



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART III

#### STREET WORKS IN ENGLAND AND WALES

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

#### **54 Advance notice of certain works.**

- (1) In such cases as may be prescribed an undertaker proposing to execute street works shall give the prescribed advance notice of the works to the street authority.
- (2) Different periods of notice may be prescribed for different descriptions of works.
- (3) The notice shall [<sup>F1</sup>state the date on which it is proposed to begin the works and shall contain such other] information as may be prescribed.
- (4) After giving advance notice under this section an undertaker shall comply with such requirements as may be prescribed, or imposed by the street authority, as to the providing of information and other procedural steps to be taken for the purpose of co-ordinating the proposed works with other works of any description proposed to be executed in the street.

[<sup>F2</sup>(4A) If an undertaker who has given advance notice under this section has not, before the starting date specified in the notice, given to the street authority a notice under section 55 in respect of the works, he shall within such period as may be prescribed give to that authority a notice containing such information as may be prescribed.

(4B) An advance notice under this section shall cease to have effect in relation to the proposed works (so that subsection (1) applies again in relation to the works) if those works are not substantially begun before the end of such period beginning with the starting date specified in the notice as may be prescribed, or such further period as the street authority may allow.

(4C) Different periods may be prescribed under subsection (4B) for different descriptions of works.]

*Status: Point in time view as at 26/11/2007.*

*Changes to legislation: New Roads and Street Works Act 1991, Cross Heading: Notice and co-ordination of works is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) An undertaker who fails to comply with his duties under this section commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F3</sup>level 4] on the standard scale.

#### Textual Amendments

- F1** Words in s. 54(3) substituted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes) by [Traffic Management Act 2004 \(c. 18\), ss. 49\(1\)\(a\), 99\(1\); S.I. 2007/1890, art. 2, Sch. \(with art. 5\); S.I. 2007/3174, art. 2, Sch. \(with art. 6\)](#)
- F2** [S. 54\(4A\)-\(4C\)](#) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes) by [Traffic Management Act 2004 \(c. 18\), ss. 49\(1\)\(b\), 99\(1\); S.I. 2007/1890, art. 2, Sch. \(with art. 5\); S.I. 2007/3174, art. 2, Sch. \(with art. 6\)](#)
- F3** Words in s. 54(5) 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. \(with art. 4\)](#)

#### 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 (13.12.2006) by [The Luton Dunstable Translink Order 2006 \(S.I. 2006/3118\), arts. 1, 3](#)
- C13** Pt. 3 modified (28.9.2007) by [The London Gateway Logistics and Commercial Centre Order 2007 \(S.I. 2007/2657\), arts. 1, 3\(1\) \(with arts. 19, 28, Sch. 3 para. 13\(2\)\)](#)
- C14** [S. 54](#) modified (27.11.1992) by [S.I. 1992/2984, art. 3\(1\)](#)
- C15** [S. 54](#) applied (4.4.1996) by [S.I. 1996/937, art. 8\(4\)\(5\)](#)  
[S. 54](#) applied (13.1.1999) by [S.I. 1998/3269, art. 4\(2\)\(3\)\(4\)](#)  
[S. 54](#) applied (27.8.1998) by [S.I. 1998/1936, art. 4\(3\)](#)  
[S. 54](#) applied (21.5.1997) by [S.I. 1997/1266, art. 5\(2\)\(3\)](#)  
[S. 54](#) applied (10.2.1997) by [S.I. 1997/264, art. 8\(6\)\(7\)](#)
- C16** [S. 54](#) applied (with modifications) (11.11.1996) by [S.I. 1996/2714, art. 4\(2\)\(3\)](#)
- C17** [S. 54](#) applied (with modifications) (30.4.1999) by [S.I. 1999/1306, art. 8\(4\)\(5\)](#)  
[S. 54](#) applied (with modifications) (21.7.1999) by [S.I. 1999/2129, art. 8\(5\)\(6\)](#)  
[S. 54](#) applied (with modifications) (20.8.1999) by [S.I. 1999/2336, art. 9\(5\)\(6\)\(8\)](#)

