



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART III

#### STREET WORKS IN ENGLAND AND WALES

##### *General requirements as to execution of street works*

#### 65 Safety measures.

- (1) An undertaker executing street works shall secure—
- (a) that any part of the street which is broken up or open, or is obstructed by plant or materials used or deposited in connection with the works, is adequately guarded and lit, and
  - (b) that such traffic signs are placed and maintained, and where necessary operated, as are reasonably required for the guidance or direction of persons using the street,

having regard, in particular, to the needs of people with a disability.

- (2) In discharging in relation to a highway his duty with respect to the placing, maintenance or operation of traffic signs, an undertaker shall comply with any directions given by the traffic authority.

The power of the traffic authority to give directions under this subsection is exercisable subject to any directions given by the Secretary of State under section 65 of the <sup>M1</sup>Road Traffic Regulation Act 1984.

- (3) The Secretary of State may issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned in subsection (1); and—
- (a) so far as an undertaker complies with such a code of practice he shall be taken to comply with that subsection; and
  - (b) a failure in any respect to comply with any such code is evidence of failure in that respect to comply with that subsection.

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- (4) An undertaker who fails to comply with subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 5] on the standard scale.
- (5) If it appears to the street authority that an undertaker has failed to comply with subsection (1) or (2), they may take such steps as appear to them necessary and may recover from the undertaker the costs reasonably incurred by them in doing so.
- (6) If a person without lawful authority or excuse—
- (a) takes down, alters or removes any fence, barrier, traffic sign or light erected or placed in pursuance of subsection (1) or (2) above, or
  - (b) extinguishes a light so placed,
- he commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F2</sup>level 5] on the standard scale.

#### Textual Amendments

- F1** Words in s. 65(4) substituted (4.10.2004 for E.) by [Traffic Management Act 2004 \(c. 18\), ss. 40\(1\)\(2\), 99\(1\), Sch. 1; S.I. 2004/2380, art. 2\(d\)\(i\) \(with art. 3\)](#)
- F2** Words in s. 65(6) substituted (4.10.2004 for E.) by [Traffic Management Act 2004 \(c. 18\), ss. 40\(1\)\(2\), 99\(1\), Sch. 1; S.I. 2004/2380, art. 2\(d\)\(i\) \(with art. 3\)](#)

#### Modifications etc. (not altering text)

- C1** Pt. 3 modified (11.2.2005) by [The Merseytram \(Liverpool City Centre to Kirkby\) Order 2005 \(S.I. 2005/120\), arts. 1, 4\(1\)\(2\) \(with arts. 65, 66\)](#)
- C2** 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\(1\)\(2\) \(with art. 51\)](#)
- C3** Pt. 3 modified (22.7.2005) by [The Midland Metro \(Birmingham City Centre Extension, etc.\) Order 2005 \(S.I. 2005/1794\), arts. 1, 3\(1\)\(2\) \(with art. 47\)](#)
- C4** Pt. 3 applied (3.8.2005) by [The Greater Manchester \(Leigh Busway\) Order 2005 \(S.I. 2005/1918\), arts. 1, 3\(1\)](#)
- C5** 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\)](#)
- C6** 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\(3\)](#)
- C7** 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\(1\)](#)
- C8** 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\(3\)\)](#)
- C9** S. 65(2)(5): 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 paras. 1\(i\), 2](#)

#### Commencement Information

- I1** S. 65 wholly in force: s. 65(1)(2)(4)-(6) in force at 1.4.1993 see [s. 170\(1\)](#) and [S.I. 1992/2984, art. 2\(3\), Sch. 3; s. 65\(3\)](#) in force at 14.7.1992 by [S.I. 1992/1686, art. 2, Sch.](#)

#### Marginal Citations

- M1** 1984 c. 27.

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## 66 Avoidance of unnecessary delay or obstruction.

- (1) An undertaker executing street works which involve—
  - (a) breaking up or opening the street, or any sewer, drain or tunnel under it, or
  - (b) tunnelling or boring under the street,shall carry on and complete the works with all such dispatch as is reasonably practicable.
- (2) An undertaker who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F3</sup>level 5] on the standard scale.
- (3) Where an undertaker executing any street works creates an obstruction in a street to a greater extent or for a longer period than is reasonably necessary, the street authority may by notice require him to take such reasonable steps as are specified in the notice to mitigate or discontinue the obstruction.
- (4) If the undertaker fails to comply with such a notice within 24 hours of receiving it, or any longer period specified in the notice, the authority may take the necessary steps and recover from him the costs reasonably incurred by them in doing so.

