)
C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)
C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)
C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**
C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)
C1643 S. 81: functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, Sch. 2 paras. 1(o), **3(a)**

Commencement Information

I10 S. 81 wholly in force: s. 81(1)(2)(5)-(7) in force at 1.1.1993, see s. 170(1) and S.I. 1992/2984, art. 2(2), **Sch. 2**; s. 81(3)(4) in force at 14.7.1992 by S.I. 1992/1686, art. 3, **Sch.**

82 Liability for damage or loss caused.

(1) An undertaker shall compensate—

(a) the street authority or any other relevant authority in respect of any damage or loss suffered by the authority in their capacity as such, and

(b) any other person having apparatus in the street in respect of any expense reasonably incurred in making good damage to that apparatus,

as a result of the execution by the undertaker of street works or any event of a kind mentioned in subsection (2).

(2) The events referred to in subsection (1) are any explosion, ignition, discharge or other event occurring to gas, electricity, water or any other thing required for the purposes of a supply or service afforded by an undertaker which—

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(a) at the time of or immediately before the event in question was in apparatus of the undertaker in the street, or

(b) had been in such apparatus before that event and had escaped therefrom in circumstances which contributed to its occurrence.

(3) The liability of an undertaker under this section arises—

(a) whether or not the damage or loss is attributable to negligence on his part or on the part of any person for whom he is responsible, and

(b) notwithstanding that he is acting in pursuance of a statutory duty.

(4) However, his liability under this section does not extend to damage or loss which is attributable to misconduct or negligence on the part of—

(a) the person suffering the damage or loss, or any person for whom he is responsible, or

(b) a third party, that is, a person for whom neither the undertaker nor the person suffering the damage or loss is responsible.

(5) For the purposes of this section the persons for whom a person is responsible are his contractors and any person in his employ or that of his contractors.

(88) Nothing in this section shall be taken as exonerating an undertaker from any liability to which he would otherwise be subject.

Modifications etc. (not altering text)

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C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

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C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

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C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

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C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

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C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

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C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1644 S. 82 modified (1. 1. 1993) by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **s. 15(4)** (as substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. IV para. 106**; S.I. 1992/2984, art. 2(2), **Sch.2**)
S. 82 modified (1. 1. 1993) by Local Government, Planning and Land Act 1980 (c. 65), **s. 167(7)** (as substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. IV para. 109**; S.I. 1992/2984, art. 2(2), **Sch.2**)

C1645 S. 82 applied (13.7.2016) by Housing and Planning Act 2016 (c. 22), **ss. 175(3)**(4), 216(3); S.I. 2016/733, reg. 3(h)

C1646 S. 82(1): functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, Sch. 2 paras. 1(p), **3(b)**

C1647 S. 82(2) applied (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **13(2)**(3) (with art. 33)

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Apparatus affected by highway, bridge or transport works

83 Works for road purposes likely to affect apparatus in the street.

(1) This section applies to works for road purposes other than major highway works (as to which see section 84 below).

(2) Where works to which this section applies are likely to affect apparatus in the street, the authority executing the works shall take all reasonably practicable steps—

(a) to give the person to whom the apparatus belongs reasonable facilities for monitoring the execution of the works, and

(b) to comply with any requirement made by him which is reasonably necessary for the protection of the apparatus or for securing access to it.

(3) An authority who fail to comply with subsection (2) commit an offence in respect of each failure and are liable on summary conviction to a fine not exceeding **[**[F88]level 4**]** on the standard scale.

(4) In proceedings against an authority for such an offence it is a defence for them to show that the failure was attributable—

(a) to their not knowing the position, or not knowing of the existence, of a person's apparatus, or

(b) to their not knowing the identity or address of the person to whom any apparatus belongs,

and that their ignorance was not due to any negligence on their part or to any failure to make inquiries which they ought reasonably to have made.

Textual Amendments

F88 Words in s. 83(3) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

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C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)
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C1648 S. 83: functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 4(a)**

84 Measures necessary where apparatus affected by major works.

(1) Where an undertaker's apparatus in a street is or may be affected by major highway works, major bridge works or major transport works, the highway, bridge or transport

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authority concerned and the undertaker shall take such steps as are reasonably required—

(a) to identify any measures needing to be taken in relation to the apparatus in consequence of, or in order to facilitate, the execution of the authority's works,

(b) to settle a specification of the necessary measures and determine by whom they are to be taken, and

(c) to co-ordinate the taking of those measures and the execution of the authority's works,

so as to secure the efficient implementation of the necessary work and the avoidance of unnecessary delay.

(2) The Secretary of State may issue or approve for the purposes of this section a code of practice giving practical guidance as to the matters mentioned in subsection (1) and the steps to be taken by the authority and the undertaker.

(3) Any dispute between the authority and the undertaker as to any of the matters mentioned in subsection (1) shall, in default of agreement, be settled by arbitration.

(4) If the authority or the undertaker fails to comply with an agreement between them as to any of those matters, or with the decision of the arbitrator under subsection (3), the authority or undertaker shall be liable to compensate the other in respect of any loss or damage resulting from the failure.

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

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C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1649 S. 84(1)(3)(4) excluded (27.11.1992) by S.I. 1992/2984, **art. 10**
S. 84(1)(3)(4): functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 4(b)**

Commencement Information

I11 S. 84 wholly in force: s. 84(1)(3)(4) in force at 1.1.1993 see s. 170(1) and S.I. 1992/2984, art. 2(2), **Sch. 2**; s. 84(2) in force at 14.7.1992 by S.I. 1992/1686, art. 3, **Sch.**

85 Sharing of cost of necessary measures.

(1) Where an undertaker's apparatus in a street is affected by major highway works, major bridge works or major transport works, the allowable costs of the measures needing to be taken in relation to the apparatus in consequence of the works, or in order to facilitate their execution, shall be borne by the highway, bridge or transport authority concerned and the undertaker in such manner as may be prescribed.

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(2) The regulations may make provision as to the costs allowable for this purpose.

Provision may, in particular, be made for disallowing costs of the undertaker—

(a) where the apparatus in question was placed in the street after the authority had given the undertaker the prescribed notice of their intention to execute the works, or

(b) in respect of measures taken to remedy matters for which the authority were not to blame,

and for allowing only such costs of either party as are not recoverable from a third party.

(3) Where the authority have a right to recover from a third party their costs in taking measures in relation to undertaker's apparatus but in accordance with section 84 it is determined that the measures should be taken by the undertaker, the right of the authority includes a right to recover the undertaker's costs in taking those measures and they shall account to the undertaker for any sum received.

(4) The regulations shall provide for the allowable costs to be borne by the authority and the undertaker in such proportions as may be prescribed.

Different proportions may be prescribed for different cases or classes of case.

(5) The regulations may require the undertaker to give credit for any financial benefit to him from the betterment or deferment of renewal of the apparatus resulting from the measures taken.

(6) The regulations may make provision as to the time and manner of making any payment required under this section.

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

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C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

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C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

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C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

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C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1650 S. 85 excluded (27.11.1992) by S.I. 1992/2984, **art. 10**

C1651 S. 85 applied (18.12.1996) by 1996 c. 61, s. 52, **Sch. 15 Pt. 4 para. 4(8)(a)**
S. 85 applied (10.2.1997) by S.I. 1997/264, art. 28, **Sch. 9 para. 2(7)(a)**
S. 85 applied (9.11.2001) by S.I. 2001/3682, **art. 33 Sch. 9 para. 2(7)(a)**
S. 85 applied (9.11.2001) by S.I. 2001/3682, art. 34, **Sch. 10 para. 9(5)(a)** (with Sch. 10 para. 12)

C1652 S. 85 applied (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), art. 1, **Sch. 12 para. 2(8)(a)**

C1653 S. 85 applied (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **Sch. 10 para. 2(7)(a)** (with art. 51)

C1654 S. 85 applied (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), art. 1, **Sch. 11 para. 7(a)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

C1655 S. 85 applied (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), art. 1, **Sch. 9 para. 2(8)** (with arts. 3(5), 15(3))

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C1656 S. 85 applied (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), art. 1, **Sch. 10 para. 2(8)** (with art. 52)
C1657 S. 85 applied (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), art. 1, **Sch. 8 para. 2(7)** (with art. 40, Sch. 7 para. 12)
C1658 S. 85 applied (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), art. 1, **Sch. 11 para. 2(8)** (with art. 43)
C1659 S. 85 applied (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), art. 1, **Sch. 10 para. 10(5)(a)** (with arts. 34, 35(2), Sch. 10 para. 13)
C1660 S. 85 applied (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), art. 1, **Sch. 9 para. 2(7)** (with arts. 34, 35(2))
C1661 S. 85 applied (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), art. 1, **Sch. 10 para. 2(7)**
C1662 S. 85 applied (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), art. 1, **Sch. 10 para. 21(8)(a)** (with arts. 34, 35(2), Sch. 10 para. 26)
C1663 S. 85 applied (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), art. 1, **Sch. 8 para. 2(8)** (with arts. 3(6), 12(3))
C1664 S. 85 applied (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), art. 1, **Sch. 9 para. 2(7)(a)** (with art. 36(3))
C1665 S. 85 applied (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), art. 1, **Sch. 11 para. 2(8)(a)** (with Sch. 13 para. 14(2), Sch. 14 para. 19)
C1666 S. 85 applied (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), art. 1, **Sch. 8 para. 2(7)(a)**
C1667 S. 85 applied (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), art. 1, **Sch. 8 para. 2(7)(a)**
C1668 S. 85 applied (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), art. 1, **Sch. 9 para. 2(7)(a)** (with art. 51, Sch. 10 paras. 68, 85)
C1669 S. 85 applied (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), art. 1, **Sch. 11 para. 2(7)(a)**
C1670 S. 85 applied (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), art. 1, **Sch. 13 para. 2(7)(a)** (with art. 42(2))
C1671 S. 85 applied (28.3.2013) by The Network Rail (Seaham Level Crossing) Order 2013 (S.I. 2013/533), art. 1, **Sch. para. 2(7)(a)**
C1672 S. 85 applied (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), art. 1, **Sch. 12 para. 2(7)(a)**
C1673 S. 85 applied (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), art. 1, **Sch. 9 para. 2(8)(a)** (with arts. 57, 58, Sch. 11 para. 19)
C1674 S. 85 applied (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), art. 1, **Sch. 11 para. 7(a)** (with art. 36(2))
C1675 S. 85 applied (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), art. 1, **Sch. 10 para. 2(7)(a)**
C1676 S. 85(1)(3): functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 4(c)**

Provisions with respect to particular authorities and undertakings

86 Highway authorities, highways and related matters.

(1) In this Part—

"highway authority" and "local highway authority" have the same meaning as in the [M30]Highways Act 1980; and

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"maintainable highway" means a highway which for the purposes of that Act is maintainable at the public expense.

[F89(1A) In this Part, "strategic highways company" means a company for the time being appointed under Part 1 of the Infrastructure Act 2015.**]**

(2) In this Part "works for road purposes" means works of any of the following descriptions executed in relation to a highway—

(a) works for the maintenance of the highway,

(b) any works under powers conferred by Part V of the Highways Act 1980 (improvement),

(c) the erection, maintenance, alteration or removal of traffic signs on or near the highway, or

(d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles,

or works of any corresponding description executed in relation to a street which is not a highway.

(3) In this Part "major highway works" means works of any of the following descriptions executed by the highway authority in relation to a highway which consists of or includes a carriageway—

(a) reconstruction or widening of the highway,

(b) works carried out in exercise of the powers conferred by section 64 of the Highways Act 1980 (dual carriageways and roundabouts),

(c) substantial alteration of the level of the highway,

(d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway,

(e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980,

(f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges),

(g) provision of a cattle-grid in the highway or works ancillary thereto, or

(h) tunnelling or boring under the highway.

(4) Works executed under section 184(9) of the Highways Act 1980 by a person other than the highway authority shall also be treated for the purposes of this Part as major highway works; and in relation to such works the references in sections 84 and 85 to the highway authority shall be construed as references to him.

Textual Amendments

F89 S. 86(1A) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 121**; S.I. 2015/481, reg. 2(a)

Modifications etc. (not altering text)

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C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

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C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

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C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

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C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**
C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)
C1677 S. 86(3) extended (13.1.1999) by S.I. 1998/3269 art. 4(1)(a)
C1678 S. 86(3) applied (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 3(1)(a)** (with art. 38)

Marginal Citations
M30 1980 c. 66.

87 Prospectively maintainable highways.

(1) Where a local highway authority are satisfied that a street in their area (whether a highway or not) is likely to become a maintainable highway, they may make a declaration to that effect.

(2) The declaration shall be a local land charge.

(3) The provisions of this Part apply to a street in respect of which such a declaration has been made and registered as a local land charge as they apply to a maintainable highway.

(4) In relation to street works in such a street, the street authority—
(a) shall secure the performance by undertakers of their duties under this Part, and shall exercise their powers under this Part, in such manner as is reasonably required for the protection of the street managers; and
(b) shall comply with any reasonable request as to securing performance of those duties, or as to the exercise of those powers, which may be made by the street managers.

Modifications etc. (not altering text)
C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**
C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**
C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)
C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)
C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)
C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)
C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)
C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

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C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)
C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)
C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**
C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**
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C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)
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C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
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88 Bridges, bridge authorities and related matters.

(1) In this Part—

(a) references to a bridge include so much of any street as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the street; and

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(b) "bridge authority" means the authority, body or person in whom a bridge is vested.

(2) In this Part "major bridge works" means works for the replacement, reconstruction or substantial alteration of a bridge.

(3) Where a street is carried or crossed by a bridge, any statutory right to place apparatus in the street includes the right to place apparatus in, and attach apparatus to, the structure of the bridge; and other rights to execute works in relation to the apparatus extend accordingly.

References in this Part to apparatus in the street include apparatus so placed or attached.

(4) An undertaker proposing to execute street works affecting the structure of a bridge shall consult the bridge authority before giving notice under section 55 (notice of starting date) **[**F90, or making a notification under paragraph 2(1)(d) of Schedule 3A (notification of proposed works),**]** in relation to the works.

(5) An undertaker executing such works shall take all reasonably practicable steps—

(a) to give the bridge authority reasonable facilities for monitoring the execution of the works, and

(b) to comply with any requirement made by them which is reasonably necessary for the protection of the bridge or for securing access to it.

(6) An undertaker who fails to comply with subsection (4) or (5) commits an offence in respect of each failure and is liable on summary conviction—

[F91(a) in the case of an offence consisting of a failure to take all reasonably practicable steps to comply with subsection (5)(a), to a fine not exceeding level 4 on the standard scale; and

(b) in any other case, to a fine not exceeding level 5 on that scale.**]**

(7) Subsections (4) to (6) do not apply to works in relation to which Schedule 4 applies (works in streets with special engineering difficulties).

Textual Amendments

F90 Words in s. 88(4) inserted (1.4.2008) by Traffic Management Act 2004 (c. 18), **ss. 52(6)**, 99(1); S.I. 2007/1890, art. 2, **Sch.**; S.I. 2007/3174, art. 2, **Sch.**

F91 S. 88(6)(a)(b) substituted for words in s. 88(6) (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), **ss. 40(5)**, 99(1); S.I. 2004/2380, **art. 2(d)(iii)** (with art. 3); S.I. 2007/3174, art. 2, **Sch.** (with art. 4)

Modifications etc. (not altering text)

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C1679 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, Sch. Appendix B

C1680 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, Sch. Appendix B

C1681 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch. Appendix B

C1682 S. 88 modified (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch. Appendix B

C1683 S. 88 modified (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, Sch. Appendix B

C1684 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, Sch. Appendix B

C1685 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch. Appendix B

C1686 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch. Appendix B

C1687 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch. Appendix B

C1688 S. 88 modified (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch. Appendix B

C1689 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, Sch. Appendix B

C1690 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, Sch. Appendix B

C1691 S. 88 modified (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, Sch. Appendix B

C1692 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch. Appendix B

C1693 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch. Appendix B

C1694 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, Sch. Appendix B

C1695 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, Sch. Appendix B

C1696 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch. Appendix B

C1697 S. 88 modified (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch. Appendix B

C1698 S. 88 modified (25.1.2010) by The Traffic Management (Kent County Council) Permit Scheme Order 2009 (S.I. 2009/3188), art. 1, **Sch. Appendix B**

C1699 S. 88 modified (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, Sch. Appendix B

C1700 S. 88 modified (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, Sch. Appendix B

C1701 S. 88 modified (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, Sch. Appendix B

C1702 S. 88 modified (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, Sch. Appendix B

C1703 S. 88 modified (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, Sch. Appendix B

C1704 S. 88 modified (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, Sch. Appendix B

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C1705 S. 88 modified (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, Sch. Appendix B
C1706 S. 88 modified (28.11.2011) by The Traffic Management (London Borough of Barking and Dagenham) Permit Scheme Order 2011 (S.I. 2011/2599), art. 1, Sch., **Appendix B**
C1707 S. 88 modified (28.11.2011) by The Traffic Management (London Borough of Hillingdon) Permit Scheme Order 2011 (S.I. 2011/2600), art. 1, **Sch.**, Appendix B
C1708 S. 88 modified (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch. Appendix D
C1709 S. 88 modified (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch. Appendix D
C1710 S. 88 modified (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch. Appendix D
C1711 S. 88 modified (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch. Appendix D
C1712 S. 88 modified (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch., **Appendix D**
C1713 S. 88 modified (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch. Appendix D
C1714 S. 88 modified (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch., **Appendix C**
C1715 S. 88 modified (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch. Appendix C
C1716 S. 88 modified (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch. Appendix C
C1717 S. 88 modified (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch. Appendix C
C1718 S. 88 modified (14.1.2013) by The Traffic Management (London Borough of Sutton) Permit Scheme Order 2012 (S.I. 2012/3106), arts. 1, 2, Sch. Appendix B
C1719 S. 88 modified (14.1.2013) by The Traffic Management (London Borough of Tower Hamlets) Permit Scheme Order 2012 (S.I. 2012/3107), arts. 1, 2, Sch. Appendix B
C1720 S. 88 modified (18.2.2013) by The Traffic Management (London Borough of Bexley) Permit Scheme Order 2012 (S.I. 2012/3102), arts. 1, 2, Sch. Appendix B
C1721 S. 88 modified (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch. Appendix B1
C1722 S. 88 modified (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch. Appendix C
C1723 S. 88 modified (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C
C1724 S. 88 modified (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C
C1725 S. 88 modified (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C
C1726 S. 88 modified (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch. Appendix C
C1727 S. 88 modified (29.4.2013) by The Traffic Management (Oldham Borough Council) Permit Scheme Order 2013 (S.I. 2013/808), arts. 1, 2, Sch. Appendix C
C1728 S. 88 modified (29.4.2013) by The Traffic Management (Salford City Council) Permit Scheme Order 2013 (S.I. 2013/810), arts. 1, 2, Sch. Appendix C
C1729 S. 88 modified (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch. Appendix C
C1730 S. 88 modified (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C

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C1731 S. 88 modified (1.10.2013) by The Traffic Management (Derby City Council) Permit Scheme Order 2013 (S.I. 2013/1781), arts. 1, 2, **Sch. para. 2.4**

C1732 S. 88 modified (4.11.2013) by The Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 (S.I. 2013/2398), art. 1, Sch. para. 1.5, Appendix A

C1733 S. 88 modified (11.11.2013) by The Traffic Management (Surrey County Council) Permit Scheme Order 2013 (S.I. 2013/2389), arts. 1, 2, **Sch. para. 2.12.2**

C1734 S. 88 modified (11.11.2013) by The Traffic Management (East Sussex County Council) Permit Scheme Order 2013 (S.I. 2013/2399), arts. 1, 2, **Sch. para. 2.12.2**

C1735 S. 88 modified (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**

C1736 S. 88 modified (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, Sch., **Appendix C**

C1737 S. 88 modified (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B

C1738 S. 88 modified (19.1.2015) by The Traffic Management (Wokingham Borough Council) Permit Scheme Order 2014 (S.I. 2014/3105), arts. 1, 2, **Sch. para. 2.12.2**

C1739 S. 88 modified (2.2.2015) by The Traffic Management (Sefton Metropolitan Borough Council) Permit Scheme Order 2014 (S.I. 2014/3107), arts. 1, 2, **Sch. para. 1.9**

C1740 S. 88 modified (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C1741 S. 88 modified (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C1742 S. 88 modified (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch. para. 1.5, Appendix E**

C1743 S. 88 modified (1.3.2015) by The Traffic Management (West Berkshire Council) Permit Scheme Order 2014 (S.I. 2014/3110), arts. 1, 2, **Sch. para. 2.12.2**

C1744 S. 88 modified (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**

C1745 S. 88 modified (4.3.2015) by The Traffic Management (Slough Borough Council) Permit Scheme Order 2014 (S.I. 2014/3112), arts. 1, 2, **Sch. para. 2.12.2**

C1746 S. 88 modified (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**

C1747 S. 88 modified (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C1748 S. 88 modified (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix C**

C1749 S. 88 modified (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C1750 S. 88 modified (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch., Appendix C**

C1751 S. 88 modified (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**

C1752 S. 88 modified (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**

C1753 S. 88 modified (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**

C1754 S. 88 modified (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**

C1755 S. 88 modified (31.3.2015) by The Traffic Management (Council of the City of Wakefield MDC) Permit Scheme Order 2015 (S.I. 2015/293), arts. 1, 2, **Sch., Appendix D**

C1756 S. 88 modified (31.3.2015) by The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015 (S.I. 2015/107), art. 1, **Sch. para. 3.5**

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C1757 S. 88 modified (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**

C1758 S. 88(4)(5): functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para.4(d)**

C1759 S. 88(4) modified (E.) (1.4.2008) by The Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372), regs. 1(1), **37(5)** (with reg. 35)

C1760 S. 88(4) modified (W.) (1.6.2009) by The Traffic Management Permit Scheme (Wales) Regulations 2009 (S.I. 2009/1267), regs. 1, **37(5)**

89 Public sewers, sewer authorities and related matters.

(1) In this Part—

(a) "sewer" and "public sewer" have the same meaning as in **[**F92the M31Water Industry Act 1991**]**, and

(b) "sewer authority", in relation to a public sewer, means the sewerage undertaker within the meaning of that Act in whom the sewer is vested.

(2) An undertaker proposing to execute street works affecting a public sewer shall consult the sewer authority before giving notice under section 55 (notice of starting date) **[**F93, or making a notification under paragraph 2(1)(d) of Schedule 3A (notification of proposed works),**]** in relation to the works.

(3) References in this Part to apparatus include a sewer, drain or tunnel.

(4) References to the undertaker in relation to such apparatus, or in relation to street works in connection with such apparatus, shall be construed—

(a) in the case of a public sewer, as references to the sewer authority, and

(b) in any other case, as references to the authority, body or person having the management or control of the sewer, drain or tunnel.

(5) Section 69 (provisions as to works likely to affect other apparatus in the street) does not apply by virtue of subsection (3) above in relation to works likely to affect a public sewer if, or to the extent that, Schedule 4 (works in streets with special engineering difficulties) applies.

Textual Amendments

F92 Words in s. 89(1) substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 57(1)**

F93 Words in s. 89(2) inserted (1.4.2008) by Traffic Management Act 2004 (c. 18), **ss. 52(7)**, 99(1); S.I. 2007/1890, art. 2, **Sch.**; S.I. 2007/3174, art. 2, **Sch.**

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

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C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

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C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1761 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch. Appendix B

C1762 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, Sch. Appendix B

C1763 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch. Appendix B

C1764 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch. Appendix B

C1765 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, Sch. Appendix B

C1766 S. 89 modified (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, Sch. Appendix B

C1767 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch. Appendix B

C1768 S. 89 modified (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch. Appendix B, **Appendix B**

C1769 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, Sch. Appendix B

C1770 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, Sch. Appendix B

C1771 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch. Appendix B

C1772 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, Sch. Appendix B

C1773 S. 89 modified (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch. Appendix B

C1774 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, Sch. Appendix B

C1775 S. 89 modified (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, Sch. Appendix B

C1776 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch. Appendix B

C1777 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch. Appendix B

C1778 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch. Appendix B

C1779 S. 89 modified (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, Sch. Appendix B

C1780 S. 89 modified (25.1.2010) by The Traffic Management (Kent County Council) Permit Scheme Order 2009 (S.I. 2009/3188), art. 1, **Sch. Appendix B**

C1781 S. 89 modified (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, Sch. Appendix B

C1782 S. 89 modified (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, Sch. Appendix B

C1783 S. 89 modified (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, **Sch. Appendix B**

C1784 S. 89 modified (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, Sch. Appendix B

C1785 S. 89 modified (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, Sch. Appendix B

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C1786 S. 89 modified (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, **Sch.**, Appendix B

C1787 S. 89 modified (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, Sch. Appendix B

C1788 S. 89 modified (28.11.2011) by The Traffic Management (London Borough of Barking and Dagenham) Permit Scheme Order 2011 (S.I. 2011/2599), art. 1, Sch., **Appendix B**

C1789 S. 89 modified (28.11.2011) by The Traffic Management (London Borough of Hillingdon) Permit Scheme Order 2011 (S.I. 2011/2600), art. 1, **Sch.**, Appendix B

C1790 S. 89 modified (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch. Appendix D

C1791 S. 89 modified (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch. Appendix D

C1792 S. 89 modified (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch. Appendix D

C1793 S. 89 modified (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch. Appendix D

C1794 S. 89 modified (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch. Appendix D

C1795 S. 89 modified (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch. Appendix D

C1796 S. 89 modified (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch., **Appendix C**

C1797 S. 89 modified (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch., **Appendix C**

C1798 S. 89 modified (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch., **Appendix C**

C1799 S. 89 modified (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch. Appendix C

C1800 S. 89 modified (14.1.2013) by The Traffic Management (London Borough of Tower Hamlets) Permit Scheme Order 2012 (S.I. 2012/3107), arts. 1, 2, Sch. Appendix B

C1801 S. 89 modified (14.1.2013) by The Traffic Management (London Borough of Sutton) Permit Scheme Order 2012 (S.I. 2012/3106), arts. 1, 2, Sch. Appendix B

C1802 S. 89 modified (18.2.2013) by The Traffic Management (London Borough of Bexley) Permit Scheme Order 2012 (S.I. 2012/3102), arts. 1, 2, Sch. Appendix B

C1803 S. 89 modified (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch. Appendix B1

C1804 S. 89 modified (29.4.2013) by The Traffic Management (Oldham Borough Council) Permit Scheme Order 2013 (S.I. 2013/808), arts. 1, 2, Sch. Appendix C

C1805 S. 89 modified (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch. Appendix C

C1806 S. 89 modified (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C

C1807 S. 89 modified (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch. Appendix C

C1808 S. 89 modified (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C

C1809 S. 89 modified (29.4.2013) by The Traffic Management (Salford City Council) Permit Scheme Order 2013 (S.I. 2013/810), arts. 1, 2, Sch. Appendix C

C1810 S. 89 modified (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch. Appendix C

C1811 S. 89 modified (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C

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C1812 S. 89 modified (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C

C1813 S. 89 modified (1.10.2013) by The Traffic Management (Derby City Council) Permit Scheme Order 2013 (S.I. 2013/1781), arts. 1, 2, **Sch. para. 2.4**

C1814 S. 89 modified (4.11.2013) by The Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 (S.I. 2013/2398), art. 1, Sch. para. 1.5, Appendix A

C1815 S. 89 modified (11.11.2013) by The Traffic Management (Surrey County Council) Permit Scheme Order 2013 (S.I. 2013/2389), arts. 1, 2, **Sch. para. 2.12.2**

C1816 S. 89 modified (11.11.2013) by The Traffic Management (East Sussex County Council) Permit Scheme Order 2013 (S.I. 2013/2399), arts. 1, 2, **Sch. para. 2.12.2**

C1817 S. 89 modified (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**

C1818 S. 89 modified (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, Sch., **Appendix C**

C1819 S. 89 modified (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B

C1820 S. 89 modified (19.1.2015) by The Traffic Management (Wokingham Borough Council) Permit Scheme Order 2014 (S.I. 2014/3105), arts. 1, 2, **Sch. para. 2.12.2**

C1821 S. 89 modified (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C1822 S. 89 modified (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C1823 S. 89 modified (2.2.2015) by The Traffic Management (Sefton Metropolitan Borough Council) Permit Scheme Order 2014 (S.I. 2014/3107), arts. 1, 2, **Sch. para. 1.9**

C1824 S. 89 modified (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch. para. 1.5, Appendix E**

C1825 S. 89 modified (1.3.2015) by The Traffic Management (West Berkshire Council) Permit Scheme Order 2014 (S.I. 2014/3110), arts. 1, 2, **Sch. para. 2.12.2**

C1826 S. 89 modified (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**

C1827 S. 89 modified (4.3.2015) by The Traffic Management (Slough Borough Council) Permit Scheme Order 2014 (S.I. 2014/3112), arts. 1, 2, **Sch. para. 2.12.2**

C1828 S. 89 modified (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**

C1829 S. 89 modified (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C1830 S. 89 modified (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C1831 S. 89 modified (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch., Appendix C**

C1832 S. 89 modified (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix C**

C1833 S. 89 modified (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**

C1834 S. 89 modified (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**

C1835 S. 89 modified (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**

C1836 S. 89 modified (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**

C1837 S. 89 modified (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**

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C1838 S. 89 modified (31.3.2015) by The Traffic Management (Council of the City of Wakefield MDC) Permit Scheme Order 2015 (S.I. 2015/293), arts. 1, 2, **Sch., Appendix D**
C1839 S. 89 modified (31.3.2015) by The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015 (S.I. 2015/107), art. 1, **Sch. para. 3.5**
C1840 S. 89(2) modified (E.) (1.4.2008) by The Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372), regs. 1(1), **37(6)** (with reg. 35)
C1841 S. 89(2) modified (W.) (1.6.2009) by The Traffic Management Permit Scheme (Wales) Regulations 2009 (S.I. 2009/1267), regs. 1, **37(6)**

Marginal Citations
M31 1991 c. 56

90 Provisions as to reinstatement of sewers, drains or tunnels.

(1) The duties of an undertaker under this Part with respect to reinstatement of the street extend, in the case of street works which involve breaking up or opening a sewer, drain or tunnel, to the reinstatement of the sewer, drain or tunnel.

(2) The responsible authority may by notice require an undertaker who has failed to comply with his duties under this Part with respect to reinstatement to carry out the necessary remedial works within such period of not less than 7 working days as may be specified in the notice.

If he fails to comply with the notice, the authority may carry out the necessary works and recover from him the costs reasonably incurred by them in doing so.

(3) If it appears to the responsible authority that a failure by an undertaker to comply with his duties under this Part as to reinstatement is causing danger to users of the street, the authority may carry out the necessary works without first giving notice and may recover from him the costs reasonably incurred by them in doing so.

They shall, however, give notice to him as soon as reasonably practicable stating their reasons for taking immediate action.

(4) The responsible authority for the purposes of this section is—
(a) in the case of a public sewer, the sewer authority, and
(b) in the case of any other sewer, drain or tunnel, the authority, body or person having the management or control of it.

Modifications etc. (not altering text)
C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**
C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**
C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)
C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)
C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

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C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

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C1842 S. 90: functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 5**

C1843 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, **Sch. Appendix B**

C1844 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch. Appendix B

C1845 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch. Appendix B

C1846 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch. Appendix B

C1847 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, **Sch. Appendix B**

C1848 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, **Sch. Appendix B**

C1849 S. 90 modified (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, **Sch. Appendix B**

C1850 S. 90 modified (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, **Sch. Appendix B**

C1851 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch. Appendix B

C1852 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch. Appendix B

C1853 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, **Sch. Appendix B**

C1854 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, Sch. Appendix B

C1855 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch. Appendix B

C1856 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch. Appendix B

C1857 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch. Appendix B

C1858 S. 90 modified (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch. Appendix B

C1859 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, **Sch. Appendix B**

C1860 S. 90 modified (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch. Appendix B

C1861 S. 90 modified (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, **Sch. Appendix B**

C1862 S. 90 modified (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, Sch. Appendix B

C1863 S. 90 modified (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, Sch. Appendix B

C1864 S. 90 modified (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, Sch. Appendix B

C1865 S. 90 modified (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, Sch. Appendix B

C1866 S. 90 modified (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, Sch. Appendix B

C1867 S. 90 modified (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, Sch. Appendix B

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C1868 S. 90 modified (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, Sch. Appendix B

C1869 S. 90 modified (28.11.2011) by The Traffic Management (London Borough of Barking and Dagenham) Permit Scheme Order 2011 (S.I. 2011/2599), art. 1, Sch., **Appendix B**

C1870 S. 90 modified (28.11.2011) by The Traffic Management (London Borough of Hillingdon) Permit Scheme Order 2011 (S.I. 2011/2600), art. 1, **Sch.**, Appendix B

C1871 S. 90 modified (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch. Appendix D

C1872 S. 90 modified (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch. Appendix D

C1873 S. 90 modified (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch. Appendix D

C1874 S. 90 modified (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch. Appendix D

C1875 S. 90 modified (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch. Appendix D

C1876 S. 90 modified (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch. Appendix D

C1877 S. 90 modified (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch. Appendix C

C1878 S. 90 modified (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch. Appendix C

C1879 S. 90 modified (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch. Appendix C

C1880 S. 90 modified (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch., **Appendix C**

C1881 S. 90 modified (14.1.2013) by The Traffic Management (London Borough of Tower Hamlets) Permit Scheme Order 2012 (S.I. 2012/3107), arts. 1, 2, Sch. Appendix B

C1882 S. 90 modified (14.1.2013) by The Traffic Management (London Borough of Sutton) Permit Scheme Order 2012 (S.I. 2012/3106), arts. 1, 2, Sch. Appendix B

C1883 S. 90 modified (18.2.2013) by The Traffic Management (London Borough of Bexley) Permit Scheme Order 2012 (S.I. 2012/3102), arts. 1, 2, Sch. Appendix B

C1884 S. 90 modified (1.3.2013) by The Traffic Management (Royal Borough of Kingston upon Thames) Permit Scheme Order 2012 (S.I. 2012/3104), arts. 1, 2, Sch. Appendix B1

C1885 S. 90 modified (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**

C1886 S. 90 modified (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, Sch., **Appendix C**

C1887 S. 90 modified (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B

C1888 S. 90 modified (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C1889 S. 90 modified (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C1890 S. 90 modified (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch., Appendix E**

C1891 S. 90 modified (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**

C1892 S. 90 modified (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**

C1893 S. 90 modified (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**

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C1894 S. 90 modified (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix C**
C1895 S. 90 modified (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**
C1896 S. 90 modified (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch., Appendix C**
C1897 S. 90 modified (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**
C1898 S. 90 modified (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**
C1899 S. 90 modified (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**
C1900 S. 90 modified (31.3.2015) by The Traffic Management (Council of the City of Wakefield MDC) Permit Scheme Order 2015 (S.I. 2015/293), arts. 1, 2, **Sch., Appendix D**
C1901 S. 90 modified (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**
C1902 S. 90 modified (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**

91 Transport authorities, transport undertakings and related matters.

(1) In this Part—

(a) "transport authority" means the authority, body or person having the control or management of a transport undertaking; and

(b) "transport undertaking" means a railway, tramway, dock, harbour, pier, canal or inland navigation undertaking of which the activities, or some of the activities, are carried on under statutory authority.

(2) In this Part "major transport works" means substantial works required for the purposes of a transport undertaking and executed in property held or used for the purposes of the undertaking.

(3) References in this Part to a street which crosses or is crossed by property held or used for the purposes of a transport undertaking extend to cases in which the street and the property in question are at different levels.

But the transport authority shall not be treated as a relevant authority as regards undertakers' works in such a street where the property in question consists only of—

(a) subsoil of the street which is held by the transport authority but is not used, and has not been adapted for use, for the purposes of the transport undertaking, or

(b) property underground at such a depth that there is no reasonable possibility of the works affecting it.

(4) The provisions of this Part relating to a street which crosses or is crossed by property held or used for the purposes of a transport undertaking apply to a street which is or forms part of a towing-path or other way running along a canal or inland navigation, provided the path or way is held or used, or the subsoil of it is held, for the purposes of the canal or inland navigation undertaking.

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Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

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C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

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C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)
C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)
C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**
C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

92 Special precautions as to displaying of lights.

(1) An undertaker executing street works in a street which crosses, or is crossed by, or is in the vicinity of, a railway, tramway, dock, harbour, pier, canal or inland navigation, shall comply with any reasonable requirements imposed by the transport authority concerned with respect to the displaying of lights so as to avoid any risk of their—

(a) being mistaken for any signal light or other light used for controlling, directing or securing the safety of traffic thereon, or

(b) being a hindrance to the ready interpretation of any such signal or other light.

(2) An undertaker who fails to comply with any such requirement commits an offence and is liable on summary conviction to a fine not exceeding **[**F94level 5**]** on the standard scale.

(3) In proceedings for such an offence it is a defence for the undertaker to show that all reasonable care was taken by him, and by his contractors and by persons in his employ or that of his contractors, to secure that no such failure occurred.

Textual Amendments

F94 Words in s. 92(2) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Modifications etc. (not altering text)

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C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)
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C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

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C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

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93 Works affecting level crossings or tramways.

(1) This section applies to street works at a crossing of a railway on the level or which affect a tramway.

In this section "the relevant transport authority" means the authority having the management of the railway or tramway undertaking concerned.

(2) An undertaker proposing to begin to execute works to which this section applies shall give the prescribed notice to the relevant transport authority notwithstanding that such notice is not required under section 55 (notice of starting date).

The provisions of subsections (2) to **[**F95(9)**]** of that section (contents of notice, when works may be begun, &c.) apply in relation to the notice required by this subsection as in relation to a notice under subsection (1) of that section.

(3) An undertaker executing works to which this section applies shall comply with any reasonable requirements made by the relevant transport authority—

(a) for securing the safety of persons employed in connection with the works, or

(b) for securing that interference with traffic on the railway or tramway caused by the execution of the works is reduced so far as is practicable;

and, except where submission of a plan and section is required, he shall defer beginning the works for such further period as the relevant transport authority may reasonably request as needed for formulating their requirements under this subsection or making their traffic arrangements.

(4) Nothing in subsection (2) or (3) affects the right of an undertaker to execute emergency works.

(5) An undertaker executing emergency works shall give notice to the relevant transport authority as soon as reasonably practicable of his intention or, as the case may be, of his having begun to do so notwithstanding that such notice is not required by section 57 (notice of emergency works).

The provisions of subsections (3) and (4) of that section (contents of notice and penalty for failure to give notice) apply in relation to the notice required by this subsection as in relation to a notice under subsection (2) of that section.

