

SCHEDULES

SCHEDULE 3

HIGHWAYS

Construction

- 9 (1) Where under this Part of this Act the nominated undertaker—
- (a) constructs a new highway, or
 - (b) alters a highway, otherwise than by carrying out street works within the meaning of Part III of the New Roads and Street Works Act 1991,
- the construction or alteration shall be completed to the reasonable satisfaction of the highway authority.
- (2) Where work to which sub-paragraph (1) above applies has been completed to the reasonable satisfaction of a highway authority, it shall certify that fact in writing to the nominated undertaker.
- (3) If the nominated undertaker requests a highway authority to issue a certificate under sub-paragraph (2) above and the highway authority does not before the end of the period of 28 days beginning with the date on which the request was made—
- (a) issue a certificate under that sub-paragraph, or
 - (b) notify the nominated undertaker of its decision to refuse to issue such a certificate,
- it shall be deemed to have issued such a certificate at the end of that period.
- (4) Any dispute with a highway authority under this paragraph shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.
- 10 (1) Sub-paragraph (2) below applies where under this Part of this Act the nominated undertaker—
- (a) realigns a highway which is constituted by or comprises a carriageway, or
 - (b) constructs a new highway which is constituted by or comprises a carriageway,
- and the highway is one for which a local highway authority is the highway authority.
- (2) The realignment, or construction, shall be carried out in accordance with plans, sections and specifications approved by the highway authority at the request of the nominated undertaker, such approval not to be unreasonably withheld.
- (3) Any dispute with a highway authority under sub-paragraph (2) above shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.
- (4) If, on application by the nominated undertaker for the approval of plans, sections or specifications under sub-paragraph (2) above, the highway authority fails to notify the nominated undertaker of its decision on the application before the end of the

Status: This is the original version (as it was originally enacted).

period of 28 days beginning with the date on which the application was made, it shall be deemed to have approved the plans, sections or specifications as submitted.