### Textual Amendments

**F3** Words in s. 66(2) substituted (4.10.2004 for E.) 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)

### Modifications etc. (not altering text)

**C10** [S. 66\(3\)\(4\)](#): 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\(j\)](#)

## 67 Qualifications of supervisors and operatives.

- (1) It is the duty of an undertaker executing street works involving—
  - (a) breaking up the street, or any sewer, drain or tunnel under it, or
  - (b) tunnelling or boring under the street,to secure that, except in such cases as may be prescribed, the execution of the works is supervised by a person having a prescribed qualification as a supervisor.
- (2) It is the duty of an undertaker executing street works involving—
  - (a) breaking up or opening the street, or any sewer, drain or tunnel under it, or
  - (b) tunnelling or boring under the street,to secure that, except in such cases as may be prescribed, there is on site at all times when any such works are in progress at least one person having a prescribed qualification as a trained operative.
- (3) An undertaker who fails to comply with his duty under subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F4</sup>level 5] on the standard scale.
- (4) Regulations made by the Secretary of State for the purposes of this section may include provision with respect to—

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- (a) the approval of bodies conferring qualifications (and the withdrawal of such approval), and
- (b) the circumstances in which a qualification may be conferred.

#### Textual Amendments

- F4** Words in s. 67(3) substituted (4.10.2004 for E.) 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)

### 68 Facilities to be afforded to street authority.

- (1) An undertaker executing street works shall afford the street authority reasonable facilities for ascertaining whether he is complying with his duties under this Part.
- (2) An undertaker who fails to afford the street authority such facilities commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding [<sup>F5</sup>level 4] on the standard scale.

#### Textual Amendments

- F5** Words in s. 68(2) substituted (4.10.2004 for E.) 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)

#### Modifications etc. (not altering text)

- C11** Pt. 3 modified (2.4.2004) by [The Docklands Light Railway \(Woolwich Arsenal Extension\) Order 2004 \(S.I. 2004/757\), arts. 1, 3\(1\)](#)
- C12** S. 68 applied (with modifications) (11.11.1996) by [S.I. 1996/2714, art. 4\(2\)\(3\)](#)  
 S. 68 applied (27.8.1998) by [S.I. 1998/1936, art. 4\(3\)](#)  
 S. 68 applied (21.5.1997) by [S.I. 1997/1266, art. 5\(2\)\(3\)](#)  
 S. 68 applied (with modifications) (24.7.2001) by [S.I. 2001/3627, art. 4\(3\)\(4\)](#)
- C13** S. 68 applied (with modifications) (30.4.2002) by [The Docklands Light Railway \(Silvertown and London City Airport Extension\) Order 2002 \(S.I. 2002/1066\), art. 3\(3\)\(4\)](#);  
 S. 68 applied (with modifications) (31.5.2002) by [The Greater Manchester \(Light Rapid Transit System\) \(Trafford Depot\) Order 2002 \(S.I. 2002/1327\), art. 3\(3\)](#)
- C14** S. 68 applied (with modifications) (2.4.2004) by [The Docklands Light Railway \(Woolwich Arsenal Extension\) Order 2004 \(S.I. 2004/757\), arts. 1, 3\(3\)\(4\)](#)
- C15** S. 68 applied (with modifications) (11.2.2005) by [The Merseytram \(Liverpool City Centre to Kirkby\) Order 2005 \(S.I. 2005/120\), arts. 1, 4\(4\)\(5\)](#) (with arts. 65, 66)
- C16** S. 68 applied (with modifications) (3.8.2005) by [The Greater Manchester \(Leigh Busway\) Order 2005 \(S.I. 2005/1918\), arts. 1, 3\(3\)\(4\)](#)
- C17** Ss. 68, 69 applied (with modifications) (8.10.2005) by [The Leicestershire County Council \(Ashby de la Zouch Canal Extension\) Order 2005 \(S.I. 2005/2786\), arts. 1, 9\(2\)\(3\)](#)
- C18** S. 68 applied (with modifications) (25.11.2005) by [The Docklands Light Railway \(Capacity Enhancement\) Order 2005 \(S.I. 2005/3105\), arts. 1, 3\(4\)](#) (with arts. 3(5), 15(3))
- C19** S. 68: 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\(k\)](#)

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## 69 Works likely to affect other apparatus in the street.

- (1) Where street works are likely to affect another person's apparatus in the street, the undertaker executing the works shall take all reasonably practicable steps—
  - (a) to give the person to whom the apparatus belongs reasonable facilities for monitoring the execution of the works, and
  - (b) to comply with any requirement made by him which is reasonably necessary for the protection of the apparatus or for securing access to it.
- (2) An undertaker who fails to comply with subsection (1) commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding [<sup>F6</sup>level 4] on the standard scale.
- (3) In proceedings against a person for such an offence it is a defence for him to show that the failure was attributable—
  - (a) to his not knowing the position, or not knowing of the existence, of another person's apparatus, or
  - (b) to his not knowing the identity or address of the person to whom any apparatus belongs,and that his ignorance was not due to any negligence on his part or to any failure to make inquiries which he ought reasonably to have made.