Textual Amendments

F95 Word in s. 93(2) substituted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 49(3)**, 99(1); S.I. 2007/1890, art. 2, **Sch.** (with art. 5); S.I. 2007/3174, art. 2, **Sch.** (with art. 6)

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C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

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C1903 S. 93 modified (E.) (1.4.2008) by The Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372), regs. 1(1), **37(7)** (with reg. 35)
C1904 S. 93 modified (W.) (1.6.2009) by The Traffic Management Permit Scheme (Wales) Regulations 2009 (S.I. 2009/1267), regs. 1, **37(7)**
C1905 S. 93 modified (25.1.2010) by The Traffic Management (Kent County Council) Permit Scheme Order 2009 (S.I. 2009/3188), art. 1, **Sch. Appendix B**
C1906 S. 93 modified (12.6.2012) by The Traffic Management (The Council of the Borough of Kirklees) Permit Scheme Order 2012 (S.I. 2012/1286), arts. 1, 2, Sch. Appendix D
C1907 S. 93 modified (12.6.2012) by The Traffic Management (Barnsley Metropolitan Borough Council) Permit Scheme Order 2012 (S.I. 2012/1289), arts. 1, 2, Sch. Appendix D
C1908 S. 93 modified (12.6.2012) by The Traffic Management (Rotherham Borough Council) Permit Scheme Order 2012 (S.I. 2012/1284), arts. 1, 2, Sch. Appendix D
C1909 S. 93 modified (12.6.2012) by The Traffic Management (Sheffield City Council) Permit Scheme Order 2012 (S.I. 2012/1294), arts. 1, 2, Sch. Appendix D
C1910 S. 93 modified (12.6.2012) by The Traffic Management (Doncaster Borough Council) Permit Scheme Order 2012 (S.I. 2012/1282), arts. 1, 2, Sch. Appendix D
C1911 S. 93 modified (12.6.2012) by The Traffic Management (Leeds City Council) Permit Scheme Order 2012 (S.I. 2012/1295), arts. 1, 2, Sch. Appendix D
C1912 S. 93 modified (5.11.2012) by The Traffic Management (Bedford Borough Council) Permit Scheme Order 2012 (S.I. 2012/2541), arts. 1, 2, Sch. Appendix C
C1913 S. 93 modified (5.11.2012) by The Traffic Management (Hertfordshire County Council) Permit Scheme Order 2012 (S.I. 2012/2549), arts. 1, 2, Sch. Appendix C
C1914 S. 93 modified (5.11.2012) by The Traffic Management (Southend-On-Sea Borough Council) Permit Scheme Order 2012 (S.I. 2012/2548), arts. 1, 2, Sch., **Appendix C**
C1915 S. 93 modified (5.11.2012) by The Traffic Management (Luton Borough Council) Permit Scheme Order 2012 (S.I. 2012/2547), arts. 1, 2, Sch. Appendix C
C1916 S. 93 modified (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C
C1917 S. 93 modified (29.4.2013) by The Traffic Management (Oldham Borough Council) Permit Scheme Order 2013 (S.I. 2013/808), arts. 1, 2, Sch. Appendix C
C1918 S. 93 modified (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch. Appendix C
C1919 S. 93 modified (29.4.2013) by The Traffic Management (Salford City Council) Permit Scheme Order 2013 (S.I. 2013/810), arts. 1, 2, Sch. Appendix C
C1920 S. 93 modified (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C
C1921 S. 93 modified (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C
C1922 S. 93 modified (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C
C1923 S. 93 modified (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch. Appendix C
C1924 S. 93 modified (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch. Appendix C
C1925 S. 93 modified (1.10.2013) by The Traffic Management (Derby City Council) Permit Scheme Order 2013 (S.I. 2013/1781), arts. 1, 2, **Sch. para. 2.4**
C1926 S. 93 modified (4.11.2013) by The Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 (S.I. 2013/2398), art. 1, Sch. para. 1.5, Appendix A
C1927 S. 93 modified (11.11.2013) by The Traffic Management (Surrey County Council) Permit Scheme Order 2013 (S.I. 2013/2389), arts. 1, 2, **Sch. para. 2.12.2**
C1928 S. 93 modified (11.11.2013) by The Traffic Management (East Sussex County Council) Permit Scheme Order 2013 (S.I. 2013/2399), arts. 1, 2, **Sch. para. 2.12.2**

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C1929 S. 93 modified (1.4.2014) by The Traffic Management (Shropshire Council) Permit Scheme Order 2014 (S.I. 2014/466), arts. 1, 2, Sch., **Appendix B**

C1930 S. 93 modified (6.5.2014) by The Traffic Management (Norfolk County Council) Permit Scheme Order 2014 (S.I. 2014/941), arts. 1, 2, Sch., **Appendix C**

C1931 S. 93 modified (3.11.2014) by The Traffic Management (Cheshire East Borough Council) Permit Scheme Order 2014 (S.I. 2014/2460), art. 1, Sch. Appendix B

C1932 S. 93 modified (19.1.2015) by The Traffic Management (Wokingham Borough Council) Permit Scheme Order 2014 (S.I. 2014/3105), arts. 1, 2, **Sch. para. 2.12.2**

C1933 S. 93 modified (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C1934 S. 93 modified (2.2.2015) by The Traffic Management (Sefton Metropolitan Borough Council) Permit Scheme Order 2014 (S.I. 2014/3107), arts. 1, 2, **Sch. para. 1.9**

C1935 S. 93 modified (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C1936 S. 93 modified (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch. para. 1.5, Appendix E**

C1937 S. 93 modified (1.3.2015) by The Traffic Management (West Berkshire Council) Permit Scheme Order 2014 (S.I. 2014/3110), arts. 1, 2, **Sch. para. 2.12.2**

C1938 S. 93 modified (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**

C1939 S. 93 modified (4.3.2015) by The Traffic Management (Slough Borough Council) Permit Scheme Order 2014 (S.I. 2014/3112), arts. 1, 2, **Sch. para. 2.12.2**

C1940 S. 93 modified (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**

C1941 S. 93 modified (16.3.2015) by The Traffic Management (Warwickshire County Council) Permit Scheme Order 2014 (S.I. 2014/3310), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C1942 S. 93 modified (16.3.2015) by The Traffic Management (Nottingham City Council) Permit Scheme Order 2015 (S.I. 2015/39), arts. 1, 2, **Sch. 1 Appendix C**

C1943 S. 93 modified (16.3.2015) by The Traffic Management (Essex County Council) Permit Scheme Order 2015 (S.I. 2015/37), arts. 1, 2, **Sch., Appendix C**

C1944 S. 93 modified (16.3.2015) by The Traffic Management (Coventry City Council) Permit Scheme Order 2014 (S.I. 2014/3311), arts. 1, 2, **Sch. para. 17.2, Appendix B**

C1945 S. 93 modified (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**

C1946 S. 93 modified (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**

C1947 S. 93 modified (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**

C1948 S. 93 modified (31.3.2015) by The Traffic Management (City of Bradford Metropolitan District Council) Permit Scheme Order 2015 (S.I. 2015/330), arts. 1, 2, **Sch., Appendix D**

C1949 S. 93 modified (31.3.2015) by The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015 (S.I. 2015/107), art. 1, **Sch. para. 3.5**

C1950 S. 93 modified (31.3.2015) by The Traffic Management (Borough Council of Calderdale) Permit Scheme Order 2015 (S.I. 2015/328), arts. 1, 2, **Sch., Appendix D**

C1951 S. 93 modified (31.3.2015) by The Traffic Management (Council of the City of Wakefield MDC) Permit Scheme Order 2015 (S.I. 2015/293), arts. 1, 2, **Sch., Appendix D**

C1952 S. 93(3) modified (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(9)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C1953 S. 93(3) modified (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(9)** (with arts. 42, 43)

C1954 S. 93(3) modified (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(10)** (with arts. 57, 58, Sch. 11 para. 19)

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C1955 S. 93(3) modified (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(9)** (with arts. 43, 44)

Power of street authority or district council to undertake street works

94 Power of street authority or district council to undertake street works.

(1) A street authority or district council may enter into an agreement with an undertaker for the execution by the authority or council on behalf of the undertaker of any street works.

[F96(1A) In subsection (1), the reference to a district council, is to be read, in relation to Wales, as a reference to a county council or a county borough council.**]**

(2) The agreement may contain such terms as to payment and otherwise as the parties consider appropriate.

(3) Nothing in this section shall be construed as derogating from any powers exercisable by the authority or council apart from this section.

(4) This section shall cease to have effect upon such day as the Secretary of State may appoint by order made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F96 S. 94(1A) inserted (1.4.1996) by 1994 c. 19 ss. 22(1), Sch. 7 Pt. I para. 32(1) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); 1996/396, art. 3, Sch. 1

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

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C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1956 S. 94(1)(2): functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2** para.

Supplementary provisions

95 Offences.

(1) Any provision of this Part imposing criminal liability in respect of any matter is without prejudice to any civil liability in respect of the same matter.

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(2) Where a failure to comply with a duty imposed by this Part is continued after conviction, the person in default commits a further offence.

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

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C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)
C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)
C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)
C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)
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C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

[F97 95A Fixed penalties for certain offences under this Part

(1) Any offence under this Part relating to any street works which is listed in the first column of Schedule 4A (and described in general terms in the second column) is a fixed penalty offence for the purposes of this Part.

(2) Offences listed in that Schedule which are committed by virtue of section 166 (offences by bodies corporate and Scottish partnerships) are not fixed penalty offences.

(3) The Secretary of State may by order modify that Schedule so as to provide for offences under this Part relating to any street works to become (or cease to be) fixed penalty offences.

(4) Such an order may not be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

(5) Schedule 4B (which makes provision about fixed penalties for fixed penalty offences) has effect.**]**

Textual Amendments

F97 S. 95A inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 12.5.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), **ss. 41(1)**, 99(1); S.I. 2007/1890, art. 2, **Sch.** (with art. 3); S.I. 2007/3174, art. 2, **Sch.** (with art. 3)

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**
C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**
C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)
C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)
C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

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C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

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C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

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C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

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C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

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C1957 S. 95A(1) excluded (W.) (12.5.2008) by The Street Works (Fixed Penalty) (Wales) Regulations 2008 (S.I. 2008/102), regs. 1, **3**

C1958 S. 95A(1) excluded (E.) (12.5.2008) by The Street Works (Fixed Penalty) (England) Regulations 2007 (S.I. 2007/1952), regs. 1(1), **3**

96 Recovery of costs or expenses.

(1) Any provision of this Part enabling an authority, body or person to recover the costs or expenses of taking any action shall be taken to include the relevant administrative expenses of that authority, body or person including an appropriate sum in respect of general staff costs and overheads.

The Secretary of State may prescribe the basis on which such amounts are to be calculated; and different provision may be made for different cases or descriptions of case.

(2) Where a right to payment enuring for the benefit of a person is conferred in respect of the same matter—

(a) both under this Part and under any enactment or agreement passed or made before the commencement of this Part, or

(b) by two or more provisions of this Part,

a payment made in discharge of any of those rights shall be treated as being made in or towards satisfaction of the other or others.

(3) Where under any provision of this Part a person is entitled in certain circumstances to recover costs or expenses incurred by him in executing works or taking other steps, any dispute as to the existence of those circumstances or as to the amount recoverable shall be determined by arbitration.

This applies whether the provision is expressed as conferring a right to recover, or as imposing a liability to reimburse or indemnify or to bear the cost, but does not apply in relation to a provision expressed as providing for the charging of a fee or conferring a right to compensation or in relation to section 78 (contributions to cost of making good long-term damage to the street).

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

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C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)

C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**

C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**

C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**

C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)

C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

97 Service of notices and other documents.

(1) Notices required or authorised to be given for the purposes of this Part shall be given in the prescribed form.

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(2) The Secretary of State may make provision by regulations as to the manner of service of notices and other documents required or authorised to be served for the purposes of this Part.

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

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C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

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C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

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C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

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C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**

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C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

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C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
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C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)
C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**
C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

98 Reckoning of periods.

(1) In reckoning for the purposes of this Part a period expressed as a period from or before a given date, that date shall be excluded.

(2) For the purposes of this Part a working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday; and a notice given after 4.30 p.m. on a working day shall be treated as given on the next working day.

(3) In subsection (2) a "bank holiday" means a day which is a bank holiday under the [M32]Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated.

Modifications etc. (not altering text)
C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**
C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**
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C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)
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Marginal Citations
M32 1971 c. 80.

99 Arbitration.

Any matter which under this Part is to be settled by arbitration shall be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers.

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C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

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C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**

C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)

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C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)

C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

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C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

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C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

100 Agreements inconsistent with the provisions of this Part.

(1) An agreement which purports to make provision regulating the execution of street works is of no effect to the extent that it is inconsistent with the provisions of this Part.

(2) This does not affect an agreement for the waiver or variation of a right conferred on a relevant authority by any of the provisions of this Part which is made after the right has accrued and is not inconsistent with the future operation of those provisions.

Modifications etc. (not altering text)
C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**
C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**
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C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)
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C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)
C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)
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C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)
C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**
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C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

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C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)

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C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

101 Effect of this Part on certain existing special enactments or instruments.

(1) Any special enactment passed or made before the commencement of this Part which makes or authorises the making of provision regulating the execution of street works in a manner inconsistent with the provisions of this Part shall cease to have effect; and unless a contrary intention appears no enactment passed or made after the commencement of this Part shall be construed as making or authorising the making of any such provision.

This subsection does not apply to any provision as to the obtaining of consent for the execution of the works or for any other purpose.

(2) Any special enactment passed or made before the commencement of this Part which requires the consent of a relevant authority (in its capacity as such) to the execution of street works shall cease to have effect, except as mentioned below; and unless a contrary intention appears no special enactment passed or made after the commencement of this Part shall be construed as requiring such consent.

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This subsection does not apply to a consent requirement so far as it relates to—

(a) works above the surface of the highway, or

(b) works outside the limits of supply of an undertaker in relation to whom such limits are imposed.

(3) A provision made by way of condition imposed on the giving of a consent for the execution of street works is of no effect in so far as it would have been so by virtue of section 100 if it had been made by an agreement.

(4) If it appears to the Secretary of State—

(a) that by the operation of subsection (1) a person has been or will be deprived of some protection afforded by a special enactment and that corresponding protection is in all the circumstances required, or

(b) that a requirement of consent imposed by a special enactment should be saved from the operation of subsection (2), either as regards all works to which the requirement extends or as regards any description of such works, or

(c) that conditions of any descriptions should be rendered valid notwithstanding subsection (3), or

(d) that uncertainty or obscurity has resulted or is likely to result from the operation on a special enactment of the general provisions of subsection (1), (2) or (3),

he may by order make such provision as he considers appropriate for affording such protection, saving the requirement, rendering the conditions valid or modifying the special enactment, as the case may be.

(5) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and the provisions of Schedule 5 have effect with respect to the procedure for making such an order.

(6) The provisions of this section apply in relation to an instrument having effect under or by virtue of an enactment as in relation to an enactment; and references to a special enactment shall be construed accordingly.

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C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

102 Effect of this Part on other existing enactments or instruments.

(1) The Secretary of State may by order make such provision amending, repealing, or preserving the effect of, any enactment passed or made before the commencement of

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this Part (not being a special enactment to which section 101(1), (2) or (3) applies) as appears to him appropriate in consequence of the provisions of this Part.

(2) Subject to any order under this section and (in the case of a public general Act) to any express amendment made by this Act, any such enactment which proceeds by reference to any provision of the [M33]Public Utilities Street Works Act 1950, or any other provision repealed by this Act in consequence of this Part, shall continue to have effect as if the provision referred to had not been repealed.

(3) An order under this section may, in particular, make provision in relation to—

(a) enactments providing for the keeping of records of apparatus, and

(b) enactments providing for the giving of notice of proposed street works.

(4) An order under this section may contain such transitional provisions and savings as appear to the Secretary of State to be appropriate.

(5) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Except as mentioned in section 79(6), the provisions of Schedule 5 have effect with respect to the making of an order under this section in relation to a special enactment.

(7) The provisions of this section apply in relation to an instrument having effect under or by virtue of an enactment as in relation to an enactment; and references to a special enactment shall be construed accordingly.

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M33 1950 c. 39.

103 Former controlled land.

(1) The following provisions apply with respect to land (not forming part of a street) in which immediately before the commencement of this Part there is apparatus placed by virtue of Schedule 1 to the Public Utilities Street Works Act 1950 (authorisation of works in certain land abutting the highway).

(2) If any person having a sufficient interest in the land gives notice to the undertaker that he objects to the continuance of the powers and rights over the land given by that

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Schedule, those powers and rights shall cease to have effect at the end of the period of six months from the date on which the notice was given.

For this purpose a person has a sufficient interest in the land if he is an owner, lessee or occupier of the land having an interest greater than that of tenant for a year or from year to year.

(3) The street authority shall indemnify the undertaker in respect of the costs reasonably incurred by him in or in connection with—

(a) the removal of apparatus rendered necessary by the cessation of his powers and rights under this section, and

(b) the execution of any works, or taking of any other measures, rendered necessary for the purposes of the supply or service for which the apparatus was used.

(4) Where the land becomes part of the street after the commencement of this Part, any consent which would have been required for the placing of the apparatus in the street had it been placed there immediately after the land in question became part of the street shall be deemed to have been given unconditionally.

(5) Subject to any exercise of the right conferred by subsection (2), the rights and powers of the undertaker under Schedule 1 to the [M34]Public Utilities Street Works Act 1950 continue unaffected by the repeal of that Act.

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

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C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)
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C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

Marginal Citations
M34 1950 c. 39.

104 Meaning of "prescribed" and regulations generally.

(1) In this Part "prescribed" means prescribed by the Secretary of State by regulations, which may (unless the context otherwise requires) make different provision for different cases.

(2) Regulations under this Part shall be made by statutory instrument which, unless provision to the contrary is made, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Regulations under this Part may provide for references in the regulations to any specified document to operate as references to that document as revised or re-issued from time to time.

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C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)

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C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)

C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

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C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)

C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**

C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

105 Minor definitions.

(1) In this Part—

"apparatus" includes any structure for the lodging therein of apparatus or for gaining access to apparatus;

"carriageway" and "footway" have the same meaning as in the [M35]Highways Act 1980;

"enactment" includes an enactment contained in subordinate legislation within the meaning of the [M36]Interpretation Act 1978;

"in", in a context referring to works, apparatus or other property in a street or other place includes a reference to works, apparatus or other property under, over, across, along or upon it;

"railway" includes a light railway other than one in the nature of a tramway (see the definition of "tramway" below);

"reinstatement" includes making good;

"special enactment" means an enactment which is not a public general enactment, and includes—

(a) any Act for confirming a provisional order,

(b) any provision of a public general Act in relation to the passing of which any of the Standing Orders of the House of Lords or the House of Commons relating to Private Business applied, and

(c) any enactment to the extent that it is incorporated or applied for the purposes of a special enactment;

"statutory right" means a right (whether expressed as a right, a power or otherwise) conferred by an enactment (whenever passed or made), other than a right exercisable by virtue of a street works licence;

"traffic" includes pedestrians and animals;

"traffic authority" and "traffic sign" have the same meaning as in the [M37]Road Traffic Regulation Act 1984;

"tramway" means a system, mainly or exclusively for the carriage of passengers, using vehicles guided, or powered by energy transmitted, by rails or other fixed apparatus installed exclusively or mainly in a street.

(2) A right to execute works which extends both to a street and to other land is included in references in this Part to a right to execute works in a street in so far as it extends to the street.

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(3) A right to execute works which extends to part of the street but not the whole is included in references in this Part to a right to execute works in a street; and in relation to such a right references in this Part to the street in which it is exercisable shall be construed as references to the part to which the right extends.

(4) For the purposes of this Part apparatus shall be regarded as affected by works if the effect of the works is to prevent or restrict access to the apparatus (for example, by laying other apparatus above or adjacent to it).

(5) Section 28 of the [M38]Chronically Sick and Disabled Persons Act 1970 (power to define "disability" and other expressions) applies in relation to the provisions of this Part as to the provisions of that Act.

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C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

C1959 S. 105 modified (E.) (1.4.2008) by The Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372), regs. 1(1), **37(8)** (with reg. 35)

C1960 S. 105 modified (W.) (1.6.2009) by The Traffic Management Permit Scheme (Wales) Regulations 2009 (S.I. 2009/1267), regs. 1, **37(8)**

C1961 S. 105 modified (25.1.2010) by The Traffic Management (Kent County Council) Permit Scheme Order 2009 (S.I. 2009/3188), art. 1, **Sch. Appendix B**

C1962 S. 105 modified (29.4.2013) by The Traffic Management (Salford City Council) Permit Scheme Order 2013 (S.I. 2013/810), arts. 1, 2, Sch. Appendix C

C1963 S. 105 modified (29.4.2013) by The Traffic Management (Oldham Borough Council) Permit Scheme Order 2013 (S.I. 2013/808), arts. 1, 2, Sch. Appendix C

C1964 S. 105 modified (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C

C1965 S. 105 modified (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch. Appendix C

C1966 S. 105 modified (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch. Appendix C

C1967 S. 105 modified (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C

C1968 S. 105 modified (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch. Appendix C

C1969 S. 105 modified (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C

C1970 S. 105 modified (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C

C1971 S. 105 modified (1.10.2013) by The Traffic Management (Derby City Council) Permit Scheme Order 2013 (S.I. 2013/1781), arts. 1, 2, **Sch. para. 2.4**

C1972 S. 105 modified (4.11.2013) by The Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 (S.I. 2013/2398), art. 1, Sch. para. 1.5, Appendix A

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C1973 S. 105 modified (11.11.2013) by The Traffic Management (East Sussex County Council) Permit Scheme Order 2013 (S.I. 2013/2399), arts. 1, 2, **Sch. para. 2.12.2**
C1974 S. 105 modified (11.11.2013) by The Traffic Management (Surrey County Council) Permit Scheme Order 2013 (S.I. 2013/2389), arts. 1, 2, **Sch. para. 2.12.2**
C1975 S. 105 modified (19.1.2015) by The Traffic Management (Wokingham Borough Council) Permit Scheme Order 2014 (S.I. 2014/3105), arts. 1, 2, **Sch. para. 2.12.2**
C1976 S. 105 modified (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**
C1977 S. 105 modified (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**
C1978 S. 105 modified (2.2.2015) by The Traffic Management (Sefton Metropolitan Borough Council) Permit Scheme Order 2014 (S.I. 2014/3107), arts. 1, 2, **Sch. para. 1.9**
C1979 S. 105 modified (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch. para. 1.5, Appendix E**
C1980 S. 105 modified (1.3.2015) by The Traffic Management (West Berkshire Council) Permit Scheme Order 2014 (S.I. 2014/3110), arts. 1, 2, **Sch. para. 2.12.2**
C1981 S. 105 modified (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**
C1982 S. 105 modified (4.3.2015) by The Traffic Management (Slough Borough Council) Permit Scheme Order 2014 (S.I. 2014/3112), arts. 1, 2, **Sch. para. 2.12.2**
C1983 S. 105 modified (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**
C1984 S. 105 modified (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**
C1985 S. 105 modified (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**
C1986 S. 105 modified (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**
C1987 S. 105 modified (31.3.2015) by The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015 (S.I. 2015/107), art. 1, **Sch. para. 3.5**

Marginal Citations
M35 1980 c. 66.
M36 1978 c. 30.
M37 1984 c. 27.
M38 1970 c. 44.

106 Index of defined expressions.

The expressions listed below are defined or otherwise fall to be construed for the purposes of this Part in accordance with the provisions indicated—

affected by (in relation to apparatus and works)	section 105(4)
apparatus	sections 89(3) and 105(1)
arbitration	section 99
bridge	section 88(1)(a)
bridge authority	section 88(1)(b)
carriageway	section 105(1)

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costs	section 96
disability	(see section 105(5))
emergency works	section 52
enactment	section 105(1)
expenses	section 96
[[F98]fixed penalty offence	section 95A(1)**]**
footway	section 105(1)
highway authority	section 86(1)
in (in a context referring to works, apparatus or other property in a street)	section 105(1)
licensee (in relation to a street works licence)	section 50(3)
local highway authority	section 86(1)
maintainable highway	section 86(1)
major bridge works	section 88(2)
major highway works	section 86(3)
major transport works	section 91(2)
notice	section 97
prescribed	section 104
public sewer	section 89(1)(a)
railway	section 105(1)
reinstatement	section 105(1) (and see sections 70(5) and 90(1))
relevant authority (in relation to street works)	section 49(6) (and see section 91(3))
sewer	section 89(1)(a)
sewer authority	section 89(1)(b)
special enactment	section 105(1)
statutory right	section 105(1)
[[F99]strategic highways company**]**	**[**[F100]section 86(1A)**]**
street	section 48(1)
street authority	section 49(1)
street managers	section 49(4)
street works	section 48(3) (and see section 105(2) and (3))
street works licence	section 50(1)
traffic	section 105(1)

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traffic authority	section 105(1)
traffic sign	section 105(1)
tramway	section 105(1)
transport authority	section 91(1)(a)
transport undertaking	section 91(1)(b)
undertaker (in relation to street works or apparatus)	sections 48(4) and(5) and 89(4)
working day	section 98(2)
works for road purposes	section 86(2).

Textual Amendments

F98 Words in s. 106 inserted (12.5.2008) by Traffic Management Act 2004 (c. 18), **ss. 41(2)**, 99(1); S.I. 2007/1890, art. 2, **Sch.**; S.I. 2007/3174, art. 2, **Sch.**

F99 Words in s. 106 inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 122(a)**; S.I. 2015/481, **reg. 2(a)**

F100 Words in s. 106 inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 122(b)**; S.I. 2015/481, **reg. 2(a)**

Modifications etc. (not altering text)

C245 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**

C247 Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**

C258 Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

C259 Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)

C276 Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)

C277 Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)

C281 Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)

C282 Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)

C285 Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)

C287 Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)

C290 Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**

C295 Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

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C298 Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**
C303 Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)
C315 Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)
C316 Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**
C317 Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)
C318 Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)
C319 Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**
C320 Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)
C321 Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**
C322 Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)
C326 Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)
C330 Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
C331 Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
C332 Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)
C334 Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)
C336 Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**
C337 Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)

PART IV

ROAD WORKS IN SCOTLAND

Modifications etc. (not altering text)
C1988 Pt. 4 (ss. 107-165) modified (1.1.1993) by Pipelines Act 1962 (c. 58), **s. 16(1)** (as substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. IV para. 101(3)**; S.I. 1992/2990, art. 2(2), **Sch.2**)
C1989 Pt. 4 modified (15.1.2007) by Glasgow Airport Rail Link Act 2007 (asp 1), **s. 7** (with s. 50)
C1990 Pt. 4 modified (19.4.2007) by Edinburgh Airport Rail Link Act 2007 (asp 16), **s. 12** (with ss. 52, 60)
C1991 Pt. 4 modified (8.5.2007) by Airdrie Bathgate Railway and Linked Improvements Act 2007 (asp 19), **s. 13** (with ss. 48, 59)

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C1992 Pt. 4 excluded (1.6.2010) by The Network Rail (Waverley Steps) Order 2010 (S.S.I. 2010/188), arts. 1, **38(6)**

Introductory provisions

107 Roads, road works and undertakers.

(1) In this Part a "road" means any way (other than a substitute road made under section 74(1) of the [M39]Roads (Scotland) Act 1984 or a waterway) whether or not there is over it a public right of passage and whether or not it is for the time being formed as a way; and the expression includes a square or court, and any part of a road.

(2) Where a road passes over a bridge or through a tunnel, references in this Part to the road include that bridge or tunnel.

(3) In this Part "road works" means works for any purposes other than roads purposes, being works of any of the following kinds executed in a road in pursuance of a statutory right or with permission granted under section 109—

(a) placing apparatus, or

(b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it,

or works required for or incidental to any such works (including, in particular, breaking up or opening the road, or any sewer, drain or tunnel under it, or tunnelling or boring under the road).

(4) In this Part "undertaker" in relation to road works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or a person having permission under section 109 to execute road works, as the case may be.

(5) References in this Part to the undertaker in relation to apparatus in a road are to the person entitled, by virtue of a statutory right or a permission granted under section 109, to carry out in relation to the apparatus such works as are mentioned in subsection (3); and references to an undertaker having apparatus in the road, or to the undertaker to whom apparatus belongs, shall be construed accordingly.

Marginal Citations
M39 1984 c. 54.

108 The road works authority and other relevant authorities.

(1) In this Part "the road works authority" in relation to a road means, subject to the following provisions—

(a) if the road is a public road, the roads authority, and

(b) if the road is not a public road, the road managers.

(2) In the case of a road for which the Secretary of State is the roads authority but in relation to which a local roads authority acts as his agent under section 4 of the Roads (Scotland) Act 1984, the local roads authority shall be regarded as the road works authority for the purposes of section [F101112B (duty to enter certain information in

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Scottish Road Works Register)**]** (the road works register) and sections 113 to 119 (advance notice and co-ordination of works).

(3) Subsection (1)(b) has effect subject to section 146 as regards the application of this Part to prospective public roads.

(4) In this Part the expression "road managers", used in relation to a road which is not a public road, means the authority, body or person liable to the public to maintain or repair the road or, if there is none, any authority, body or person having the management or control of the road.

(5) The Secretary of State may by regulations make provision for exempting road managers from provisions of this Part which would otherwise apply to them as the road works authority in relation to a road.

(6) References in this Part to the relevant authorities in relation to any road works are to the roads authority and also—

(a) where the works include the breaking up or opening in the road of **[**[F102]a public sewer, Scottish Water;**]**

(b) where the road is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, that authority; and

(c) where in any other case the road, not being a public road, is carried or crossed by a bridge, the bridge authority.

Textual Amendments

F101 Words in s. 108(2) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 19(2)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F102 Words in s. 108(6)(a) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp. 3), s. 71, **Sch. 7 para. 21(2)** (with s. 67); S.S.I. 2002/118, **art. 2**

109 Permission to execute road works.

(1) A road works authority may grant permission in writing, subject to such reasonable conditions as they consider appropriate, to persons to whom this section applies—

(a) to place, or to retain, apparatus in a road, and

(b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it,

and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the road, or any sewer, drain or tunnel under it, or tunnelling or boring under the road).

(2) A person to whom permission has been granted under this section to execute works may do so without obtaining any consent which would otherwise be required to be given—

(a) by any other relevant authority in its capacity as such, or

(b) by any person in his capacity as the owner of apparatus affected by the works;

but without prejudice to the provisions of this Part as to the making of requirements by any such authority or person or as to the settlement of a plan and section and the execution of the works in accordance with them.

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(3) The granting of permission under this section to a person does not dispense that person from obtaining any other consent, licence or permission which may be required; and it does not authorise the installation of apparatus for the use of which the licence of the Secretary of State is required unless and until that licence has been granted.

(4) This section applies to persons who are described in one or more of the following paragraphs—

(a) persons of a prescribed class,

(b) persons carrying out works of a prescribed class,

(c) persons carrying out works in a prescribed area.

(5) The conditions referred to in subsection (1) may include conditions as to—

(a) the payment of fees,

(b) the future cessation or withdrawal of the permission, and

(c) indemnification of the authority against claims arising out of what is permitted.

(6) Before granting permission under this section the road works authority shall give not less than 10 working days' notice to each of the following—

(a) where the works are likely to affect **[**F103a public sewer, Scottish Water;**]**

(b) where the works are to be executed in a part of a road which is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, to that authority,

(c) where in any other case the part of the road in which the works are to be executed is carried or crossed by a bridge, to the bridge authority,

(d) to any person who has given notice under section 113 (advance notice of certain works) of his intention to execute road works which are likely to be affected by the works to which the permission relates, and

(e) to any person having apparatus in the road which is likely to be affected by the works;

but a failure to do so does not affect the validity of the permission.

(7) Where permission has been granted under section 61 of the M40Roads (Scotland) Act 1984 in respect of apparatus and the road works authority consider that permission could be granted under this section in respect of that apparatus, they may cancel the permission granted under section 61 of the 1984 Act and, if they cancel that permission, they shall substitute for it permission granted in accordance with subsection (1) above.

(8) The works referred to in subsection (1) above do not include works for road purposes.

Textual Amendments

F103 Words in s. 109(6)(a) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp. 3), s. 71, **Sch. 7 para. 21(3)** (with s. 67); S.S.I. 2002/118, **art. 2**

Modifications etc. (not altering text)

C1993S. 109: power to contract out functions of the Secretary of State conferred (16.3.1996) by S.I. 1996/878, art. 2, **Sch. para. 6(a)**

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Marginal Citations
M40 1984 c. 54.

110 Prohibition of unauthorised road works.

(1) It is an offence for a person other than the road works authority—
(a) to place apparatus in a road, or
(b) to break up or open a road, or a sewer, drain or tunnel under it, or to tunnel or bore under a road, for the purpose of placing, inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, or of changing the position of apparatus or removing it,
otherwise than in pursuance of a statutory right or in accordance with a permission granted under section 109.

(2) A person committing an offence under this section is liable on summary conviction to a fine not exceeding **[**F104level 5**]** on the standard scale.

(3) This section does not apply to—
(a) works for which consent or permission has been given under the Roads (Scotland) Act 1984 by a roads authority,
(b) works for road purposes, or
(c) emergency works of any description.

(4) If a person commits an offence under this section, the road works authority may—
(a) in the case of an offence under subsection (1)(a), direct him to remove the apparatus in respect of which the offence was committed, and
(b) in any case, direct him to take such steps as appear to them necessary to reinstate the road or any sewer, drain or tunnel under it.

If he fails to comply with the direction, the authority may remove the apparatus or, as the case may be, carry out the necessary works and recover from him the costs reasonably incurred by them in doing so.

Textual Amendments
F104 Words in s. 110(2) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

111 Emergency works.

(1) In this Part "emergency works" means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property.

(2) Where works comprise items some of which fall within the preceding definition, the expression "emergency works" shall be taken to include such of the items as do not fall within that definition as cannot reasonably be severed from those that do.

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(3) Where in any civil or criminal proceedings brought by virtue of any provision of this Part the question arises whether works were emergency works, it is for the person alleging that they were to prove it.

Modifications etc. (not altering text)
C1994 S. 111 excluded (28.11.1992) by S.I. 1992/2990, **art. 5**

The road works register

[F105]112 The road works register.

. . . . . .

Textual Amendments
F105 Ss. 112A, 112B substituted for s. 112 (29.2.2008 for specified purposes, 1.4.2008 in so far as not already in force) by Transport (Scotland) Act 2005 (asp 12), **ss. 19(1)**, 54(2); S.S.I. 2008/15, art. 2(1)(2), sch. 1 (with art. 3) (as amended (5.3.2008) by S.S.I. 2008/90, art. 2)

[F105]112A The Scottish Road Works Register

(1) The Scottish Road Works Commissioner (in this Part, "the Commissioner") shall keep a register, to be known as the Scottish Road Works Register (in this Part, "the SRWR").

(2) The SRWR shall be kept in such form and manner as may be prescribed.

(3) The Commissioner shall make arrangements so as to enable any person who is required, by a provision of this Act, to enter particulars, information or a notice in the SRWR, to have access to the SRWR for that purpose.

(4) The Scottish Ministers may by regulations—

(a) provide that the payment to the Commissioner of the prescribed fee is a condition of access to the SRWR as mentioned in subsection (3) (and different fees may be prescribed for access for different purposes), and

(b) make other provision as to the payment to the Commissioner by such persons as are prescribed of such amounts as are prescribed.

(5) Amounts received by the Commissioner under subsection (4) are to be applied by the Commissioner to the keeping of the SRWR.

(6) The Commissioner shall make the SRWR available, at all reasonable times and free of charge, for inspection—

(a) so far as it relates to restricted information, by any person having authority to execute works of any description in the road in respect of which that restricted information is kept in the SRWR or who, not being a person having that authority, nevertheless appears to the Commissioner to have a sufficient interest in that information,

(b) so far as it relates to information which is not restricted, by any person.

(7) In subsection (6), "restricted" information is information of a prescribed description.

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Textual Amendments

F105 Ss. 112A, 112B substituted for s. 112 (29.2.2008 for specified purposes, 1.4.2008 in so far as not already in force) by Transport (Scotland) Act 2005 (asp 12), **ss. 19(1)**, 54(2); S.S.I. 2008/15, art. 2(1)(2), sch. 1 (with art. 3) (as amended (5.3.2008) by S.S.I. 2008/90, art. 2)

112B Duty to enter certain information in the Scottish Road Works Register

(1) A road works authority shall enter in the SRWR such particulars of each road for which the authority are responsible as may be prescribed.

(2) A road works authority proposing to execute works in any such road shall, not later than such time before the date proposed for the start of the works as may be prescribed, enter in the SRWR such information relating to that matter (including such information about the start of the works) as may be prescribed.

(3) A road works authority which has—

(a) under section 109, granted permission as regards apparatus and works,

(b) under section 115, given directions as to the timing of works, or

(c) under section 115A, given directions as to the placing of apparatus,

shall enter in the SRWR such information relating to that matter as may be prescribed.

(4) A local roads authority proposing to execute works in roads in pursuance of section 1 of the Roads (Scotland) Act 1984 (c. 54) (management and maintenance of certain public roads) shall enter in the SRWR such information relating to that matter as may be prescribed.

(5) If the Scottish Ministers (as roads authority) propose to execute works in roads under section 2 of that Act (management and maintenance of trunk, special and certain other public roads) they shall enter in the SRWR such information relating to that matter as may be prescribed.

(6) On the completion of works of the kind referred to in subsection (4) or (5) the roads authority which executed them shall enter in the SRWR such information about their completion as may be prescribed.

(7) A roads authority which has—

(a) under subsection (2) of section 56 of the Roads (Scotland) Act 1984 (c. 54), given an applicant for consent for road works or excavations notice of affected statutory undertakers,

(b) under subsection (8) of that section, given notification of unlawful works removed or unlawful excavations filled in,

(c) under section 58(1) of that Act, given permission for the occupation of part of a road for the deposit of materials or for the erection of staging or scaffolding projecting over part of a road,

(d) under section 61(1) of that Act, given permission for the placing, leaving, retention, maintenance, repair or reinstatement of apparatus in or under a road or the breaking open of or having access to the road,

(e) under section 85 of that Act, given permission for the deposit of a skip on a road for which a road works authority are responsible,

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(f) under subsection (2) of section 86 of that Act, required the removal or repositioning of a skip deposited on such a road or removed or repositioned such a skip,

(g) become aware that a constable has, under subsection (1) of that section, required or caused the removal or repositioning of such a skip,

(h) given notice under—

(i) section 87 of that Act requiring the removal of a structure from a road for which a road works authority are responsible and (where considered requisite under that section) the reinstatement of the road, or

(ii) section 88 of that Act requiring the removal or alteration of a projection affecting such a road,

(i) under section 90 of that Act, given consent for the fixing or placing of an overhead bridge, beam, rail or other apparatus along or across such a road,

(j) under section 91 of that Act, served notice requiring work to be done or carried out work in relation to such a road, or

(k) under section 92 of that Act, given consent to the planting of a tree or shrub near a carriageway or required its removal, where the carriageway is, or is part of, such a road,

shall enter in the SRWR such information relating to that matter as may be prescribed.

(8) Information to be entered in the SRWR under this section shall be entered in such form and manner as may be prescribed.**]**

Textual Amendments

F105 Ss. 112A, 112B substituted for s. 112 (29.2.2008 for specified purposes, 1.4.2008 in so far as not already in force) by Transport (Scotland) Act 2005 (asp 12), **ss. 19(1)**, 54(2); S.S.I. 2008/15, art. 2(1)(2), sch. 1 (with art. 3) (as amended (5.3.2008) by S.S.I. 2008/90, art. 2)

Notice and co-ordination of works

113 Advance notice of certain works.

(1) In such cases as may be prescribed an undertaker proposing to execute road works shall give the prescribed advance notice of the works [F106]....

(2) Different periods of notice may be prescribed for different descriptions of works.

[[F107](3A) For the purposes of subsection (1) an undertaker gives notice by entering in the SRWR such information as may be prescribed.**]**

(4) After giving advance notice under this section an undertaker shall comply with such requirements as may be prescribed, or imposed by the road works authority, as to the providing of information and other procedural steps to be taken for the purpose of co-ordinating the proposed works with other works of any description proposed to be executed in the road.

(5) An undertaker who fails to comply with his duties under this section commits an offence and is liable on summary conviction to a fine not exceeding **[**[F108]level 4**]** on the standard scale.

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Textual Amendments

F106 Words in s. 113(1) repealed (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 19(3)(a)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1 (with art. 3) (as amended (5.3.2008) by S.S.I. 2008/90, art. 2)

F107 S. 113(3A) substituted for s. 113(3) (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 19(3)(b)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1 (with art. 3) (as amended (5.3.2008) by S.S.I. 2008/90, art. 2)

F108 Words in s. 113(5) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

Modifications etc. (not altering text)

C1995 S. 113 modified (28.11.1992) by S.I. 1992/2990, **art. 3(1)**

C1996 S. 113 applied (with modifications) (27.4.2006) by Edinburgh Tram (Line Two) Act 2006 (asp 6), **s. 7(6)**(7) (with s. 75)

C1997 S. 113 applied (with modifications) (8.5.2006) by Edinburgh Tram (Line One) Act 2006 (asp 7), **s. 7(6)**(7) (with ss. 76, 84)

114 Notice of starting date of works.

(1) An undertaker proposing to begin to execute road works involving—

(a) breaking up or opening the road, or any sewer, drain or tunnel under it, or

(b) tunnelling or boring under the road,

shall give not less than 7 working days' notice (or such other notice as may be prescribed) [F109]...

(2) Different periods of notice may be prescribed for different descriptions of works **[**[F110]or in cases where the undertaker has been given notice under section 117(1)**]**, and cases may be prescribed in which no notice is required.

[[F111](3A) For the purposes of subsection (1) an undertaker gives notice by—

(a) giving to any relevant authority (not being the road works authority) and to any other person having apparatus in the road which is likely to be affected by the works a notice—

(i) stating the date on which it is proposed to begin the works, and

(ii) containing such other information as may be prescribed, and

(b) entering in the SRWR a copy of that notice.**]**

(4) Where notice is required to be given under this section, the works shall not be begun without notice or before the end of the notice period, except with the consent of those to whom notice is required to be given.

(5) An undertaker who begins to execute any works in contravention of this section commits an offence and is liable on summary conviction to a fine not exceeding **[**[F112]level 4**]** on the standard scale.

(6) In proceedings against a person for such an offence it is a defence for him to show that the contravention was attributable—

(a) to his not knowing the position, or not knowing of the existence, of another person's apparatus, or

(b) to his not knowing the identity or address of—

(i) a relevant authority, or

(ii) the person to whom any apparatus belongs,

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and that his ignorance was not due to any negligence on his part or to any failure to make inquiries which he ought reasonably to have made.

(7) A notice under this section shall cease to have effect if the works to which it relates are not substantially begun before the end of the period of seven working days (or such other period as may be prescribed) beginning with the starting date specified in the notice, or such further period as may be allowed by those to whom notice is required to be given.