*Status: Point in time view as at 26/11/2007.*

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- S. 54 applied (with modifications) (23.8.1999) by S.I. 1999/2981, **art. 7(5)(6)**
- S. 54 applied (with modifications) (29.3.2001) by S.I. 2001/1348, **art. 21(3)-(5)**
- S. 54 applied (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 3(3)(4)**
- S. 54 applied (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 10(6)**
- S. 54 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**
- S. 54 applied (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 8(6)**
- C18** S. 54 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. 54 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. 54 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)**
- C19** S. 54 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)
- C20** S. 54 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)**
- C21** S. 54 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)
- C22** S. 54 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)
- C23** S. 54 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)-(5)** (with art. 51)
- C24** S. 54 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, **12(7)**
- C25** S. 54 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)-(5)** (with art. 47)
- C26** S. 54 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)(4)**
- C27** S. 54 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)
- C28** Ss. 54, 55 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)**
- C29** S. 54 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))
- C30** S. 54 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(3)(4)** (with art. 52)
- C31** S. 54 applied (with modifications) (3.7.2006) by The Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **4**
- C32** S. 54 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 1, **9(5)(6)** (with art. 40, Sch. 7 para. 12)
- C33** S. 54 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(4)-(6)** (with art. 43)
- C34** S. 54 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), arts. 1, **16(6)(7)** (with arts. 34, 35(2))
- C35** S. 54 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **10(5)(6)**
- C36** S. 54 applied (with modifications) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), arts. 1, **8(2)(3)** (with arts. 46-48, Sch. 6 para. 23)
- C37** S. 54 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(4)(5)** (with arts. 3(6), 12(3))
- C38** S. 54 applied (with modifications) (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **3(2)-(4)** (with arts. 19, 28, Sch. 3 para. 13(2))

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**C39** S. 54(1)(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(b)**

## 55 Notice of starting date of works.

- (1) An undertaker proposing to begin to execute 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,
 shall give not less than 7 working days' notice (or such other notice as may be prescribed) to the street authority, to any other relevant authority and to any other person having apparatus in the street which is likely to be affected by the works.
- (2) Different periods of notice may be prescribed for different descriptions of works, [<sup>F4</sup>or in cases where the undertaker has been given notice under section 58(1),] and cases may be prescribed in which no notice is required.
- (3) The notice shall state the date on which it is proposed to begin the works and shall contain such other information as may be prescribed.
- (4) Where notice is required to be given under this section, the works shall not be begun without notice or before the end of the notice period, except with the consent of those to whom notice is required to be given.
- (5) An undertaker who begins to execute any works in contravention of this section commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F5</sup>level 4] on the standard scale.
- (6) In proceedings against a person for such an offence it is a defence for him to show that the contravention 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—
    - (i) a relevant authority, or
    - (ii) 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.
- (7) A notice under this section shall cease to have effect if the works to which it relates are not substantially begun before the end of the period of 7 working days (or such other period as may be prescribed) beginning with the starting date specified in the notice, or such further period as may be allowed by those to whom notice is required to be given.
- [<sup>F6</sup>(8) If a notice under this section ceases to have effect the undertaker shall, within such period as may be prescribed, give a notice containing such information as may be prescribed to those to whom the notice under this section was required to be given.
- (9) An undertaker who fails to give notice in accordance with subsection (8) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.]

