

SCHEDULES

SCHEDULE 3

STREET WORKS LICENCES

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—
- (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.