Textual Amendments

F109 Words in s. 114(1) repealed (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 19(4)(a)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1 (with art. 3) (as amended (5.3.2008) by S.S.I. 2008/90, art. 2)

F110 Words in s. 114(2) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 22(2)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1 (with art. 3) (as amended (5.3.2008) by S.S.I. 2008/90, art. 2)

F111 S. 114(3A) substituted for s. 114(3) (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 19(4)(b)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1 (with art. 3) (as amended (5.3.2008) by S.S.I. 2008/90, art. 2)

F112 Words in s. 114(5) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

Modifications etc. (not altering text)

C1998 S. 114 modified (28.11.1992) by S.I. 1992/2990, **art.4**
S. 114 modified (1. 1. 1993) by Local Government, Planning and Land Act 1980 (c. 65), **s. 167(7)** (as substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. IV para. 109**; S.I. 1992/2990, art. 2(2), **Sch.2**)

C1999 S. 114 applied (with modifications) (27.4.2006) by Edinburgh Tram (Line Two) Act 2006 (asp 6), **s. 7(6)**(7) (with s. 75)

C2000 S. 114 applied (with modifications) (8.5.2006) by Edinburgh Tram (Line One) Act 2006 (asp 7), **s. 7(6)**(7) (with ss. 76, 84)

Commencement Information

I12 S. 114 wholly in force: s. 114 in force for the purpose of making regulations at 30.11.1992 and for all other purposes at 1.1.1993, see s. 170 and S.I. 1992/2990, art. 2(1)(2), Schs. 1, **2**

115 Power to give directions as to timing of works.

(1) If it appears to the road works authority—

(a) that proposed road works are likely to cause serious disruption to traffic, and

(b) that the disruption would be avoided or reduced if the works were carried out only at certain times **[**F113or on certain days (or at certain times on certain days)**]**,

the authority may give the undertaker such directions as may be appropriate as to the times **[**F114or days (or both)**]** when the works may or may not be carried out.

[F115(1A) If it appears to a road works authority—

(a) that subsisting road works are causing or are likely to cause serious disruption to traffic, and

(b) that the disruption would be avoided or reduced if the works were to continue to be carried out only at certain times or on certain days (or at certain times on certain days),

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the authority may give the undertaker such directions as may be appropriate as to the times or days (or both) when the works may or may not continue to be carried out.**]**

(2) The procedure for giving a direction shall be prescribed by the Secretary of State.

[F116(2A) The Scottish Ministers shall by regulations make provision for appeals against directions under this section, including provision as to the procedure to be followed on an appeal.**]**

(3) An undertaker who executes works in contravention of a direction under this section commits an offence and is liable on summary conviction to a fine not exceeding **[**F117level 5**]** on the standard scale.

[F118(3A) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, the failure is attributable to a direction under this section.**]**

(4) The Secretary of State **[**F119shall**]** issue or approve for the purpose of this section a code of practice giving practical guidance as to the exercise by road works authorities of the power conferred by this section; and in exercising that power a road works authority shall have regard to the code of practice.

Textual Amendments

F113 Words in s. 115(1)(b) added (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 20(2)(a)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F114 Words in s. 115(1) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 20(2)(b)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F115 S. 115(1A) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 20(3)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F116 S. 115(2A) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 20(4)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F117 Words in s. 115(3) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

F118 S. 115(3A) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 20(5)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F119 Word in s. 115(4) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 20(6)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

Modifications etc. (not altering text)

C2001 S. 115: power to contract out functions of the Secretary of State conferred (16.3.1996) by S.I. 1996/878, art. 2, **Sch. para. 6(c)**

[F120**115A Power to give directions as to placing of apparatus**

(1) Where—

(a) an undertaker is proposing to execute road works consisting of the placing of apparatus in a road (the "proposed road"),

(b) placing the apparatus in the proposed road is likely to cause disruption to traffic, and

(c) it appears to the road works authority that—

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(i) there is another road in which the apparatus could be placed (the "other road"), and

(ii) the conditions in subsection (2) are satisfied,

the authority may by directions require the undertaker not to place the apparatus in the proposed road (but shall not require the undertaker to place the apparatus in the other road).

(2) The conditions referred to in subsection (1)(c)(ii) are that—

(a) disruption to traffic would be avoided or reduced if the apparatus were to be placed in the other road,

(b) placing the apparatus in the other road would be a reasonable way of achieving the purpose for which the apparatus is to be placed, and

(c) it is reasonable to require the undertaker not to place the apparatus in the proposed road.

(3) Directions under this section may be varied or revoked by further such directions.

(4) The procedure for giving directions under this section shall be as prescribed.

(5) The Scottish Ministers shall by regulations make provision for appeals against directions under this section, including provision as to the procedure to be followed on an appeal.

(6) An undertaker who executes works in contravention of directions under this section commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, the failure is attributable to a direction under this section.

(8) The Scottish Ministers shall issue or approve for the purposes of this section a code of practice giving practical guidance as to the exercise by road works authorities of the power conferred by this section; and in exercising that power a road works authority shall have regard to the code of practice.**]**

Textual Amendments

F120 S. 115A inserted (S.) (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 21(1)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

116 Notice of emergency works.

(1) Nothing in section 113 (advance notice), section 114 (notice of starting date) [F121]... section 115 (directions as to timing of works) **[**[F122]or section 115A (power to give directions as to placing of apparatus)**]** affects the right of an undertaker to execute emergency works.

(2) An undertaker executing emergency works shall, if the works are of a kind in respect of which notice is required by section 114, give notice as soon as reasonably practicable, and in any event within two hours (or such other period as may be prescribed) of the works being begun [F123]....

[[F124](3A) For the purposes of subsection (2) an undertaker gives notice by—

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(a) giving to each person to whom notice would be required to be given under section 114 a notice—

(i) stating the undertaker's intention, or as the case may be, the fact that he has begun to execute the works, and

(ii) containing such other information as may be prescribed, and

(b) entering in the SRWR a copy of that notice.**]**

(4) An undertaker who fails to give notice in accordance with this section commits an offence and is liable on summary conviction to a fine not exceeding **[**F125level 4**]** on the standard scale.

(5) In proceedings against a person for such an offence it is a defence for him to show that the contravention was attributable—

(a) to his not knowing the position, or not knowing of the existence, of another person's apparatus, or

(b) to his not knowing the identity or address of—

(i) a relevant authority, or

(ii) the person to whom any apparatus belongs,

and that his ignorance was not due to any negligence on his part or to any failure to make inquiries which he ought reasonably to have made.

Textual Amendments

F121 Word in s. 116(1) repealed (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 21(2)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F122 Words in s. 116(1) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 21(2)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F123 Words in s. 116(2) repealed (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 19(5)(a)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F124 S. 116(3A) substituted for s. 116(3) (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 19(5)(b)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F125 Words in s. 116(4) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

Modifications etc. (not altering text)

C2002S. 116 modified (28.11.1992) by S.I. 1992/2990, **art. 5**

117 Restriction on works following substantial works carried out for road purposes.

(1) Where it is proposed to carry out substantial works in a road, the road works authority may by notice in accordance with this section restrict the execution of road works during the twelve months following the completion of those works.

For this purpose substantial works means works for road purposes, or such works together with other works, of such description as may be prescribed.

(2) The notice shall be **[**F126entered in the SRWR**]** and shall specify the nature and location of the proposed works, the date (not being less than three months after the notice is **[**F127so entered**]**, or first **[**F127so entered**]**) on which it is proposed to begin the works, and the extent of the restriction.

(3) A copy of the notice shall be given to each of the following—

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(a) where there is **[**F128a public sewer**]** in the part of the road to which the restriction relates, to **[**F129Scottish Water**]**

(b) where the part of the road to which the restriction relates is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, to that authority,

(c) where in any other case the part of the road to which the restriction relates is carried or crossed by a bridge, to the bridge authority,

(d) any person who has given notice under section 113 (advance notice of certain works) of his intention to execute road works in the part of the road to which the restriction relates, and

(e) any other person having apparatus in the part of the road to which the restriction relates;

but a failure to do so does not affect the validity of the restriction imposed by the notice.

(4) A notice ceases to be effective if the works to which it relates are not substantially begun—

(a) on or within one month from the date specified in the notice, or

(b) where road works are in progress in the part of the road to which the restriction relates on that date, within one month from the completion of those works.

(5) An undertaker shall not in contravention of a restriction imposed by a notice under this section break up or open the part of the road to which the restriction relates, except—

(a) to execute emergency works,

(b) with the consent of the road works authority, or

(c) in such other cases as may be prescribed.

(6) If he does—

(a) he commits an offence and is liable on summary conviction to a fine not exceeding **[**F130level 5**]** on the standard scale, and

(b) **[**F131if convicted of an offence under this subsection,**]** he is liable to reimburse the road works authority any costs reasonably incurred by them in reinstating the road.

(7) The consent of the road works authority under subsection (5)(b) shall not be unreasonably withheld; and any question whether the withholding of consent is unreasonable shall be settled **[**F132in the prescribed manner**]**.

(8) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, his failure is attributable to a restriction imposed by a notice under this section.

[F133(9) The Scottish Ministers may issue or approve for the purposes of this section a code of practice giving practical guidance as to the performance by road works authorities of their functions under this section; and in carrying out those functions a road works authority shall have regard to the code of practice.**]**

Textual Amendments

F126 Words in s. 117(2) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 19(6)(a)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

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F127 Words in s. 117(2) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 19(6)(b)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F128 Words in s. 117(3)(a) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 21(4)(a)** (with s. 67); S.S.I. 2002/118, **art. 2**

F129 Words in s. 117(3)(a) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 21(4)(b)** (with s. 67); S.S.I. 2002/118, **art. 2**

F130 Words in s. 117(6) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

F131 Words in s. 117(6)(b) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 22(1)(b)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F132 Words in s. 117(7) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(1)**(2)(a), 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F133 S. 117(9) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 22(1)(c)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

Modifications etc. (not altering text)

C2003 S. 117 restricted (28.11.1992) by S.I. 1992/2990, **art. 6**

C2004 S. 117: power to contract out functions of the Secretary of State conferred (16.3.1996) by S.I. 1996/878, art. 2, **Sch. para. 6(e)**

118 General duty of road works authority to co-ordinate works.

(1) A road works authority shall use their best endeavours to co-ordinate the execution of works of all kinds (including works for road purposes) in the roads for which they are responsible—

(a) in the interests of safety,

(b) to minimise the inconvenience to persons using the road (having regard, in particular, to the needs of people with a disability), and

(c) to protect the structure of the road and the integrity of apparatus in it.

(2) That duty extends to co-ordination with other road works authorities where works in a road for which one authority are responsible affect roads for which other authorities are responsible.

[[F134](2A) In discharging their duty under this section, a road works authority shall have regard to all information in the SRWR which relates to the functions of the authority.

(2B) A road works authority shall, so as to maximise the utility of that information for the purposes of subsection (2A)—

(a) assist the Commissioner in complying with the duty imposed by subsection (1) of section 112A (as read with subsection (2) of that section), and

(b) keep that information under surveillance.**]**

(3) The Secretary of State shall issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned above; and in discharging their general duty of co-ordination **[**[F135]and the specific duties imposed by subsections (2) to (2B)**]** a road works authority shall have regard to any such code of practice.

[[F136](3A) In discharging all the duties referred to in subsection (3), a road works authority shall have regard also to such guidance as is contained in the practice referred to in section 17(4)(b) of the Transport (Scotland) Act 2005 (asp 12).**]**

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
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(4) If it appears to the **[**F137Commissioner**]** that a road works authority are not properly discharging their general duty of co-ordination, he may direct the authority to supply him with such information as he considers necessary to enable him to decide whether that is the case and if so what action to take.

The direction shall specify the information to be provided and the period within which it is to be provided.

(5) If after the end of that period (whether or not the direction has been complied with) it appears to the **[**F138Commissioner**]** that the authority are not properly discharging their general duty of co-ordination, he may direct the authority to take such steps as he considers appropriate for the purpose of discharging that duty.

The direction shall specify the steps to be taken and the period within which they are to be taken, and may include a requirement to make a report or periodic reports to the **[**F138Commissioner**]** as to what steps have been taken and the results of taking them.

(6) A direction under this section may be varied or revoked by a further direction.

Textual Amendments

F134 S. 118(2A)(2B) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 23(2)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1 (as amended (5.3.2008) by S.S.I. 2008/90, art. 2)

F135 Words in s. 118(3) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 23(3)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F136 S. 118(3A) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 23(4)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F137 Words in s. 118(4) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 23(5)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F138 Words in s. 118(5) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 23(5)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

Modifications etc. (not altering text)

C2005 S. 118: power to contract out functions of the Secretary of State conferred (16.3.1996) by S.I. 1996/878, art. 2, **Sch. para. 6(e)**

C2006 S. 118 applied (with modifications) (27.4.2006) by Edinburgh Tram (Line Two) Act 2006 (asp 6), **s. 7(6)**(7) (with s. 75)

C2007 S. 118 applied (with modifications) (8.5.2006) by Edinburgh Tram (Line One) Act 2006 (asp 7), **s. 7(6)**(7) (with ss. 76, 84)

Commencement Information

I13 S. 118 wholly in force; s. 118(1)(2)(4)-(6) in force at 1.1.1993, see s. 170 and S.I. 1992/2990, art. 2(2), **Sch. 2**; s. 118(3) in force at 14.7.1992 by S.I. 1992/1671, art. 2, **Sch.**

119 General duty of undertakers to co-operate.

(1) An undertaker shall as regards the execution of road works use his best endeavours to co-operate with the road works authority and with other undertakers—

(a) in the interests of safety,

(b) to minimise the inconvenience to persons using the road (having regard, in particular, to the needs of people with a disability), and

(c) to protect the structure of the road and the integrity of apparatus in it.

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

[F139(1A) In discharging the duty under this section, an undertaker shall have regard to all information in the SRWR about matters which might affect, or be affected by, works being or proposed to be carried out by the undertaker.

(1B) An undertaker shall, so as to maximise the utility of that information for the purposes of subsection (1A)—

(a) assist the Commissioner in complying with the duty imposed by subsection (1) of section 112A (as read with subsection (2) of that section), and

(b) keep that information under surveillance.

(1C) In subsections (1A) and (1B), "undertaker" does not include a person having permission under section 109 to execute road works.**]**

(2) The Secretary of State shall issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned in subsection (1); and—

(a) so far as an undertaker complies with such a code of practice he shall be taken to comply with his duty under that subsection, and

(b) a failure in any respect to comply with any such code is evidence of failure in that respect to comply with that duty.

[F140(2A) In discharging the duties imposed by subsections (1) to (1B), an undertaker shall—

(a) comply with any direction in that respect given to the undertaker by the Commissioner, and

(b) have regard to such guidance as is contained in the practice referred to in section 17(4)(b) of the Transport (Scotland) Act 2005 (asp 12),

and paragraphs (a) and (b) of subsection (2) shall apply in relation to any such direction as they apply in relation to the code of practice referred to in that subsection.

(2B) If it appears to the Commissioner that an undertaker is not properly complying with his duty under subsection (1), he may direct the undertaker to supply him with such information as he considers necessary to enable him to decide whether that is the case and, if so, what action to take.

The direction shall specify the information to be provided and the period within which it is to be provided.**]**

F141(3) . . . . . .

[F142(4) A direction under this section may be varied or revoked by a further direction.**]**

Textual Amendments

F139 S. 119(1A)-(1C) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 24(2)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F140 S. 119(2A)(2B) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 24(3)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F141 S. 119(3) repealed (1.10.2007) by Transport (Scotland) Act 2005 (asp 12), **ss. 25(1)**, 54(2); S.S.I. 2007/409, **art. 2**

F142 S. 119(4) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 24(4)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

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Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

Commencement Information

I14 S. 119 wholly in force: s. 119(1)(3) in force at 1.1.1993 see s. 170 and S.I. 1992/2990, art. 2(2), **Sch. 2**; s. 119(2) in force at 14.7.1992 by S.I. 1992/1671, art. 2, **Sch.**

[F143 119A Enforcement of sections 118 and 119: imposition of penalties

(1) The Scottish Ministers may, by regulations, make provision for or in connection with—

(a) the imposition by the Commissioner of penalties on road works authorities and undertakers who fail to comply with duties imposed on them by sections 118 and 119 respectively,

(b) the payment of such penalties.

(2) The regulations may include provision for or in connection with—

(a) the notification and enforcement of penalties,

(b) the level of penalties,

(c) appeals against the imposition of penalties including the appointment of persons to hear and determine such appeals.**]**

Textual Amendments

F143 S. 119A inserted (S.) (1.10.2007) by Transport (Scotland) Act 2005 (asp 12), **ss. 25(2)**, 54(2); S.S.I. 2007/409, art. 2

Roads subject to special controls

120 Protected roads.

(1) The consent of the road works authority is required for the placing of apparatus by an undertaker in a protected road, except as mentioned below.

The following are "protected roads" for this purpose—

(a) any road or proposed road which is a special road in accordance with section 7 of the [M41]Roads (Scotland) Act 1984, and

(b) any road designated by the road works authority as protected.

(2) Consent is not required for the placing of apparatus—

(a) by way of renewal of existing apparatus, or

(b) in pursuance of a permission granted under section 109 of this Act (permission to execute road works) or section 61 of the [M42]Roads (Scotland) Act 1984 (permission to place and maintain apparatus under a road), except where the permission was granted before the road became a protected road.

(3) The road works authority may require the payment of—

(a) a reasonable fee in respect of the legal or other expenses incurred in connection with the giving of their consent under this section, and

(b) an annual fee of a reasonable amount for administering the consent;

and any such fee is recoverable from the undertaker.

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This shall not be construed as affecting any right of the authority where they own the land on which the road is situated to grant, subject to such terms and conditions as they think fit, the right to place anything in, under or over the land.

(4) Where the apparatus is to be placed crossing the protected road and not running along it, the road works authority shall not withhold their consent unless there are special reasons for doing so.

(5) Consent to the placing of apparatus in a protected road may be given subject to conditions; and the road works authority may agree to contribute to the expenses incurred by the undertaker in complying with the conditions.

(6) Any dispute between a road works authority and an undertaker as to the withholding of consent, the imposition of conditions, or the making of contributions shall be settled **[**[F144]in the prescribed manner**]**.

(7) An undertaker having a statutory duty to afford a supply or service shall not be regarded as in breach of that duty if, or to the extent that, it is not reasonably practicable to afford a supply or service by reason of anything done by the road works authority in exercise of their functions in relation to a protected road.

Textual Amendments

F144 Words in s. 120(6) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(1)**(2)(b), 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

Modifications etc. (not altering text)

C2008 S. 120 modified (28.11.1992) by S.I. 1992/2990, **art.7**

Marginal Citations

M41 1984 c. 54.

M42 1984 c. 54.

121 Supplementary provisions as to designation of protected roads.

(1) The Secretary of State may prescribe—

(a) the criteria for designating a road as protected,

(b) the procedure for making or withdrawing such a designation, and

(c) the information to be made available by a road works authority as to the roads for the time being designated by them.

(2) Where a road has been designated as protected the road works authority may direct an undertaker to remove or change the position of apparatus placed in the road at a time when it was not so designated.

The authority shall indemnify the undertaker in respect of his reasonable expenses in complying with such a direction.

(3) Where a designation is withdrawn the road works authority may give such directions as they consider appropriate as to—

(a) the continuance in force of any conditions subject to which consent was given for the placing of apparatus in the road, and

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(b) the continuance of entitlement to any contributions in respect of the expenses of an undertaker in complying with such conditions.

(4) Where a designation is made or withdrawn the road works authority may give such directions as they consider appropriate with respect to works in progress in the road when the designation comes into force or ceases to have effect.

(5) Any dispute between a road works authority and an undertaker as to the exercise by the authority of their powers under subsection (2), (3) or (4) shall be settled **[**[F145]in the prescribed manner**]**.

(6) Where a road has been designated as protected, the roads authority shall indicate that it has been so designated in the list of public roads which they are obliged to maintain by virtue of section 1 or 2 of the [M43]Roads (Scotland) Act 1984.

Textual Amendments

F145 Words in s. 121(5) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(1)**(2)(c), 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

Marginal Citations

M43 1984 c. 54.

122 Roads with special engineering difficulties.

(1) The provisions of Schedule 6 have effect for requiring the settlement of a plan and section of road works to be executed in a road designated by the road works authority as having special engineering difficulties.

(2) The Secretary of State may prescribe—

(a) the criteria for designating a road as having special engineering difficulties,

(b) the procedure for making or withdrawing such a designation, and

(c) the information to be made available by a road works authority as to the roads for the time being so designated by them.

(3) Where a local roads authority are asked to designate a road as having special engineering difficulties—

(a) by a transport authority on the ground of the proximity of the road to a structure belonging to, or under the management or control of, the authority, or

(b) by an undertaker having apparatus in the road,

and decline to do so, the transport authority or undertaker may appeal to the Secretary of State who may direct that the road be designated.

(4) The designation of a road as having special engineering difficulties shall not be withdrawn except after consultation with any transport authority or undertaker at whose request the designation was made; and a designation made in pursuance of a direction by the Secretary of State shall not be withdrawn except with his consent.

(5) Where a road has been designated as having special engineering difficulties, the roads authority shall indicate that it has been so designated in the list of public roads which they are obliged to maintain by virtue of section 1 or 2 of the Roads (Scotland) Act 1984.

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Modifications etc. (not altering text)
C2009 S. 122: power to contract out functions of the Secretary of State conferred (16.3.1996) by S.I. 1996/878, art. 2, **Sch. para. 6(f)**

123 Traffic-sensitive roads.

(1) Regulations made for the purposes of section 113, 114 or 116 (notices required to be given in respect of road works) may make special provision in relation to road works in a road designated by the road works authority as traffic-sensitive.

(2) The Secretary of State may prescribe—

(a) the criteria for designating a road as traffic-sensitive,

(b) the procedure for making or withdrawing such a designation, and

(c) the information to be made available by a road works authority as to the roads for the time being so designated by them.

(3) If it appears to the road works authority that the prescribed criteria are met only at certain times or on certain dates, a limited designation may be made accordingly.

In such a case the reference in subsection (1) to the execution of works in a road designated as traffic-sensitive shall be construed as a reference to works so executed at those times or on those dates.

(4) Where a road has been designated as traffic-sensitive, the roads authority shall indicate that it has been so designated in the list of public roads which they are obliged to maintain by virtue of section 1 or 2 of the [M44]Roads (Scotland) Act 1984.

Modifications etc. (not altering text)
C2010 S. 123: power to contract out functions of the Secretary of State conferred (16.3.1996) by S.I. 1996/878, art. 2, **Sch. para. 6(g)**

Marginal Citations
M44 1984 c. 54.

General requirements as to execution of road works

124 Safety measures.

(1) An undertaker executing road works shall secure—

(a) that any part of the road which is broken up or open, or is obstructed by plant or materials used or deposited in connection with the works, is adequately guarded and lit, and

(b) that such traffic signs are placed and maintained, and where necessary operated, as are reasonably required for the guidance or direction of persons using the road, and in accordance with section 120 of the Roads (Scotland) Act 1984 (duty to have regard to the needs of people with a disability).

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(2) In discharging in relation to a road his duty with respect to the placing, maintenance or operation of traffic signs, an undertaker shall comply with any directions given by the traffic authority.

The power of the traffic authority to give directions under this subsection is exercisable subject to any directions given by the Secretary of State under section 65 of the [M45]Road Traffic Regulation Act 1984.

(3) The Secretary of State may issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned in subsection (1); and—

(a) so far as an undertaker complies with such a code of practice he shall be taken to comply with that subsection; and

(b) a failure in any respect to comply with any such code is evidence of failure in that respect to comply with that subsection.

(4) An undertaker who fails to comply with subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding **[**[F146]level 5**]** on the standard scale.

(5) If it appears to the road works authority that an undertaker has failed to comply with subsection (1) or (2), they may take such steps as appear to them necessary and may recover from the undertaker the costs reasonably incurred by them in doing so.

(6) If a person without lawful authority or excuse—

(a) takes down, alters or removes any fence, barrier, traffic sign or light erected or placed in pursuance of subsection (1) or (2) above, or

(b) extinguishes a light so placed,

he commits an offence and is liable on summary conviction to a fine not exceeding **[**[F147]level 5**]** on the standard scale.

Textual Amendments

F146 Words in s. 124(4) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

F147 Words in s. 124(6) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

Commencement Information

I15 S. 124 wholly in force: s. 124(3) in force at 14.7.1992 by S. I. 1992/1671, art. 2, **Sch.**; s. 124(1)(2)(4)-(6) in force at 1.4.1993 by S.I. 1992/2990, art. 2(3), **Sch. 3**

Marginal Citations

M45 1984 c. 27.

125 Avoidance of unnecessary delay or obstruction.

(1) An undertaker executing road works which involve—

(a) breaking up or opening the road, or any sewer, drain or tunnel under it, or

(b) tunnelling or boring under the road,

shall carry on and complete the works with all such dispatch as is reasonably practicable.

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(2) An undertaker who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding **[**F148level 5**]** on the standard scale.

(3) Where an undertaker executing any road works creates an obstruction in a road to a greater extent or for a longer period than is reasonably necessary, the road works authority may by notice require him to take such reasonable steps as are specified in the notice to mitigate or discontinue the obstruction.

(4) If the undertaker fails to comply with such a notice within 24 hours of receiving it, or such longer period as the authority may specify, the authority may take the necessary steps and recover from him the costs reasonably incurred by them in doing so.

Textual Amendments

F148 Words in s. 125(2) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

126 Qualifications of supervisors and operatives.

(1) It is the duty of an undertaker executing road works involving—

(a) breaking up the road, or any sewer, drain or tunnel under it, or

(b) tunnelling or boring under the road,

to secure that, except in such cases as may be prescribed, the execution of the works is supervised by a person having a prescribed qualification as a supervisor.

[F149(1A) A road works authority may (unless the case is one excepted from subsection (1)) by notice require an undertaker executing road works—

(a) to notify them of the name of—

(i) the person who is currently the qualified supervisor required under subsection (1), and

(ii) each person who has previously been the qualified supervisor so required, and

(b) to provide them with such evidence of the requisite qualification of the person or, as the case may be, each person named as may be prescribed.**]**

(2) It is the duty of an undertaker executing road works involving—

(a) breaking up or opening the road, or any sewer, drain or tunnel under it, or

(b) tunnelling or boring under the road,

to secure that, except in such cases as may be prescribed, there is on site at all times when any such works are in progress at least one person having a prescribed qualification as a trained operative.

[F150(2A) A road works authority may (unless the case is one excepted from subsection (2)) by notice require an undertaker executing road works—

(a) to notify them of the name of—

(i) a person whose presence on site at any time specified in the notice (being a time when the works were in progress) enabled the undertaker to comply with his duty under subsection (2), or

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(ii) each person whose presence on site during the progress of the works enabled the undertaker to comply with his duty under subsection (2), and

(b) to provide them such evidence of the requisite qualification of the or, as the case may be, each person named as may be prescribed.

(2B) A notice under subsection (1A) or (2A) may be given at any time while the works are being executed or within such period after their completion as may be prescribed.

(2C) The undertaker shall comply with a notice under subsection (1A) or (2A) within such period and in such way as may be prescribed.**]**

(3) An undertaker who fails to comply with his duty under subsection (1) **[**F151, (2) or (2C)**]** commits an offence and is liable on summary conviction to a fine not exceeding **[**F152level 5**]** on the standard scale.

(4) Regulations made by the Secretary of State for the purposes of this section may include provision with respect to—

(a) the approval of bodies conferring qualifications (and the withdrawal of such approval), and

(b) the circumstances in which a qualification may be conferred **[**F153and

(c) the form of any document to be issued by an approved body to certify or otherwise show that a qualification has been conferred on any person**]**.

Textual Amendments

F149 S. 126(1A) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 26(2)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F150 S. 126(2A)-(2C) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 26(3)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F151 Words in s. 126(3) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 26(4)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F152 Words in s. 126(3) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

F153 S. 126(4)(c) and word inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 26(5)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

[F154**126A Duty of authorities, undertakers etc. to ensure competence of employees etc.**

Each of the authorities and other persons set out in the first column below shall use their or, as the case may be, his best endeavours to ensure that each of that authority's or, as the case may be, that person's employees or agents whose duty it is to carry out for that authority or person a function conferred on that authority or person by or under an enactment set out relative to that authority or person in the second column below is competent to perform that duty—

A road works authority	Section 112B(1) and (3) of this Act; section 18 of the Transport (Scotland) Act 2005 (asp 12) (duty to provide Scottish Road Works Commissioner with certain information).

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A roads authority	Section 112B(4) to (7) of this Act.
An undertaker	Sections 113(1), 114(1) and 116(2) of this Act; section 18 of the Transport (Scotland) Act 2005 (asp 12) (duty to provide Scottish Road Works Commissioner with certain information).**]**

Textual Amendments

F154 S. 126A inserted (S.) (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 27**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

127 Facilities to be afforded to road works authority.

(1) An undertaker executing road works shall afford the road works authority reasonable facilities for ascertaining whether he is complying with his duties under this Part.

(2) An undertaker who fails to afford the road works authority such facilities commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding **[**F155level 4**]** on the standard scale.

Textual Amendments

F155 Words in s. 127(2) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

128 Works likely to affect other apparatus in the road.

(1) Where road works are likely to affect another person's apparatus in the road, the undertaker executing the works shall take all reasonably practicable steps—

(a) to give the person to whom the apparatus belongs reasonable facilities for monitoring the execution of the works, and

(b) to comply with any requirement made by him which is reasonably necessary for the protection of the apparatus or for securing access to it.

(2) An undertaker who fails to comply with subsection (1) commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding **[**F156level 4**]** on the standard scale.

(3) In proceedings against a person for such an offence it is a defence for him to show that the failure was attributable—

(a) to his not knowing the position, or not knowing of the existence, of another person's apparatus, or

(b) to his not knowing the identity or address of the person to whom any apparatus belongs,

and that his ignorance was not due to any negligence on his part or to any failure to make inquiries which he ought reasonably to have made.

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Textual Amendments

F156 Words in s. 128(2) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

Modifications etc. (not altering text)

C2011 S. 128 excluded (28.11.1992) by S.I. 1992/2990, **art. 8**

C2012 S. 128 modified (1. 1. 1993) by Local Government, Planning and Land Act 1980 (c. 65), **s. 167(7)** (as substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. IV para. 109**; S.I. 1992/2990, art. 2(2), **Sch.2**)

C2013 S. 128 applied (with modifications) (27.4.2006) by Edinburgh Tram (Line Two) Act 2006 (asp 6), **s. 7(6)**(7) (with s. 75)

C2014 S. 128 applied (with modifications) (8.5.2006) by Edinburgh Tram (Line One) Act 2006 (asp 7), **s. 7(6)**(7) (with ss. 76, 84)

Reinstatement

129 Duty of undertaker to reinstate.

(1) It is the duty of the undertaker by whom road works are executed to reinstate the road.

(2) He shall begin the reinstatement as soon after the completion of any part of the road works as is reasonably practicable and shall carry on and complete the reinstatement with all such dispatch as is reasonably practicable.

(3) He shall before the end of the next working day after the day on which the reinstatement is completed **[**F157give the required notice**]** that he has completed the reinstatement of the road, stating whether the reinstatement is permanent or interim.

(4) If it is interim, he shall complete the permanent reinstatement of the road as soon as reasonably practicable and in any event within six months (or such other period as may be prescribed) from the date on which the interim reinstatement was completed; and he shall **[**F158give the required notice**]** when he has done so.

(5) The permanent reinstatement of the road shall include, in particular, the reinstatement of features designed to assist people with a disability.

[F159(5A) For the purposes of subsection (3) or (4) an undertaker gives the required notice by—

(a) giving to the Commissioner a notice containing such information as may be prescribed, and

(b) entering in the SRWR a copy of that notice.**]**

(6) An undertaker who fails to comply with any provision of this section commits an offence and is liable on summary conviction to a fine not exceeding **[**F160level 5**]** on the standard scale.

(7) In proceedings against a person for an offence of failing to comply with subsection (2) it is a defence for him to show that any delay in reinstating the road was in order to avoid hindering the execution of other works, or other parts of the same works, to be undertaken immediately or shortly thereafter.

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

Textual Amendments

F157 Words in s. 129(3) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 28(a)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F158 Words in s. 129(4) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 28(b)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F159 S. 129(5A) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 28(c)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F160 Words in s. 129(6) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

Modifications etc. (not altering text)

C2015 S. 129 excluded (28.11.1992) by S.I. 1992/2990, **art. 9**

Commencement Information

I16 S. 129 wholly in force: s. 129(1)-(3)(5)-(7) in force at 1.1.1993, see s. 170 and S.I. 1992/2990, art. 2(2), **Sch. 2**; s. 129(4) in force at 14.7.1992 by S. I. 1992/1671, art. 2, **Sch.**

130 Materials, workmanship and standard of reinstatement.

(1) An undertaker executing road works shall in reinstating the road comply with such requirements as may be prescribed as to the specification of materials to be used and the standards of workmanship to be observed.

(2) He shall also ensure that the reinstatement conforms to such performance standards as may be prescribed—

(a) in the case of interim reinstatement, until permanent reinstatement is effected, and

(b) in the case of permanent reinstatement, for the prescribed period after the completion of the reinstatement.

This obligation is extended in certain cases and restricted in others by the provisions of section 132 as to cases where a reinstatement is affected by subsequent works.

(3) Regulations made for the purposes of this section may make different provision in relation to different classes of excavation and different descriptions of road, and in relation to interim and permanent reinstatement.

(4) The Secretary of State may issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned in subsections (1) and (2); and regulations made for the purposes of this section may provide that—

(a) so far as an undertaker complies with such a code of practice he shall be taken to comply with his duties under this section; and

(b) a failure in any respect to comply with any such code is evidence of failure in that respect to comply with those duties.

(5) An undertaker who fails to comply with his duties under this section commits an offence and is liable on summary conviction to a fine not exceeding **[**F161level 5**]** on the standard scale.

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

Textual Amendments

F161 Words in s. 130(5) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

131 Powers of road works authority in relation to reinstatement.

(1) The road works authority may carry out such investigatory works as appear to them to be necessary to ascertain whether an undertaker has complied with his duties under this Part with respect to reinstatement.

If such a failure is disclosed, the undertaker shall bear the cost of the investigatory works; if not, the road works authority shall bear the cost of the investigatory works and of any necessary reinstatement.

(2) Where an undertaker has failed to comply with his duties under this Part with respect to reinstatement, he shall bear the cost of—

(a) a joint inspection with the road works authority to determine the nature of the failure and what remedial works need to be undertaken,

(b) an inspection by the authority of the remedial works in progress, and

(c) an inspection by the authority when the remedial works have been completed.

(3) The road works authority may by notice require an undertaker who has failed to comply with his duties under this Part with respect to reinstatement to carry out the necessary remedial works within such period **[**F162, not being shorter than such period as may be prescribed,**]** as may be specified in the notice.

If he fails to comply with the notice, the authority may carry out the necessary works and recover from him the costs reasonably incurred by them in doing so.

[F163(3A) Different minimum periods may be prescribed under subsection (3) for different descriptions of remedial works; and cases may be so prescribed in which no minimum period applies.**]**

(4) If it appears to the road works authority that a failure by an undertaker to comply with his duties under this Part as to reinstatement is causing danger to users of the road, the authority may carry out the necessary works without first giving notice and may recover from him the costs reasonably incurred by them in doing so.

They shall, however, give notice to him as soon as reasonably practicable stating their reasons for taking immediate action.

Textual Amendments

F162 Words in s. 131(3) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 29(1)(a)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F163 S. 131(3A) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 29(1)(b)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

Modifications etc. (not altering text)

C2016 S. 131: power to contract out functions of the Secretary of State conferred (16.3.1996) by S.I. 1996/878, art. 2, **Sch. para. 6(h)**

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

132 Reinstatement affected by subsequent works.

(1) The provisions of this section apply in relation to an undertaker's duty under section 130(2) to ensure that a reinstatement conforms to the prescribed performance standards for the requisite period; and references to responsibility for a reinstatement and to the period of that responsibility shall be construed accordingly.

(2) Where a reinstatement is affected by remedial works executed by the undertaker in order to comply with his duties under this Part with respect to reinstatement and the extent of the works exceeds that prescribed, the subsequent reinstatement shall be treated as a new reinstatement as regards the period of his responsibility.

(3) Where the road works authority carry out investigatory works in pursuance of section 131(1) and the investigation does not disclose any failure by the undertaker to comply with his duties under this Part with respect to reinstatement, then, to the extent that the original reinstatement has been disturbed by the investigatory works, the responsibility of the undertaker for the reinstatement shall cease.

(4) Where a reinstatement is affected by remedial works executed by the road works authority in exercise of their powers under section 131(3) or (4) (powers to act in default of undertaker)—

(a) the undertaker is responsible for the subsequent reinstatement carried out by the authority, and

(b) if the extent of the works exceeds that prescribed, the subsequent reinstatement shall be treated as a new reinstatement as regards the period of his responsibility.

(5) The following provisions apply where a reinstatement is affected by subsequent works in the road otherwise than as mentioned above.

(6) If the reinstatement is dug out to any extent in the course of the subsequent works, the responsibility of the undertaker for the reinstatement shall cease to that extent.

(7) If in any other case the reinstatement ceases to conform to the prescribed performance standards by reason of the subsequent works, the responsibility of the undertaker for the reinstatement is transferred to the person executing the subsequent works; and the provisions of this Part apply in relation to him as they would have applied in relation to the undertaker.

(8) Where there are successive subsequent works affecting a reinstatement, then as between earlier and later works—

(a) subsections (6) and (7) apply in relation to the cessation or transfer of the responsibility of the person for the time being responsible for the reinstatement; and

(b) if the reinstatement ceases to conform to the prescribed performance standards by reason of the works or any of them, it shall be presumed until the contrary is proved that this was caused by the later or last of the works.

Modifications etc. (not altering text)
C2017S. 132(5)-(8) extended (28.11.1992) by S.I. 1992/2990, **art.11**

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

Charges, fees and contributions payable by undertakers

133 Charge for occupation of the road where works unreasonably prolonged.

(1) The Secretary of State may make provision by regulations requiring an undertaker executing road works in a public road to pay a charge to the roads authority where—

(a) the duration of the works exceeds such period as may be prescribed, and

(b) the works are not completed within a reasonable period.

(2) For this purpose "a reasonable period" means such period as is agreed by the authority and the undertaker to be reasonable or, in default of such agreement, is determined **[**[F164]in the prescribed manner**]** to be reasonable, for completion of the works in question.

In default of agreement, the authority's view as to what is a reasonable period shall be acted upon pending the decision of the arbiter.

(3) The regulations may provide that if an undertaker has reason to believe that the duration of works will exceed the prescribed period he may submit to the authority an estimate of their likely duration—

(a) in the case of works in connection with the initial placing of apparatus in the road in pursuance of a permission granted under section 109 (permission to execute road works), together with his application for permission,

(b) in the case of other works (not being emergency works), together with his notice under section 114 (notice of starting date), or

(c) in the case of emergency works, as soon as reasonably practicable after the works are begun,

and that the period stated in an estimate so submitted shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.

(4) The regulations may also provide that if it appears to the undertaker that by reason of matters not previously foreseen or reasonably foreseeable the duration of the works—

(a) is likely to exceed the prescribed period,

(b) is likely to exceed the period stated in his previous estimate, or

(c) is likely to exceed the period previously agreed or determined to be a reasonable period,

he may submit an estimate or revised estimate accordingly, and that if he does so any previous estimate, agreement or determination shall cease to have effect and the period stated in the new estimate shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.

(5) The amount of the charge shall be determined in such manner as may be prescribed by reference to the time taken to complete the works and the extent to which the surface of the road is affected by the works.

Different rates of charge may be prescribed according to the place and time at which the works are executed and such other factors as appear to the Secretary of State to be relevant.

(6) The regulations may make provision as to the time and manner of making payment of any charge.

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(7) The regulations shall provide that a roads authority may reduce the amount, or waive payment, of a charge in any particular case, in such classes of case as they may decide or as may be prescribed, or generally.

(8) The first regulations for the purposes of this section shall not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament; subsequent regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F164 Words in s. 133(2) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(1)**(2)(d), 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

134 Inspection fees.

(1) An undertaker executing road works shall, subject to the provisions of any scheme under this section, pay to the road works authority the prescribed fee in respect of each inspection of the works carried out by the authority.

(2) Different fees may be prescribed according to the nature or extent of the excavation or other works, the place where they are executed and such other factors as appear to the Secretary of State to be relevant.

(3) The Secretary of State may by regulations make a scheme under which undertakers pay the prescribed fee only in respect of such proportion or number of excavations or other works as may be determined in accordance with the scheme.

(4) The scheme may make provision—

(a) as to the periods and areas by reference to which the proportion or number is to be determined, and

(b) as to the intervals at which an account is to be struck between an undertaker and a road works authority and any necessary payment or repayment made;

and different provision may be made for different descriptions of undertaker and different descriptions of road works authority.

(5) Nothing in this section applies in relation to inspections in respect of which the undertaker is obliged to bear the cost under section 131(2) (inspections consequent on his failure to comply with his duties as to reinstatement).