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### Textual Amendments

- F4** Words in s. 55(2) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes) by [Traffic Management Act 2004 \(c. 18\)](#), **ss. 51(9)**, 99(1); S.I. 2007/1890, art. 2, Sch. (with art. 6); S.I. 2007/3174, art. 2, Sch. (with art. 7)
- F5** Words in s. 55(5) 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)
- F6** S. 55(8)(9) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes) by [Traffic Management Act 2004 \(c. 18\)](#), **ss. 49(2)**, 99(1); S.I. 2007/1890, art. 2, Sch. (with art. 5); S.I. 2007/3174, art. 2, Sch. (with art. 6)

### Modifications etc. (not altering text)

- C28** Ss. 54, 55 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)**
- C40** S. 55 modified (27.11.1992) by S.I. 1992/2984, **art.4**  
S. 55 modified (E.W.) (1. 1. 1993) by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#), **s. 15(4)** (as substituted 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**)  
S. 55 modified (E.W.) (1. 1. 1993) by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), **s. 167(7)** (as substituted 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**)
- C41** S. 55 applied (4.4.1996) by S.I. 1996/937, **art. 8(4)(5)**  
S. 55 applied (13.1.1999) by S.I. 1998/3269, **art. 4(2)(3)(4)**  
S. 55 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**  
S. 55 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**  
S. 55 applied (10.2.1997) by S.I. 1997/264, **art. 8(6)(7)**  
S. 55 applied with modifications (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**
- C42** S. 55 applied (with modifications) (30.4.1999) by S.I. 1999/1306, **art. 8(4)(5)**  
S. 55 applied (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 8(5)(6)**  
S. 55 applied (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 9(5)(6)(8)**  
S. 55 applied (with modifications) (23.8.1999) by S.I. 1999/2981, **art. 7(5)(6)**  
S. 55 applied (with modifications) (29.3.2001) by S.I. 2001/1348, **art. 21(3)-(5)**  
S. 55 applied (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 3(3)(4)**  
S. 55 applied (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 10(6)**  
S. 55 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**  
S. 55 applied (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 8(6)**
- C43** S. 55 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. 55 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. 55 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)**
- C44** S. 55 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)**
- C45** S. 55 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)
- C46** S. 55 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)
- C47** S. 55 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)-(5)** (with art. 51)



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- C48** S. 55 applied (with modifications) (4.5.2005) by [The Telford Railfreight Terminal \(Donnington\) Order 2005 \(S.I. 2005/1163\)](#), arts. 1, **12(7)**
- C49** S. 55 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)-(5)** (with art. 47)
- C50** S. 55 applied (with modifications) (3.8.2005) by [The Greater Manchester \(Leigh Busway\) Order 2005 \(S.I. 2005/1918\)](#), arts. 1, **3(3)(4)**
- C51** S. 55 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)
- C52** S. 55 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))
- C53** S. 55 applied (with modifications) (11.1.2006) by [The Cambridgeshire Guided Busway Order 2005 \(S.I. 2005/3523\)](#), arts. 1, **3(3)(4)** (with art. 52)
- C54** S. 55 applied (with modifications) (3.7.2006) by [The Port of Blyth \(Battleship Wharf Railway\) Order 2006 \(S.I. 2006/1518\)](#), arts. 1, **4**
- C55** S. 55 applied (with modifications) (14.9.2006) by [The Borough of Poole \(Poole Harbour Opening Bridges\) Order 2006 \(S.I. 2006/2310\)](#), arts. 1, **9(5)(6)** (with art. 40, Sch. 7 para. 12)
- C56** S. 55 applied (with modifications) (22.11.2006) by [The Docklands Light Railway \(Stratford International Extension\) Order 2006 \(S.I. 2006/2905\)](#), arts. 1, **3(4)-(6)** (with art. 43)
- C57** S. 55 applied (with modifications) (13.12.2006) by [The Network Rail \(Thameslink 2000\) Order 2006 \(S.I. 2006/3117\)](#), arts. 1, **16(6)(7)** (with arts. 34, 35(2))
- C58** S. 55 applied (with modifications) (13.12.2006) by [The Luton Dunstable Translink Order 2006 \(S.I. 2006/3118\)](#), arts. 1, **10(5)(6)**
- C59** S. 55 applied (with modifications) (19.3.2007) by [The Ouseburn Barrage Order 2007 \(S.I. 2007/608\)](#), arts. 1, **8(2)(3)** (with arts. 46-48, Sch. 6 para. 23)
- C60** S. 55 applied (with modifications) (23.8.2007) by [The Docklands Light Railway \(Capacity Enhancement and 2012 Games Preparation\) Order 2007 \(S.I. 2007/2297\)](#), arts. 1, **3(4)(5)** (with arts. 3(6), 12(3))
- C61** S. 55 applied (with modifications) (28.9.2007) by [The London Gateway Logistics and Commercial Centre Order 2007 \(S.I. 2007/2657\)](#), arts. 1, **3(2)-(4)** (with arts. 19, 28, Sch. 3 para. 13(2))
- C62** S. 55(1)(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(c)**