### Textual Amendments

- F6** Words in s. 69(2) substituted (4.10.2004 for E.) 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)

### Modifications etc. (not altering text)

- C17** Ss. 68, 69 applied (with modifications) (8.10.2005) by [The Leicestershire County Council \(Ashby de la Zouch Canal Extension\) Order 2005 \(S.I. 2005/2786\)](#), arts. 1, [9\(2\)\(3\)](#)
- C20** S. 69 excluded (27.11.1992) by [S.I. 1992/2984](#), art. 8
- C21** S. 69 modified (1.1.1993) by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), s. 167(7)(as substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22\)](#), s. 168(1), [Sch. 8 Pt. IV para. 109](#); [S.I. 1992/2984](#), art. 2(2), [Sch.2](#))  
S. 69 modified (1.1.1993) by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), s. 15(4) (as substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22\)](#), s. 168(1), [Sch. 8 Pt. IV para. 106](#); [S.I. 1992/2984](#), art. 2(2), [Sch.2](#))
- C22** S. 69 applied (27.8.1998) by [S.I. 1998/1936](#), art. 4(3)  
S. 69 applied (21.5.1997) by [S.I. 1997/1266](#), art. 5(2)(3)  
S. 69 applied (11.11.1996) by [S.I. 1996/2714](#), art. 4(2)(3)  
S. 69 applied (13.1.1999) by [S.I. 1998/3269](#), art. 4(2)(3)  
S. 69 applied (10.2.1997) by [S.I. 1997/264](#), art. 8(6)(7)  
S. 69 applied (with modifications) (30.4.1999) by [S.I. 1999/1306](#), art. 8(4)(5)  
S. 69 applied (with modifications) (21.7.1999) by [S.I. 1999/2129](#), art. 8(5)(6)  
S. 69 applied (with modifications) (20.8.1999) by [S.I. 1999/2336](#), art. 9(5)(6)(8)  
S. 69 applied (with modifications) (23.8.1999) by [S.I. 1999/2981](#), art. 7(5)(6)  
S. 69 applied (4.4.1996) by [S.I. 1996/937](#), art. 8(4)(5)  
S. 69 applied (with modifications) (29.3.2001) by [S.I. 2001/1348](#), art. 21(3)-(5)  
S. 69 applied (with modifications) (29.3.2001) by [S.I. 2001/1347](#), art. 3(3)  
S. 69 applied (with modifications) (18.7.2001) by [S.I. 2001/2870](#), art. 10(6)  
S. 69 applied (with modifications) (24.7.2001) by [S.I. 2001/3627](#), art. 4(3)(4)  
S. 69 applied (with modifications) (9.11.2001) by [S.I. 2001/3682](#), art. 8(6)

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- C23** S. 69 applied (with modifications) (14.3.2002) by [The Chester Guided Busway Order 2002 \(S.I. 2002/412\)](#), **art. 9(4)(5)** (with art. 38);  
 S. 69 applied (with modifications) (30.4.2002) by [The Docklands Light Railway \(Silvertown and London City Airport Extension\) Order 2002 \(S.I. 2002/1066\)](#), **art. 3(3)(4)**;  
 S. 69 applied (with modifications) (31.5.2002) by [The Greater Manchester \(Light Rapid Transit System\) \(Trafford Depot\) Order 2002 \(S.I. 2002/1327\)](#), **art. 3(3)**
- C24** S. 69 applied (with modifications) (28.4.2003) by [The Network Rail \(West Coast Main Line\) Order 2003 \(S.I. 2003/1075\)](#), arts. 1, **13(6)(7)(8)** (with art. 40)
- C25** S. 69 applied (with modifications) (2.4.2004) by [The Docklands Light Railway \(Woolwich Arsenal Extension\) Order 2004 \(S.I. 2004/757\)](#), arts. 1, **3(3)(4)**
- C26** S. 69 applied (with modifications) (19.11.2004) by [The Scarweather Sands Offshore Wind Farm Order 2004 \(S.I. 2004/3054\)](#), arts. 1, **6(4)(5)** (with art. 38)
- C27** S. 69 applied (with modifications) (11.2.2005) by [The Merseytram \(Liverpool City Centre to Kirkby\) Order 2005 \(S.I. 2005/120\)](#), arts. 1, **4(4)(5)** (with arts. 65, 66)
- C28** S. 69 applied (with modifications) (22.3.2005) by [The Midland Metro \(Wednesbury to Brierley Hill and Miscellaneous Amendments\) Order 2005 \(S.I. 2005/927\)](#), **art. 3(3)(4)** (with art. 51)
- C29** S. 69 applied (with modifications) (4.5.2005) by [The Telford Railfreight Terminal \(Donnington\) Order 2005 \(S.I. 2005/1163\)](#), arts. 1, **12(7)**
- C30** S. 69 applied (with modifications) (22.7.2005) by [The Midland Metro \(Birmingham City Centre Extension, etc.\) Order 2005 \(S.I. 2005/1794\)](#), arts. 1, **3(3)(4)** (with art. 47)
- C31** S. 69 applied (with modifications) (3.8.2005) by [The Greater Manchester \(Leigh Busway\) Order 2005 \(S.I. 2005/1918\)](#), arts. 1, **3(3)(4)**
- C32** S. 69 applied (with modifications) (26.8.2005) by [The River Tyne \(Tunnels\) Order 2005 \(S.I. 2005/2222\)](#), arts. 1, **8(9)(10)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)
- C33** S. 69 applied (with modifications) (25.11.2005) by [The Docklands Light Railway \(Capacity Enhancement\) Order 2005 \(S.I. 2005/3105\)](#), arts. 1, **3(4)** (with arts. 3(5), 15(3))

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