135 Liability for cost of temporary traffic regulation.

(1) Where by reason of road works—

(a) the traffic authority makes an order or issues a notice under section 14 of the [M46]Road Traffic Regulation Act 1984 (temporary prohibition or restriction of traffic), or

(b) a concessionaire issues a notice under that section by virtue of section 43(4) of this Act,

the authority or concessionaire may recover from the undertaker the whole of the costs incurred by them in connection with or in consequence of the order or notice.

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(2) Those costs shall be taken to include, in particular, the cost to the authority or concessionaire—

(a) of complying with any requirement to notify the public of any matter in connection with the making, issuing or operation of the order or notice, and

(b) of providing traffic signs in connection with the prohibition or restriction of traffic by the order or notice.

Modifications etc. (not altering text)

C2018 S. 135 applied (with modifications) (27.4.2006) by Edinburgh Tram (Line Two) Act 2006 (asp 6), **s. 7(6)**(7) (with s. 75)

C2019 S. 135 applied (with modifications) (8.5.2006) by Edinburgh Tram (Line One) Act 2006 (asp 7), **s. 7(6)**(7) (with ss. 76, 84)

Marginal Citations

M46 1984 c. 27.

136 Liability for cost of use of alternative route.

(1) Where by reason of road works the use of a road is restricted or prohibited and the diverted traffic uses as an alternative route a road of a lower classification, the undertaker shall indemnify the roads authority for the latter road in respect of costs reasonably incurred by them—

(a) in strengthening the road, so far as that is done with a view to and is necessary for the purposes of its use by the diverted traffic; or

(b) in making good any damage to the road occurring in consequence of the use by it of the diverted traffic.

(2) For this purpose the order of classification of roads, from higher to lower, is as follows:

1	Trunk roads.
2	Principal roads.
3	Other classified roads.
4	Other roads.

(3) In this section, "trunk road" and "classified road" have the meanings given by section 151 of the [M47]Roads (Scotland) Act 1984 and "principal road" refers to a road classified as such by the Secretary of State under section 11 of that Act.

Modifications etc. (not altering text)

C2020 S. 136 applied (with modifications) (27.4.2006) by Edinburgh Tram (Line Two) Act 2006 (asp 6), **s. 7(6)**(7) (with s. 75)

C2021 S. 136 applied (with modifications) (8.5.2006) by Edinburgh Tram (Line One) Act 2006 (asp 7), **s. 7(6)**(7) (with ss. 76, 84)

Marginal Citations

M47 1984 c. 54.

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
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137 Contributions to costs of making good long-term damage.

(1) The Secretary of State may make provision by regulations requiring an undertaker executing road works to contribute to the costs incurred or likely to be incurred by a road works authority in works of reconstruction or re-surfacing of the road.

(2) The regulations may provide—

(a) for a contribution to the cost of particular remedial works, or

(b) for a general contribution calculated in such manner as may be prescribed.

(3) In the former case the regulations may contain provision for apportioning the liability where the need for the remedial works is attributable to works executed by more than one person.

(4) In the latter case the regulations may provide for the amount of the contribution to vary according to the nature of the road, the description and extent of the works and such other factors as appear to the Secretary of State to be relevant.

(5) The first regulations under this section shall not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament; subsequent regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Duties and liabilities of undertakers with respect to apparatus

PROSPECTIVE

138 Records of location of apparatus.

(1) An undertaker shall, except in such cases as may be prescribed, record the location of every item of apparatus belonging to him as soon as reasonably practicable after—

(a) placing it in the road or altering its position,

(b) locating it in the road in the course of executing any other works, or

(c) being informed of its location under section 139 below,

stating the nature of the apparatus and (if known) whether it is for the time being in use.

(2) The records shall be kept up to date and shall be kept in such form and manner as may be prescribed.

(3) An undertaker shall make his records available for inspection, at all reasonable hours and free of charge, by any person having authority to execute works of any description in the road or otherwise appearing to the undertaker to have a sufficient interest.

(4) If an undertaker fails to comply with his duties under this section—

(a) he commits an offence and is liable on summary conviction to a fine not exceeding **[**F165level 5**]** on the standard scale; and

(b) he is liable to compensate any person in respect of damage or loss incurred by him in consequence of the failure.

(5) In criminal or civil proceedings arising out of any such failure it is a defence for the undertaker to show that all reasonable care was taken by him, and by his contractors and by persons in his employ or that of his contractors, to secure that no such failure occurred.

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(6) An order under section 161 (power to make consequential amendments, repeals, &c.) relating to an enactment or instrument containing provision for the keeping of records of apparatus which appears to the Secretary of State to be superseded by or otherwise inconsistent with the provisions of this section—

(a) shall not be subject to the procedure provided for in Schedule 7, and

(b) may make such transitional and other provision as appears to the Secretary of State appropriate for applying in relation to records compiled under that enactment or instrument the provisions of subsections (2) to (5) above and section 139 below.

Textual Amendments

F165 Words in s. 138(4) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

PROSPECTIVE

139 Duty to inform undertakers of location of apparatus.

(1) A person executing works of any description in the road who finds apparatus belonging to an undertaker which is not marked, or is wrongly marked, on the records made available by the undertaker, shall take such steps as are reasonably practicable to inform the undertaker to whom the apparatus belongs of its location and (so far as appears from external inspection) its nature and whether it is in use.

(2) Where a person executing works of any description in the road finds apparatus which does not belong to him and is unable, after taking such steps as are reasonably practicable, to ascertain to whom the apparatus belongs, he shall—

(a) if he is an undertaker, note on the records kept by him under section 138(1) (in such manner as may be prescribed) the location of the apparatus he has found and its general description; and

(b) in any other case, inform the road works authority of the location and general description of the apparatus he has found.

(3) Subsections (1) and (2) have effect subject to such exceptions as may be prescribed.

(4) A person who fails to comply with subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding **[**F166level 4**]** on the standard scale.

Textual Amendments

F166 Words in s. 139(4) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

140 Duty to maintain apparatus.

(1) An undertaker having apparatus in the road shall secure that the apparatus is maintained to the reasonable satisfaction of—

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(a) the road works authority, as regards the safety and convenience of persons using the road (having regard, in particular, to the needs of people with a disability), the structure of the road and the integrity of apparatus of the authority in the road, and

(b) any other relevant authority, as regards any land, structure or apparatus of theirs;

and he shall afford reasonable facilities to each such authority for ascertaining whether it is so maintained.

(2) For this purpose maintenance means the carrying out of such works as are necessary to keep the apparatus in efficient working condition (including periodic renewal where appropriate); and includes works rendered necessary by other works in the road, other than major works for road purposes, major bridge works or major transport works (as to which, see sections 143 and 144 below).

(3) If an undertaker fails to give a relevant authority the facilities required by this section—

(a) the road works authority may in such cases as may be prescribed, and

(b) any other relevant authority may in any case,

execute such works as are needed to enable them to inspect the apparatus in question, including any necessary breaking up or opening of the road.

(4) If an undertaker fails to secure that apparatus is maintained to the reasonable satisfaction of a relevant authority in accordance with this section—

(a) the road works authority may in such cases as may be prescribed, and

(b) any other relevant authority may in any case,

execute any emergency works needed in consequence of the failure.

(5) The provisions of this Part apply in relation to works executed by a relevant authority under subsection (3) or (4) as if they were executed by the undertaker; and the undertaker shall indemnify the authority in respect of the costs reasonably incurred by them in executing the works.

(6) A relevant authority who execute or propose to execute any works under subsection (3) or (4) shall give notice to any other relevant authority as soon as reasonably practicable stating the general nature of the works.

(7) Nothing in subsection (3) or (4) shall be construed as excluding any other means of securing compliance with the duties imposed by subsection (1).

Commencement Information

I17 S. 140 wholly in force: s. 140(1)(2)(5)-(7) in force at 1.1.1993, see s. 170 and S.I. 1992/2990, art. 2(2), **Sch. 2**; s. 140(3)(4) in force at 14.7.1992 by S. I. 1992/1671, art. 2, **Sch.**

141 Liability for damage or loss caused.

(1) An undertaker shall compensate—

(a) the road works authority or any other relevant authority in respect of any damage or loss suffered by the authority in their capacity as such, and

(b) any other person having apparatus in the road in respect of any expense reasonably incurred in making good damage to that apparatus,

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as a result of the execution by the undertaker of road works or any event of a kind mentioned in subsection (2) below.

(2) The events referred to in subsection (1) are any explosion, ignition, discharge or other event occurring to gas, electricity, water or other thing required for the purposes of a supply or service afforded by an undertaker which—

(a) at the time of or immediately before the event in question was in apparatus of the undertaker in the road, or

(b) had been in such apparatus before that event and had escaped therefrom in circumstances which contributed to its occurrence.

(3) The liability of an undertaker under this section arises—

(a) whether or not the damage or loss is attributable to negligence on his part or on the part of any person for whom he is responsible, and

(b) notwithstanding that he is acting in pursuance of a statutory duty.

(4) However, his liability under this section does not extend to damage or loss which is attributable to misconduct or negligence on the part of—

(a) the person suffering the damage or loss, or any person for whom he is responsible, or

(b) a third party, that is, a person for whom neither the undertaker nor the person suffering the damage or loss is responsible.

(5) For the purposes of this section the persons for whom a person is responsible are his contractors and any person in his employ or that of his contractors.

(6) Nothing in this section shall be taken as exonerating an undertaker from any liability to which he would otherwise be subject.

Modifications etc. (not altering text)

C2022 S. 141 modified (1. 1. 1993) by Local Government, Planning and Land Act 1980 (c. 65), **s. 167(7)** (as substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. IV para. 109**; S.I. 1992/2990, art. 2(2), **Sch.2**)

Apparatus affected by road, bridge or transport works

142 Works for road purposes likely to affect apparatus in the road.

(1) This section applies to works for road purposes other than major works for road purposes (as to which see section 143 below).

(2) Where works to which this section applies are likely to affect apparatus in the road, the authority executing the works shall take all reasonably practicable steps—

(a) to give the person to whom the apparatus belongs reasonable facilities for monitoring the execution of the works, and

(b) to comply with any requirement made by him which is reasonably necessary for the protection of the apparatus or for securing access to it.

(3) An authority who fail to comply with subsection (2) commit an offence in respect of each failure and are liable on summary conviction to a fine not exceeding **[**F167level 4**]** on the standard scale.

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
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(4) In proceedings against an authority for such an offence it is a defence for them to show that the failure was attributable—

(a) to their not knowing the position, or not knowing of the existence, of a person's apparatus, or

(b) to their not knowing the identity or address of the person to whom any apparatus belongs,

and that their ignorance was not due to any negligence on their part or to any failure to make inquiries which they ought reasonably to have made.

Textual Amendments

F167 Words in s. 142(3) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

Modifications etc. (not altering text)

C2023 S. 142 applied (18.12.1996) by 1996 c. xii, s. 1, **Sch. para. 11**

C2024 Ss. 142-144 modified (18.3.2011) by Forth Crossing Act 2011 (asp 2), **ss. 58**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.

143 Measures necessary where apparatus affected by major works.

(1) Where an undertaker's apparatus in a road is or may be affected by major works for roads purposes, major bridge works or major transport works, the roads, bridge or transport authority concerned and the undertaker shall take such steps as are reasonably required—

(a) to identify any measures needing to be taken in relation to the apparatus in consequence of, or in order to facilitate, the execution of the authority's works,

(b) to settle a specification of the necessary measures and determine by whom they are to be taken, and

(c) to co-ordinate the taking of those measures and the execution of the authority's works,

so as to secure the efficient implementation of the necessary work and the avoidance of unnecessary delay.

(2) The Secretary of State may issue or approve for the purposes of this section a code of practice giving practical guidance as to the matters mentioned in subsection (1) and the steps to be taken by the authority and the undertaker.

(3) Any dispute between the authority and the undertaker as to any of the matters mentioned in subsection (1) shall, in default of agreement, be settled **[**F168in the prescribed manner**]**.

(4) If the authority or the undertaker fails to comply with an agreement between them as to any of those matters, or with the decision **[**F169made**]** under subsection (3) **[**F170in settlement of a dispute**]**, the authority or undertaker shall be liable to compensate the other in respect of any loss or damage resulting from the failure.

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

Textual Amendments

F168 Words in s. 143(3) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(1)**(2)(e), 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F169 Word in s. 143(4) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(3)(a)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F170 Words in s. 143(4) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(3)(b)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

Modifications etc. (not altering text)

C2024 Ss. 142-144 modified (18.3.2011) by Forth Crossing Act 2011 (asp 2), **ss. 58**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.

C2025 S. 143 applied (18.12.1996) by 1996 c. xii, s. 1, **Sch. para. 11**

C2026 S. 143(1)(3)(4) excluded (28.11.1992) by S.I. 1992/2990, **art.10**

Commencement Information

I18 S. 143 wholly in force; s. 143(1)(3)(4) in force at 1.1.1993, see s. 170 and S.I. 1992/2990, art. 2(2), **Sch. 2**; s. 143(2) in force at 14.7.1992 by S.I. 1992/1671, art. 2, **Sch.**

144 Sharing of cost of necessary measures.

(1) Where an undertaker's apparatus in a road is affected by major works for roads purposes, major bridge works or major transport works, the allowable costs of the measures needing to be taken in relation to the apparatus in consequence of the works, or in order to facilitate their execution, shall be borne by the roads, bridge or transport authority concerned and the undertaker in such manner as may be prescribed.

(2) The regulations may make provision as to the costs allowable for this purpose.

Provision may, in particular, be made for disallowing costs of the undertaker—

(a) where the apparatus in question was placed in the road after the authority had given the undertaker the prescribed notice of their intention to execute the works, or

(b) in respect of measures taken to remedy matters for which the authority were not to blame,

and for allowing only such costs of either party as are not recoverable from a third party.

(3) Where the authority have a right to recover from a third party their costs in taking measures in relation to undertaker's apparatus but in accordance with section 143 it is determined that the measures should be taken by the undertaker, the right of the authority includes a right to recover the undertaker's costs in taking those measures and they shall account to the undertaker for any sum received.

(4) The regulations shall provide for the allowable costs to be borne by the authority and the undertaker in such proportions as may be prescribed.

Different proportions may be prescribed for different cases or classes of case.

(5) The regulations may require the undertaker to give credit for any financial benefit to him from the betterment or deferment of renewal of the apparatus resulting from the measures taken.

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(6) The regulations may make provision as to the time and manner of making any payment required under this section.

Modifications etc. (not altering text)

C2024 Ss. 142-144 modified (18.3.2011) by Forth Crossing Act 2011 (asp 2), **ss. 58**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.

C2027 S. 144 excluded (28.11.1992) by S.I. 1992/2990, **art. 10**

C2028 S. 144 applied (18.12.1996) by 1996 c. xii, s. 1, **Sch. para. 11**

C2029 S. 144 applied (27.4.2006) by Edinburgh Tram (Line Two) Act 2006 (asp 6), **sch. 9 para. 2(3)(a)** (with s. 75)

C2030 S. 144 applied (8.5.2006) by Edinburgh Tram (Line One) Act 2006 (asp 7), **sch. 9 para. 2(3)(a)** (with ss. 76, 84)

C2031 S. 144 applied (1.6.2010) by The Network Rail (Waverley Steps) Order 2010 (S.S.I. 2010/188), art. 1, **sch. 7 para. 2(4)(a)**

C2032 S. 144 applied (18.3.2011) by Forth Crossing Act 2011 (asp 2), **ss. 61(3)**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.

Provisions with respect to particular authorities and undertakings

145 Roads authorities, roads and related matters.

(1) In this Part—

"roads authority" and "local roads authority" have the same meaning as in section 151 of the [M48]Roads (Scotland) Act 1984; and

"public road" means a road which a roads authority have a duty to maintain.

(2) In this Part "works for road purposes" means—

(a) works for the maintenance of a road,

(b) works for any purpose falling within the definition of "improvement" in section 151 of that Act,

(c) the erection, maintenance, alteration or removal of traffic signs, or

(d) the construction of a crossing for vehicles across a footway or the strengthening or adaptation of a footway for use as a crossing for vehicles.

(3) In this Part "major works for roads purposes" means works of any of the following descriptions executed by the roads authority in relation to a road which consists of or includes a carriageway—

(a) reconstruction or widening of the road,

(b) substantial alteration of the level of the road,

(c) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footpath or cycle track in the road,

(d) the construction or removal of a road hump within the meaning of section 40 of the [M49]Roads (Scotland) Act 1984,

(e) works carried out in exercise of the powers conferred by section 63 of the Roads (Scotland) Act 1984 (new access over verges and footways),

(f) provision of a cattle-grid in the road or works ancillary thereto, or

(g) tunnelling or boring under the road.

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Marginal Citations

M48 1984 c. 54.

M49 1984 c. 54.

146 Prospective public roads.

(1) Subject to subsection (2), where a local roads authority are satisfied that a road in their area which is not a public road is likely to become a public road, they may make a declaration to that effect.

(2) Subsection (1) does not apply to a road which is under the management or control of a transport authority.

(3) The provisions of this Part apply to a road in respect of which such a declaration has been made as they apply to a public road.

(4) In relation to road works in such a road, the road works authority—

(a) shall secure the performance by undertakers of their duties under this Part, and shall exercise their powers under this Part, in such manner as is reasonably required for the protection of the road managers; and

(b) shall comply with any reasonable request as to securing performance of those duties, or as to the exercise of those powers, which may be made by the road managers.

147 Bridges, bridge authorities and related matters.

(1) In this Part—

(a) references to a bridge include so much of any road as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the road; and

(b) "bridge authority" means the authority, body or person in whom a bridge is vested.

(2) In this Part "major bridge works" means works for the replacement, reconstruction or substantial alteration of a bridge.

(3) Where a road is carried or crossed by a bridge, any statutory right to place apparatus in the road includes the right to place apparatus in, and attach apparatus to, the structure of the bridge; and other rights to execute works in relation to the apparatus extend accordingly.

References in this Part to apparatus in the road include apparatus so placed or attached.

(4) An undertaker proposing to execute road works affecting the structure of a bridge shall consult the bridge authority before giving notice under section 114 (notice of starting date) in relation to the works.

(5) An undertaker executing such works shall take all reasonably practicable steps—

(a) to give the bridge authority reasonable facilities for monitoring the execution of the works, and

(b) to comply with any requirement made by them which is reasonably necesssary for the protection of the bridge or for securing access to it.

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(6) An undertaker who fails to comply with any requirement of subsection (4) or (5) commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding **[**F171level 5**]** on the standard scale.

(7) Subsections (4) to (6) do not apply to works in relation to which Schedule 6 applies (works in roads with special engineering difficulties).

Textual Amendments

F171 Words in s. 147(6) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

148 Sewers.

(1) An undertaker proposing to execute road works affecting **[**F172a public sewer**]** shall consult **[**F173Scottish Water**]** before giving notice under section 114 (notice of starting date) in relation to the works.

(2) References in this Part to apparatus include a sewer, drain or tunnel.

[F174(3) References in this Part to an undertaker having apparatus shall, where the apparatus is a sewer, drain or tunnel, be construed—

(a) in the case of apparatus vested in **[**F175Scottish Water**]**, as references to that **[**F176body**]**; and

(b) in any other case, as references to the authority, body or person having the management or control of the apparatus.**]**

(4) Section 128 (provisions as to works likely to affect other apparatus in the road) does not apply by virtue of subsection (2) above in relation to works likely to affect **[**F177a public sewer**]** if, or to the extent that, Schedule 6 (works in roads with special engineering difficulties) applies.

Textual Amendments

F172 Words in s. 148(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 21(5)(a)** (with s. 67); S.S.I. 2002/118, **art. 2**

F173 Words in s. 148(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 21(5)(b)** (with s. 67); S.S.I. 2002/118, **art. 2**

F174 S. 148(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 168(4)(b)**; S.I. 1996/323 art. 4(c)

F175 Words in s. 148(3)(a) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 21(5)(b)** (with s. 67); S.S.I. 2002/118, **art. 2**

F176 Word in s. 148(3)(a) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 21(5)(b)** (with s. 67); S.S.I. 2002/118, **art. 2**

F177 Words in s. 148(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 21(5)(c)** (with s. 67); S.S.I. 2002/118, **art. 2**

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149 Provisions as to reinstatement of sewers, drains or tunnels.

(1) The duties of an undertaker under this Part with respect to reinstatement of the road extend, in the case of road works which involve breaking up or opening a sewer, drain or tunnel under the road, to the reinstatement of the sewer, drain or tunnel.

(2) The responsible authority may by notice require an undertaker who has failed to comply with his duties under this Part with respect to reinstatement to carry out the necessary remedial works within such period **[**F178, not being shorter than such period as may be prescribed,**]** as may be specified in the notice.

If he fails to comply with the notice, the authority may carry out the necessary works and recover from him the costs reasonably incurred by them in doing so.

[F179(2A) Different minimum periods may be prescribed under subsection (2) for different descriptions of remedial works; and cases may be so prescribed in which no minimum period applies.**]**

(3) If it appears to the responsible authority that a failure by an undertaker to comply with his duties under this Part as to reinstatement is causing danger to users of the road, the authority may carry out the necessary works without first giving notice and may recover from him the costs reasonably incurred by them in doing so.

They shall, however, give notice to him as soon as reasonably practicable stating their reasons for taking immediate action.

(4) The responsible authority for the purposes of this section is—

(a) in the case of **[**F180a public sewer, Scottish Water**]**, and

(b) in the case of any other sewer, drain or tunnel, the authority, body or person having the management or control of it.

Textual Amendments

F178 Words in s. 149(2) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 29(2)(a)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F179 S. 149(2A) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 29(2)(b)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F180 Words in s. 149(4)(a) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 21(6)** (with s. 67); S.S.I. 2002/118, **art. 2**

150 Transport authorities, transport undertakings and related matters.

(1) In this Part—

(a) "transport authority" means the authority, body or person having the control or management of a transport undertaking; and

(b) "transport undertaking" means a railway, tramway, dock, harbour, pier, canal or inland navigation undertaking of which the activities, or some of the activities, are carried on under statutory authority.

(2) In this Part "major transport works" means substantial works required for the purposes of a transport undertaking and executed in property held or used for the purposes of the undertaking.

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(3) References in this Part to a road which crosses or is crossed by property held or used for the purposes of a transport undertaking extend to cases in which the road and the property in question are at different levels.

But the transport authority shall not be treated as a relevant authority as regards undertakers' works in such a road where the property in question consists only of—

(a) subsoil of the road which is held by the transport authority but is not used, and has not been adapted for use, for the purposes of the undertaking, or

(b) property underground at such a depth that there is no reasonable possibility of the works affecting it.

(4) The provisions of this Part relating to a road which crosses or is crossed by property held or used for the purposes of a transport undertaking apply to a road which is or forms part of a towing-path or other way running along a canal or inland navigation, provided the path or way is held or used, or the subsoil of it is held, for the purposes of the canal or inland navigation undertaking.

151 Special precautions as to displaying of lights.

(1) An undertaker executing road works in a road which crosses, or is crossed by, or is in the vicinity of, a railway, tramway, dock, harbour, pier, canal or inland navigation, shall comply with any reasonable requirements imposed by the transport authority concerned with respect to the displaying of lights so as to avoid any risk of their—

(a) being mistaken for any signal light or other light used for controlling, directing or securing the safety of traffic thereon, or

(b) being a hindrance to the ready interpretation of any such signal or other light.

(2) An undertaker who fails to comply with any such requirement commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) In proceedings for such an offence it is a defence for the undertaker to show that all reasonable care was taken by him, and by his contractors and by persons in his employ or that of his contractors, to secure that no such failure occurred.

152 Works affecting level crossings or tramways.

(1) This section applies to road works at a crossing of a railway on the level or which affect a tramway.

In this section "the relevant transport authority" means the authority having the management of the railway or tramway undertaking concerned.

(2) An undertaker proposing to begin to execute works to which this section applies shall give the prescribed notice to the relevant transport authority notwithstanding that such notice is not required under section 114 (notice of starting date).

The provisions of subsections (2) to (7) of that section (contents of notice, when works may be begun, &c.) apply in relation to the notice required by this subsection as in relation to a notice under subsection (1) of that section.

(3) An undertaker executing works to which this section applies shall comply with any reasonable requirements made by the relevant transport authority—

(a) for securing the safety of persons employed in connection with the works, or

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(b) for securing that interference with traffic on the railway or tramway caused by the execution of the works is reduced so far as is practicable;

and, except where submission of a plan and section is required, he shall defer beginning the works for such further period as the relevant transport authority may reasonably request as needed for formulating their requirements under this subsection or making their traffic arrangements.

(4) Nothing in subsection (2) or (3) affects the right of an undertaker to execute emergency works.

(5) An undertaker executing emergency works shall give notice to the relevant transport authority as soon as reasonably practicable of his intention or, as the case may be, of his having begun to do so notwithstanding that such notice is not required by section 116 (notice of emergency works).

The provisions of subsections (3) and (4) of that section (contents of notice and penalty for failure to give notice) apply in relation to the notice required by this subsection as in relation to a notice under subsection (2) of that section.

Power of road works authority or district council to undertake road works

153 Power of road works authority or district council to undertake road works.

(1) A road works authority **[**F181 or district council**]** may enter into an agreement with an undertaker for the execution by the authority **[**F181or council**]**on behalf of the undertaker of any road works.

(2) The agreement may contain such terms as to payment and otherwise as the parties consider appropriate.

(3) Nothing in this section shall be construed as derogating from any powers exercisable by the authority **[**F181or council**]**apart from this section.

(4) This section shall cease to have effect upon such day as the Secretary of State may appoint by order made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F181 Words in s. 153(1) and (3) ceased to have effect (1.4.1996) by virtue of 1994 c. 39, s. 180(1)(2), Sch. 13 para. 168(5), **Sch. 14**; S.I. 1996/323 art. 4(c)(d)

Supplementary provisions

154 Offences.

(1) Any provision of this Part imposing criminal liability in respect of any matter is without prejudice to any civil liability in respect of the same matter.

(2) Where a failure to comply with a duty imposed by this Part is continued after conviction, the person in default commits a further offence.

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[F182 154A Fixed penalties for certain offences under this Part

(1) Any offence under this Part relating to road works which is listed in the first column of Schedule 6A (and described in general terms in the second column) is a fixed penalty offence for the purposes of this Part.

(2) Offences listed in that Schedule which are committed by virtue of section 166 (offences by bodies corporate and partnerships) are not fixed penalty offences.

(3) The Scottish Ministers may by order made by statutory instrument modify that Schedule so as to provide for offences under this Part relating to road works to become (or cease to be) fixed penalty offences.

(4) No such order shall be made unless a draft of the statutory instrument containing it has been laid before and approved by resolution of the Scottish Parliament.

(5) Schedule 6B (which makes provision about fixed penalties for fixed penalty offences) has effect.**]**

Textual Amendments

F182 S. 154A inserted (S.) (1.10.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 34(1)**, 54(2); S.S.I. 2008/15, art. 2(3), sch. 2

Modifications etc. (not altering text)

C2033 S. 154A(5) restricted (1.10.2008) by The Road Works (Fixed Penalty) (Scotland) Regulations 2008 (S.S.I. 2008/244), regs. 1, **3**

155 Recovery of costs or expenses.

(1) Any provision of this Part enabling an authority, body or person to recover the costs or expenses of taking any action shall be taken to include the relevant administrative expenses of that authority, body or person including an appropriate sum in respect of general staff costs and overheads.

The Secretary of State may prescribe the basis on which such amounts are to be calculated; and different provision may be made for different cases or descriptions of case.

(2) Where a right to payment enuring for the benefit of a person is conferred in respect of the same matter—

(a) both under this Part and under any enactment or agreement passed or made before the commencement of this Part, or

(b) by two or more provisions of this Part,

a payment made in discharge of any of those rights shall be treated as being made in or towards satisfaction of the other or others.

(3) Where under any provision of this Part a person is entitled in certain circumstances to recover costs or expenses incurred by him in executing works or taking other steps, any dispute as to the existence of those circumstances or as to the amount recoverable shall be determined **[**F183 in the prescribed manner**]**.

This applies whether the provision is expressed as conferring a right to recover, or as imposing a liability to reimburse or indemnify or to bear the cost, but does not apply in

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relation to a provision expressed as providing for the charging of a fee or conferring a right to compensation or in relation to section 137 (contribution to the cost of making good long-term damage to the road).

Textual Amendments

F183 Words in s. 155(3) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(1)**(2)(f), 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

Commencement Information

I19 S. 155 wholly in force at 1.1.1993, see s. 170 and S.I. 1992/2990, art. 2(2), **Sch. 2**

156 Service of notices and other documents.

(1) Notices required or authorised to be given for the purposes of this Part shall be given in the prescribed form.

(2) The Secretary of State may make provision by regulations as to the manner of service of notices and other documents required or authorised to be served for the purposes of this Part.

[F184(3) References in this section to notices authorised to be given or served for the purposes of this Part include reference to notices under Schedule 8B to the Roads (Scotland) Act 1984 (c. 54) (fixed penalties for certain offences under that Act).**]**

Textual Amendments

F184 S. 156(3) inserted (1.10.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 37(4)**, 54(2); S.S.I. 2008/15, art. 2(3), sch. 2

157 Reckoning of periods.

(1) In reckoning for the purposes of this Part a period expressed as a period from or before a given date, that date shall be excluded.

(2) For the purposes of this Part a working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday; and a notice given after 4.30 p.m. on a working day shall be treated as given on the next working day.

(3) In subsection (2) a "bank holiday" means a day which is a bank holiday under the M50Banking and Financial Dealings Act 1971 in the locality in which the road in question is situated.

Marginal Citations

M50 1971 c. 80.

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[F185 157A Regulations prescribing manner of settlement of disputes

Regulations under this Part prescribing the manner in which any question or dispute is to be settled may in particular make provision for the question or, as the case may be, dispute to be settled—

(a) by the Commissioner, or

(b) by arbitration.]

Textual Amendments

F185 S. 157A inserted (S.) (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(4)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

158 Arbitration.

(1) Any matter which under this Part is to be settled by arbitration shall be referred for determination by a single arbiter appointed by agreement between the parties concerned or, in default of agreement, by the sheriff.

(2) In any arbitration in accordance with subsection (1) the arbiter may, and if so directed by the Court of Session shall, state a case for the decision of the Court on any question of law arising in the arbitration; and the decision of the Court shall be final unless the Court or the [F186 Supreme Court] give leave to appeal to the [F186 Supreme Court] against the decision.

(3) Leave under subsection (2) may be given on such terms as to expenses or otherwise as the Court or the [F186 Supreme Court] may determine.

Textual Amendments

F186 Words in s. 158(2)(3) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 9 para. 53**; S.I. 2009/1604, art. 2(d)

159 Agreements inconsistent with the provisions of this Part.

(1) An agreement which purports to make provision regulating the execution of road works is of no effect to the extent that it is inconsistent with the provisions of this Part.

(2) This does not affect an agreement for the waiver or variation of a right conferred on a relevant authority by any of the provisions of this Part which is made after the right has accrued and is not inconsistent with the future operation of those provisions.

160 Effect of this Part on certain existing special enactments or instruments.

(1) Any special enactment passed or made before the commencement of this Part which makes or authorises the making of provision regulating the execution of road works in a manner inconsistent with the provisions of this Part shall cease to have effect; and unless a contrary intention appears no enactment passed or made after the commencement of this Part shall be construed as making or authorising the making of any such provision.

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This subsection does not apply to any provision as to the obtaining of consent for the execution of the works or for any other purpose.

(2) Any special enactment passed or made before the commencement of this Part which requires the consent of a relevant authority (in its capacity as such) to the execution of road works shall cease to have effect, except as mentioned below; and unless a contrary intention appears no special enactment passed or made after the commencement of this Part shall be construed as requiring such consent.

This subsection does not apply to a consent requirement so far as it relates to—

(a) works above the surface level of the road, or

(b) works outside the limits of supply of an undertaker in relation to whom such limits are imposed.

(3) A provision made by way of condition imposed on the giving of a consent for the execution of road works is of no effect in so far as it would have been so by virtue of section 159 if it had been made by an agreement.

(4) If it appears to the Secretary of State—

(a) that by the operation of subsection (1) a person has been or will be deprived of some protection afforded by a special enactment and that corresponding protection is in all the circumstances required, or

(b) that a requirement of consent imposed by a special enactment should be saved from the operation of subsection (2), either as regards all works to which the requirement extends or as regards any description of such works, or

(c) that conditions of any descriptions should be rendered valid notwithstanding subsection (3), or

(d) that uncertainty or obscurity has resulted or is likely to result from the operation on a special enactment of the general provisions of subsection (1), (2) or (3),

he may by order make such provision as he considers appropriate for affording such protection, saving the requirement, rendering the conditions valid or modifying the special enactment, as the case may be.

(5) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and the provisions of Schedule 7 have effect with respect to the procedure for making such an order.

(6) The provisions of this section apply in relation to an instrument having effect under or by virtue of an enactment as in relation to an enactment; and references to a special enactment shall be construed accordingly.

161 Effect of this Part on other existing enactments or instruments.

(1) The Secretary of State may by order make such provision amending, repealing, or preserving the effect of, any enactment passed or made before the commencement of this Part (not being a special enactment to which section 160(1), (2) or (3) applies) as appears to him appropriate in consequence of the provisions of this Part.

(2) Subject to any order under this section and (in the case of a public general Act) to any express amendment made by this Act, any such enactment which proceeds by reference to any provision of the [M51]Public Utilities Street Works Act 1950, or any

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other provision repealed by this Act in consequence of this Part, shall continue to have effect as if the provision referred to had not been repealed.

(3) An order under this section may, in particular, make provision in relation to—

(a) enactments providing for the keeping of records of apparatus, and

(b) enactments providing for the giving of notice of proposed road works.

(4) An order under this section may contain such transitional provisions and savings as appear to the Secretary of State to be appropriate.

(5) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Except as mentioned in section 138(6), the provisions of Schedule 7 have effect with respect to the making of an order under this section in relation to a special enactment.

(7) The provisions of this section apply in relation to an instrument having effect under or by virtue of an enactment as in relation to an enactment; and references to a special enactment shall be construed accordingly.

Marginal Citations

M51 1950 c. 39.

162 Former controlled land.

(1) The following provisions apply with respect to land (not forming part of a road) in which immediately before the commencement of this Part there is apparatus placed by virtue of Schedule 1 to the [M52]Public Utilities Street Works Act 1950 (authorisation of works in certain land abutting a road).

(2) If any person having a sufficient interest in the land gives notice to the undertaker that he objects to the continuance of the powers and rights over the land given by that Schedule, those powers and rights shall cease to have effect at the end of the period of six months from the date on which the notice was given.

For this purpose a person has a sufficient interest in the land if he is an owner, lessee or occupier of the land having an interest greater than that of tenant for a year or from year to year.

(3) The road works authority shall indemnify the undertaker in respect of the costs reasonably incurred by him in or in connection with—

(a) any removal of apparatus rendered necessary by the cessation of his powers and rights under this section, and

(b) the execution of any works or taking of any other measures rendered necessary thereby for the purposes of the supply or service for which apparatus whose removal is rendered necessary was used.

(4) Where the land becomes part of the road after the commencement of this Part, any consent which would have been required for the placing of the apparatus in the road had it been placed there immediately after the land in question became part of the road shall be deemed to have been given unconditionally.

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(5) Subject to any exercise of the right conferred by subsection (2), the rights and powers of the undertaker under Schedule 1 to the Public Utilities Street Works Act 1950 continue unaffected by the repeal of that Act.

Marginal Citations

M52 1950 c. 39.

163 Meaning of "prescribed" and regulations generally.

(1) In this Part "prescribed" means prescribed by the Secretary of State by regulations, which may (unless the context otherwise requires) make different provision for different cases.

(2) Regulations under this Part shall be made by statutory instrument which, unless provision to the contrary is made, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Regulations under this Part may provide for references in the regulations to any specified document to operate as references to that document as revised or re-issued from time to time.

[F187 163A Consultation on regulations and codes of practice

(1) Before—

(a) making, amending or revoking regulations under or for the purposes of any provision of this Part, or

(b) issuing, amending or revoking a code of practice under or for the purposes of any such provision or approving any such code of practice or its amendment or revocation,

the Scottish Ministers shall consult the persons and authorities set out in subsection (2).

(2) Those persons and authorities are such—

(a) persons considered by the Scottish Ministers to be representative of the interests of undertakers,

(b) road works authorities,

(c) other persons,

as the Scottish Ministers think appropriate.**]**

Textual Amendments

F187 S. 163A inserted (S.) (1.10.2007) by Transport (Scotland) Act 2005 (asp 12), **ss. 39**, 54(2); S.S.I. 2007/409, art. 2

164 Minor definitions.

(1) In this Part—

"apparatus" includes any structure for the lodging therein of apparatus or for gaining access to apparatus;

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"carriageway" and "footway" have the same meaning as in the [M53]Roads (Scotland) Act 1984;

"enactment" includes an enactment contained in subordinate legislation within the meaning of the [M54]Interpretation Act 1978.

"in", in a context referring to works, apparatus or other property in a road or other place includes a reference to works, apparatus or other property under, over, across, along or upon it;

[[F188]"public sewer" has the same meaning as in the Sewerage (Scotland) Act 1968;**]**

"railway" includes a light railway other than one in the nature of a tramway (see the definition of "tramway" below);

"reinstatement" includes making good;

[F189] . . . . . .

"special enactment" means an enactment which is not a public general enactment, and includes—

(a) any Act for confirming a provisional order,

(b) any provision of a public general Act in relation to the passing of which any of the Standing Orders of the House of Lords or the House of Commons relating to Private Business applied, and

(c) any enactment to the extent that it is incorporated or applied for the purposes of a special enactment;

"statutory right" means a right (whether expressed as a right, a power or otherwise) conferred by an enactment (whenever passed or made), other than a right exercisable by virtue of a permission granted under section 109;

"traffic" includes pedestrians and animals;

"traffic authority" and "traffic sign" have the same meaning as in the [M55]Road Traffic Regulation Act 1984;

"tramway" means a system, mainly or exclusively for the carriage of passengers, using vehicles guided, or powered by energy transmitted, by rails or other fixed apparatus installed exclusively or mainly in a road.

(2) A right to execute works which extends both to a road and to other land is included in references in this Part to a right to execute works in a road in so far as it extends to the road.

(3) A right to execute works which extends to part of the road but not the whole is included in references in this Part to a right to execute works in a road; and in relation to such a right references in this Part to the road in which it is exercisable shall be construed as references to the part to which the right extends.

(4) For the purposes of this Part apparatus shall be regarded as affected by works if the effect of the works is to prevent or restrict access to the apparatus (for example, by laying other apparatus above or adjacent to it).

(5) Section 28 of the [M56]Chronically Sick and Disabled Persons Act 1970 (power to define "disability" and other expressions) applies in relation to the provisions of this Part as to the provisions of that Act.

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Textual Amendments

F188 Words in s. 164(1) inserted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 21(7)(a)** (with s. 67); S.S.I. 2002/118, **art. 2**

F189 Words in s. 164(1) repealed (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 21(7)(b)** (with s. 67); S.S.I. 2002/118, **art. 2**

Marginal Citations

M53 1984 c. 54.

M54 1978 c. 30.

M55 1984 c. 27.

M56 1970 c. 44.

165 Index of defined expressions.

The expressions listed below are defined or otherwise fall to be construed for the purposes of this Part in accordance with the provisions indicated—

affected by (in relation to apparatus and works)	section 164(4)
apparatus	section 148(2) and 164
arbitration	section 158
bridge	section 147(1)(a)
bridge authority	section 147(1)(b)
carriageway	section 164
[[F190]the Commissioner	section 112A(1)**]**
costs	section 155
disability	(see section 164(4))
emergency works	section 111
enactment	section 164
expenses	section 155
[[F191]fixed penalty offence	section 154A(1)**]**
footway	section 164
in (in a context referring to works, apparatus or other property in a road)	section 164
local roads authority	section 145(1)
major bridge works	section 147(2)
major works for roads purposes	section 145(3)
major transport works	section 150(2)
notice	section 156
prescribed	section 163

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public road	section 145(1)
railway	section 164
reinstatement	section 164 (and see sections 129(5) and 149(1))
relevant authority (in relation to road works)	section 108(6) (and see section 150(3))
road	section 107(1)
road managers	section 108(4)
road works	section 107(3) (and see section 164(2) and (3))
road works authority	section 108(1)
roads authority	section 145(1)
special enactment	section 164(1)
[[F192]the SRWR	section 112A(1)**]**
statutory right	section 164(1)
traffic	section 164(1)
traffic authority	section 164(1)
traffic sign	section 164(1)
tramway	section 164(1)
transport authority	section 150(1)(a)
transport undertaking	section 150(1)(b)
undertaker (in relation to road works or apparatus)	sections 107(4) and (5) and 148(3)
working day	section 157(2)
works for road purposes	section 145(2).