#### Commencement Information

- II** S. 55 wholly in force: s. 55 in force for the purpose of making regulations at 28.11.1992, and for all other purposes at 1.1.1993, see s. 170 and [S.I. 1992/2984](#), art. 2, Schs. 1, 2

## 56 Power to give directions as to timing of street works.

- (1) If it appears to the street authority—
- (a) that proposed street works are likely to cause serious disruption to traffic, and
  - (b) that the disruption would be avoided or reduced if the works were carried out only at certain times [<sup>F7</sup>or on certain days (or at certain times on certain days)],
- the authority may give the undertaker such directions as may be appropriate as to the times [<sup>F7</sup>or days (or both)] when the works may or may not be carried out.
- (2) The procedure for giving a direction shall be prescribed by the Secretary of State.
- (3) An undertaker who executes works in contravention of a direction under this section commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F8</sup>level 5] on the standard scale.

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[<sup>F9</sup>(3A) 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 direction under this section.]

(4) The Secretary of State may issue or approve for the purposes of this section a code of practice giving practical guidance as to the exercise by street authorities of the power conferred by this section; and in exercising that power a street authority shall have regard to the code of practice.

#### Textual Amendments

- F7** Words in s. 56(1) inserted (4.1.2005 for E.) by Traffic Management Act 2004 (c. 18), ss. 43(2), 99(1); S.I. 2004/3110, art. 2(b)
- F8** Words in s. 56(3) 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)
- F9** S. 56(3A) inserted (4.1.2005 for E.) by Traffic Management Act 2004 (c. 18), ss. 43(4), 99(1); S.I. 2004/3110, art. 2(b)

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

- C63** S. 56 excluded (11.11.1996) by S.I. 1996/2714, art. 4(1)  
S. 56 excluded (27.8.1998) by S.I. 1998/1936, art. 4(1)  
S. 56 excluded (21.5.1997) by S.I. 1997/1266, art. 5(1)  
S. 56 excluded (24.7.2001) by S.I. 2001/3627, art. 4(2)
- C64** S. 56 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. 56 excluded (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), art. 3(1)
- C65** S. 56 excluded (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, 3(2)
- C66** S. 56 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)
- C67** S. 56 excluded (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, 3(2)
- C68** S. 56 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)
- C69** S. 56 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))
- C70** S. 56 excluded (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, 3(2) (with art. 52)
- C71** S. 56 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)
- C72** S. 56 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))
- C73** S. 56(1)(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(d)

#### [<sup>F10</sup>56A Power to give directions as to placing of apparatus

(1) Where—

*Status: Point in time view as at 26/11/2007.*

*Changes to legislation: New Roads and Street Works Act 1991, Cross Heading: Notice and co-ordination of works is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) an undertaker is proposing to execute street works consisting of the placing of apparatus in a street (“street A”),
- (b) placing the apparatus in street A is likely to cause disruption to traffic, and
- (c) it appears to the street authority that—
  - (i) there is another street (“street B”) in which the apparatus could be placed, and
  - (ii) the conditions in subsection (2) are satisfied,
 the authority may by direction require the undertaker not to place the apparatus in street A (but may not require him to place the apparatus in street B).
- (2) The conditions referred to in subsection (1)(c) are that—
  - (a) disruption to traffic would be avoided or reduced if the apparatus were to be placed in street B;
  - (b) placing the apparatus in street B would be a reasonable way of achieving the purpose for which the apparatus is to be placed; and
  - (c) it is reasonable to require the undertaker not to place the apparatus in street A.
- (3) A direction under this section may be varied or revoked by a further such direction.
- (4) The procedure for giving a direction under this section shall be prescribed by the Secretary of State.
- (5) The Secretary of State may by regulations make provision for appeals against directions under this section, including provision as to the persons who may determine appeals and the procedure to be followed on an appeal.
- (6) An undertaker who executes works in contravention of a direction under this section commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7) 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 direction under this section.
- (8) The Secretary of State may issue or approve for the purposes of this section a code of practice giving practical guidance as to the exercise by street authorities of the power conferred by this section; and in exercising that power a street authority shall have regard to the code of practice.]

