

SCHEDULES

SCHEDULE 4

HIGHWAYS

PART 3

CONSTRUCTION AND MAINTENANCE OF HIGHWAYS

Construction and alteration

- 12 (1) Where under this Act the nominated undertaker is authorised to stop up or interfere with an existing highway or part of an existing highway, it may enter into an agreement with the controllers of the highway concerning the construction (or contribution towards the expenses of construction) of—
- (a) any new highway to be provided in substitution,
 - (b) any alteration of the existing highway, and
 - (c) any related matters.
- (2) Where the nominated undertaker has entered into an agreement under sub-paragraph (1) with the controllers of an existing highway, the nominated undertaker may, by agreement with them, delegate to them the power of constructing—
- (a) any new highway to be provided in substitution, or
 - (b) any alteration of the existing highway,
- including any bridge over any railway.
- (3) Works executed by the controllers of an existing highway under a delegation agreement under sub-paragraph (2) which could have been carried out by them under section 64 or 184 of the Highways Act 1980 are to be treated for the purposes of section 86(3) of the New Roads and Street Works Act 1991 as having been so carried out by them.
- (4) References in this paragraph to the controllers of a highway are to the persons having the charge, management or control of it.