Textual Amendments

F190 Words in s. 165 inserted (29.2.2008 for specified purposes, 1.4.2008 in so far as not already in force) by Transport (Scotland) Act 2005 (asp 12), **ss. 19(7)(a)**, 54(2); S.S.I. 2008/15, art. 2(1)(2), sch. 1

F191 Words in s. 165 inserted (1.10.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 34(2)**, 54(2); S.S.I. 2008/15, art. 2(3), sch. 2

F192 Words in s. 165 inserted (29.2.2008 for specified purposes, 1.4.2008 in so far as not already in force) by Transport (Scotland) Act 2005 (asp 12), **ss. 19(7)(b)**, 54(2); S.S.I. 2008/15, art. 2(1)(2), sch. 1

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PART V

GENERAL

166 Offences by bodies corporate or Scottish partnerships.

(1) Where an offence under this Act committed by a body corporate 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, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

In relation to a body corporate whose affairs are managed by its members "director" means a member of the body corporate.

(2) Where an offence under this Act is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

Commencement Information

I20 S. 166 wholly in force; s. 166(1)(2) in force (S.) at 21.10.1991 so far as relates to offences committed under Pt. II see s. 170(1) and S.I. 1991/2286, art. 2(1), **Sch. 1**; s. 166(1) in force (E.W.) at 1.11.1991 see s. 170 and S.I. 1991/2288, art. 3, **Sch.**; s. 166 wholly in force at 1.1. 1993 by S.I. 1992/2990, art. 2(2), **Sch. 2**

167 Crown application.

(1) The provisions of section 327 of the [M57]Highways Act 1980 (application of Act to Crown land) apply in relation to the provisions of Part I of this Act (new roads in England and Wales) as in relation to the provisions of that Act; and the provisions of section 146 of the [M58]Roads (Scotland) Act 1984 (application of Act to Crown land) apply in relation to the provisions of Part II of this Act (new roads in Scotland) as in relation to the provisions of that Act.

(2) Subject to any regulations under subsection (3), th136.e provisions of Parts I and II of this Act have effect in relation to persons in the public service of the Crown, vehicles belonging to, or used for the purposes of, a Minister of the Crown or Government department **[**[F193]or as respects Part II of this Act any part of the Scottish Administration**]** and things done, or omitted to be done, in connection with such vehicles by such persons as they have effect in relation to other persons or vehicles.

(3) The Secretary of State may by regulations provide that in their application in relation to—

(a) vehicles belonging to the Crown and used for naval, military or air force purposes,

(b) vehicles used for the purposes of any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the [M59]Visiting Forces Act 1952, or

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(c) vehicles used for the purposes of any headquarters or organisation designated by an Order in Council under section 1 of the [M60]International Headquarters and Defence Organisations Act 1964,

the provisions of Parts I and II of this Act shall have effect subject to such modifications as may be prescribed.

For this purpose "modifications" includes additions, omissions and alterations.

[[F194]The power to make regulations in terms of this subsection does not extend to the Scottish Ministers.**]**

(4) The provisions of Parts III and IV of this Act (street works in England and Wales and road works in Scotland) bind the Crown.

(5) Nothing in subsection (4) shall be construed as authorising the bringing of proceedings for a criminal offence against a person acting on behalf of the Crown.

(6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F193 Words in s. 167(2) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 103**; S.I. 1998/3178, **art. 3**

F194 Words in s. 167(3) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 103**; S.I. 1998/3178, **art. 3**

Commencement Information

I21 S. 167 wholly in force; s. 167(1)(2)(3)(6) in force (S.) at 21.10.1991 so far as relating to Pt. II see s. 170(1) and S.I. 1991/2286, art. 2(1), **Sch. 1**; s. 167(1)(2)(3)(6) in force (E.W.) at 01.11.1991 by S.I. 1991/2288, art. 3, **Sch.**; s. 167(4)(5) in force (in so far as these subsections relate to the provisions of Pt. IV) at 14.7.1992 by S.I. 1992/1671, art. 2, **Sch.**; and s. 167(4)(5) in force (so far as they relate to England and Wales) at 14.7.1992 by S.I. 1992/1686, art. 3, **Sch.**

Marginal Citations

M57 1980 c. 66.
M58 1984 c. 54.
M59 1952 c. 67.
M60 1964 c. 5.

168 Minor and consequential amendments and repeals.

(1) The enactments specified in Schedule 8 have effect with the amendments specified there which are minor amendments and amendments consequential on the provisions of this Act.

In that Schedule—

Part I contains amendments of the [M61]Highways Act 1980,
Part II contains amendments of the [M62]Road Traffic Regulation Act 1984,
Part III contains amendments of the [M63]Roads (Scotland) Act 1984, and
Part IV contains amendments of other enactments.

(2) The enactments mentioned in Schedule 9 are repealed to the extent specified there.

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Commencement Information

I22 S. 168 partly in force (S.) at 1.11.1991 see s. 170(1) and S.I. 1991/2286, art. 2(2), **Sch. 2**; s. 168 partly in force (E.W.) at 1.1.1993 see s. 170(1) and S.I. 1992/2984, art. 2(2), **Sch. 2**; s. 168 partly in force (S.) at 1.1.1993 see s. 170(1) and S.I. 1992/2990, art. 2(2), **Sch. 2**

Marginal Citations

M61 1980 c. 66.
M62 1984 c. 27.
M63 1984 c. 54.

169 Extent.

(1) The following provisions of this Act extend to England and Wales—

Part I (new roads in England and Wales),

Part III (street works in England and Wales),

the provisions of Schedule 8 (minor and consequential amendments) and Schedule 9 (repeals) so far as relating to enactments which extend to England and Wales, and

the other provisions of this Part so far as relating to the above provisions.

(2) The following provisions of this Act extend to Scotland—

Part II (new roads in Scotland),

Part IV (road works in Scotland),

the provisions of Schedule 8 (minor and consequential amendments) and Schedule 9 (repeals) so far as relating to enactments which extend to Scotland, and

the other provisions of this Part so far as relating to the above provisions.

(3) The following provisions of this Act extend to Northern Ireland—

the provisions of Schedule 8 (minor and consequential amendments) and Schedule 9 (repeals) so far as relating to enactments which extend to Northern Ireland, and

the other provisions of this Part so far as relating to the above provisions.

Commencement Information

I23 S. 169 partly in force; s. 169(1) in force at 1.11.1991, see s. 170 and S.I. 1991/2288, art. 3, **Sch.** s. 169(2) in force at 14.7.1992, see s. 170(1) and S.I. 1992/1671, art. 2, **Sch.**

170 Commencement.

(1) The provisions of this Act come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed for different provisions and different purposes.

(2) An order bringing into force any provision may contain such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient.

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Subordinate Legislation Made

P1 S. 170 power partly exercised: different dates appointed for specified provisions by S.I. 1991/2286

P2 S. 170 power partly exercised: 1.11.1991 appointed by S.I.1991/2288;
S. 170 power partly exercised: 14.7.1992 appointed for specified provisions by S.I. 1992/1671 and by S.I. 1992/1686;
S. 170 power partly exercised: different dates appointed for specified provisions by S.I. 1992/2984 and by S.I. 1992/2990;
S. 170 power partly exercised: 1.5.2003 appointed for specified provisions by {S.I. 2002/3267}

171 Short title.

This Act may be cited as the New Roads and Street Works Act 1991.

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SCHEDULES

SCHEDULE 1

Section 5(2).

SUPPLEMENTARY PROVISIONS AS TO TERMINATION OF CONCESSION

Introductory

1 The provisions of this Schedule apply in relation to the transfer of property, rights and liabilities to the highway authority on the termination of a concession agreement (referred to below as "the ending of the concession").

Property to vest free from security rights

2 (1) Property vesting in the highway authority shall do so free from any mortgage, charge, lien or other security to which it was subject immediately before the ending of the concession.

(2) This does not affect the liability secured.

Recovery of property taken in distress, &c.

3 (1) Where before the ending of the concession possession of any property vesting in the highway authority has been taken in pursuance of any legal process or distress **[**[F195]or under any power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods)**]**, the highway authority may recover it from any person in possession of it without being required to discharge the liability in respect of which the process or distress was issued or levied **[**[F196]or that power was exercised**]**.

(2) **[**[F197]Sub-paragraph (1)**]** does not affect the liability in respect of which the process or distress was issued or levied **[**[F198]or the power mentioned there was exercisable**]**.

Textual Amendments

F195 Words in Sch. 1 para. 3(1) inserted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 92(2)(a)** (with s. 89); S.I. 2014/768, art. 2(1)(b)

F196 Words in Sch. 1 para. 3(1) inserted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 92(2)(b)** (with s. 89); S.I. 2014/768, art. 2(1)(b)

F197 Words in Sch. 1 para. 3(2) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 92(3)(a)** (with s. 89); S.I. 2014/768, art. 2(1)(b)

F198 Words in Sch. 1 para. 3(2) inserted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 92(3)(b)** (with s. 89); S.I. 2014/768, art. 2(1)(b)

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Validity of previous discharge of liabilities

4 Where a liability has been discharged before the ending of the concession which if it had subsisted immediately before the ending of the concession would have fallen to be transferred to the highway authority, nothing in the [M64]Insolvency Act 1986—

(a) affects the validity of anything done by the concessionaire or any other person in discharging the liability,

(b) authorises a court to make an order affecting the property of, or imposing an obligation on, any person in consequence of or in connection with the receipt by him or by any other person of a payment made, property transferred or other benefit provided by the concessionaire or any other person in discharging that liability, or

(c) shall be treated as giving rise to a trust affecting money or property so transferred.

Marginal Citations
M64 1986 c. 45.

Property subject to covenants, conditions or restrictions

5 Except as provided by paragraph 2, property vesting in the highway authority shall be held by the authority subject to all covenants, conditions and restrictions subject to which the property was held by the concessionaire.

Transfer of agreements, &c.

6 (1) Subject to the concession agreement and to paragraph 2, all agreements and other transactions entered into or effected by the concessionaire and subsisting immediately before the ending of the concession, in so far as they relate to property, rights or liabilities transferred to the highway authority shall have effect with the substitution of the authority for the concessionaire.

(2) Accordingly—

(a) such an agreement or transaction may be enforced by or against the highway authority, and

(b) references to the concessionaire in an agreement (whether or not in writing) and in a deed, bond or other instrument or document, so far as relating to the property, rights or liabilities mentioned above shall be taken after the ending of the concession as referring to the highway authority.

Legal or other proceedings

7 (1) Subject to the concession agreement, all legal or other proceedings begun before the ending of the concession and relating to property, rights or liabilities transferred to the highway authority, other than proceedings for enforcing a security from which the property is released by virtue of paragraph 2, may be carried on with the substitution of the highway authority for the concessionaire.

(2) Such proceedings may be amended in such manner as may be necessary for that purpose.

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Transfer of employees

8 For the purposes of the **[**[F199]Transfer of Undertakings (Protection of Employment) Regulations 2006**]**, or any regulations replacing those regulations, the concessionaire shall be treated as transferring to the highway authority an undertaking which, if a new concessionaire is appointed, the authority shall be treated as then transferring to the new concessionaire.

Textual Amendments

F199 Words in Sch. 1 para. 8 substituted (6.4.2006 with application in accordance with reg. 21(1)) by The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), reg. 1(2), **Sch. 2 para. 1(b)**

SCHEDULE 2

Section 6(3).

PROCEDURE IN CONNECTION WITH TOLL ORDERS

Publicity for proposals

1 (1) Where the Secretary of State proposes to make a toll order, he shall prepare a draft of the order and shall publish in at least one local newspaper circulating in the area in which the proposed special road is to be situated, and in the London Gazette, a notice—

(a) stating the general effect of the proposed order;

(b) naming a place in that area where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period specified in the notice, being a period of not less than six weeks from the date of the publication of the notice; and

(c) stating that, within that period, any person may by notice to the Secretary of State object to the making of the order.

(2) Where a toll order is submitted to the Secretary of State by **[**[F200]a strategic highways company or**]** a local highway authority, **[**[F201]the company or**]** the authority shall publish in at least one local newspaper circulating in the area in which the proposed special road is to be situated, and in the London Gazette, a notice—

(a) stating the general effect of the order as submitted to the Secretary of State;

(b) naming a place in that area where a copy of the order may be inspected by any person free of charge at all reasonable hours during a period specified in the notice, being a period of not less than six weeks from the date of the publication of the notice; and

(c) stating that, within that period, any person may by notice to the Secretary of State object to the confirmation of the order.

(3) Where the special road to which the toll order relates is to be subject to a concession, the Secretary of State **[**[F202], the strategic highways company**]** or the local highway authority shall make available for inspection with the copy of the draft order or of the order, as the case may be, a statement containing such information as may be prescribed with respect to the concessionaire and the concession agreement.

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Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

The notice under sub-paragraph (1) or (2) shall indicate that such a statement will be so available for inspection.

(4) In sub-paragraph (3) "prescribed" means prescribed by the Secretary of State by regulations made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F200 Words in Sch. 2 para. 1(2) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 123(2)(a)(i)**; S.I. 2015/481, reg. 2(a)

F201 Words in Sch. 2 para. 1(2) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 123(2)(a)(ii)**; S.I. 2015/481, reg. 2(a)

F202 Words in Sch. 2 para. 1(3) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 123(2)(b)**; S.I. 2015/481, reg. 2(a)

2 (1) The Secretary of State **[**F203, the strategic highways company**]** or the local highway authority, as the case may be, shall serve on every local authority in whose area any part of the route of the proposed special road is situated a copy of the notice published under paragraph 1(1) or (2) and of the draft order or of the order, as the case may be.

(2) The copies must be served not later than the day on which the notice is published or, if it is published on two or more days, the day on which it is first published.

(3) In sub-paragraph (1) "local authority" means a county, district or London borough council or the Common Council of the City of London **[**F204but, in relation to Wales, means a county council or county borough council**]**.

Textual Amendments

F203 Words in Sch. 2 para. 2(1) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 123(3)**; S.I. 2015/481, reg. 2(a)

F204 Words in Sch. 2 para. 2(3) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. 32(2)** (with ss. 54(5)(7), 55(5)); S.I. 1996/396 art. 3 Sch. 1

3 If it appears to the Secretary of State **[**F205, the strategic highways company**]** or, as the case may be, the local highway authority to be desirable to do so, he or they shall take such steps, in addition to those required by paragraphs 1 and 2, as will in his or their opinion secure that additional publicity is given in the area affected by the relevant special road scheme to the proposals contained in the order.

Textual Amendments

F205 Words in Sch. 2 para. 3 inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 123(3)**; S.I. 2015/481, reg. 2(a)

4 (1) Before or after the end of the period specified in the notice in pursuance of paragraph 1(1) or (2), the Secretary of State **[**F206, the strategic highways company**]** or the local highway authority, as the case may be, may by a further notice published in the same manner substitute a longer period for that specified in the first notice.

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(2) Paragraph 2 applies with respect to service of a copy of any such further notice as in relation to the first notice.

Textual Amendments

F206 Words in Sch. 2 para. 4(1) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 123(3)**; S.I. 2015/481, reg. 2(a)

Making of objections

5 (1) A person who objects to the making or confirmation of a toll order shall include in the notice of objection a statement of the grounds of objection.

(2) If that is not done, the Secretary of State may disregard the objection.

Local inquiry

6 (1) If an objection is received by the Secretary of State within the period specified for making objections, and is not withdrawn, then—

(a) if the objection is from a local authority on whom a copy of the notice is required to be served under paragraph 2, the Secretary of State shall cause a local inquiry to be held;

(b) if the objection is from any other person appearing to the Secretary of State to be affected, he shall cause a local inquiry to be held unless he is satisfied that in the circumstances of the case it is unnecessary.

(2) The period specified for making objections means the period specified in the notice under paragraph 1(1) or (2) or any longer period substituted by a further notice under paragraph 1(3).

Making or confirmation of order

7 (1) The Secretary of State, after considering—

(a) any objections which are not withdrawn, and

(b) where a local inquiry is held, the report of the person who held the inquiry,

may make or confirm the order either without modification or subject to such modifications as he thinks fit.

(2) Where he proposes to make or confirm the order subject to modifications which will in his opinion make a substantial change in the order, he shall—

(a) notify any person who appears to him to be likely to be affected by the proposed modifications,

(b) give that person an opportunity of making representations with respect to the modifications within such reasonable period as he may specify, and

(c) consider any representations made to him within that period with respect to the proposed modifications.

Notice of making or confirmation of order

8 As soon as may be after a toll order has been made or confirmed by the Secretary of State, he shall publish in the London Gazette, and in such other manner as he thinks

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best adapted for informing persons affected, a notice stating that the order has been made or confirmed and naming a place where a copy of it may be inspected free of charge at all reasonable hours.

Special parliamentary procedure where existing highway appropriated or transferred

9 (1) A toll order shall be subject to special parliamentary procedure where—

(a) the relevant special road scheme provides for the appropriation by or transfer to the special road authority of an existing highway comprised in the route prescribed by the scheme, and

(b) the toll order authorises the charging of tolls for the use of that existing highway or any part of it,

unless the Secretary of State is satisfied as regards all classes of traffic entitled to use the existing highway that another reasonably convenient route free of toll is available, or will be provided before the date on which the appropriation or transfer takes effect, and certifies accordingly.

(2) Where the Secretary of State proposes to give such a certificate, he shall—

(a) give public notice of his intention to do so,

(b) afford an opportunity to all persons interested to make representations and objections, and

(c) cause a public local inquiry to be held if it appears to him to be expedient to do so, having regard to representations or objections made,

and before deciding whether to give the certificate he shall consider any representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry.

(3) As soon as may be after giving a certificate, the Secretary of State shall publish in the London Gazette, and in such other manner as he thinks best for informing persons affected, a notice stating that the certificate has been given.

Challenge to validity of order or certificate

10 (1) If a person aggrieved by a toll order desires to question the validity of it, or of any provision contained in it, on the ground—

(a) that it is not within the powers of this Act, or

(b) that any requirement of this Act has not been complied with,

he may within six weeks after the publication (or first publication) of the notice required by paragraph 8 make an application for the purpose to the High Court.

(2) The court may on such an application by interim order suspend the operation of the toll order, or any provision of it, either generally or so far as the interests of the applicant are affected, until the final determination of the proceedings.

(3) If on an application under this paragraph the court is satisfied—

(a) that the order, or any provision of it, is not within the powers of this Act, or

(b) that the interests of the applicant have been substantially prejudiced by a failure to comply with any such requirement as aforesaid,

the court may quash the order or any provision of it.

(4) If the court quashes the order, the relevant special road scheme shall also cease to have effect.

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(5) Except as provided by this paragraph, the order shall not be questioned in any legal proceedings whatsoever, either before or after it is made or confirmed, and shall become operative on such date as is specified in the order.

11 (1) In relation to a toll order which is subject to special parliamentary procedure—

(a) if the order is confirmed by Act of Parliament under section 6 of the [M65]Statutory Orders (Special Procedure) Act 1945, paragraph 10 above does not apply;

(b) in any other case, that paragraph has effect subject to the following modifications—

(i) the reference in sub-paragraph (1) to the date on which the notice required by paragraph 8 is published (or first published) shall be construed as a reference to the date on which the order becomes operative under the Act of 1945, and

(ii) in sub-paragraph (5) the words "and shall become operative" to the end shall be omitted.

(2) The provisions of paragraph 10(1) to (3) and (5) above apply in relation to a certificate under paragraph 9 as in relation to a toll order, subject to the following modifications—

(a) the reference in sub-paragraph (1) to the notice required by paragraph 8 shall be construed as a reference to the notice required by paragraph 9(3), and

(b) in sub-paragraph (5) for "made or confirmed" substitute " given " and omit the words from "and shall become operative" to the end.

Marginal Citations

M65 9 & 10 Geo. 6 c. 18.

SCHEDULE 3

Section 50(4).

STREET WORKS LICENCES

Grant of licence

1 Before granting a street works licence the street authority shall give not less than 10 working days' notice to each of the following—

(a) where the works are likely to affect a public sewer, to the sewer authority,

(b) where the works are to be executed in a part of a street which is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, to that authority,

(c) where in any other case the part of the street in which the works are to be executed is carried or crossed by a bridge, to the bridge authority,

(d) to any person who has given notice under section 54 (advance notice of certain works) of his intention to execute street works which are likely to be affected by the works to which the licence relates, and

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(e) to any other person having apparatus in the street which is likely to be affected by the works;

but a failure to do so does not affect the validity of the licence.

2 The street authority may require the payment of—

(a) a reasonable fee in respect of legal or other expenses incurred in connection with the grant of a street works licence, and

(b) an annual fee of a reasonable amount for administering the licence;

and any such fee is recoverable from the licensee.

This shall not be construed as affecting any right of the authority where they own the land on which the street is situated to grant for such consideration as they think fit the right to place anything in, under or over the land.

***[F207** Electronic communications networks: determination of applications to install facilities*

Textual Amendments

F207 Sch. 3 para. 2A and cross-heading inserted (26.5.2011) by The Electronic Communications and Wireless Telegraphy Regulations 2011 (S.I. 2011/1210), reg. 1(2), **Sch. 1 para. 2** (with Sch. 3 paras. 1, 2)

2A Regulation 3 of the Electronic Communications and Wireless Telegraphy Regulations 2011 makes provision about the time within which certain applications for the granting of rights to install facilities must be determined.**]**

Conditions attached to licence

3 A street authority may attach to a street works licence such conditions as they consider appropriate—

(a) in the interests of safety,

(b) to minimise the inconvenience to persons using the street (having regard, in particular, to the needs of people with a disability), or

(c) to protect the structure of the street and the integrity of apparatus in it.

4 Where assignment of a street works licence is permitted, a condition may be attached requiring the consent of the street authority to any assignment.

Notice of change of ownership, &c.

5 (1) Where the licensee under a street works licence proposes—

(a) to cease using or abandon the apparatus, or

(b) to part with his interest in the apparatus,

he shall give the street authority at least six weeks' notice before doing so.

(2) Where the licensee under a street works licence granted to the owner of land and his successors in title proposes to part with his interest in the land, he shall before doing so give notice to the street authority stating to whom the benefit of the licence is to be transferred.

(3) A person who fails to comply with an obligation under this paragraph commits an offence and is liable on summary conviction to a fine not exceeding **[**F208level 4**]** on the standard scale.

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Textual Amendments

F208 Words in Sch. 3 para. 5(3) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Withdrawal of licence

6 (1) The street authority may by notice in writing served on the licensee withdraw a street works licence—

(a) if the licensee fails to comply with any provision of this Part or any condition of the licence,

(b) if the authority become aware that the licensee—

(i) has ceased to use or has abandoned the apparatus, or intends to do so, or

(ii) has parted with or intends to part with his interest in the apparatus in a case where assignment of the licence is prohibited, or

(c) if the authority consider the withdrawal of the licence is necessary for the purpose of the exercise of their functions as street authority.

(2) The withdrawal takes effect at the end of such period beginning with the date of service as may be specified in the notice.

The period shall not be less than 7 working days in the case of a withdrawal under sub-paragraph (1)(a) or (b), and shall not be less than three months in the case of a withdrawal under sub-paragraph (1)(c).

Removal of apparatus

7 (1) Where a street works licence expires or is withdrawn or surrendered, the street authority may remove the apparatus to which the licence relates or alter it in such manner as they think fit and reinstate the street, and may recover from the former licensee the expenses incurred by them in doing so.

(2) If they are satisfied that the former licensee can, within such reasonable time as they may specify, remove the apparatus or alter it in such manner as they may require and reinstate the street, they may authorise him to do so at his own expense.

(3) Before executing any works under this paragraph the street authority or the former licensee, as the case may be, shall give not less than 7 working days' notice to any person whose apparatus is likely to be affected and shall satisfy their requirements as to the method of executing the works and as to the supervision of the works by them.

(4) In this paragraph and paragraph 8 below "the former licensee" means the person who immediately before the expiry, withdrawal or surrender of a street works licence was the licensee or, if that person has died, his personal representatives.

Obligation of licensee to indemnify street authority

8 (1) The licensee under a street works licence shall indemnify the street authority against any claim in respect of injury, damage or loss arising out of—

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(a) the placing or presence in the street of apparatus to which the licence relates, or

(b) the execution by any person of any works authorised by the licence;

and the former licensee shall indemnify the street authority against any claim in respect of injury, damage or loss arising out of the execution by the authority or the licensee of any works under paragraph 7.

(2) The liability of a licensee or former licensee under this paragraph arises—

(a) whether or not the damage or loss is attributable to negligence on their part or on the part of any person for whom they are responsible, and

(b) notwithstanding that they are acting in pursuance of a statutory duty.

(3) However, their liability does not extend to damage or loss which is attributable to misconduct or negligence on the part of—

(a) the street authority or a person for whom the authority are responsible, or

(b) a third party, that is, a person for whom neither the licensee or former licensee nor the authority are responsible.

(4) For the purposes of this paragraph the persons for whom a person is responsible are his contractors and any person in his employ or that of his contractors.

Appeal against decision of local highway authority

9 (1) Where the apparatus in respect of which an application for a street works licence is made to **[**F209a strategic highways company or**]** a local highway authority is to be placed or retained on a line crossing the street, and not along the line of the street, a person aggrieved by—

(a) the refusal of **[**F210the company or**]** the authority to grant him a licence,

(b) their refusal to grant a licence except on terms prohibiting its assignment, or

(c) any terms or conditions of the licence granted to him,

may appeal to the Secretary of State.

(2) The procedure on an appeal shall be such as may be prescribed.

(3) Where on an appeal the Secretary of State reverses or varies the decision of **[**F211the strategic highways company or**]** the local highway authority, it is the duty of **[**F212that company or**]** that authority to give effect to his decision.

Textual Amendments

F209 Words in Sch. 3 para. 9(1) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 124(a)(i)**; S.I. 2015/481, reg. 2(a)

F210 Words in Sch. 3 para. 9(1)(a) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 124(a)(ii)**; S.I. 2015/481, reg. 2(a)

F211 Words in Sch. 3 para. 9(3) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 124(b)(i)**; S.I. 2015/481, reg. 2(a)

F212 Words in Sch. 3 para. 9(3) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 124(b)(ii)**; S.I. 2015/481, reg. 2(a)

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[F213SCHEDULE 3A

RESTRICTION ON WORKS FOLLOWING SUBSTANTIAL STREET WORKS

Textual Amendments

F213 Sch. 3A inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E. in so far as not already in force, 1.4.2008 for W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), ss. 52(2), 99(1), **Sch. 4**; S.I. 2007/1890, art. 2, Sch. (with art. 7); S.I. 2007/3174, art. 2, Sch. (with art. 8)

Modifications etc. (not altering text)

C2034 Sch. 3A excluded (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(3)** (with arts. 65, 66)

C2035 Sch. 3A excluded (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(3)** (with art. 43)

C2036 Sch. 3A excluded (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(2)** (with arts. 3(3)(6), 12(3))

C2037 Sch. 3A modified (E.) (1.4.2008) by The Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372), regs. 1(1), **37(9)** (with reg. 35) (as amended (3.4.2023) by The Street and Road Works (Miscellaneous Amendments) (England) Regulations 2022 (S.I. 2022/831), **reg. 3(7)**)

C2038 Sch. 3A excluded (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(2)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

C2039 Sch. 3A excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 14 para. 14(10)**

C2040 Sch. 3A modified (W.) (1.6.2009) by The Traffic Management Permit Scheme (Wales) Regulations 2009 (S.I. 2009/1267), regs. 1, **37(9)**

C2041 Sch. 3A excluded (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(3)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)

C2042 Sch. 3A excluded (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(3)**

C2043 Sch. 3A modified (25.1.2010) by The Traffic Management (Kent County Council) Permit Scheme Order 2009 (S.I. 2009/3188), art. 1, **Sch. para. 3.12**

C2044 Sch. 3A modified (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C

C2045 Sch. 3A modified (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C

C2046 Sch. 3A modified (29.4.2013) by The Traffic Management (Salford City Council) Permit Scheme Order 2013 (S.I. 2013/810), arts. 1, 2, Sch. Appendix C

C2047 Sch. 3A modified (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch. Appendix C

C2048 Sch. 3A modified (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch. Appendix C

C2049 Sch. 3A modified (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C

C2050 Sch. 3A modified (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch. Appendx C

C2051 Sch. 3A modified (29.4.2013) by The Traffic Management (Oldham Borough Council) Permit Scheme Order 2013 (S.I. 2013/808), arts. 1, 2, Sch. Appendix C

C2052 Sch. 3A modified (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C

C2053 Sch. 3A excluded (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **3(2)**

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C2054 Sch. 3A modified (1.10.2013) by The Traffic Management (Derby City Council) Permit Scheme Order 2013 (S.I. 2013/1781), arts. 1, 2, **Sch. para. 2.4**

C2055 Sch. 3A modified (4.11.2013) by The Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 (S.I. 2013/2398), art. 1, Sch. para. 1.5, Appendix A

C2056 Sch. 3A excluded (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), arts. 1, **4(3)** (with arts. 42, 43)

C2057 Sch. 3A modified (11.11.2013) by The Traffic Management (Surrey County Council) Permit Scheme Order 2013 (S.I. 2013/2389), arts. 1, 2, **Sch. para. 2.12.2**

C2058 Sch. 3A modified (11.11.2013) by The Traffic Management (East Sussex County Council) Permit Scheme Order 2013 (S.I. 2013/2399), arts. 1, 2, **Sch. para. 2.12.2**

C2059 Sch. 3A excluded (20.11.2013) by The M1 Junction 10a (Grade Separation) Order 2013 (S.I. 2013/2808), arts. 1, **8(3)**

C2060 Sch. 3A excluded (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(3)** (with arts. 57, 58, Sch. 11 para. 19)

C2061 Sch. 3A excluded (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **12(2)** (with art. 34(2))

C2062 Sch. 3A excluded (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **4(2)** (with art. 31(2))

C2063 Sch. 3A excluded (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **8(3)**

C2064 Sch. 3A excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 4(10)-(14)**

C2065 Sch. 3A excluded (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **8(3)**

C2066 Sch. 3A excluded (15.12.2014) by The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102), arts. 1, **3(3)** (with Sch. 8 para. 45)

C2067 Sch. 3A modified (19.1.2015) by The Traffic Management (Wokingham Borough Council) Permit Scheme Order 2014 (S.I. 2014/3105), arts. 1, 2, **Sch. para. 2.12.2**

C2068 Sch. 3A modified (2.2.2015) by The Traffic Management (Sefton Metropolitan Borough Council) Permit Scheme Order 2014 (S.I. 2014/3107), arts. 1, 2, **Sch. para. 1.9**

C2069 Sch. 3A modified (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**

C2070 Sch. 3A modified (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**

C2071 Sch. 3A modified (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch. para. 1.5, Appendix E**

C2072 Sch. 3A excluded (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **9(3)**

C2073 Sch. 3A modified (1.3.2015) by The Traffic Management (West Berkshire Council) Permit Scheme Order 2014 (S.I. 2014/3110), arts. 1, 2, **Sch. para. 2.12.2**

C2074 Sch. 3A modified (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**

C2075 Sch. 3A modified (4.3.2015) by The Traffic Management (Slough Borough Council) Permit Scheme Order 2014 (S.I. 2014/3112), arts. 1, 2, **Sch. para. 2.12.2**

C2076 Sch. 3A modified (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**

C2077 Sch. 3A modified (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**

C2078 Sch. 3A modified (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**

C2079 Sch. 3A modified (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**

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Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

C2080 Sch. 3A modified (31.3.2015) by The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015 (S.I. 2015/107), art. 1, **Sch. para. 3.5**

C2081 Sch. 3A excluded (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(3)**

C2082 Sch. 3A excluded (18.2.2016) by The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (S.I. 2016/73), arts. 1, **8(3)** (with art. 37)

C2083 Sch. 3A excluded (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **10(3)** (with arts. 4, 5(3))

C2084 Sch. 3A excluded (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(3)**

C2085 Sch. 3A excluded (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **4(3)** (with arts. 43, 44)

Introductory

1 (1) This Schedule applies where a street authority receive a notice under section 54 or 55 that an undertaker is proposing to execute substantial street works in a highway.

(2) For the purposes of this Schedule, "substantial street works" means street works of such description as may be prescribed.

Notice by authority of proposed restriction

2 (1) The street authority may publish a notice—

(a) specifying the nature and location of the proposed works and the date on which it is proposed to begin them;

(b) stating that the authority propose to issue a direction under paragraph 4 imposing a restriction on street works;

(c) stating the duration of the proposed restriction and the part of the highway to which it relates;

(d) requiring any other undertakers who propose to execute street works in that part of the highway, and who have not already done so, to notify the authority of their proposed works within the period specified in the notice ("the notice period").

(2) The notice period shall not be less than such period as may be prescribed.

(3) A notice under this paragraph shall—

(a) be published in the prescribed form and manner; and

(b) comply with such requirements as to its form and content as may be prescribed.

(4) A copy of a notice under this paragraph shall be given to each of the following—

(a) where there is a public sewer in the part of the highway specified under sub-paragraph (1)(c), to the sewer authority;

(b) where that part of the highway is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held by or used for the purposes of a transport authority, to that authority;

(c) where in any other case that part of the highway is carried or crossed by a bridge, to the bridge authority;

(d) any person who has given notice under section 54 of his intention to execute street works in that part of the highway;

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(e) any person who has apparatus in that part of the highway;

(f) any other person of a prescribed description.

(5) Notification under sub-paragraph (1)(d) shall be in such form, contain such information, and be made in such manner as may be prescribed.

(6) Section 55 does not apply in relation to works in the part of the highway specified under sub-paragraph (1)(c) that are begun between the end of the notice period and completion of the works referred to in paragraph 3(1)(a) to (c).

This sub-paragraph does not apply to cases prescribed under paragraph 3(5)(b).

Modifications etc. (not altering text)
C2086 Sch. 3A para. 2(1)(d) restricted (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 14 para. 14(11)**

Completion of notified works

3 (1) After the expiry of the notice period the street authority may issue directions to—

(a) the undertaker proposing to execute the substantial street works,

(b) any undertakers who have given notice under paragraph 2 in respect of works they propose to execute, and

(c) any undertakers who have previously given notice of works they propose to execute in the part of the highway specified under paragraph 2(1)(c).

(2) A direction to an undertaker under this paragraph is a direction as to the date on which he may begin to execute the works proposed by him.

(3) Where—

(a) a direction is given to an undertaker under this paragraph as respects the date on which he may begin to execute the works proposed by him, and

(b) he begins to execute those works before that date,

he is guilty of an offence.

(4) After the expiry of the notice period, any undertaker who, before completion of the works referred to in sub-paragraph (1)(a) to (c), executes any other street works in the part of the highway specified under paragraph 2(1)(c), commits an offence.

(5) Sub-paragraph (4) does not apply—

(a) where an undertaker executes emergency works; or

(b) in such other cases as may be prescribed.

(6) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Modifications etc. (not altering text)
C2087 Sch. 3A para. 3 restricted (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 14 para. 14(12)**
C2088 Sch. 3A para. 3(4) excluded (W.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (Wales) Regulations 2008 (S.I. 2008/101), regs. 1, **12(8)** (with reg. 19)
C2089 Sch. 3A para. 3(4) excluded (E.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 (S.I. 2007/1951), regs. 1(1), **12(8)** (with reg. 19)

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Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

C2090 Sch. 3A para. 3(4) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 14 para. 14(13)**

Direction restricting further works

4 (1) After the expiry of the notice period and before completion of the works referred to in paragraph 3(1)(a) to (c) the authority may give a direction under this paragraph.

(2) A direction under this paragraph is a direction restricting the execution of street works in the part of the highway specified under paragraph 2(1)(c) for such period following completion of the works referred to in paragraph 3(1)(a) to (c) as may be specified in the direction.

(3) The duration of the period specified under sub-paragraph (2) may not exceed the duration of the restriction proposed by the authority under paragraph 2(1)(c).

(4) The period specified in a direction under this paragraph may not in any case exceed such period as may be prescribed.

(5) A direction under this paragraph shall—

(a) be given in the prescribed manner;

(b) comply with such requirements as to its form and content as may be prescribed.

(6) The street authority must send a copy of any direction under this paragraph to the persons specified in paragraph 2(4).

(7) A direction under this paragraph shall cease to have effect if the works referred to in paragraph 3(1)(a) to (c) to which it relates are not completed within such period as may be prescribed.

(8) A direction under this paragraph may be revoked at any time by the authority which gave it.

(9) Where a direction under this paragraph ceases to have effect by virtue of sub-paragraph (7), or is revoked by virtue of sub-paragraph (8), the street authority must notify the persons specified in paragraph 2(4).

(10) If the street authority decides not to give a direction under this paragraph, it must notify the persons specified in paragraph 2(4) accordingly.

Effect of direction imposing restriction

5 (1) Where a direction under paragraph 4 is in force, an undertaker may not during the period specified in the direction execute street works in the part of the highway to which the restriction relates.

(2) Sub-paragraph (1) does not apply—

(a) where an undertaker executes emergency works;

(b) where an undertaker executes works with the consent of the street authority; or

(c) in such other cases as may be prescribed.

(3) The consent of the street authority under sub-paragraph (2)(b) shall not be unreasonably withheld; and any question whether the withholding of consent is unreasonable shall be settled in such manner as may be prescribed.

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
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(4) Regulations under sub-paragraph (3) may in particular make provision for the question referred to in that sub-paragraph to be settled—

(a) by arbitration;

(b) by a person specified by the Secretary of State on appeal by the undertaker.

(5) An undertaker who contravenes sub-paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) An undertaker convicted of an offence under sub-paragraph (5) is liable to reimburse the street authority any costs reasonably incurred by them in reinstating the highway.

Modifications etc. (not altering text)

C2091 Sch. 3A para. 5(1) excluded (W.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (Wales) Regulations 2008 (S.I. 2008/101), regs. 1, **12(10)** (with reg. 19)

C2092 Sch. 3A para. 5(1) excluded (E.) (1.4.2008) by The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 (S.I. 2007/1951), regs. 1(1), **12(10)** (with reg. 19)

C2093 Sch. 3A para. 5(1) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 14 para. 14(14)**

Supplementary

6 An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, his failure is attributable to a restriction imposed under this Schedule.**]**

SCHEDULE 4

Section 63(1).

STREETS WITH SPECIAL ENGINEERING DIFFICULTIES

Modifications etc. (not altering text)

C2094 Sch. 4 modified (27.11.1992) by S.I. 1992/2984, **art. 3(2)**

Introductory

1 In this Schedule a "street with special engineering difficulties" means a street for the time being designated under section 63 as having special engineering difficulties.

Requirement of plan and section

2 (1) In a street with special engineering difficulties street works (other than emergency works) involving—

(a) breaking up or opening the street, or any sewer, drain or tunnel under it, or

(b) tunnelling or boring under the street,

shall not be executed until a plan and section of the works have been settled by agreement between the undertaker and each of the relevant authorities or by arbitration.

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(2) For that purpose an undertaker proposing to execute any such works shall submit a plan and section of them to each relevant authority.

3 Emergency works may be executed without a plan and section being so submitted or settled, but as soon as is reasonably practicable after the execution of the works the undertaker shall furnish a plan and section of the works to each relevant authority.

4 (1) In the case of a street which is not a maintainable highway and which the street managers have no liability to the public to maintain or repair, the undertaker may give the street managers a notice stating—

(a) the general effect of the works proposed or, as the case may be, of the emergency works executed, and

(b) that it is a notice given for the purposes of this paragraph.

(2) Where such a notice is given paragraphs 2 and 3 do not apply if the street managers do not, within 10 working days from the date on which the notice was given to them, give notice to the undertaker requiring the submission or furnishing of a plan and section to them.

5 (1) A relevant authority to whom a plan and section of works are required to be submitted or furnished may accept as, or in lieu of, a plan and section any description of the works, whether in diagram form or not, which appears to them to be sufficient.

(2) References in this Schedule to a plan and section include any such description so submitted or furnished to the form of which the relevant authority have not objected within the time allowed under paragraph 7(2) below.

6 If an undertaker—

(a) executes any works in contravention of paragraph 2, or

(b) fails to furnish a plan and section in accordance with paragraph 3,

he commits an offence and is liable on summary conviction to a fine not exceeding **[**[F214]level 5**]** on the standard scale.

Textual Amendments

F214 Words in Sch. 4 para. 6 substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Procedure on submission of plan and section

7 (1) A relevant authority to whom there is submitted a plan and section of street works proposed to be executed in a street with special engineering difficulties shall give notice to the undertaker—

(a) approving the plan and section without modification, or

(b) objecting to them in form as being on too small a scale or giving insufficient particulars, or

(c) approving them subject to modifications specified in the notice, or

(d) disapproving them.

(2) The notice shall be given without avoidable delay, and at the latest before the end of the period of—

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(a) 7 working days in the case of a plan and section of works relating only to—

(i) a service pipe or service line, or

(ii) overhead electric lines or **[**F215electronic communications apparatus**]**, and

(b) one month in any other case;

and as between the undertaker and a relevant authority who do not duly give notice before the end of that period, the plan and section as submitted shall be deemed to have been settled by agreement.