#### Textual Amendments

- F10** S. 56A 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. 44**, [99\(1\)](#); [S.I. 2007/1890](#), **art. 2**, **Sch.** (with **art. 4**); [S.I. 2007/3174](#), **art. 2**, **Sch.** (with **art. 5**)

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

- C74** S. 56A 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**)
- C75** S. 56A 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**)
- C76** S. 56A 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)**)



*Status: Point in time view as at 26/11/2007.*

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## 57 Notice of emergency works.

- (1) Nothing in section 54 (advance notice), section 55 (notice of starting date) or section 56 (directions as to timing of works) affects the right of an undertaker to execute emergency works.
- (2) An undertaker executing emergency works shall, if the works are of a kind in respect of which notice is required by section 55, give notice as soon as reasonably practicable, and in any event within two hours (or such other period as may be prescribed) of the works being begun, to the persons to whom notice would be required to be given under that section.
- (3) The notice shall state his intention or, as the case may be, the fact that he has begun to execute the works and shall contain such other information as may be prescribed.
- (4) An undertaker who fails to give notice in accordance with this section commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F11</sup>level 4] on the standard scale.
- (5) In proceedings against a person for such an offence it is a defence for him to show that the contravention 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—
    - (i) a relevant authority, or
    - (ii) 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

**F11** Words in s. 57(4) 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)

### Modifications etc. (not altering text)

**C77** S. 57 modified (27.11.1992) by S.I. 1992/2984, [art. 5](#)

**C78** S. 57 applied (with modifications) (11.11.1996) by S.I. 1996/2714, [art. 4\(2\)\(3\)](#)

S. 57 applied (27.8.1998) by S.I. 1998/1936, [art. 4\(3\)](#)

S. 57 applied (21.5.1997) by S.I. 1997/1266, [art. 5\(2\)\(3\)](#)

S. 57 applied (with modifications) (24.7.2001) by S.I. 2001/3627, [art. 4\(3\)\(4\)](#)

**C79** S. 57 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. 57 applied (with modifications) (31.5.2002) by [The Greater Manchester \(Light Rapid Transit System\) \(Trafford Depot\) Order 2002](#) (S.I. 2002/1327), [art. 3\(3\)](#)

**C80** S. 57 applied (with modifications) (2.4.2004) by [The Docklands Light Railway \(Woolwich Arsenal Extension\) Order 2004](#) (S.I. 2004/757), arts. 1, [3\(3\)\(4\)](#)

**C81** S. 57 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)

**C82** S. 57 applied (with modifications) (3.8.2005) by [The Greater Manchester \(Leigh Busway\) Order 2005](#) (S.I. 2005/1918), arts. 1, [3\(3\)\(4\)](#)

**C83** S. 57 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\(2\)\(3\)](#)

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- C84** S. 57 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))
- C85** S. 57 applied (with modifications) (11.1.2006) by [The Cambridgeshire Guided Busway Order 2005 \(S.I. 2005/3523\)](#), arts. 1, **3(3)(4)** (with art. 52)
- C86** S. 57 applied (with modifications) (3.7.2006) by [The Port of Blyth \(Battleship Wharf Railway\) Order 2006 \(S.I. 2006/1518\)](#), arts. 1, **4**
- C87** S. 57 applied (with modifications) (22.11.2006) by [The Docklands Light Railway \(Stratford International Extension\) Order 2006 \(S.I. 2006/2905\)](#), arts. 1, **3(4)(5)** (with art. 43)
- C88** S. 57 applied (with modifications) (23.8.2007) by [The Docklands Light Railway \(Capacity Enhancement and 2012 Games Preparation\) Order 2007 \(S.I. 2007/2297\)](#), arts. 1, **3(4)(5)** (with arts. 3(6), 12(3))

