SCHEDULES

SCHEDULE 3

HIGHWAYS

Construction

9 (1) Where under 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 3 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) 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) 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.