(3) The reference in sub-paragraph (2)(a)(i) to a service pipe or service line is to—

(a) a pipe or line through or by means of which a supply of gas, electricity or water is afforded or intended to be afforded to premises—

(i) directly from premises from which the supply originates, or

(ii) from a main, that is, a pipe or line for affording a general supply;

(b) a pipe through or by means of which sewerage services are afforded, or intended to be afforded, which is a private sewer or drain within the meaning of the **[**F216Water Industry Act 1991**]**; or

(c) underground **[**F215electronic communications apparatus**]** for the purpose of providing a service by means of **[**F217an electronic communications network**]** to or from particular premises (as opposed to apparatus for the general purposes of such **[**F217a network**]**).

But so much of any such pipe, line or apparatus as is placed, or intended to be placed, for a continuous length of 100 metres or more in a maintainable highway shall be treated as not being a service pipe or service line.

(4) In this paragraph—

"electric line" has the same meaning as in Part I of the M66Electricity Act 1989;

F218 …

F218 …

Textual Amendments

F215 Words in Sch. 4 para. 7 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 17 para. 108(1)(a)**(2)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

F216 Words in Sch. 4 para. 7(3) substituted (01.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 57(2)**.

F217 Words in Sch. 4 para. 7(3)(c) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 17 para. 108(1)(a)**(3)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

F218 Words in Sch. 4 para. 7(4) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

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Marginal Citations
M66 1989 c. 29.

8 (1) Where a relevant authority give notice approving the plan and section subject to modifications, or disapproving the plan and section, they shall state their reasons for doing so.

(2) If a relevant authority duly give notice—

(a) objecting to the plan and section in form, or

(b) approving them subject to modifications to which the undertaker does not agree, or

(c) disapproving them,

then, unless the notice is withdrawn, the undertaker may refer the matter to arbitration.

(3) If the notice is withdrawn, the plan and section as submitted shall be deemed to have been settled by agreement between the relevant authority and the undertaker.

9 A sewer authority or bridge authority may not give notice—

(a) approving a plan and section subject to modifications, or

(b) disapproving a plan and section,

on grounds other than such as relate to the injurious effect of the proposed works on their sewer or, as the case may be, on the structure or stability of their bridge.

Settlement of plan and section by arbitration

10 (1) The duty of the arbitrator where a matter is referred to arbitration is to settle a plan and section of works of the kind proposed, as works to be executed in the street.

(2) He may require the undertaker to submit to him a plan and section in such form, require the relevant authority to submit to him such observations on a plan and section submitted to him, and require the undertaker or the relevant authority to furnish him with such information and to take such other steps, as appear to him to be requisite.

(3) He may treat compliance with any such requirement made of the undertaker as a condition of his proceeding with the settlement of a plan and section, and compliance with any such requirement made of the relevant authority as a condition of his settling a plan and section otherwise than as proposed by the undertaker.

11 (1) Where the reference relates to the placing, altering or changing the position of apparatus in a street which is carried or crossed by a bridge, then, if the arbitrator is satisfied—

(a) that the execution of the works would be likely to affect injuriously the structure or stability of the bridge, and

(b) that it is not practicable to meet objection on that ground to the plan and section submitted,

he shall so declare, and shall not settle any plan and section of those works on the reference.

(2) This does not affect the right of the undertaker to submit another plan and section.

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Objection to works executed without plan and section being settled

12 (1) This paragraph applies where street works have been executed in a street with special engineering difficulties without a plan and section having been settled with the street authority or another relevant authority, whether the works were executed in contravention of paragraph 2 above or were emergency works.

(2) The authority in question may, by notice to the undertaker, object to any of the works; and after affording the undertaker an opportunity to enter into an agreement with them for meeting the objection, may refer the matter to arbitration.

(3) The arbitrator may direct the alteration of the works to conform to a plan and section settled by him, or the removal of any apparatus placed in the execution of the works, and the undertaker shall comply with any such direction.

(4) In settling the terms of any such direction the arbitrator shall satisfy himself that compliance with it will not involve any undue interruption or restriction of the supply or service for the purposes of which the works were executed.

(5) If an undertaker fails to execute works in accordance with a direction under this paragraph, he commits an offence and is liable on summary conviction to a fine not exceeding **[**F219 level 5**]** on the standard scale.

Textual Amendments

F219 Words in Sch. 4 para. 12(5) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Execution of works in accordance with plan and section

13 (1) An undertaker executing street works in a street with special engineering difficulties shall, where a plan and section have been settled, execute the works in accordance with the plan and section as settled or, if each of the relevant authorities agrees to the modification of the plan or section, in accordance with them as so modified.

(2) If an undertaker fails to comply with sub-paragraph (1) he commits an offence and is liable on summary conviction to a fine not exceeding **[**F220level 5**]** on the standard scale.

Textual Amendments

F220 Words in Sch. 4 para. 13(2) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

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[F221SCHEDULE 4A

Section 95A

FIXED PENALTY OFFENCES UNDER PART 3

Textual Amendments

F221 Sch. 4A inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 12.5.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), ss. 41(3), 99(1), **Sch. 2**; S.I. 2007/1890, art. 2, **Sch.** (with art. 3); S.I. 2007/3174, art. 2, **Sch.** (with art. 3)

Modifications etc. (not altering text)

C2095 Sch. 4A excluded (E.) (12.5.2008) by The Street Works (Fixed Penalty) (England) Regulations 2007 (S.I. 2007/1952), regs. 1(1), **3**

C2096 Sch. 4A excluded (W.) (12.5.2008) by The Street Works (Fixed Penalty) (Wales) Regulations 2008 (S.I. 2008/102), regs. 1, **3**

Offence	*Brief description*
An offence under section 54(5)	Failure to comply with duties under s. 54 (advance notice of certain works, etc.)
An offence under section 55(5)	Beginning to execute works in contravention of s. 55 (notice of starting date)
An offence under section 55(9)	Failure to give notice in accordance with s. 55(8) (notice to be given on s. 55 notice ceasing to have effect)
An offence under section 57(4)	Failure to give notice in accordance with s. 57 (notice of emergency works)
An offence under section 70(6) consisting of a failure to comply with subsection (3) or (4A)	Failure to comply with requirements to give notice of completion of reinstatement
An offence created by regulations made under section 74(7B)	Failure to give a notice required by regulations under s. 74 (charge for occupation of the highway where works unreasonably delayed)
An offence created by regulations made under section 74A(11)	Failure to give a notice required by regulations under s. 74A (charge determined by reference to duration of works)**]**

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
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[F222SCHEDULE 4B

Section 95A

FIXED PENALTIES FOR CERTAIN OFFENCES UNDER PART 3

Textual Amendments

F222 Sch. 4B inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 12.5.2008 for E.W. in so far as not already in force) by Traffic Management Act 2004 (c. 18), ss. 41(3), 99(1), **Sch. 3**; S.I. 2007/1890, art. 2, **Sch.** (with art. 3); S.I. 2007/3174, art. 2, **Sch.** (with art. 3)

Modifications etc. (not altering text)

C2097 Sch. 4B: power to apply conferred (1.12.2007 for E., 31.3.2008 for W.) by Traffic Management Act 2004 (c. 18), **ss. 37(6)**, 99(1) (with ss. 37(14), 38); S.I. 2007/3174, art. 2, Sch.; S.I. 2007/3184, art. 2

Power to give fixed penalty notices

1 (1) An authorised officer of a street authority may, if he has reason to believe that a person is committing or has committed a fixed penalty offence, give him a fixed penalty notice in relation to that offence.

(2) In this Schedule "fixed penalty notice" means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty.

2 A fixed penalty notice for an offence may not be given after such time relating to the offence as the Secretary of State may by regulations prescribe.

Contents of fixed penalty notice

3 (1) A fixed penalty notice must identify the offence to which it relates and give reasonable particulars of the circumstances alleged to constitute that offence.

(2) A fixed penalty notice must also state—

(a) the amount of the penalty and the period within which it may be paid;

(b) the discounted amount and the period within which it may be paid;

(c) the person to whom and the address at which payment may be made;

(d) the method or methods by which payment may be made;

(e) the person to whom and the address at which any representations relating to the notice may be addressed;

(f) the consequences of not making a payment within the period for payment.

(3) The person specified under sub-paragraph (2)(c) must be the street authority or a person acting on their behalf.

The amount of the penalty and the period for payment

4 (1) The penalty for a fixed penalty offence is (subject to paragraph 5) such amount, not exceeding 30 per cent. of the maximum fine for that offence, as may be prescribed.

(2) The period for payment of the penalty is the period of **[**F223**36]** days beginning with the day on which the notice is given.

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

(3) The street authority may extend the period for paying the penalty in any particular case if they consider it appropriate to do so.

Textual Amendments

F223 Word in Sch. 4B para. 4(2) substituted (E.) (12.5.2008) by The Street Works (Fixed Penalty) (England) Regulations 2007 (S.I. 2007/1952), regs. 1(1), **8(2)**; and word in Sch. 4B para. 4(2) substituted (W.) (12.5.2008) by The Street Works (Fixed Penalty) (Wales) Regulations 2008 (S.I. 2008/102), regs. 1, **8(2)**

The discounted amount

5 (1) A discounted amount is payable instead of the amount prescribed under paragraph 4(1) if payment is made before the end of the period of **[**F224**29]** days beginning with the day on which the notice is given.

(2) The discounted amount for a fixed penalty offence is such amount, not exceeding 25 per cent. of the maximum fine for the offence, as may be prescribed.

(3) If the last day of the period specified in sub-paragraph (1) does not fall on a working day, the period for payment of the discounted amount is extended until the end of the next working day.

Textual Amendments

F224 Word in Sch. 4B para. 5(1) substituted (E.) (12.5.2008) by The Street Works (Fixed Penalty) (England) Regulations 2007 (S.I. 2007/1952), regs. 1(1), **8(3)**; and word in Sch. 4B para. 5(1) substituted (W.) (12.5.2008) by The Street Works (Fixed Penalty) (Wales) Regulations 2008 (S.I. 2008/102), regs. 1, **8(3)**

Effect of notice and payment of penalty

6 (1) This paragraph applies where a person is given a fixed penalty notice in respect of a fixed penalty offence.

(2) No proceedings for the offence may be commenced before the end of the period for payment of the penalty.

(3) No such proceedings may be commenced or continued if payment of the penalty is made before the end of that period or is accepted by the street authority after that time.

(4) Payment of the discounted amount only counts for the purposes of sub-paragraph (3) if it is made before the end of the period for payment of the discounted amount.

(5) In proceedings for the offence a certificate which—

(a) purports to be signed by or on behalf of the person having responsibility for the financial affairs of the street authority; and

(b) states that payment of an amount specified in the certificate was or was not received by a date so specified,

is evidence of the facts stated.

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

Power to withdraw notices

7 (1) If the street authority consider that a fixed penalty notice which has been given ought not to have been given, they may give to the person to whom it was given a notice withdrawing the fixed penalty notice.

(2) Where a notice under sub-paragraph (1) is given—

(a) the authority shall repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice; and

(b) no proceedings shall be commenced or continued against that person for the offence in question.

(3) The street authority shall consider any representations made by or on behalf of the recipient of a fixed penalty notice and decide in all the circumstances whether to withdraw the notice.

General and supplementary

8 The Secretary of State may, with the consent of the Treasury, make regulations about—

(a) the application by street authorities of fixed penalties paid under this Schedule;

(b) the keeping of accounts, and the preparation and publication of statements of account, relating to fixed penalties paid under this Schedule.

9 The Secretary of State may by regulations—

(a) prescribe circumstances in which fixed penalty notices may not be given;

(b) modify paragraph 4(2) or 5(1) so as to substitute a different period for the period for the time being specified there;

(c) prescribe the method or methods by which penalties may be paid.**]**

SCHEDULE 5

Sections 101(4) and 102(6).

PROCEDURE FOR MAKING CERTAIN ORDERS UNDER PART III

Publication of proposals

1 Where the Secretary of State proposes to make an order under section 101 (effect of Part III on certain existing special enactments or instruments), or an order under section 102 (effect of Part III on other existing enactments or instruments) relating to a special enactment or instrument, he shall publish in the London Gazette, and in at least one newspaper circulating in the area in relation to which the enactment or instrument in question has effect, a notice—

(a) stating the general effect of the proposed order,

(b) specifying a place in that area where a copy of the draft order may be inspected by any person free of charge at all reasonable hours or may be purchased by any person at a reasonable charge, and

(c) stating that any person may, by notice given to the Secretary of State within three months from the date of the publication of the notice, object to the proposed order.

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Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

Notice to parties affected

2 Not later than the day on which the notice is published or, if it is published on two or more days, the day on which it is first published, the Secretary of State shall furnish each of the parties specified below by reference to the nature of the order with a copy of the draft order.

Order under section 101(4)(a) relating to protection afforded by an enactment or instrument	The undertaker by whom the power is exercisable and each of the persons to whom the protection in question was afforded.
Order under section 101(4)(b) relating to requirement of consent	The person whose consent would be required and the undertaker who would be required to obtain the consent.
Order under section 101(4)(c) rendering condition valid	The person by whom the condition would be imposed and the undertaker who would be required to comply with it.
Order under section 101(4)(d) modifying enactment or instrument to remove uncertainty or obscurity	As indicated above, according to whether the order relates to the protection afforded by an enactment or instrument, a consent requirement or the validity of a condition.
Order under section 102 amending, repealing or preserving effect of enactment or instrument	Any person whose interests are specially affected by the proposed provision.

Local inquiry

3 (1) The Secretary of State shall cause a local inquiry to be held if an objection to the proposed order is received by him—

(a) from a person required to be furnished with a copy of the draft order within three months from the date of his being furnished therewith, or

(b) from any other person appearing to him to be affected within three months from the day on which the notice of the proposed order is published, or if it is published on two or more days from the later or latest of them,

and the objection is not withdrawn.

(2) In the case of an objection made otherwise than by a person required to be furnished with a copy of the draft order, the Secretary of State may dispense with such an inquiry if he is satisfied that it is unnecessary.

4 (1) The provisions of section 250(2) to (5) of the [M67]Local Government Act 1972 (which relate to the giving of evidence at, and the defraying of costs of, inquiries) apply in relation to a local inquiry held under paragraph 3.

(2) Subsection (4) of that section (which requires the costs of the department holding the inquiry to be defrayed by the parties thereto) shall not apply in so far as the Secretary of State is of the opinion, having regard to the object and result of the inquiry, that his costs should be defrayed by him.

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Marginal Citations
M67 1972 c. 70.

Making of order

5 After considering any objections to the order which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry, the Secretary of State may make the order either without modification or subject to such modifications as he thinks fit.

Special parliamentary procedure

6 If any objection is duly made by a person required to be furnished with a copy of the draft order and is not withdrawn, the order shall be subject to special parliamentary procedure.

SCHEDULE 6

Section 122(1).

ROADS WITH SPECIAL ENGINEERING DIFFICULTIES

Modifications etc. (not altering text)
C2098 Sch. 6 modified (28.11.1992) by S.I. 1992/2990, **art. 3(2)**

Introductory

1 In this Schedule a "road with special engineering difficulties" means a road for the time being designated under section 122 as having special engineering difficulties.

Requirement of plan and section

2 (1) In a road with special engineering difficulties road works (other than emergency works) involving—

(a) breaking up or opening the road, or any sewer, drain or tunnel under it, or

(b) tunnelling or boring under the road,

shall not be executed until a plan and section of the works have been settled by agreement between the undertaker and each of the relevant authorities or **[**[F225]in the prescribed manner**]**.

(2) For that purpose an undertaker proposing to execute any such works shall submit a plan and section of them to each relevant authority.

Textual Amendments
F225 Words in Sch. 6 para. 2(1) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(1)**(2)(g), 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

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3 Emergency works may be executed without a plan and section being so submitted or settled, but as soon as is reasonably practicable after the execution of the works the undertaker shall furnish a plan and section of the works to each relevant authority.

4 (1) In the case of a road which is not a public road and which the road managers have no liability to the public to maintain or repair, the undertaker may give the road managers a notice stating—

(a) the general effect of the works proposed or, as the case may be, of the emergency works executed, and

(b) that it is a notice given for the purposes of this paragraph.

(2) Where such a notice is given paragraphs 2 and 3 do not apply if the road managers do not, within 10 working days from the date on which the notice was given to them, give notice to the undertaker requiring the submission or furnishing of a plan and section to them.

5 (1) A relevant authority to whom a plan and section of works are required to be submitted or furnished may accept as, or in lieu of, a plan and section any description of the works, whether in diagram form or not, which appears to them to be sufficient.

(2) References in this Schedule to a plan and section include any such description so submitted or furnished to the form of which the relevant authority have not objected within the time allowed under paragraph 7(2) below.

6 If an undertaker—

(a) executes any works in contravention of paragraph 2, or

(b) fails to furnish a plan and section in accordance with paragraph 3,

he commits an offence and is liable on summary conviction to a fine not exceeding **[**F226level 5**]** on the standard scale.

Textual Amendments

F226 Words in Sch. 6 para. 6 substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

Procedure on submission of plan and section

7 (1) A relevant authority to whom there is submitted a plan and section of road works proposed to be executed in a road with special engineering difficulties shall give notice to the undertaker—

(a) approving the plan and section without modification, or

(b) objecting to them in form as being on too small a scale or giving insufficient particulars, or

(c) approving them subject to modifications specified in the notice, or

(d) disapproving them.

(2) The notice shall be given without avoidable delay, and at the latest before the end of the period of—

(a) 7 working days in the case of a plan and section of works relating only to—

(i) a service pipe or service line, or

(ii) overhead electric lines or **[**F227electronic communications apparatus**]**, and

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(b) one month in any other case;

and as between the undertaker and a relevant authority who do not duly give notice before the end of that period, the plan and section as submitted shall be deemed to have been settled by agreement.

(3) The reference in sub-paragraph (2)(a)(i) to a service pipe or service line is to—

(a) a pipe or line through or by means of which a supply of gas, electricity or water is afforded or intended to be afforded to premises—

(i) directly from premises from which the supply originates, or

(ii) from a main, that is, a pipe or line for affording a general supply;

(b) a pipe through or by means of which sewerage services are afforded, or intended to be afforded, which is not **[**F228a public sewer**]**; or

(c) underground **[**F227electronic communications apparatus**]** for the purpose of providing a service by means of **[**F229an electronic communications network**]** to or from particular premises (as opposed to apparatus for the general purposes of such **[**F229a network**]**).

But so much of any such pipe, line or apparatus as is placed, or intended to be placed, for a continuous length of 100 metres or more in a public road shall be treated as not being a service pipe or service line.

(4) In this paragraph—

"electric line" has the same meaning as in Part I of the M68Electricity Act 1989;

F230…

F230…

Textual Amendments

F227 Words in Sch. 6 para. 7 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 17 para. 108(1)(b)**(2)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

F228 Words in Sch. 6 para. 7(3)(b) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 21(8)(a)** (with s. 67); S.S.I. 2002/118, **art. 2**

F229 Words in Sch. 6 para. 7(3)(c) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 17 para. 108(1)(b)**(3)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

F230 Words in Sch. 6 para. 7(4) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

Marginal Citations

M68 1989 c. 29.

8 (1) Where a relevant authority give notice approving the plan and section subject to modifications, or disapproving the plan and section, they shall state their reasons for doing so.

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(2) If a relevant authority duly give notice—

(a) objecting to the plan and section in form, or

(b) approving them subject to modifications to which the undertaker does not agree, or

(c) disapproving them,

then, unless the notice is withdrawn, the undertaker may refer the matter to arbitration.

(3) If the notice is withdrawn, the plan and section as submitted be deemed to have been settled by agreement between them and the undertaker.

9 **[**F231Scottish Water**]** or a bridge authority may not give notice—

(a) approving a plan and section subject to modifications, or

(b) disapproving a plan and section,

on grounds other than such as relate to the injurious effect of the proposed works on **[**F232a public sewer**]** or, as the case may be, on the structure or stability of their bridge.

Textual Amendments

F231 Words in Sch. 6 para. 9 substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 21(8)(b)(i)**, (with s. 67); S.S.I. 2002/118, **art. 2**

F232 Words in Sch. 6 para. 9 substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 21(8)(b)(ii)**, (with s. 67); S.S.I. 2002/118, **art. 2**

Settlement of plan and section by arbitration

10 (1) The duty of the **[**F233person to whom it falls, by virtue of regulations made under paragraph 2(1), to settle a dispute under that paragraph**]** is to settle a plan and section of works of the kind proposed, as works to be executed in the road.

(2) He may require the undertaker to submit to him a plan and section in such form, require the relevant authority to submit to him such observations on a plan and section submitted to him, and require the undertaker or the relevant authority to furnish him with such information and to take such other steps, as appear to him to be requisite.

(3) He may treat compliance with any such requirement made of the undertaker as a condition of his proceeding with the settlement of a plan and section, and compliance with any such requirement made of the relevant authority as a condition of his settling a plan and section otherwise than as proposed by the undertaker.

Textual Amendments

F233 Words in Sch. 6 para. 10(1) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(5)(a)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

11 (1) Where the reference relates to the placing, altering or changing the position of apparatus in a road which is carried by or goes under a bridge, then, if the arbiter is satisfied—

(a) that the execution of the works would be likely to affect injuriously the structure or stability of the bridge, and

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(b) that it is not practicable to meet objection on that ground to the plan and section submitted,

he shall so declare, and shall not settle any plan and section of those works on the reference.

(2) This does not affect the right of the undertaker to submit another plan and section.

Objection to works executed without plan and section being settled

12 (1) This paragraph applies where road works have been executed in a road with special engineering difficulties without a plan and section having been settled with the road works authority or another relevant authority, whether the works were executed in contravention of paragraph 2 above or were emergency works.

(2) The authority in question may, by notice to the undertaker, object to any of the works; and after affording the undertaker an opportunity to enter into an agreement with them for meeting the objection, may refer the matter to **[**[F234]be settled in the prescribed manner**]**.

(3) The **[**[F235]person to whom it falls to settle the matter**]** may direct the alteration of the works to conform to a plan and section settled by him, or the removal of any apparatus placed in the execution of the works, and the undertaker shall comply with any such direction.

(4) In settling the terms of any such direction **[**[F236]that person**]** shall satisfy himself that compliance with it will not involve any undue interruption or restriction of the supply or service for the purposes of which the works were executed.

(5) If an undertaker fails to execute works in accordance with a direction under this paragraph, he commits an offence and is liable on summary conviction to a fine not exceeding **[**[F237]level 5**]** on the standard scale.

Textual Amendments

F234 Words in Sch. 6 para. 12(2) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(5)(b)(i)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F235 Words in Sch. 6 para. 12(3) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(5)(b)(ii)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F236 Words in Sch. 6 para. 12(4) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(5)(b)(iii)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

F237 Words in Sch. 6 para. 12(5) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

Execution of works in accordance with plan and section

13 (1) An undertaker executing road works in a road with special engineering difficulties shall, where a plan and section have been settled, execute the works in accordance with the plan and section as settled, or, if each of the relevant authorities agrees to the modification of the plan or section, in accordance with them as so modified.

(2) If an undertaker fails to comply with sub-paragraph (1) he commits an offence and is liable on summary conviction to a fine not exceeding **[**[F238]level 5**]** on the standard scale.

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Textual Amendments

F238 Words in Sch. 6 para. 13(2) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 3**; S.S.I. 2008/15, art. 2(2), sch. 1

[F239SCHEDULE 6A

FIXED PENALTY OFFENCES UNDER PART 4

Textual Amendments

F239 Sch. 6A inserted (S.) (1.10.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 4**; S.S.I. 2008/15, art. 2(3), sch. 2

Offence	*Brief description*
An offence under section 113(5)	Failure to comply with duties under section 113 (advance notice of certain works, etc.)
An offence under section 114(5)	Beginning to execute works in contravention of section 114 (notice of starting date)
An offence under section 116(4)	Failure to give notice in accordance with section 116 (notice of emergency works)
An offence under section 129(6) consisting of a failure to comply with subsection (3) or (4)	Failure to comply with requirements to give notice of completion of reinstatement.**]**

[F240SCHEDULE 6B

FIXED PENALTIES FOR CERTAIN OFFENCES UNDER PART 4

Textual Amendments

F240 Sch. 6B inserted (S.) (1.10.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), **sch. 5**; S.S.I. 2008/15, art. 2(3), sch. 2

Modifications etc. (not altering text)

C2099 Sch. 6B restricted (1.10.2008) by The Road Works (Fixed Penalty) (Scotland) Regulations 2008 (S.S.I. 2008/244), regs. 1, **3**

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

Power to give fixed penalty notices

1 (1) An authorised officer of a road works authority may, if having reason to believe that a person is committing or has committed a fixed penalty offence, give that person a fixed penalty notice in relation to that offence.

(2) In this Schedule "fixed penalty notice" means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty.

2 A fixed penalty notice for an offence may not be given after such time relating to the offence as may be prescribed.

Contents of fixed penalty notice

3 (1) A fixed penalty notice shall identify the offence to which it relates and give reasonable particulars of the circumstances alleged to constitute that offence.

(2) A fixed penalty notice shall also state—

(a) the amount of the penalty and the period within which it may be paid,
(b) the discounted amount and the period within which it may be paid,
(c) the person to whom and the address at which payment may be made,
(d) the method or methods by which payment may be made,
(e) the person to whom and the address at which any representations relating to the notice may be made,
(f) the consequences of not making a payment within the period for payment.

(3) The person specified under sub-paragraph (2)(c) must be the road works authority or a person acting on their behalf.

The amount of the penalty and the period for payment

4 (1) The penalty for a fixed penalty offence is (subject to paragraph 5) such amount, not exceeding 30 per cent. of the maximum fine for that offence, as may be prescribed.

(2) The period for payment of the penalty is the period of **[**F241**]**36**]** days beginning with the day on which the notice is given.

(3) The road works authority may extend the period for paying the penalty in any particular case if they consider it appropriate to do so.

Textual Amendments

F241 Word in Sch. 6B para. 4(2) substituted (1.10.2008) by The Road Works (Fixed Penalty) (Scotland) Regulations 2008 (S.S.I. 2008/244), regs. 1, **8(a)**

The discounted amount

5 (1) A discounted amount is payable instead of the amount prescribed under paragraph 4(1) if payment is made before the end of the period of **[**F242**]**29**]** days beginning with the day on which the notice is given.

(2) The discounted amount for a fixed penalty offence is such amount, not exceeding 25 per cent. of the maximum fine for the offence, as may be prescribed.

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(3) If the last day of the period specified in sub-paragraph (1) does not fall on a working day, the period for payment of the discounted amount is extended until the end of the next working day.

Textual Amendments

F242 Word in Sch. 6B para. 5(1) substituted (1.10.2008) by The Road Works (Fixed Penalty) (Scotland) Regulations 2008 (S.S.I. 2008/244), regs. 1, **8(b)**

Effect of notice and payment of penalty

6 (1) This paragraph applies where a person is served with a fixed penalty notice in respect of a fixed penalty offence.

(2) No proceedings for the offence may be commenced before the end of the period for payment of the penalty.

(3) No such proceedings may be commenced or continued if payment of the penalty is made before the end of that period or is accepted by the road works authority after that time.

(4) Payment of the discounted amount counts for the purposes of sub-paragraph (3) only if it is made before the end of the period for payment of the discounted amount.

(5) In proceedings for the offence a certificate which—

(a) purports to be signed by or on behalf of a person having responsibility for the financial affairs of the road works authority, and

(b) states that payment of an amount specified in the certificate was or was not received by a date so specified,

is sufficient evidence of the facts stated.

Request for hearing

7 (1) A person to whom a fixed penalty notice has been given may, before the expiry of the period for payment of the penalty, give notice requesting a hearing in respect of the offence to which the fixed penalty notice relates.

(2) A notice requesting a hearing under sub-paragraph (1) shall be in writing and shall be sent by post or delivered to the person specified under paragraph 3(2)(c) in the fixed penalty notice at the address so specified.

(3) For the purposes of this paragraph and unless the contrary is proved, the sending of a notice by post is deemed to have been effected at the time at which the notice would be delivered in the ordinary course of post.

(4) Where a person has requested a hearing in accordance with this section—

(a) the road works authority shall hold the hearing,

(b) a person authorised for the purpose by the road works authority in whose area the offence was committed shall notify the procurator fiscal of the request, and

(c) the period for payment of the fixed penalty shall be calculated so that the period beginning with the giving of the notice under this paragraph and

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ending with the receipt by the person who gave that notice of the decision reached at the hearing is left out of account.

Power to withdraw notices

8 (1) If the road works authority consider (whether after holding a hearing under paragraph 7 or not) that a fixed penalty notice which has been given ought not to have been given, they may give to the person to whom it was given a notice withdrawing the fixed penalty notice.

(2) Where a notice under sub-paragraph (1) is given—

(a) the road works authority shall repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice, and

(b) no proceedings shall be commenced or continued against that person for the offence in question.

(3) The road works authority shall consider any representations made by or on behalf of the recipient of a fixed penalty notice and decide in all the circumstances whether to withdraw the notice.

Effect of prosecution on notice

9 Where proceedings for an offence in respect of which a fixed penalty notice has been given are commenced, the notice is to be treated as withdrawn.

Recovery of unpaid fixed penalties

10 Subject to paragraphs 8 and 9, where a fixed penalty remains unpaid after the expiry of the period for payment of the penalty it shall be enforceable in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff for any sheriffdom.

Judicial determination of enforcement of fixed penalty

11 (1) A person against whom a fixed penalty bears to be enforceable under paragraph 10 may apply to the sheriff by summary application for a declaration that the fixed penalty is not enforceable on the ground that—

(a) the fixed penalty was paid before the expiry of the period for paying, or

(b) the person has made a request for a hearing in accordance with paragraph 7 and no hearing has been held within a reasonable time after the request.

(2) On an application under sub-paragraph (1), the sheriff may declare—

(a) that the person has or, as the case may be, has not paid the fixed penalty within the period for payment of the penalty,

(b) that the person has or, as the case may be, has not requested a hearing in accordance with paragraph 7,

(c) that, where such a request has been made, a hearing has or, as the case may be, has not been held within a reasonable time after the request, and

accordingly, that the fixed penalty is or, as the case may be, is not enforceable.

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General and supplementary

12 (1) The road works authority shall, subject to sub-paragraph (2), remit the money received by them by way of fixed penalties under this Schedule to the Scottish Ministers.

(2) The Scottish Ministers may, by regulations, provide that the road works authority may retain as much of that money as is sufficient to meet such of their expenditure as is described in the regulations.

(3) The Scottish Ministers may make regulations about the keeping of accounts, and the preparation and publication of statements of account, relating to fixed penalties under this Schedule.

13 (1) Fixed penalty notices may not be given in such circumstances as may be prescribed.

(2) The method or methods by which fixed penalties may be paid may be prescribed.

(3) The Scottish Ministers may by regulations modify paragraph 4(2) or 5(1) so as to substitute a different period for the period for the time being specified there.

14 The Scottish Ministers may issue or approve for the purposes of this Schedule a code of practice giving guidance to road works authorities and their authorised officers as to the performance of their functions under this Schedule; and in performing those functions those authorities and officers shall have regard to that code of practice.**]**

SCHEDULE 7

Sections 160(4) and 161(6).

PROCEDURE FOR MAKING CERTAIN ORDERS UNDER PART IV

Publication of proposals

1 Where the Secretary of State proposes to make an order under section 160 (effect of Part IV on certain existing special enactments or instruments), or an order under section 161 (effect of Part IV on other existing enactments or instruments) relating to a special enactment or instrument, he shall publish in the Edinburgh Gazette, and in at least one newspaper circulating in the area in relation to which the enactment or instrument in question has effect, a notice—

(a) stating the general effect of the proposed order,

(b) specifying a place in that area where a copy of the draft order may be inspected by any person free of charge at all reasonable hours or may be purchased by any person at a reasonable charge, and

(c) stating that any person may, by notice given to the Secretary of State within three months from the date of the publication of the notice, object to the proposed order.

Notice to parties affected

2 Not later than the day on which the notice is published or, if it is published on two or more days, the day on which it is first published, the Secretary of State shall furnish each of the parties specified below by reference to the nature of the order with a copy of the draft order.

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Order under section 160(4)(a) relating to protection afforded by an enactment or instrument	The undertaker by whom the power is exercisable and each of the persons to whom the protection in question was afforded.
Order under section 160(4)(b) relating to requirement of consent	The person whose consent would be required and the undertaker who would be required to obtain the consent.
Order under section 160(4)(c) rendering condition valid	The person by whom the condition would be imposed and the undertakers who would be required to comply with it.
Order under section 160(4)(d) modifying enactment or instrument to remove uncertainty or obscurity	As indicated above, according to whether the order relates to the protection afforded by an enactment or instrument, a consent requirement or the validity of a condition.
Order under section 161 amending, repealing or preserving effect of enactment or instrument	Any person whose interests are specially affected by the proposed provision.

Local inquiry

3 (1) The Secretary of State shall cause a local inquiry to be held if an objection to the proposed order is received by him—

(a) from a person required to be furnished with a copy of the draft order within three months from the date of his being furnished therewith, or

(b) from any other person appearing to him to be affected within three months from the day on which the notice of the proposed order is published, or if it is published on two or more days from the later or latest of them,

and the objection is not withdrawn.

(2) In the case of an objection made otherwise than by a person required to be furnished with a copy of the draft order, the Secretary of State may dispense with such an inquiry if he is satisfied that it is unnecessary.

4 (1) If the Secretary of State so directs, an inquiry under paragraph 3 shall be held by Commissioners under the [M69]Private Legislation Procedure (Scotland) Act 1936.

(2) A direction under this paragraph is deemed to have been given under section 2 of the [M70]Statutory Orders (Special Procedure) Act 1945, as read with section 10 of that Act, and the provisions of that Act with regard to the publication of notices in the Edinburgh Gazette shall, notwithstanding anything contained in that Act, not apply to any order under section 160 which is subject to special parliamentary procedure.

(3) If the Secretary of State does not give a direction under this paragraph, the provisions of section 210(2) to (8) of the [M71]Local Government (Scotland) Act 1973 (which relate to the giving of evidence at, and the defraying of costs of, inquiries) apply in relation to a local inquiry held under paragraph 3.

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Marginal Citations

M69 1936 c. 52.

M70 9 & 10 Geo. 6 c. 18.

M71 1973 c. 65.

Making of order

5 After considering any objections to the order which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry, the Secretary of State may make the order either without modification or subject to such modifications as he thinks fit.

Special parliamentary procedure

6 If any objection is duly made by a person required to be furnished with a copy of the draft order and is not withdrawn, the order shall be subject to special parliamentary procedure.

SCHEDULE 8

Section 168(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Extent Information

E2 Sch. 8 extends to England and Wales and to Scotland or Northern Ireland also if amended enactment so extends see s. 169

PART I

AMENDMENTS OF THE HIGHWAYS ACT 1980

1 In section 139 of the [M72]Highways Act 1980 (control of builders' skips), in subsection (11) (definition of "builder's skip" and "owner") for "and section 140" substitute " , section 140 and section 140A ".

Marginal Citations

M72 1980 c. 66.

2 After section 140 of the Highways Act 1980, insert—

"**140A "Builders" skips: charge for occupation of highway.**

(1) The Minister may make provision by regulations requiring the owner of a builder's skip deposited on a highway maintainable at the public expense to pay a charge to the highway authority where—

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(a) the period for which the skip remains in the highway exceeds such period as may be prescribed, and

(b) the skip is not removed within a reasonable period.

(2) For this purpose "a reasonable period" means such period as is agreed by the authority and the owner of the skip to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable in the circumstances.

In default of agreement, the authority's view as to what is a reasonable period shall be acted upon pending the decision of the arbitrator.

(3) The regulations may provide that if a person applying to the highway authority for permission under section 139 above submits together with his application an estimate of the likely duration of the occupation of the highway, the period stated in the estimate shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.

(4) The regulations may also provide that if it appears to the owner of the skip that by reason of matters not previously foreseen or reasonably foreseeable the duration of the occupation of the highway—

(a) is likely to exceed the prescribed period,

(b) is likely to exceed the period stated in his previous estimate, or

(c) is likely to exceed the period previously agreed or determined to be a reasonable period,

he may submit an estimate or revised estimate accordingly, and that if he does so any previous estimate, agreement or determination shall cease to have effect and the period stated in the new estimate shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.

(5) The amount of the charge shall be determined in such manner as may be prescribed by reference to the period for which the highway is occupied by the skip and the extent of the occupation.

Different rates of charge may be prescribed according to the place and time of the occupation and such other factors as appear to the Minister to be relevant.

(6) The regulations may make provision as to the time and manner of making payment of any charge.

(7) The regulations shall provide that a highway authority may reduce the amount, or waive payment, of a charge in any particular case, in such classes of case as they may decide or as may be prescribed, or generally.

(8) In this section "prescribed" means prescribed by the Minister by regulations.".

3 In section 144 of the [M73]Highways Act 1980 (power to erect flagpoles, &c. on highways), in subsection (6), in the definition of "statutory undertakers" for the words from "any person entitled" to "section 181 below" substitute " any licensee under a street works licence ".

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Marginal Citations
M73 1980 c. 66.

4 In section 169 of the Highways Act 1980 (control of scaffolding on highways), in the closing words of subsection (4) (which relate to the meaning of "statutory undertakers") for the words from "any person entitled" to "section 181 below" substitute " any licensee under a street works licence ".

5 In section 170 of the [M74]Highways Act 1980 (control of mixing mortar, &c. on highways), in subsection (2)(e) for the words from "a person entitled" to "section 181 below" substitute " any licensee under a street works licence ".

Marginal Citations
M74 1980 c. 66.

6 After section 171 of the Highways Act 1980 (control of deposit of building materials, &c.) insert—

"**171A Works under s. 169 or s. 171: charge for occupation of the highway.**

(1) The Minister may make provision by regulations requiring a person carrying out any of the following works in a highway maintainable at the public expense—

(a) erecting or retaining a relevant structure within the meaning of section 169(1) above, or

(b) depositing building materials, rubbish or other things, or making a temporary excavation, as mentioned in section 171(1) above,

to pay a charge to the highway authority if the duration of the works exceeds such period as may be prescribed and the works are not completed within a reasonable period.

(2) For this purpose "a reasonable period" means such period as is agreed by the authority and the person executing the works to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable in the circumstances.

In default of agreement, the authority's view as to what is a reasonable period shall be acted upon pending the decision of the arbitrator.

(3) The regulations may provide that if a person applying to the highway authority for a licence under section 169 or consent under section 171 submits together with his application an estimate of the likely duration of the works, the period stated in the estimate shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.

(4) The regulations may also provide that if it appears to the person carrying out the works that by reason of matters not previously foreseen or reasonably foreseeable the duration of the works—

(a) is likely to exceed the prescribed period,

(b) is likely to exceed the period stated in his previous estimate, or

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(c) is likely to exceed the period previously agreed or determined to be a reasonable period,

he may submit an estimate or revised estimate accordingly, and that if he does so any previous estimate, agreement or determination shall cease to have effect and the period stated in the new estimate shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.

(5) The amount of the charge shall be determined in such manner as may be prescribed by reference to the time taken to complete the works and the extent to which the surface of the highway is affected by the works.

Different rates of charge may be prescribed according to the description of works, the place and time at which they are executed and such other factors as appear to the Minister to be relevant.

(6) The regulations may make provision as to the time and manner of making payment of any charge.

(7) The regulations shall provide that a highway authority may reduce the amount, or waive payment, of a charge in any particular case, in such classes of case as they may decide or as may be prescribed, or generally.

(8) In this section "prescribed" means prescribed by the Minister by regulations.".

7 In section 174 of the [M75]Highways Act 1980 (precautions to be taken by persons executing works in streets), in subsection (1) for the words from the beginning to "executing works in any street he" substitute— " Where a person is executing works of any description in a street (other than street works within the meaning of Part III of the New Roads and Street Works Act 1991), he ".

Marginal Citations
M75 1980 c. 66.

8 In section 179 of the Highways Act 1980 (control of construction of cellars, &c. under the street), in subsection (7) for the words from "code-regulated works" to the end substitute " street works within the meaning of Part III of the New Roads and Street Works Act 1991 ".

9 In section 184 of the Highways Act 1980 (vehicle crossings over footways and verges), omit—

(a) in subsection (9), the words from "In relation to works" to the end, and

(b) subsection (14);and in subsection (15) (supplementary provision as to costs recoverable by highway authority), for "the cost of any works which are required by the said Act of 1950 to be executed" substitute " the cost of any measures needing to be taken in relation to undertaker's apparatus, in accordance with section 84 of the New Roads and Street Works Act 1991, ".

10 In section 285 of the Highways Act 1980 (power of Minister to execute certain road improvements), in subsection (6) (provisions for purposes of which Minister to be treated as acting as agent of local highway authority) for "the Public Utilities Street Works Act 1950" substitute " Part III of the New Roads and Street Works Act 1991 ".

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11 In section 290 of the Highways Act 1980 (supplementary provisions as to entry for purposes of survey), for subsection (8) substitute—

"(8) Where in the exercise of a power conferred by section 289 above works authorised by subsection (3) of that section are to be executed in a street—

(a) section 55 of the New Roads and Street Works Act 1991 (notice of starting date of works), so far as it requires notice to be given to a person having apparatus in the street which is likely to be affected by the works,

(b) section 69 of that Act (requirements to be complied with where works likely to affect another person's apparatus in the street), and

(c) section 82 of that Act (liability for damage or loss caused),

have effect in relation to the works as if they were street works within the meaning of Part III of that Act.".