## **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>F12</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>F13</sup>form and] manner and shall specify the nature and location of the proposed works, the date (not being less than [<sup>F14</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—
- (a) where there is a public sewer in the part of the highway to which the restriction relates, to the sewer authority,
  - (b) 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,
  - (c) 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,
  - (d) 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>F15</sup>...
  - (e) any other person having apparatus in the part of the highway to which the restriction relates; <sup>F16</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>F17</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.

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- (6) If he does—
- (a) he commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F18</sup>level 5] on the standard scale, and
  - (b) 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>F19</sup>in the prescribed manner].
- [<sup>F20</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

- F12** 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. \(with art. 7\)](#)
- F13** 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. \(with art. 7\)](#)
- F14** 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. \(with art. 7\)](#)
- F15** 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. \(with art. 7\)](#)
- F16** 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. \(with art. 7\)](#)
- F17** 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. \(with art. 7\)](#)
- F18** 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. \(with art. 4\)](#)
- F19** 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. \(with art. 7\)](#)
- F20** 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)

- C89** S. 58 restricted (27.11.1992) by [S.I. 1992/2984, art. 6](#)

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- C90** 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)**
- C91** 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)**
- C92** S. 58 excluded (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), **arts. 1, 3(2)**
- C93** 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)
- C94** S. 58 excluded (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), **arts. 1, 3(2)**
- C95** 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**)
- C96** 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))
- C97** S. 58 excluded (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), **arts. 1, 3(2)** (with art. 52)
- C98** 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)
- C99** 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))

## [<sup>F21</sup>58A Restriction on works following substantial street works

Schedule 3A shall have effect.]

### Textual Amendments

- F21** S. 58A 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. 52(1), 99(1)**; S.I. 2007/1890, **art. 2, Sch.** (with art. 7); S.I. 2007/3174, **art. 2, Sch.** (with art. 8)

### Modifications etc. (not altering text)

- C100** S. 58A 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)
- C101** S. 58A 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)

## 59 General duty of street authority to co-ordinate works.

- (1) A street authority shall use their best endeavours to co-ordinate the execution of works of all kinds (including works for road purposes) [<sup>F22</sup>and the carrying out of relevant activities] in the streets for which they are responsible—
- (a) in the interests of safety,

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- (b) to minimise the inconvenience to persons using the street (having regard, in particular, to the needs of people with a disability), and
  - (c) to protect the structure of the street and the integrity of apparatus in it.
- (2) That duty extends to co-ordination with other street authorities where works [<sup>F23</sup>or relevant activities] in a street for which one authority are responsible affect streets for which other authorities are responsible.
- (3) The Secretary of State shall issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned above; and in discharging their general duty of co-ordination a street authority shall have regard to any such code of practice.
- (4) If it appears to the Secretary of State that a street authority are not properly discharging their general duty of co-ordination, he may direct the authority to supply him with such information as he considers necessary to enable him to decide whether that is the case and if so what action to take.

The direction shall specify the information to be provided and the period within which it is to be provided.

- (5) If after the end of that period (whether or not the direction has been complied with) it appears to the Secretary of State that the authority are not properly discharging their general duty of co-ordination, he may direct the authority to take such steps as he considers appropriate for the purpose of discharging that duty.

The direction shall specify the steps to be taken and the period within which they are to be taken, and may include a requirement to make a report or periodic reports to the Secretary of State as to what steps have been taken and the results of taking them.

