



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART III

#### STREET WORKS IN ENGLAND AND WALES

##### *Notice and co-ordination of works*

#### **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 [<sup>F1</sup>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 [<sup>F2</sup>form and] manner and shall specify the nature and location of the proposed works, the date (not being less than [<sup>F3</sup>such 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—
- where there is a public sewer in the part of the highway to which the restriction relates, to the sewer authority,
  - 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,
  - 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,
  - 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, <sup>F4</sup>...

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- (e) any other person having apparatus in the part of the highway to which the restriction relates; <sup>[F5]</sup>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 <sup>[F6]</sup>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 <sup>[F7]</sup>level 5] on the standard scale, and
  - (b) <sup>[F8]</sup>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 <sup>[F9]</sup>in the prescribed manner].
- <sup>[F10]</sup>(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.

#### Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)

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- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)**

- C1** Pt. 3 modified (2.4.2004) by [The Docklands Light Railway \(Woolwich Arsenal Extension\) Order 2004 \(S.I. 2004/757\)](#), arts. 1, **3(1)**
- C2** 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)
- C3** 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)
- C4** 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)
- C5** Pt. 3 applied (3.8.2005) by [The Greater Manchester \(Leigh Busway\) Order 2005 \(S.I. 2005/1918\)](#), arts. 1, **3(1)**
- C6** 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)
- C7** 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)**
- C8** 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)**
- C9** 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))
- C10** Pt. 3 applied (11.1.2006) by [The Cambridgeshire Guided Busway Order 2005 \(S.I. 2005/3523\)](#), arts. 1, **3(1)** (with art. 52)
- C11** 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)
- C12** 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))
- C13** 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))
- C14** Pt. 3 modified (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **Sch. 3 para. 8**
- C15** Pt. 3 excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **Sch. 17 para. 1(3)**
- C16** S. 58 restricted (27.11.1992) by S.I. 1992/2984, **art. 6**
- C17** 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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- C18** 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)**
- C19** S. 58 excluded (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(2)**
- C20** 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)
- C21** S. 58 excluded (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(2)**
- C22** 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)
- C23** 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))
- C24** S. 58 excluded (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(2)** (with art. 52)
- C25** 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)
- C26** 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))
- C27** 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)
- C28** 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))
- C29** S. 58(1) restricted (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 14 para. 14(3)**

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