12 In section 292 of the [M76]Highways Act 1980 (compensation for damage resulting from exercise of powers of entry, &c.), in subsection (2) (avoidance of double compensation) for "section 26 of the Public Utilities Street Works Act 1950" substitute " section 82 of the New Roads and Street Works Act 1991 ".

Marginal Citations

M76 1980 c. 66.

13 In section 314 of the Highways Act 1980 (offences by bodies corporate), in subsection (3) for "177 and 181" substitute " and 177 ".

14 In section 325 of the Highways Act 1980 (provisions as to regulations, schemes and orders), in subsection (2)(a) (regulations subject to annulment) after "section 257(4) above" insert " or such regulations as are mentioned in subsection (2A) below "; and after that subsection insert—

"(2A) A statutory instrument containing—

(a) the first regulations for the purposes of section 140A,

(b) the first regulations for the purposes of section 171A as it applies in relation to erecting or retaining a relevant structure within the meaning of section 169(1) above, or

(c) the first regulations for the purposes of section 171A as it applies in relation to depositing building materials, rubbish or other things, or making a temporary excavation, as mentioned in section 171(1) above,shall not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament.".

15 (1) Section 329(1) of the Highways Act 1980 (interpretation) is amended as follows.

(2) For the definition of "street" substitute—

""street" has the same meaning as in Part III of the New Roads and Street Works Act 1991;".

(3) At the appropriate place insert—

""street works licence" means a licence under section 50 of the New Roads and Street Works Act 1991, and "licensee" in relation to such a licence, has the meaning given by subsection (3) of that section;".

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16 (1) Section 334 of the Highways Act 1980 (savings for British Telecommunications) is amended as follows.

(2) In subsection (6) for "authority's works as defined in Part II of the Public Utilities Street Works Act 1950" substitute " major highway works, major bridge works or major transport works within the meaning of Part III of the New Roads and Street Works Act 1991 ".

(3) In subsection (9) for the words from "the code" to "thereby affected)" substitute " the provisions of Part III of the New Roads and Street Works Act 1991 relating to major highway works, major bridge works or major transport works ".

PART II

AMENDMENTS OF THE ROAD TRAFFIC REGULATION ACT 1984

Traffic regulation orders outside Greater London

17 (1) Section 1 of the [M77]Road Traffic Regulation Act 1984 is amended as follows.

(2) In subsection (1) for the words from the beginning to "London" substitute " The traffic authority for a road outside Greater London may make an order under this section (referred to in this Act as a "traffic regulation order") in respect of the road "

(3) Omit subsection (2) (authorities having power to make orders).

(4) For subsection (3) substitute—

"(3) A traffic regulation order made by a local traffic authority may, with the consent of the Secretary of State, extend to a road in relation to which he is the traffic authority if the order forms part of a scheme of general traffic control relating to roads of which at least one has a junction with the length of road in question.".

(5) Omit subsections (4) and (5) (which provide that the power is not exercisable in relation to a special road).

Commencement Information

I24 Sch. 8 para. 17 wholly in force; Sch. 8 para. 17 in force (S.) at 1.11.1991 see s. 170(1) and S.I. 1991/2286, art. 2(2), **Sch. 2**; Sch. 8 para. 17 in force (E.W.) at 1.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Marginal Citations

M77 1984 c. 27.

18 (1) Section 2 of the Road Traffic Regulation Act 1984 (what a traffic regulation order may provide) is amended as follows.

(2) In subsection (1) for the words from the beginning to "of this Act)" substitute " A traffic regulation order may make ".

(3) In subsection (2) for the words from the beginning to "that subsection" substitute " The provision that may be made by a traffic regulation order ".

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(4) In subsection (4) for the words from the beginning to "may include" substitute " A local traffic authority may include ".

Commencement Information

I25 Sch. 8 para. 18 wholly in force: Sch. 8 para. 18 in force (S.) at 1.11.1991 see s. 170(1) and S.I. 1991/2286, art. 2(2), **Sch. 2**; in force (E.W.) at 1.11.1991 see s. 170(1) and S.I. 1991/2288 art. 3, Sch.

19 In section 3(1) of the Road Traffic Regulation Act 1984 (restrictions on traffic regulation orders) omit the words from the beginning to "of this Act".

Commencement Information

I26 Sch. 8 para. 19 wholly in force; Sch. 8 para. 19 in force (S.) at 1.11.1991 see s. 170(1) and S.I. 1991/2286, art. 2(2), **Sch. 2**; Sch. 8 para. 19 in force (E.W.) at 1.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

20 In section 5 of the Road Traffic Regulation Act 1984 (contravention of traffic regulation order), omit subsection (2).

Commencement Information

I27 Sch. 8 para. 20 wholly in force; Sch. 8 para. 20 in force (S.) at 1.11.1991 see s. 170(1) and S.I. 1991/2286, art. 2(2), **Sch. 2**; Sch. 8 para. 20 in force (E.W.) at 1.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Orders as to traffic regulation in Greater London

21 (1) Section 6 of the Road Traffic Regulation Act 1984 (orders as to traffic regulation in Greater London) is amended as follows.

(2) In subsection (1) for the words from the beginning to "foregoing words)" substitute — " The traffic authority for a road in Greater London may make an order under this section for controlling or regulating vehicular and other traffic (including pedestrians).Provision may, in particular, be made— ".

(3) For subsection (2) substitute—

"(2) In the case of a road for which the Secretary of State is the traffic authority, the power to make an order under this section is also exercisable, with his consent, by the local traffic authority.".

(4) Omit subsection (4) (which provides that the power is not exercisable in relation to a special road).

(5) In subsection (6) omit the words from "and in subsection (4)" to the end.

Commencement Information

I28 Sch. 8 para. 21 wholly in force; Sch. 8 para. 21 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2) Sch. 2; Sch. 8 para. 21 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288 art. 3 Sch

22 In section 8 of the [M78]Road Traffic Regulation Act 1984 (contravention of order under s.6), omit subsection (2).

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Commencement Information

I29 Sch. 8 para. 22 wholly in force; Sch. 8 para. 22 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2) Sch. 2; Sch. 8 para. 22 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288 art. 3 Sch.

Marginal Citations

M78 1984 c. 27.

Experimental traffic schemes

23 (1) Section 9 of the Road Traffic Regulation Act 1984 (experimental traffic orders) is amended as follows.

(2) For subsection (1) substitute—

"(1) The traffic authority for a road may, for the purposes of carrying out an experimental scheme of traffic control, make an order under this section (referred to in this Act as an "experimental traffic order") making any such provision—

(a) as respects a road outside Greater London, as may be made by a traffic regulation order;

(b) as respects a road in Greater London, as may be made by an order under section 6, 45, 46, 49, 83(2) or 84 of this Act.".

(3) For subsection (2) substitute—

"(2) An experimental traffic order made by a local traffic authority outside Greater London may, with the consent of the Secretary of State, extend to a road in relation to which he is the traffic authority if the order forms part of a scheme of general traffic control relating to roads of which at least one has a junction with the length of road in question.

(2A) In the case of a road in Greater London for which the Secretary of State is the traffic authority, the power to make an order under this section is also exercisable, with his consent, by the local traffic authority.".

(4) After subsection (5) insert—

"(5A) So much of section 4(1) or 7(1) of this Act as provides for a presumption that a traffic sign is lawfully placed shall apply for the purposes of an order under this section making any such provision as is referred to in that subsection.".

Commencement Information

I30 Sch. 8 para. 23 wholly in force; Sch. 8 para. 23 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2) Sch. 2; Sch. 8 para. 23 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288 art. 3 Sch.

24 (1) Section 10 of the Road Traffic Regulation Act 1984 (supplementary provisions as to experimental traffic orders) is amended as follows.

(2) For subsection (2) substitute—

"(2) An experimental traffic order may include provision empowering a specified officer of the authority who made the order, or a person authorised by such

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a specified officer, to modify or suspend the operation of the order or any provision of it if it appears to him essential—

(a) in the interests of the expeditious, convenient and safe movement of traffic,

(b) in the interests of providing suitable and adequate on-street parking facilities, or

(c) for preserving or improving the amenities of the area through which any road affected by the order runs.

The power conferred by such a provision shall be exercised only after consulting the appropriate chief officer of police and giving such public notice as the Secretary of State may direct.".

(3) For subsection (3) substitute—

"(3) Any such power to modify an experimental traffic order as is mentioned in subsection (2) above does not extend to making additions to the order or to designating additional on-street parking places for which charges are made; but subject to that the modifications may be of any description.".

Commencement Information

I31 Sch. 8 para. 24 wholly in force; Sch. 8 para. 24 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2) Sch. 2; Sch. 8 para. 24 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288 art. 3 Sch

25 In section 12 of the [M79]Road Traffic Regulation Act 1984 (experimental traffic schemes in Greater London), for subsection (2) substitute—

"(1A) The local authority shall not give their consent to any such scheme affecting a road for which the Secretary of State is the traffic authority except with his agreement.

(2) The Secretary of State may in the case of any scheme, after consultation with the local authority, direct them to consent to the scheme within a specified period or to withhold their consent.".

Commencement Information

I32 Sch. 8 para. 25 wholly in force; Sch. 8 para. 25 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2) Sch. 2; Sch. 8 para. 25 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288 art. 3 Sch.

Marginal Citations

M79 1984 c. 27.

Temporary prohibition or restriction of traffic

[F243]26 . . . . . .

Textual Amendments

F243 Sch. 8 para. 26 repealed (1.7.1992) by 1991 c. 26, s. 2(2), **Sch. 2**; S.I. 1992/1218, **art. 2**

Status: *Point in time view as at 24/11/2016. This version of this Act contains provisions that are prospective.*
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27 In section 16 of the [M80]Road Traffic Regulation Act 1984 (supplementary provisions as to orders and notices under s.14), omit subsections (3) and (4).

Commencement Information

I33 Sch. 8 para. 27 wholly in force; Sch. 8 para. 27 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 27 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Marginal Citations

M80 1984 c. 27.

Traffic regulation on special roads

28 (1) Section 17 of the Road Traffic Regulation Act 1984 (traffic regulation on special roads) is amended as follows.

(2) For subsection (1) (traffic authorised to use special road) substitute—

"(1) A special road shall not be used except by traffic of a class authorised to do so—

(a) in England and Wales, by a scheme made, or having effect as if made, under section 16 of the Highways Act 1980 or by virtue of paragraph 3 of Schedule 23 to that Act, or

(b) in Scotland, by a scheme made, or having effect as if made, under section 7 of the Roads (Scotland) Act 1984.".

(3) In subsection (2) (regulations as to use of special roads), for the words from "and such regulations" to the end of paragraph (a) substitute—

"Such regulations may, in particular—

(a) regulate the manner in which and the conditions subject to which special roads may be used by traffic authorised to do so;".

(4) For subsection (5) (provisions as to date of opening of special road) substitute—

"(5) The provisions of this section and of any regulations under subsection (2) above do not apply in relation to a road, or part of a road, until the date declared by the traffic authority, by notice published in the prescribed manner, to be the date on which the road or part is open for use as a special road.

This does not prevent the making of regulations under subsection (2) above before that date, so as to come into force in relation to that road or part on that date.".

(5) In subsection (6) omit the words from "and "the date of opening"" to the end.

Commencement Information

I34 Sch. 8 para. 28 wholly in force; Sch. 8 para. 28 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 28 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

29 After section 17 of the Road Traffic Regulation Act 1984 insert—

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"**17A Further provisions as to special roads.**

(1) On the date declared by the traffic authority, by notice published in the prescribed manner, to be the date on which a special road, or a part of a special road, is open for use as a special road, any existing order under section 1, 6, 9 or 84 of this Act relating to that road or part shall cease to have effect.

(2) This is without prejudice to any power to make orders under those provisions in relation to the road or part as a special road; and any such power may be exercised before the date referred to above, so as to take effect on that date.

(3) The procedure for making an order applies in such a case with such modifications as may be prescribed.".

Commencement Information

I35 Sch. 8 para. 29 wholly in force; Sch. 8 para. 29 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 29 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Traffic regulation in other special cases

30 In section 18 of the [M81]Road Traffic Regulation Act 1984 (one-way traffic on trunk roads), in subsection (1) for the words from "an order" to "directing" substitute " an order under section 10 of the Highways Act 1980 or section 5 of the Roads (Scotland) Act 1984 directing ".

Commencement Information

I36 Sch. 8 para. 30 wholly in force; Sch. 8 para. 30 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 30 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Marginal Citations

M81 1984 c. 27.

31 (1) Section 19 of the Road Traffic Regulation Act 1984 (regulation of use of highways by public service vehicles) is amended as follows.

(2) In subsection (1) (making of orders by local authority), for the words from the beginning to the end of paragraph (b) substitute—

"(1) A local traffic authority outside Greater London may make orders—

(a) for determining the highways or, in Scotland, roads in their area which may or may not be used by public service vehicles;

(b) for fixing stands for public service vehicles on such highways or roads;".

(3) Omit subsection (3).

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Commencement Information

I37 Sch. 8 para. 31 wholly in force; Sch. 8 para. 31 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 31 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

32 In section 20 of the Road Traffic Regulation Act 1984 (prohibition or restriction on use of vehicles on roads of certain classes), for subsection (3) (exclusion of provisions in relation to special roads) substitute—

"(3) No order under this section shall be made or apply in relation to a special road on or after the date declared by the traffic authority, by notice published in the prescribed manner, to be the date on which the special road, or the relevant part of the special road, is open for use as a special road.".

Commencement Information

I38 Sch. 8 para. 32 wholly in force; Sch. 8 para. 32 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 32 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

33 In section 21 of the Road Traffic Regulation Act 1984 (permit for trailer to carry excess weight), for subsection (3) (definition of "appropriate authority") substitute—

"(3) The appropriate authority for the purposes of this section is—

(a) in relation to a bridge for the maintenance of which a bridge authority is responsible, or a road passing over such a bridge, the bridge authority;

(b) in relation to any other road, the traffic authority and any other person responsible for the maintenance of the road.".

Commencement Information

I39 Sch. 8 para. 33 wholly in force; Sch. 8 para. 33 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 33 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

34 (1) Section 22 of the Road Traffic Regulation Act 1984 (traffic regulation for special areas in the countryside) is amended as follows.

(2) For subsections (3) and (4) (powers of Secretary of State as to making of orders) substitute—

"(3) The Countryside Commission, the Countryside Council for Wales and the Countryside Commission for Scotland may each make submissions to the Secretary of State as to the desirability of a traffic regulation order being made in relation to a road to which this section applies, whether or not it is a road for which he is the traffic authority.

(4) Where such a submission is made as respects a road for which he is not the traffic authority, and the traffic authority for the road notify him that they do not intend to make an order, the Secretary of State may by order under this subsection make any such provision as he might have made by a traffic regulation order if he had been the traffic authority.

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This Act applies to such an order as to an order made by him in relation to a road for which he is the traffic authority.".

(3) On the coming into force of Part I of the [M82]Natural Heritage (Scotland) Act 1991, for the reference in subsection (3) as amended by this paragraph to the Countryside Commission for Scotland there shall be substituted a reference to Scottish Natural Heritage.

Commencement Information

I40 Sch. 8 para. 34 wholly in force; Sch. 8 para. 34 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 34 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Marginal Citations

M82 1991 c. 28.

Pedestrian crossings

35 (1) Section 23 of the [M83]Road Traffic Regulation Act 1984 is amended as follows.

(2) For subsection (1) (power to establish pedestrian crossings) substitute—

"(1) A local traffic authority may establish crossings for pedestrians on roads for which they are the traffic authority, and may alter or remove any such crossings.

The crossings shall be indicated in the manner prescribed by regulations under section 25 of this Act.".

(3) In subsections (2) and (3) for "local authority" substitute " local traffic authority ".

(4) Omit subsection (5).

Commencement Information

I41 Sch. 8 para. 35 wholly in force; Sch. 8 para. 35 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 35 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Marginal Citations

M83 1984 c. 27.

36 In section 24 of the Road Traffic Regulation Act 1984 (pedestrian crossings on trunk roads), for the words from the beginning to "such crossings" substitute " The Secretary of State shall establish on roads for which he is the traffic authority such crossings ", and for "and to execute" substitute " and execute ".

Commencement Information

I42 Sch. 8 para. 36 wholly in force; Sch. 8 para. 36 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 36 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

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Street playgrounds

37 For sections 29 and 30 of the Road Traffic Regulation Act 1984 (street playgrounds) substitute—

"**29 Power to prohibit traffic on roads to be used as playgrounds.**

(1) For the purpose of enabling a road for which they are the traffic authority to be used as a playground for children, a local traffic authority may make an order prohibiting or restricting the use of the road by vehicles, or by vehicles of any specified class, either generally or on particular days or during particular hours.

The prohibition or restriction may be subject to such exceptions and conditions as to occasional use or otherwise as may be specified in the order.

(2) An order under this section shall make provision for permitting reasonable access to premises situated on or adjacent to the road.

(3) A person who uses a vehicle or causes or permits a vehicle to be used, in contravention of an order in force under this section shall be guilty of an offence.".

Commencement Information

I43 Sch. 8 para. 37 wholly in force; Sch. 8 para. 37 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 37 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

38 In section 31 of the Road Traffic Regulation Act 1984 (byelaws with respect to roads used as playgrounds), in subsection (1), for the words from "by a local authority" to "have power to" substitute " under section 29 of this Act, the local traffic authority may ".

Commencement Information

I44 Sch. 8 para. 38 wholly in force; Sch. 8 para. 38 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 38 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Parking places

39 In section 32 of the Road Traffic Regulation Act 1984 (power of local authorities to provide parking places), in subsection (4)(a) (meaning of "local authority") for "the local roads authority" substitute " a regional or islands council ".

Commencement Information

I45 Sch. 8 para. 39 wholly in force; Sch. 8 para. 39 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 39 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

40 In section 34 of the [M84]Road Traffic Regulation Act 1984 (provision of access to premises through off-street parking place), in subsection (1)—

(a) in the opening words omit the words "in England or Wales", and

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(b) for paragraph (a) substitute—

"(a) that it would relieve or prevent congestion of traffic on a highway or, in Scotland, a road if use were made of the parking place to provide a means of access from the highway or road to premises adjoining, or abutting on, the parking place, and".

Commencement Information

I46 Sch. 8 para. 40 wholly in force; Sch. 8 para. 40 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 40 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Marginal Citations

M84 1984 c. 27.

41 (1) Section 37 of the Road Traffic Regulation Act 1984 (extension of powers for purposes of general scheme of traffic control) is amended as follows.

(2) For subsection (1) substitute—

"(1) This section applies to an order made under both section 1 and section 32 of this Act by—

(a) the council of a county or metropolitan district in England and Wales, or

(b) by a regional or islands council in Scotland,

where the order is, and is stated to be, made by virtue of this section and for the purposes of a general scheme of traffic control in a stated area.".

(3) In subsection (3) for "a trunk road" substitute " a road for which the Secretary of State is the traffic authority ".

Commencement Information

I47 Sch. 8 para. 41 wholly in force; Sch. 8 para. 41 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 41 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

42 In section 38 of the Road Traffic Regulation Act 1984 (parking place to be used as bus or coach station), in subsection (3) for "street" substitute " road ".

Commencement Information

I48 Sch. 8 para. 42 wholly in force; Sch. 8 para. 42 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 42 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

43 In section 43 of the Road Traffic Regulation Act 1984 (control of off-street parking in Greater London) in subsection (14), in the definition of "public off-street parking place", for "parking space for motor vehicles off the highway" substitute " off-street parking accommodation " and for "space" substitute " accommodation ".

44 (1) Section 45 of the Road Traffic Regulation Act 1984 (designation of paying parking places on highways) is amended as follows.

(2) For subsection (1) (power to make orders) substitute—

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"(1) A local authority may by order designate parking places on highways or, in Scotland, roads in their area for vehicles or vehicles of any class specified in the order; and the authority may make charges (of such amount as may be prescribed under section 46 below) for vehicles left in a parking place so designated.

The exercise of this power by a local authority outside Greater London in relation to a highway or road for which they are not the traffic authority is subject to obtaining the consent of the traffic authority.".

(3) In subsection (3)(c) (matters to be taken into account in making orders), for the words from "parking accommodation" to "highways" or, in Scotland, "roads" substitute " off-street parking accommodation, whether in the open or under cover, ".

(4) In subsection (7) (meaning of "local authority"), in paragraph (c) for "local roads authority" substitute " regional or islands council ".

Commencement Information

I49 Sch. 8 para. 44 wholly in force; Sch. 8 para. 44 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 44 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

45 In section 53(1) of the Road Traffic Regulation Act 1984, for "highways" or, in Scotland, "roads" substitute " highways or, in Scotland, roads ".

Commencement Information

I50 Sch. 8 para. 45 wholly in force; Sch. 8 para. 45 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 45 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

46 (1) Section 55 of the [M85]Road Traffic Regulation Act 1984 (financial provisions relating to designation orders) is amended as follows.

(2) In subsection (4)(b) and (c) for the words from "parking accommodation" to the end substitute " off-street parking accommodation, whether in the open or under cover; ".

(3) For subsection (4)(d) substitute—

"(d) if it appears to the local authority that the provision in their area of further off-street parking accommodation is unnecessary or undesirable, the following purposes—

(i) meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services, and

(ii) the purposes of a highway or road improvement project in the local authority's area.".

(4) After subsection (4) insert—

"(4A) For the purposes of subsection (4)(d)(ii)—

(a) a highway improvement project means a project connected with the carrying out by the appropriate highway authority (whether the local authority or not) of any operation which constitutes the

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improvement (within the meaning of the Highways Act 1980) of a highway in the area of a local authority in England or Wales; and

(b) a road improvement project means a project connected with the carrying out by the appropriate roads authority (whether the local authority or not) of any operation which constitutes the improvement (within the meaning of the Roads (Scotland) Act 1984) of a road in the area of a local authority in Scotland.".

(5) Omit subsection (5).

Commencement Information

I51 Sch. 8 para. 46 wholly in force; Sch. 8 para. 46 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 46 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Marginal Citations

M85 1984 c. 27.

Traffic signs

47 In section 64 of the Road Traffic Regulation Act 1984 (general provisions as to traffic signs), in subsection (4)(c)(i) and (ii) for "highway" substitute " road ".

Commencement Information

I52 Sch. 8 para. 47 wholly in force; Sch. 8 para. 47 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 47 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

48 (1) Section 65 of the Road Traffic Regulation Act 1984 (powers and duties of highway authorities as to placing of traffic signs) is amended as follows.

(2) For subsection (1) (power to cause or permit placing of traffic signs) substitute—

"(1) The traffic authority may cause or permit traffic signs to be placed on or near a road, subject to and in conformity with such general directions as may be given by the Ministers acting jointly or such other directions as may be given by the Secretary of State.".

(2) In subsection (2) (direction by Secretary of State), for the opening words substitute—

"(2) The Secretary of State may give directions to a local traffic authority—".

Commencement Information

I53 Sch. 8 para. 48 wholly in force; Sch. 8 para. 48 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 48 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

49 In section 66(1) of the Road Traffic Regulation Act 1984 (traffic signs for giving effect to local traffic regulations), for "highway" (twice) substitute " road ".

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Commencement Information

I54 Sch. 8 para. 49 wholly in force; Sch. 8 para. 49 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 49 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

50 In section 67 of the Road Traffic Regulation Act 1984 (emergencies and temporary obstructions), in subsection (1) for "highway" (twice) substitute " road ".

Commencement Information

I55 Sch. 8 para. 50 wholly in force; Sch. 8 para. 50 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 50 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

51 (1) Section 68 of the [M86]Road Traffic Regulation Act 1984 (placing of traffic signs in connection with exercise of other powers) is amended as follows.

(2) In subsection (1)(a), omit the reference to section 30.

(3) In subsections (2) and (3), for "highway authority" or, in Scotland, "roads authority", wherever occurring, substitute " traffic authority ".

Commencement Information

I56 Sch. 8 para. 51 wholly in force; Sch. 8 para. 51 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 51 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Marginal Citations

M86 1984 c. 27.

52 (1) Section 69 of the Road Traffic Regulation Act 1984 (placing of traffic signs in connection with exercise of other powers) is amended as follows.

(2) In subsection (1)—

(a) for "highway authority" or, in Scotland, "roads authority" substitute " traffic authority "; and

(b) for "the roads" or, in Scotland, "a road" substitute " the road ".

(3) In subsection (2) for "highway authority" or, in Scotland, "roads authority" substitute " traffic authority ".

(4) In subsection (3) for "highway authority" or, in Scotland, "local roads authority" substitute " local traffic authority ".

Commencement Information

I57 Sch. 8 para. 52 wholly in force; Sch. 8 para. 52 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 52 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

53 In section 70 of the Road Traffic Regulation Act 1984 (default powers of Secretary of State), in subsection (1) for "highway authority" or, in Scotland, "local roads authority" substitute " local traffic authority ".

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Commencement Information

I58 Sch. 8 para. 53 wholly in force; Sch. 8 para. 53 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 53 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

54 In section 71 of the Road Traffic Regulation Act 1984 (power to enter land in connection with traffic signs), in subsection (1) for "highway authority" or, in Scotland, "local roads authority" substitute " local traffic authority ".

Commencement Information

I59 Sch. 8 para. 54 wholly in force; Sch. 8 para. 54 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 54 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

55 In section 73 of the Road Traffic Regulation Act 1984 (powers of local traffic authorities in London), in subsection (1) for "which is not a trunk road" substitute " for which they are the traffic authority ".

Commencement Information

I60 Sch. 8 para. 55 wholly in force; Sch. 8 para. 55 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 55 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

56 In section 77 of the Road Traffic Regulation Act 1984 (modifications as respects trunk roads), for the opening words substitute " In relation to a road for which the Secretary of State is the traffic authority ".

Commencement Information

I61 Sch. 8 para. 56 wholly in force; Sch. 8 para. 56 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 56 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

57 In section 79 of the Road Traffic Regulation Act 1984 (advances by Secretary of State towards expenses of traffic signs), in subsection (5) for "highway authority" or, in Scotland, "local roads authority" substitute " local traffic authority ".

Commencement Information

I62 Sch. 8 para. 57 wholly in force; Sch. 8 para. 57 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 57 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

58 In section 80 of the Road Traffic Regulation Act 1984 (exercise of traffic sign functions by person other than traffic authority), in subsection (1), for "highway authority" or, in Scotland, "roads authority" in both places where those expressions occur substitute " traffic authority ".

Commencement Information

I63 Sch. 8 para. 58 wholly in force; Sch. 8 para. 58 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 58 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

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Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

59 (1) Section 82 of the Road Traffic Regulation Act 1984 (what roads are restricted roads) is amended as follows.

(2) In subsection (1) for the words from "if" to the end substitute—

"if—

(a) in England and Wales, there is provided on it a system of street lighting furnished by means of lamps placed not more than 200 yards apart;

(b) in Scotland, there is provided on it a system of carriageway lighting furnished by means of lamps placed not more than 185 metres apart and the road is of a classification or type specified for the purposes of this subsection in regulations made by the Secretary of State.".

(3) In subsection (2) for "A direction may be given" substitute " The traffic authority for a road may direct ", and in paragraphs (a) and (b) for "a specified road" substitute " the road ".

(4) For subsection (3) substitute—

"(3) A special road is not a restricted road for the purposes of section 81 on or after the date declared by the traffic authority, by notice published in the prescribed manner, to be the date on which the special road, or the relevant part of the special road, is open for use as a special road.".

Commencement Information

I64 Sch. 8 para. 59 wholly in force; Sch. 8 para. 59 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 59 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

60 (1) Section 83 of the [M87]Road Traffic Regulation Act 1984 (provisions as to directions under section 82) is amended as follows.

(2) In subsection (1), for the words from the beginning to "shall be given" substitute " A direction under section 82(2) by the Secretary of State shall be given ".

(3) For subsection (2) substitute—

"(2) A direction under section 82(2) by a local traffic authority shall be given by means of an order made by the authority.".

Commencement Information

I65 Sch. 8 para. 60 wholly in force; Sch. 8 para. 60 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 60 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Marginal Citations

M87 1984 c. 27.

61 In section 84 of the Road Traffic Regulation Act 1984 (speed limits on roads other than restricted roads), for subsection (2) (authority having power to make order) substitute—

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"(2) The power to make an order under subsection (1) is exercisable by the traffic authority, who shall before exercising it in any case give public notice of their intention to do so.".

Commencement Information

I66 Sch. 8 para. 61 wholly in force; Sch. 8 para. 61 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 61 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

62 (1) Section 85 of the Road Traffic Regulation Act 1984 (traffic signs for indicating speed restrictions) is amended as follows.

(2) In subsection (1) (duty of Secretary of State), for the words from "in the case of" to "to" substitute " in the case of a road for which he is the traffic authority, to ".

(3) In subsection (2) (duties of local traffic authorities), for the opening words substitute — " In the case of any other road, it is the duty of the local traffic authority— ".

(4) In subsection (3) for "local authority" substitute " local traffic authority ".

(5) In subsection (4), for the words from the beginning to "on a road" substitute " Where no such system of street or carriageway lighting as is mentioned in section 82(1) is provided on a road, ".

(6) In subsection (5) for the words from "such a system" to "subsection (4) above" substitute " such a system of street or carriageway lighting ".

Commencement Information

I67 Sch. 8 para. 62 wholly in force; Sch. 8 para. 62 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 62 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

63 In section 86 of the Road Traffic Regulation Act 1984 (speed limits for particular classes of vehicles), omit subsection (4) (which relates to special roads).

Commencement Information

I68 Sch. 8 para. 63 wholly in force; Sch. 8 para. 63 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 63 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

64 Omit section 91 (definition of "local authority" for the purposes of Part VI).

Commencement Information

I69 Sch. 8 para. 64 wholly in force; Sch. 8 para. 64 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 64 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

65 (1) Section 92 of the [M88]Road Traffic Regulation Act 1984 (bollards and other obstructions outside Greater London) is amended as follows.

(2) In subsection (1) for "the highway authority or, in Scotland, the local roads authority" substitute " the traffic authority ".

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(3) For subsection (4) substitute—

"(4) The bollards or other obstructions authorised by an order under subsection (1) shall be placed on the road by the traffic authority, except as mentioned in section 93 below.".

Commencement Information

I70 Sch. 8 para. 65 wholly in force; Sch. 8 para. 65 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 65 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Marginal Citations

M88 1984 c. 27.

66 (1) Section 93 of the Road Traffic Regulation Act 1984 (powers of Secretary of State in relation to functions under section 92) is amended as follows.

(2) For subsection (1) substitute—

"(1) Where by virtue of an order under section 92(1) the Secretary of State has power to place bollards or other obstructions at a point on a road, he may authorise or require the traffic authority for any other road leading into or crossing that road at that point to place the bollards or other obstructions on that other road.".

(3) In subsection (2) for "any authority" and in subsection (3) for "an authority" substitute " a local traffic authority ".

Commencement Information

I71 Sch. 8 para. 66 wholly in force; Sch. 8 para. 66 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 66 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

67 (1) Section 94 of the Road Traffic Regulation Act 1984 (bollards and other obstructions in Greater London) is amended as follows.

(2) In subsection (1) (powers of Secretary of State), for "which is not a trunk road" substitute " for which he is not the traffic authority ".

(3) In subsection (2) (powers of London borough council), for "which is not a trunk road and for which they are not the highway authority" substitute " for which neither they nor the Secretary of State are the traffic authority ".

(4) In subsection (4)—

(a) in paragraph (a) for "any trunk road" substitute " any road for which he is the traffic authority "; and

(b) in paragraph (b) for "which is not a trunk road and for which they are the highway authority" substitute " for which they are the traffic authority " and for "highway authority", in the second place where it occurs, substitute " traffic authority ".

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Commencement Information

I72 Sch. 8 para. 67 wholly in force; Sch. 8 para. 67 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 67 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

68 In section 100(5) of the Road Traffic Regulation Act 1984 (definition of "local authority" for purposes of provisions about removal of abandoned vehicles, &c.), for paragraph (c) substitute—

"(c) in relation to Scotland, means a regional or islands council.".

Commencement Information

I73 Sch. 8 para. 68 wholly in force; Sch. 8 para. 68 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 68 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

69 In section 106 of the Road Traffic Regulation Act 1984 (initial experimental period for immobilisation of vehicles)—

(a) in subsection (7) (consent required for initial order), for "the authority responsible for traffic regulation in that area" substitute " the local traffic authority "; and

(b) omit subsection (8).

Commencement Information

I74 Sch. 8 para. 69 wholly in force; Sch. 8 para. 69 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 69 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

70 In the [M89]Road Traffic Regulation Act 1984, at the beginning of Part X (general and supplementary provisions) insert—

Traffic authorities.

"121A(1) The Secretary of State is the traffic authority—

(a) for every highway in England and Wales for which he is the highway authority within the meaning of the Highways Act 1980, and

(b) for every road in Scotland for which he is the roads authority within the meaning of the Roads (Scotland) Act 1984.

(2) In Greater London, the council of the London borough or the Common Council of the City of London are the traffic authority for all roads in the borough or, as the case may be, in the City for which the Secretary of State is not the traffic authority.

(3) In England and Wales outside Greater London, the council of the county or metropolitan district are the traffic authority for all roads in the county or, as the case may be, the district for which the Secretary of State is not the traffic authority.

(4) In Scotland, the regional or islands council are the traffic authority in relation to all roads within their area for which the Secretary of State is not the traffic authority.

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(5) In this Act "local traffic authority" means a traffic authority other than the Secretary of State.".

Commencement Information

I75 Sch. 8 para. 70 wholly in force; Sch. 8 para. 70 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 70 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Marginal Citations

M89 1984 c. 27.

71 In section 122 of the Road Traffic Regulation Act 1984 (exercise of functions by local authorities), in subsection (1) for "the highway" or, in Scotland, "the road" substitute " the highway or, in Scotland, the road ".

Commencement Information

I76 Sch. 8 para. 71 wholly in force; Sch. 8 para. 71 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 71 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

72 In section 124(2) of the Road Traffic Regulation Act 1984 (orders exercisable by statutory instrument), omit the reference to section 30.

Commencement Information

I77 Sch. 8 para. 72 wholly in force; Sch. 8 para. 72 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 72 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

73 In section 125(3) of the Road Traffic Regulation Act 1984 (exercise of powers in relation to boundary roads), omit the reference to section 30(1).

Commencement Information

I78 Sch. 8 para. 73 wholly in force; Sch. 8 para. 73 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 73 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

74 In section 130 of the Road Traffic Regulation Act 1984 (application of Act to Crown), in subsection (2)(a) for "76 to 91" substitute " 76 to 90 ".

Commencement Information

I79 Sch. 8 para. 74 wholly in force; Sch. 8 para. 74 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 74 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

75 (1) Section 131 of the Road Traffic Regulation Act 1984 (application of road traffic enactments to Crown roads) is amended as follows.

(2) In subsection (2)(a) (twice), and in subsection (2)(b), for "highway authority" or, in Scotland, "roads authority" substitute " local traffic authority ".

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(3) In subsection (7)(b) for "a highway" or, in Scotland, "a public road" substitute " a highway or, in Scotland, a public road ".

Commencement Information

I80 Sch. 8 para. 75 wholly in force; Sch. 8 para. 75 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 75 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

76 (1) Section 132 of the Road Traffic Regulation Act 1984 (special provisions as to certain Crown roads) is amended as follows.

(2) In subsection (5)—

(a) for "the local authority concerned" substitute " the traffic authority ";

(b) for "the local authority may" substitute " the traffic authority may "; and

(c) for the words from "and any other power" to "as respects the Crown road" substitute " and any other power conferred by section 65 to give directions to a local traffic authority includes power to give the like directions to them as respects the Crown road ".

(3) Omit subsection (6) (definition of "local authority concerned").

Commencement Information

I81 Sch. 8 para. 76 wholly in force; Sch. 8 para. 76 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 76 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

77 In section 134(2) of the [M90]Road Traffic Regulation Act 1984 (regulations excepted from obligation to consult), for "82(1)," substitute " 82(1)(b), ".

Commencement Information

I82 Sch. 8 para. 77 wholly in force; Sch. 8 para. 77 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 77 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

Marginal Citations

M90 1984 c. 27.

78 (1) Section 142(1) of the Road Traffic Regulation Act 1984 (general interpretation provisions) is amended as follows.

(2) Omit the definitions of "highway authority", "local highway authority", "local roads authority" and "roads authority".

(3) At the appropriate place insert—

""off-street parking accommodation" means parking accommodation for motor vehicles off the highway or, in Scotland, off the road;".

(4) For the definition of "road" substitute—

""road"—

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(a) in England and Wales, means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes, and

(b) in Scotland, has the same meaning as in the Roads (Scotland) Act 1984;".

(5) For the definition of "special road" substitute—

""special road", in England and Wales, has the same meaning as in the Highways Act 1980, and in Scotland has the same meaning as in the Roads (Scotland) Act 1984;".

(6) At the appropriate place insert—

""traffic authority" and "local traffic authority" have the meaning given by section 121A of this Act;".

Commencement Information

I83 Sch. 8 para. 78 wholly in force; Sch. 8 para. 78 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 78 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

F244 79 . . . . . .

80 (1) Schedule 9 to the Road Traffic Regulation Act 1984 (special provisions as to certain orders) is amended as follows.

(2) In paragraph 13(1) (orders requiring consent of Secretary of State), in paragraph (b) for "a trunk road"substitute " a road for which the Secretary of State is the traffic authority ".

(3) In paragraph 20(1) (consultation before orders are made), omit the reference to section 30.

(4) In paragraphs 21 and 23(1)(a) (procedure regulations), omit the words "other than section 30 of this Act".

(5) In paragraph 24(b) (procedure regulations for certain orders) for "trunk roads" substitute " roads for which he is the traffic authority ".

(6) In paragraph 25 (power to make different provision in each case and as to posting notices)—

(a) for the word "highway authority"or, in Scotland, "roads authority"substitute " traffic authority ", and

(b) for the word "highway"n the two other places where it appears substitute the word " road "

(7) In paragraph 27(1) (variation or revocation of orders), omit the reference to section 30.

Commencement Information

I84 Sch. 8 para. 80 wholly in force; Sch. 8 para. 80 in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 80 in force (E.W.) at 01.11.1991 see s. 170(1) and S.I. 1991/2288, art. 3, **Sch.**

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PART III

AMENDMENTS OF THE ROADS (SCOTLAND) ACT 1984

81 In section 35(2)(a) of the [M91]Roads (Scotland) Act 1984 (provision of lighting by roads authorities) for the words "Public Utilities Street Works Act 1950" substitute " Part IV of the New Roads and Street Works Act 1991 ".

Marginal Citations

M91 1984 c. 54.

82 In section 39(4) of the Roads (Scotland) Act 1984 (status of road humps)—

(a) for the words from "Part II" to "those roads)" substitute " section 117 of the New Roads and Street Works Act 1991 (restricting road works following substantial works for roads purposes) ",

(b) for the words "section 21(1)(a) of that Act" substitute " subsection (3) of that section ", and

(c) for the word "Part" substitute " section ".

83 In section 56(3) of the Roads (Scotland) Act 1984 (control of works and excavations) for the words from "street works code" to "applies" substitute " provisions of Part IV of the New Roads and Street Works Act 1991 apply ".

84 In section 57(5) of the Roads (Scotland) Act 1984 (dangerous works) for the words from "street works code" to "applies" substitute " provisions of Part IV of the New Roads and Street Works Act 1991 apply ".

85 In section 59(6) of the Roads (Scotland) Act 1984 (control of obstructions in roads) for the words from "street works code" to "applies" substitute " provisions of Part IV of the New Roads and Street Works Act 1991 apply ".

86 In section 60 of the Roads (Scotland) Act 1984 (fencing and lighting of obstructions and excavations)—

(a) in subsection (1), omit the words from "section 8" to "or to";

(b) after subsection (5) insert the following subsection—

"(6) This section shall not apply to an undertaker executing road works, within the meaning of Part IV of the New Roads and Street Works Act 1991."

87 In section 61 of the Roads (Scotland) Act 1984 (granting of permission to place and maintain etc. apparatus under a road)—

(a) at the end of subsection (1) insert " ; and such permission shall be in writing ",

(b) in subsection (4) for the words from "undertakers" to the end substitute " road works within the meaning of section 107 of the New Roads and Street Works Act 1991 ", and

(c) at the end of subsection (5) insert " nor does it apply to apparatus in respect of which permission has been granted under section 109 of the New Roads and Street Works Act 1991 to execute road works ".

88 After section 61 of the [M92]Roads (Scotland) Act 1984 there shall be inserted the following section—

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"**61A Charge for occupation of road.**

(1) The Secretary of State may make provision by regulations requiring a person who occupies a public road by doing anything to which this section applies to pay a charge to the roads authority if the duration of the occupation exceeds the longer of the following periods—

(a) such period as may be prescribed; or

(b) such period as is agreed by the authority and the person to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable in the circumstances.