- (6) A direction under this section may be varied or revoked by a further direction.
- [<sup>F24</sup>(7) In this section “relevant activities” means any activity, other than the execution of works in the street or the use of the street by traffic (including pedestrians), which—
- (a) involves the temporary occupation or use of space in a street;
  - (b) is subject to regulation by the street authority by virtue of provision made by or under any Act other than this Act; and
  - (c) is prescribed by regulations made by the Secretary of State.]

#### Textual Amendments

- F22** Words in s. 59(1) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes) by [Traffic Management Act 2004 \(c. 18\)](#), [ss. 42\(2\)](#), 99(1); S.I. 2007/1890, [art. 2](#), [Sch.](#); S.I. 2007/3174, [art. 2](#), [Sch.](#)
- F23** Words in s. 59(2) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes) by [Traffic Management Act 2004 \(c. 18\)](#), [ss. 42\(3\)](#), 99(1); S.I. 2007/1890, [art. 2](#), [Sch.](#); S.I. 2007/3174, [art. 2](#), [Sch.](#)
- F24** S. 59(7) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes) by [Traffic Management Act 2004 \(c. 18\)](#), [ss. 42\(4\)](#), 99(1); S.I. 2007/1890, [art. 2](#), [Sch.](#); S.I. 2007/3174, [art. 2](#), [Sch.](#)

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

- C102** S. 59 applied (4.4.1996) by S.I. 1996/937, [art. 8\(4\)\(5\)](#)  
S. 59 applied (13.1.1999) by S.I. 1998/3269, [art. 4\(2\)\(3\)](#)



*Status: Point in time view as at 26/11/2007.*

*Changes to legislation: New Roads and Street Works Act 1991, Cross Heading: Notice and co-ordination of works is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- S. 59 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**
- S. 59 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**
- S. 59 applied (10.2.1997) by S.I. 1997/264, **art. 8(6)(7)**
- S. 59 applied (with modifications) (30.4.1999) by S.I. 1999/1306, **art. 8(4)(5)**
- S. 59 applied (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 8(5)(6)**
- S. 59 applied (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 9(5)(6)(8)**
- S. 59 applied (with modifications) (23.8.1999) by S.I. 1999/2981, **art. 7(5)(6)**
- S. 59 applied (with modifications) (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**
- S. 59: 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(c)**
- S. 59 applied (with modifications) (29.3.2001) by S.I. 2001/1348, **art. 21(3)-(5)**
- S. 59 applied (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 3(3)**
- S. 59 applied (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 10(6)**
- S. 59 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**
- S. 59 applied (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 8(6)**
- C103** S. 59 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. 59 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. 59 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)**
- C104** S. 59 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)
- C105** S. 59 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)**
- C106** S. 59 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)
- C107** S. 59 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)
- C108** S. 59 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)
- C109** S. 59 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, **12(7)**
- C110** S. 59 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)
- C111** S. 59 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)(4)**
- C112** S. 59 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)
- C113** Ss. 59, 60 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)**
- C114** S. 59 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))
- C115** S. 59 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(3)(4)** (with art. 52)
- C116** S. 59 applied (with modifications) (3.7.2006) by The Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **4**
- C117** S. 59 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 1, **9(5)(6)** (with art. 40, Sch. 7 para. 12)
- C118** S. 59 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(4)(5)** (with art. 43)

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- C119** S. 59 applied (with modifications) (13.12.2006) by [The Network Rail \(Thameslink 2000\) Order 2006](#) (S.I. 2006/3117), arts. 1, **16(6)(7)** (with arts. 34, 35(2))
- C120** S. 59 applied (with modifications) (13.12.2006) by [The Luton Dunstable Translink Order 2006](#) (S.I. 2006/3118), arts. 1, **10(5)(6)**
- C121** S. 59 applied (with modifications) (19.3.2007) by [The Ouseburn Barrage Order 2007](#) (S.I. 2007/608), arts. 1, **8(2)** (with arts. 46-48, Sch. 6 para. 23)
- C122** S. 59 applied (with modifications) (23.8.2007) by [The Docklands Light Railway \(Capacity Enhancement and 2012 Games Preparation\) Order 2007](#) (S.I. 2007/2297), arts. 1, **3(4)(5)** (with arts. 3(6), 12(3))
- C123** S. 59 applied (with modifications) (28.9.2007) by [The London Gateway Logistics and Commercial Centre Order 2007](#) (S.I. 2007/2657), arts. 1, **3(2)(3)** (with arts. 19, 28, Sch. 3 para. 13(2))