(2) This section applies to the occupation of a public road by doing anything which would require the consent or permission of a roads authority under any of the following provisions of this Act—

section 56 (works executed in or excavations under a public road);

section 58 (occupation of road for deposit of building materials and erection of scaffolding);

section 59 (placing or depositing anything in a road);

section 61 (placing, leaving, retaining, maintaining, repairing and reinstating apparatus in or under a public road); or

section 85 (depositing a builder's skip).

(3) For the purposes of paragraph (b) of subsection (1) above, in default of agreement, the roads authority's view as to what is a reasonable period shall be acted upon pending the decision of the arbiter.

(4) The regulations may provide that if a person applying to the roads authority for consent or permission under any of the provisions of this Act specified in subsection (2) above submits together with his application an estimate of the likely duration of the occupation, the period stated in the estimate shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.

(5) The regulations may provide that if it appears to the person occupying the road that by reason of matters not previously foreseen or reasonably foreseeable the duration of the occupation—

(a) is likely to exceed the prescribed period,

(b) is likely to exceed the period stated in the previous estimate, or

(c) is likely to exceed the period previously agreed or determined to be a reasonable period,

he may submit an estimate or revised estimate accordingly, and that if he does so any previous estimate, agreement or determination shall cease to have effect and the period stated in the new estimate shall be taken to be agreed by the roads authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.

(6) The amount of the charge shall be determined in such manner as may be prescribed by reference to the duration and extent of the occupation and different rates of charge may be prescribed according to the purpose of the

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occupation and such other factors as appear to the Secretary of State to be relevant.

(7) The regulations may make provision as to the time and manner of making payment of any charge.

(8) The regulations shall provide that a roads authority may reduce the amount, or waive payment, of a charge in any particular case, in such classes of case as they may decide or as may be prescribed, or generally.

(9) In this section "prescribed" means prescribed by the Secretary of State by regulations.".

Marginal Citations

M92 1984 c. 54.

89 In section 85 of the [M93]Roads (Scotland) Act 1984 (control of builders' skips on road), in paragraph (a) of subsection (1) after the word "the" where it first occurs insert " written ".

Marginal Citations

M93 1984 c. 54.

90 In section 121(2) of the Roads (Scotland) Act 1984 (power to obtain road-making materials) for the words "Public Utilities Street Works Act 1950" substitute " Part IV of the New Roads and Street Works Act 1991 ".

91 In section 132(3) of the Roads (Scotland) Act 1984 (saving for operators of telecommunications code systems) for the words from "Part II" to the end of that subsection substitute " Part IV of the New Roads and Street Works Act 1991 ".

92 In section 135(1) of the Roads (Scotland) Act 1984 (restriction of power of local authority in whom a sewer is vested) for the words "Sections 133 and 134" substitute " Section 134 ".

93 In subsection (2) of section 143 of the Roads (Scotland) Act 1984 (provisions as to regulations and orders)—

(a) in sub-paragraph (ii) of paragraph (a) (orders subject to negative resolution) after the word "section" insert " 8 or ",

(b) in sub-paragraph (i) of paragraph (b) (orders subject to affirmative resolution) after the word "Act" insert " or regulations made for the first time under section 61A of this Act ", and

(c) in sub-paragraph (ii) of paragraph (b), omit the words "8 or".

Commencement Information

I85 Sch. 8 para. 93 wholly in force: Sch. 8 para. 93(a)(c) in force at 21.10.1991 see s. 170(1) and S.I. 1991/2286, art. 2(1), **Sch. 1**; Sch. 8 para. 93 wholly in force at 1.1.1993 by S.I. 1992/2990, art. 2(2), **Sch. 2**

94 In section 151(1) of the Roads (Scotland) Act 1984 (interpretation)—

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(a) in the definition of "proposed public road" for the words "Public Utilities Street Works Act 1950" substitute " Part IV of the New Roads and Street Works Act 1991 ", and

(b) in the definition of "road" after the words "whatever means" insert " and whether subject to a toll or not ".

Commencement Information

I86 Sch. 8 para. 94 wholly in force: Sch. 8 para. 94(b) in force at 21.10.1991 see s. 170(1) and S.I. 1991/2286, art. 2(1), **Sch. 1**; Sch. 8 para. 94 wholly in force at 1.1.1993 by S.I. 1992/2990, art. 2(2), **Sch. 2**

95 In section 155(d) of the Roads (Scotland) Act 1984 (general adaptation of subordinate legislation) for the words from "Schedule 2" to the end of that paragraph substitute " section 146 of the New Roads and Street Works Act 1991 ".

96 (1) In Schedule 1 to the Roads (Scotland) Act 1984 (procedures for making or confirming certain orders or schemes), after paragraph 14 there shall be inserted the following Part—

"PART IIA

TOLL ORDERS UNDER SECTION 27 OF THE NEW ROADS AND STREET WORKS ACT 1991

14A (1) Where the Secretary of State proposes to make a toll order under section 27 of the New Roads and Street Works Act 1991, he shall prepare a draft of the order and shall publish in at least one newspaper circulating in the area in which the proposed special road is to be situated, and in the Edinburgh Gazette, a notice—

(a) stating the general effect of the proposed order;

(b) naming a place in that area where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period specified in the notice, being a period of not less than six weeks from the date of the publication of the notice; and

(c) stating that, within that period, any person may by notice to the Secretary of State object to the making of the order.

(2) Where a toll order is submitted to the Secretary of State by a local roads authority, the authority shall publish in at least one newspaper circulating in the area in which the proposed special road is to be situated, and in the Edinburgh Gazette, a notice—

(a) stating the general effect of the order as submitted to the Secretary of State;

(b) naming a place in that area where a copy of the order may be inspected by any person free of charge at all reasonable hours during a period specified in the notice, being a period of not less than six weeks from the date of the publication of the notice; and

(c) stating that, within that period, any person may by notice to the Secretary of State object to the confirmation of the order.

(3) Where it is intended that the proposed toll order shall authorise the special road authority to assign their rights to charge and collect tolls,

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the Secretary of State or, as the case may be, the local roads authority shall make a statement containing such information as may be prescribed with respect to that assignation and the person to whom the rights are intended to be assigned and—

(a) the statement shall be made available for inspection with the copy of the order to which the notice under subparagraph (1) or (2) relates; and

(b) the notice shall state that such a statement will be so available.

(4) In sub-paragraph (3) "prescribed" means prescribed by the Secretary of State by regulations made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

14B. The Secretary of State may, if he is satisfied that in the circumstances of the case the holding of an inquiry is unnecessary, dispense with such an inquiry.

14C (1) Subject to paragraph 19 below, after considering objections (if any) to the proposed order which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry, the Secretary of State may make or confirm the order either without modification or subject to such modifications as he thinks fit.

(2) The power under this paragraph to make or confirm the order includes power to make or confirm it so far as relating to part of the proposals contained in it (either without modification or subject to such modifications as the Secretary of State thinks fit) while deferring consideration of the remaining part.

14D (1) A toll order shall be subject to special parliamentary procedure where—

(a) the relevant special road scheme provides for the appropriation by or transfer to the special road authority of an existing public road comprised in the route prescribed by the scheme, and

(b) the toll order authorises the charging of tolls for the use of that existing road or any part of it,

unless the Secretary of State is satisfied as regards all classes of traffic entitled to use the existing road that another reasonably convenient route free of toll is available, or will be provided before the date on which the appropriation or transfer takes effect, and certifies accordingly.

(2) Where the Secretary of State proposes to give such a certificate, he shall—

(a) give public notice of his intention to do so,

(b) afford an opportunity to all persons interested to make representations and objections, and

(c) cause a public local inquiry to be held if it appears to him to be expedient to do so, having regard to representations or objections made,

and before deciding whether to give the certificate he shall consider any representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry.

(3) As soon as may be after giving a certificate, the Secretary of State shall publish in the Edinburgh Gazette, and in such other manner as he thinks

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best for informing persons affected, a notice stating that the certificate has been given.

14E. In this Part of this Schedule "proposed order" includes an order made by a local roads authority and submitted to the Secretary of State.".

(2) In paragraph 18 of that Schedule, for the words "5 or 11" there shall be substituted the words " 5, 11 or 14B ".

F245(3) . . . . . .

Textual Amendments

F245 Sch. 8 para. 96(3) repealed (28.12.2007) by Transport and Works (Scotland) Act 2007 (asp 8), s. 30(4), **sch. 3**; S.S.I. 2007/516, art. 2

Commencement Information

I87 Sch. 8 para. 96 wholly in force; Sch. 8 para. 96 in force at 21.10.1991, see s. 170(1) and S.I. 1991/2286, art. 2(1), **Sch. 1**

F24697 . . . . . .

Textual Amendments

F246 Sch. 8 para. 97 repealed (28.12.2007) by Transport and Works (Scotland) Act 2007 (asp 8), s. 30(4), **sch. 3**; S.S.I. 2007/516, art. 2

PART IV

AMENDMENTS OF OTHER ENACTMENTS

Roads Act 1920 (c.72)

F24798 . . . . . .

Textual Amendments

F247 Sch. 8 para. 98 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Group 3

Fire Services Act 1947 (c.41)

99I[F248](1) The Fire Services Act 1947 is amended as follows.

(2) In section 3(2) (supplementary powers of fire authorities; provisions as to exercise of power to place fire alarms in public places), for the words from the beginning to "maintaining the road;" or, in Scotland, "of the roads authority;" substitute—

"(2) Before exercising the powers conferred by subsection (1)(c) above in relation to a highway for which they are not the highway authority or, in Scotland, a public road for which they are not the roads authority, a fire authority shall obtain the consent of the highway or roads authority;".

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(3) In section 38(1) (interpretation)—

(a) at the appropriate place insert—

""highway authority" has the same meaning as in the Highways Act 1980;"; and

(b) in the definition of "road" for the words "Public Utilities Street Works Act 1950" substitute "Part IV of the New Roads and Street Works Act 1991".**]**

Textual Amendments

F248 Sch. 8 para. 99 repealed (S.) (2.8.2005) by Fire (Scotland) Act 2005 (asp 5), s. 90, **sch. 4** (with s. 77); S.S.I. 2005/392, art. 2(k)

Commencement Information

I88 Sch. 8 para. 99 wholly in force: Sch. 8 para. 99(1)(2) in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286, art. 2(2), **Sch. 2**; Sch. 8 para. 99(1)(2) in force (E.W.) and Sch. 8 para. 99(3)(a) wholly in force at 01.11.1991 by S.I. 1991/2288, art. 3, **Sch.**; Sch. 8 para. 99 wholly in force at 1.1.1993 (E.W.) by S.I. 1992/2984, art. 2(2), **Sch. 2** and (S.) by S.I. 1992/2990, art. 2(2), **Sch. 2**

Land Powers (Defence) Act 1958 (c.30)

100 In the Land Powers (Defence) Act 1958, after section 18 insert—

"**18A Modification of street works or road works provisions.**

(1) In relation to works in exercise of the powers under a wayleave order, or the powers conferred by section 12 of the Requisitioned Land and War Works Act 1948, the provisions of Part III or IV of the New Roads and Street Works Act 1991 (street works in England and Wales or road works in Scotland) have effect subject to the provisions of this section.

(2) The provisions of Schedule 4 or 6 of that Act (settlement of plan and section for works in streets or roads with special engineering difficulties) have effect subject as follows—

(a) an objection to a plan and section in form shall be disregarded if a Minister certifies that in his opinion it would be against the national interest to submit a plan and section on a larger scale or giving further particulars;

(b) no modification of a plan and section shall be made which would involve an unacceptable diversion or change; and

(c) a plan and section shall not be disapproved on the ground that there should be such a diversion or change.

(3) An arbitrator or arbiter appointed in pursuance of—

(a) paragraph 8(3) of Schedule 4 or 6 of that Act (settlement of plan and section in case of works in street or road with special engineering difficulties), or

(b) section 84(3) or 143(3) of that Act (settlement of necessary measures in case of apparatus affected by certain major works),

shall not provide for an unacceptable diversion or change.

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(4) In subsections (2) and (3) above an "unacceptable diversion or change" means—

(a) a lateral diversion of a government oil pipe-line to which the Minister on whose behalf the works are to be executed does not consent, or

(b) a change of the site of accessory works which would necessitate such a diversion.".

Commencement Information

I89 Sch. 8 para. 100 partly in force: Sch. 8 para. 100 in force at 1.1.1993 by s. 170(1) and (E.W.) by S.I. 1992/2984, art. 2(2), **Sch. 2**; (S.) by S.I. 1992/2990, art. 2(2), **Sch. 2**

Pipelines Act 1962 (c.58)

[x1]101 (1) The Pipelines Act 1962 is amended as follows.

(2) In section 15 (power to place pipe-lines in streets), in subsections (1) to (9)—

(a) for "street" or, in Scotland, "road" substitute " street or, in Scotland, road ", and

(b) for "protected street" or, in Scotland, "protected road", wherever occurring, substitute " main road ".

[x1](3) For section 15(10) substitute—

"(10) In this section—

"appropriate authority" means—

(a) in England and Wales, the street authority within the meaning of Part III of the New Roads and Street Works Act 1991, and

(b) in Scotland, the road works authority within the meaning of Part IV of that Act;

"carriageway" has the same meaning—

(a) in England and Wales, as in the Highways Act 1980, and

(b) in Scotland, as in the Roads (Scotland) Act 1984;

"main road" means a special road, trunk road or a road classified as a principal road within the meaning of the Highways Act 1980 or the Roads (Scotland) Act 1984;

"road", in Scotland, has the same meaning as in Part IV of the New Roads and Street Works Act 1991; and

"street", in England, has the same meaning as in Part III of that Act.".

[x1](3) For sections 16 and 17 substitute—

"**16 Modification of street works or road works provisions.**

(1) In relation to undertakers' works in exercise of a power conferred by section 15(1) of this Act, the provisions of Part III or IV of the New Roads and Street Works Act 1991 (street works in England and Wales or road works in Scotland) have effect subject to the provisions of this section.

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(2) The provisions of Schedule 4 or 6 of that Act (settlement of plan and section for works in streets or roads with special engineering difficulties) have effect subject as follows—

(a) the period under paragraph 7(2)(b) (period for responding to plan and section as submitted) shall be two months instead of one month;

(b) no modification of a plan and section shall be made which would involve an unacceptable diversion; and

(c) a plan and section shall not be disapproved on the ground that there should be such a diversion.

(3) An arbitrator or arbiter appointed in pursuance of—

(a) paragraph 8(2) of Schedule 4 or 6 of that Act (settlement of plan and section in case of works in street or road with special engineering difficulties), or

(b) section 84(3) or 143(3) of that Act (settlement of necessary measures in case of apparatus affected by certain major works),

shall not provide for an unacceptable diversion.

(4) In subsections (2) and (3) above an "unacceptable diversion" means a lateral diversion of a pipe-line beyond the limits of lateral diversion permissible in relation to it.

(5) No person shall be entitled to payment under section 85 or 144 of the New Roads and Street Works Act 1991 (sharing of costs in case of apparatus affected by certain major works) in respect of measures of his taken in connection with a pipe-line.".

(4) In section 31(1) (power of Minister to remove materials deposited above pipe-line), for "code-regulated works within the meaning of the Public Utilities Street Works Act 1950" substitute " street works within the meaning of Part III of the New Roads and Street Works Act 1991 or, in Scotland, road works within the meaning of Part IV of that Act ".

(5) In section 66(1) (general interpretation provisions), for the definition of "emergency works" substitute—

""emergency works" has the same meaning as in Part III of the New Roads and Street Works Act 1991 or, in Scotland, as in Part IV of that Act;".

Editorial Information

X1 This paragraph is numbered in accordance with the authorised published version which contains two sub-paragraphs numbered "(3)".

Commencement Information

I90 Sch. 8 para. 101 wholly in force at 1.1.1993 by s. 170(1) and (E.W.) by S.I. 1992/2984, art. 2(2), **Sch. 2** and (S.) by S.I. 1992/2990, art. 2(2), **Sch. 2**

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New Towns (Scotland) Act 1968 (c. 16)

102 In section 8 of the New Towns (Scotland) Act 1968 (acquisition of land for roads in connection with new towns), in subsection (2) for "a trunk road" substitute " a road for which he is the roads authority ".

Sewerage (Scotland) Act 1968 (c.47)

103 (1) The Sewerage (Scotland) Act 1968 is amended as follows.

(2) In section 41 (breaking open of roads) for the words "Public Utilities Street Works Act 1950" substitute " Part IV of the New Roads and Street Works Act 1991 ".

(3) In section 59(1) (interpretation) in the definition of "road" for the words "the Public Utilities Street Works Act 1950" substitute " Part IV of the New Roads and Street Works Act 1991 ".

Town and Country Planning (Scotland) Act 1972 (c.52)

F249 104 . . . . . .

Textual Amendments

F249 Sch. 8 para. 104 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

Control of Pollution Act 1974 (c.40)

105 In section 105(1) of the Control of Pollution Act 1974 (interpretation) in the definition of "road" for the words "Public Utilities Street Works Act 1950" substitute " Part IV of the New Roads and Street Works Act 1991 ".

Commencement Information

I91 Sch. 8 para. 105 wholly in force at 1.1.1993 by s. 170(1) and (E.W.) by S.I. 1992/2984, art. 2(2), **Sch. 2**; (S.) by S.I. 1992/2990, art. 2(2), **Sch. 2**

Local Government (Miscellaneous Provisions) Act 1976 (c.57)

106 In section 15 of the Local Government (Miscellaneous Provisions) Act 1976 (power of local authorities to survey land), for subsection (4) substitute—

"(4) Where it is proposed to search or bore in pursuance of this section in a street within the meaning of Part III of the New Roads and Street Works Act 1991—

(a) section 55 of that Act (notice of starting date of works), so far as it requires notice to be given to a person having apparatus in the street which is likely to be affected by the works,

(b) section 69 of that Act (requirements to be complied with where works likely to affect another person's apparatus in the street), and

(c) section 82 of that Act (liability for damage or loss caused),

have effect in relation to the searching or boring as if they were street works within the meaning of that Part.".

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Development of Rural Wales Act 1976 (c.75)

F250 107 . . . . . .

Textual Amendments

F250 Sch. 8 para. 107 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV**; S.I. 1998/2244, **art. 4**

Water (Scotland) Act 1980 (c.45)

108 (1) The Water (Scotland) Act 1980 is amended as follows.

(2) In subsection (5) of section 10 (compensation for damage)—

(a) in paragraph (c), for the words from "or managers" to the end of that paragraph substitute " as defined in section 147 of the New Roads and Street Works Act 1991; ", and

(b) for paragraph (d) substitute the following—

"(d) road works authority as defined in section 108 of the New Roads and Street Works Act 1991;".

(3) In section 13(5) (bulk supplies of water), for the words "the street works code in the Public Utilities Street Works Act 1950" substitute " the provisions of Part IV of the New Roads and Street Works Act 1991 ".

(4) In section 23 (power to lay mains), at end insert—

"(4) In the case of works in respect of which notice is required to be given under section 114 of the New Roads and Street Works Act 1991 (notice of starting date of road works), notice duly given to a person in accordance with that section and section 156 of that Act (service of notice) shall be treated as reasonable notice for the purposes of subsection (1) above.".

(5) In section 103 (requirement for all notices to be in writing), after "shall" insert " , subject to section 23(4) of and paragraph 4(1) of Schedule 3 to this Act, "

(6) In section 109(1) (interpretation), in the definition of "road", for the words "Public Utilities Street Works Act 1950" substitute " Part IV of the New Roads and Street Works Act 1991 ".

(7) In Schedule 3 (provisions as to breaking open streets and laying communication and supply pipes)—

(a) in paragraph 2(2), for the words "section 6 of the Public Utilities Street Works Act 1950" substitute " section 114 of the New Roads and Street Works Act 1991 ";

(b) in paragraph 4(1) for the words "not less than 72 hours"' substitute the word " such " and at the end of that sub-paragraph add the words " as would require to be given by an undertaker under section 114 of the New Roads and Street Works Act 1991 (notice of starting date of works) in accordance with that section and with section 156 of that Act (service of notice) ".

(8) In Schedule 4 (provisions in orders relating to water undertakings)—

(a) in paragraph 5(2), for the words from "or in controlled land" to the end substitute " for the purposes of major road works, major bridge works or

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major transport works within the meaning of Part IV of the New Roads and Street Works Act 1991 "; and

(b) in paragraph 36(b), for the words from "the code" to the end of that paragraph, substitute " Part IV of the New Roads and Street Works Act 1991 ".

Local Government, Planning and Land Act 1980 (c.65)

109 In section 167 of the Local Government, Planning and Land Act 1980 (power to survey land), for subsection (7) substitute—

"(7) Where it is proposed to search or bore in pursuance of this section in a street within the meaning of Part III of the New Roads and Street Works Act 1991 or, in Scotland, a road within the meaning of Part IV of that Act—

(a) section 55 or 114 of that Act (notice of starting date of works), so far as it requires notice to be given to a person having apparatus in the street or road which is likely to be affected by the works,

(b) section 69 or 128 of that Act (requirements to be complied with where works likely to affect another person's apparatus in the street or road), and

(c) section 82 or 141 of that Act (liability for damage or loss caused),

have effect in relation to the searching or boring as if they were street works within the meaning of the said Part III or, in Scotland, road works within the meaning of the said Part IV.".

Commencement Information

I92 Sch. 8 para. 109 wholly in force at 1.1.1993 by s. 170 and (E.W.) by S.I. 1992/2984, art. 2(2), **Sch. 2**; (S.) by S.I. 1992/2990, art. 2(2), **Sch. 2**

Water Act 1981 (c.12)

F251 110 . . . . . .

Textual Amendments

F251 Sch. 8 para. 110 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

British Telecommunications Act 1981 (c.38)

111 In Schedule 3 to the British Telecommunications Act 1981, in paragraph 74(2) for "177 and 181(7)" substitute " and 177 ".

Commencement Information

I93 Sch. 8 para. 111 partly in force at 1.1.1993 by s. 170 and (E.W.) by S.I. 1992/2984, art. 2(2), **Sch. 2**; (S.) by S.I. 1992/2990, art. 2(2), **Sch. 2**

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New Towns Act 1981 (c.64)

112 In section 11 of the New Towns Act 1981 (acquisition of land for highways), in subsection (2)(a) (powers of Secretary of State) for "a trunk road" substitute " a road for which he is the highway authority ".

Telecommunications Act 1984 (c.12)

113 (1) In Schedule 2 to the Telecommunications Act 1984 (the telecommunications code), paragraph 1 (interpretation) is amended as follows.

(2) In sub-paragraph (1)—

(a) in the definition of "maintainable highway", in paragraph (a), for the words from the beginning to "1950" substitute " in England and Wales, means a maintainable highway within the meaning of Part III of the New Roads and Street Works Act 1991 ";

(b) in the definition of "public road", for "the Public Utilities Street Works Act 1950" substitute " Part IV of the New Roads and Street Works Act 1991 ";

(c) in the definition of "road", for "the meaning given by section 1(3) of the said Act of 1950" substitute " the same meaning as in Part IV of the New Roads and Street Works Act 1991 ";

(d) in the definition of "street" for "the meaning given by section 1(3) of the said Act of 1950" substitute " the same meaning as in Part III of the New Roads and Street Works Act 1991 ".

(3) Omit sub-paragraph (4) (which relates to the meaning of the expression "street").

(4) In sub-paragraph (5), for "the Public Utilities Street Works Act 1950" substitute " Part III of the New Roads and Street Works Act 1991 ".

Commencement Information

I94 Sch. 8 para. 113 partly in force at 1.1.1993 by s. 170 and (E.W.) by S.I. 1992/2984, art. 2(2), **Sch. 2**; (S.) by S.I. 1992/2990, art. 2(2), **Sch. 2**

114 In the same Schedule, in paragraph 2(8)(a) (construction of references to occupier of land)—

(a) for "street" or, in Scotland, "road" in each place where it occurs substitute " street or, in Scotland, road ";

(b) in sub-paragraph (ii), for the words from "as references" to the end substitute—

"as references—

in England and Wales or Northern Ireland, to the street managers within the meaning of Part III of the New Roads and Street Works Act 1991 (which for this purpose shall be deemed to extend to Northern Ireland), and

in Scotland, to the road managers within the meaning of Part IV of that Act; and".

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Commencement Information

I95 Sch. 8 para. 114 partly in force at 1.1.1993 by s. 170 and (E.W.) by S.I. 1992/2984, art. 2(2), **Sch. 2**; (S.) by S.I. 1992/2990, art. 2(2), **Sch. 2**

115 (1) In the same Schedule, paragraph 9 (street works) is amended as follows.

(2) In sub-paragraph (1), after "over," insert " in, on, ", and for "a street" or, in Scotland, "a road" substitute " a street or, in Scotland, a road ".

(3) In sub-paragraph (2), for "in a street which is not a maintainable highway" or, in Scotland, "in a road which is not a public road" substitute " in a street which is not a maintainable highway or, in Scotland, a road which is not a public road ".

F252(4) . . . . . .

Textual Amendments

F252 Sch. 8 para. 115(4) repealed (18.11.2001) by S.I. 1995/3210 (N.I. 19) art. 60(2), Sch. 4; S.R. 2001/388, art. 2, **Sch.**

Commencement Information

I96 Sch. 8 para. 115 partly in force at 1.1.1993 by s. 170 and (E.W.) by S.I. 1992/2984, art. 2(2), **Sch. 2**; (S.) by S.I. 1992/2990, art. 2(2), **Sch. 2**

Local Government Act 1985 (c.51)

116 (1) In Schedule 5 to the Local Government Act 1985, paragraph 6 (guidance as to exercise of traffic powers in London and metropolitan counties) is amended as follows.

(2) In sub-paragraph (1) for "other than trunk roads" substitute " other than those for which he is the traffic authority ".

(3) In sub-paragraph (3)—

(a) in paragraph (b)(i) for "trunk road" substitute " road for which the Secretary of State is the traffic authority ", and

(b) in paragraph (c) for the words "trunk road" substitute the words " road for which he is the traffic authority ".

Transport Act 1985 (c.67)

117 (1) The Transport Act 1985 is amended as follows.

(2) In section 7(12) (application of traffic regulation conditions to local bus services; requirement of consent of Secretary of State) for "a trunk road" substitute " a road for which the Secretary of State is the highway or roads authority ".

(3) In section 137(1) (interpretation), omit the definition of "trunk road".

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Changes to legislation: *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 18 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)*

Commencement Information

I97 Sch. 8 para. 117 wholly in force at 1.11.1991 by s. 170(1) and (S.) by S.I. 1991/2286, art. 2(2), **Sch. 2**; (E.W.) by S.I. 1991/2288, art. 3, **Sch.**

Airports Act 1986 (c.31)

118 (1) Section 62 of the Airports Act 1986 (provisions as to telecommunications apparatus) is amended as follows.

(2) In subsection (2) (cases in which highway authority or owner of subsoil may require alteration of apparatus), for paragraph (b) substitute—

"(b) for the improvement of the highway where the Secretary of State is not the highway authority,".

(3) In subsection (4) (limit on effect of subsection (2)(b), for "authority's works as defined in Part II of the Public Utilities Street Works Act 1950" substitute " major highway works, major bridge works or major transport works within the meaning of Part III of the New Roads and Street Works Act 1991 or, in Scotland, major works for roads purposes, major bridge works or major transport works within the meaning of Part IV of that Act ".

Commencement Information

I98 Sch. 8 para. 118 wholly in force; Sch. 8 para. 118(1)(2) in force at 1.11.1991 by s. 170 and (S.) by S.I. 1991/2286, art. 2(2), **Sch. 2**; (E.W.) by S.I. 1991/2288, art. 3, **Sch.**; Sch. 8 para. 118 wholly in force at 1.1.1993 (E.W.) by S.I. 1992/2984, art. 2(2), **Sch. 2**; (S.) by S.I. 1992/2990, art. 2(2), **Sch. 2**

Gas Act 1986 (c.44)

119 (1) Schedule 4 to the Gas Act 1986 (power of public gas suppliers to break up streets, &c.) is amended as follows.

(2) In paragraphs 1(1), (2) (three times) and 4(1) and (2) for "street or bridge" substitute " street ".

(3) In paragraph 2(1) for "highway authority" substitute " street authority ".

(4) In paragraph 3(2) for "for the purpose of" substitute " only for the purpose of ".

(5) Omit paragraph 5(1).

(6) In paragraph 6, omit the definition of "highway authority" and for the definition of "street" substitute—

""street" and "street authority" have the same meaning as in Part III of the New Roads and Street Works Act 1991.".

(7) In paragraph 7 (adaptations for Scotland)—

(a) for sub-paragraph (b) substitute—

"(b) in paragraph 2(1) for the words "street authority" there shall be substituted the words "road works authority";"

(b) omit sub-paragraph (e); and

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(c) for sub-paragraph (f) substitute—

"(f) in paragraph 6, for "street" and "street authority" substitute "road" and "road works authority" and for "Part III" substitute "Part IV".".

Commencement Information

I99 Sch. 8 para. 119 wholly in force at 1.1.1993 by s. 170 and (E.W.) by S.I. 1992/2984, art. 2(2), **Sch. 2**; (S.) by S.I. 1992/2990, art. 2(2), **Sch. 2**

F253 120 . . . . . .

Textual Amendments

F253 Sch. 8 para. 120 repealed (1.3.1996) by 1995 c. 45, s. 17(5), **Sch. 6**; S.I. 1996/218, **art. 2**

Road Traffic Act 1988 (c.52)

121 (1) The Road Traffic Act 1988 is amended as follows.

(2) In section 22A(3)(c)(i), omit the words "section 8 of the Public Utilities Street Works Act 1950".

(3) In section 39 (provisions with respect to road safety)—

(a) in subsection (3)(a) (duty of local authority as to study of road accidents), for "trunk roads" substitute " roads for which the Secretary of State is the highway authority (in Scotland, roads authority) ";

(b) in subsection (3)(b) (duties as to taking of measures in light of studies), for "roads for which they are the highway authority (in Scotland, local roads authority)" substitute " roads for the maintenance of which they are responsible ".

(4) In section 192(1) (general interpretation), for the definition of "highway authority" substitute—

""highway authority", in England and Wales, means—

(a) in relation to a road for which he is the highway authority within the meaning of the Highways Act 1980, the Secretary of State, and

(b) in relation to any other road, the council of the county, metropolitan district or London borough, or the Common Council of the City of London, as the case may be;".

Commencement Information

I100 Sch. 8 para. 121 wholly in force: Sch. 8 para. 121(1)(3) in force (S.) at 01.11.1991 see s. 170(1) and S.I. 1991/2286 art. 2(2), Sch. 2; Sch. 8 para. 121(1)(3) in force (E.W.) and Sch. 8 para. 121(4) wholly in force at 01.11.1991 by S.I. 1991/2288, art. 3, **Sch.**; Sch. 8 para. 121 wholly in force at 1.1.1993 (E.W.) by S.I. 1992/2984, art. 2(2), **Sch. 2** and (S.) by S.I. 1992/2990, art. 2(2), **Sch. 2**

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Water Act 1989 (c.15)

F254 122 . . . . . .

Textual Amendments

F254 Sch. 8 para. 122 repealed (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

Electricity Act 1989 (c.29)

123 (1) In Schedule 4 to the Electricity Act 1989 (powers of licence-holders), paragraph 1 (street works in England and Wales) is amended as follows.

(2) In sub-paragraph (2) (consent required for placing of certain structures in the street), for the words from "exercisable only" to the end substitute " exercisable only with the consent of the street authority; but such consent shall not be unreasonably withheld ".

(3) In sub-paragraph (4) (consent required in certain cases for breaking up or opening street)—

(a) for "a street falling within paragraph (b) or (c) of sub-paragraph (2) above" substitute " a street which is not a maintainable highway ", and

(b) for "the person mentioned in that paragraph" substitute " the street authority ".

(4) For sub-paragraph (8) (savings) substitute—

"(8) Nothing in sub-paragraph (1) above shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949.".

(5) For sub-paragraph (9) (interpretation) substitute—

"(9) In this paragraph "maintainable highway", "street" and "street authority" have the same meaning as in Part III of the New Roads and Street Works Act 1991.".

124 (1) In the same Schedule, paragraph 2 (road works in Scotland) is amended as follows.

(2) In sub-paragraph (2) (consent required for placing of certain structures in the road), for the words from "exercisable only" to the end substitute " exercisable only with the consent of the road works authority; but such consent shall not be unreasonably withheld ".

(3) In sub-paragraph (4) (consent required in certain cases for breaking up or opening road)—

(a) for "a road or bridge falling within paragraph (b) or (c) of sub-paragraph (2) above" substitute " a road which is not a public road ", and

(b) for "the person mentioned in that paragraph" substitute " the road works authority ".

(4) For sub-paragraph (8) (savings) substitute—

"(8) Nothing in sub-paragraph (1) above shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949.".

(5) For sub-paragraph (9) (interpretation) substitute—

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"(9) In this paragraph "public road", "road" and "road works authority" have the same meaning as in Part IV of the New Roads and Street Works Act 1991.".

Commencement Information

I101 Sch. 8 para. 124 wholly in force at 1.1.1993, see s. 170 and S.I. 1992/2990, art. 2(2), **Sch. 2**

125 In the same Schedule, in paragraph 12 (interpretation), omit the definitions of "navigation authority" and "railway authority".

Commencement Information

I102 Sch. 8 para. 125 wholly in force at 1.1.1993 by s. 170 and (E.W.) by S.I. 1992/2984, art. 2(2), **Sch. 2**; (S.) by S.I. 1992/2990, art. 2(2), **Sch. 2**

Town and Country Planning Act 1990 (c.8)

126 (1) Section 256 of the Town and Country Planning Act 1990 (provisions as to telecommunications apparatus) is amended as follows.

(2) In subsection (3) (power of local highway authority to require alteration of apparatus) for "highway, other than a trunk road" substitute " highway for which the Secretary of State is not the highway authority ".

(3) In subsection (4) (limitation of power under subsection (3)) for "authority's works as defined in Part II of the Public Utilities Street Works Act 1950" substitute " major highway works, major bridge works or major transport works within the meaning of Part III of the New Roads and Street Works Act 1991 ".

Commencement Information

I103 Sch. 8 para. 126 wholly in force: Sch. 8 para. 126(1)(2) in force at 1.11.1991, see s. 170 and S.I. 1991/2288, art. 3, **Sch.**; Sch. 8 para. 126 wholly in force at 1.1.1993 by S.I. 1992/2984, art. 2(2), **Sch. 2**

Natural Heritage (Scotland) Act 1991 (c.28.)

127 In paragraph 5(4) of Schedule 7 to the Natural Heritage (Scotland) Act 1991 (works under drought orders), for "section 39(1) of the Public Utilities Street Works Act 1950" substitute " section 111 of the New Roads and Street Works Act 1991 ".

SCHEDULE 9

Section 168(2).

REPEALS

Extent Information

E3 Sch. 9 extends to England and Wales and to Scotland or Northern Ireland also if amended enactment so extends see s. 169.

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Commencement Information

I104 Sch. 9 partly in force: Sch. 9 partly in force at 21.10.1991 see s. 170(1) and S.I. 1991/2286, art. 2(1), **Sch. 1**; Sch. 9 partly in force (S.) at 01.11.1991 by S.I. 1991/2286, art. 2(2), **Sch. 2** and wholly in force (S.) at 1.1.1993 by S.I. 1992/2990, art. 2(2), **Sch. 2**; Sch. 9 partly in force (E.W.) at 01.11.1991 by S.I. 1991/2288, art. 3, **Sch.** and wholly in force (E.W.) at 1.1.1993 by S.I. 1992/2984, art. 2(2), **Sch. 2**

Chapter	Short title	Extent of repeal
1950 c. 39.	Public Utilities Street Works Act 1950.	The whole Act.
1958 c. 30.	Land Powers (Defence) Act 1958.	Section 16(5).
1963 c. 33.	London Government Act 1963.	Section 19.In Part III of Schedule 9, in paragraph 1(4), the words “or by or by virtue of the Public Utilities Street Works Act 1950”.
1968 c. 73.	Transport Act 1968.	In section 118(12), the words from “or as authorising” to the end.
1972 c. 70.	Local Government Act 1972.	In Schedule 21, paragraph 98.
1973 c. 65.	Local Government (Scotland) Act 1973.	In Schedule 14, paragraph 51.
1978 c. 47.	Civil Liability (Contribution) Act 1978.	In Schedule 1, paragraph 2.
1980 c. 66.	Highways Act 1980.	Section 20.In section 21, the words “without prejudice to section 20 above,”.Section 58(4).Section 60.Section 64(5).Section 90E(4).Section 156.Section 160.Sections 181 to 183.In section 184—(a) in subsection (9), the words from “In relation to works” to the end;(b) subsection (14).In section 325(1)(d), the word “20,”.In section 326(2), the word “20,”.Section 330(3).In section 334(1), the words from “but this subsection” to the end.Section 340(2)(e).In Schedule 23, paragraph 21.In Schedule 24, paragraph 5.
1981 c. 38.	British Telecommunications Act 1981.	In Schedule 3, in paragraph 10(5), the words “and 181(9)” and “20(9)”.

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1982 c. 30.	Local Government (Miscellaneous Provisions) Act 1982.	Section 21(1).
1984 c. 12.	Telecommunications Act 1984.	In section 11(1), the words from the beginning to "; but".In Schedule 2—(a) paragraph 1(4); and(b) in paragraph 9(1), the words from "and accordingly" to the end.In Schedule 4 —(a) in paragraph 3(1) (i), the words "20(9)," and "181(9)";(b) paragraph 29; (c) paragraph 76(6) and (12); (d) in paragraph 88(1)(b), the words "(except sections 156, 157 and 159)".
1984 c. 27.	Road Traffic Regulation Act 1984.	Section 1(2), (4) and (5).In section 3(1), the words from the beginning to "of this Act".Section 5(2).In section 6 —(a) subsection (4);(b) in subsection (6), the words from "and in subsection (4)" to the end.Section 8(2).Section 16(3) and (4).In section 17(6), the words from "and "the date of opening"" to the end.Section 19(3).Section 23(5).In section 34(1), in the opening words, the words "in England and Wales".Section 55(5).In section 68(1)(a), the reference to section 30.Section 86(4).Section 91.Section 106(8).In section 124(2), the reference to section 30.In section 125(3), the reference to section 30(1).Section 132(6).Section 132A.In Schedule 9—(a) in paragraph 20(1), the reference to section 30;(b) in paragraphs 21 and 23(1)(a), the words "other than section 30 of this Act";(c) in paragraph 27(1), the reference to section 30.
1984 c. 54.	Roads (Scotland) Act 1984.	Section 127.Section 133.In section 134(1), the words "Without prejudice to

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		section 133 of this Act,".In section 143(2)(b)(ii), the words "8 or".In Schedule 7, paragraphs 2, 3(a) and (b) and 4.In Schedule 9—(a) paragraph 39;(b) paragraph 55(2)(a) and (d) and (3); (c) paragraph 92(4)(c), (e) and (g) to (i);(d) paragraph 93(2) to (22), (23)(a), (24) to (38), (40), (42), (44)(a), (b),(d) and (e) and (45)(b).In Schedule 10, paragraph 6.
1985 c. 51.	Local Government Act 1985.	In Schedule 4—(a) paragraph 6,(b) in paragraph 25, the words "156(2)(i)", and(c) paragraph 28.In Schedule 5, paragraph 4(2), (3)(a), (6)(b), (8), (9), (11), (12), (15), (19)(a), (29), (33) and (37).
1985 c. 67.	Transport Act 1985.	In section 137(1), the definition of "trunk road".
1986 c. 44.	Gas Act 1986.	In Schedule 4, paragraphs 5(1) and 7(e).In Schedule 7, paragraph 2(5).
1988 c. 52.	Road Traffic Act 1988.	In section 22A(3)(c)(i), the words "section 8 of the Public Utilities Street Works Act 1950".
1988 c. 53.	Road Traffic Offenders Act 1988.	In Part I of Schedule 2, the entry relating to section 30(5) of the Road Traffic Regulation Act 1984.In Schedule 3—(a) in the entry relating to section 29(3) of the Road Traffic Regulation Act 1984, the words "outside Greater London";(b) the entry relating to section 30(5) of that Act.
1989 c. 15.	Water Act 1989.	Section 189(5).In Schedule 19, paragraph 2(6) and (8).In Schedule 25—(a) in paragraph 1(8), the words from "and the Authority" to the end;(b) paragraph 14.
1989 c. 22.	Road Traffic (Driver Licensing and Information Systems) Act 1989.	In section 12(2), the words from "and accordingly" to the

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		end.In Schedule 4, paragraph 3(2), (6) and (11).
1989 c. 29.	Electricity Act 1989.	In Schedule 4, in paragraph 12, the definitions of "navigation authority" and "railway authority".In Schedule 16—(a) in paragraph 2(6), the words from "and an undertaker" to the end;(b) paragraph 7;(c) paragraph 27.
1990 c. 43	Environmental Protection Act 1990.	In Schedule 8, in paragraph 7, the words from "and in subsection (4)" to the end.

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Changes to legislation:
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