#### Commencement Information

- I2** S. 59 wholly in force: s. 59(1)(2)(4)-(6) in force at 1.1.1993, see s. 170 and S.I. 1992/2984, art. 2(2), **Sch. 2**; s. 59(3) in force at 14.7.1992 by S.I. 1992/1686, art. 3, **Sch.**

## 60 General duty of undertakers to co-operate.

- (1) An undertaker shall as regards the execution of street works use his best endeavours to co-operate with the street authority and with other undertakers—
- in the interests of safety,
  - to minimise the inconvenience to persons using the street (having regard, in particular, to the needs of people with a disability), and
  - to protect the structure of the street and the integrity of apparatus in it.
- (2) The Secretary of State shall issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned in subsection (1); and—
- so far as an undertaker complies with such a code of practice he shall be taken to comply with his duty under that subsection, and
  - a failure in any respect to comply with any such code is evidence of failure in that respect to comply with that duty.
- (3) An undertaker who fails to comply with his duty under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F25</sup>level 5] on the standard scale.

#### Textual Amendments

- F25** Words in s. 60(3) 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)

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

- C113** Ss. 59, 60 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)**
- C124** S. 60 applied (4.4.1996) by S.I. 1996/937, **art. 8(4)(5)**
- S. 60 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**
- S. 60 applied (with modifications) (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**
- S. 60 applied (13.1.1999) by S.I. 1998/3269, **art. 4(2)(3)**
- S. 60 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**
- S. 60 applied (10.2.1997) by S.I. 1997/264, **art. 8(6)(7)**
- S. 60 applied (with modifications) (30.4.1999) by S.I. 1999/1306, **art. 8(4)(5)**

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- S. 60 applied (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 8(5)(6)**
- S. 60 applied (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 9(5)(6)(8)**
- S. 60 applied (with modifications) (23.8.1999) by S.I. 1999/2981, **art. 7(5)(6)**
- S. 60 applied (with modifications) (29.3.2001) by S.I. 2001/1348, **art. 21(3)-(5)**
- S. 60 applied (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 3(3)**
- S. 60 applied (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 10(6)**
- S. 60 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**
- S. 60 applied (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 8(6)**
- C125** S. 60 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. 60 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. 60 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)**
- C126** S. 60 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)
- C127** S. 60 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)**
- C128** S. 60 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)
- C129** S. 60 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)
- C130** S. 60 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)
- C131** S. 60 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, **12(7)**
- C132** S. 60 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)
- C133** S. 60 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)(4)**
- C134** S. 60 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)
- C135** S. 60 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))
- C136** S. 60 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(3)(4)** (with art. 52)
- C137** S. 60 applied (with modifications) (3.7.2006) by The Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **4**
- C138** S. 60 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 1, **9(5)(6)** (with art. 40, Sch. 7 para. 12)
- C139** S. 60 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(4)(5)** (with art. 43)
- C140** S. 60 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), arts. 1, **16(6)(7)** (with arts. 34, 35(2))
- C141** S. 60 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **10(5)(6)**
- C142** S. 60 applied (with modifications) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), arts. 1, **8(2)** (with arts. 46-48, Sch. 6 para. 23)
- C143** S. 60 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(4)(5)** (with arts. 3(6), 12(3))
- C144** S. 60 applied (with modifications) (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **3(2)(3)** (with arts. 19, 28, Sch. 3 para. 13(2))

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**C145** S. 60(1): 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(g)**

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**Commencement Information**

**I3** S. 60 wholly in force: s. 60(1)(3) in force at 1.1.1993 see s. 170 and S.I. 1992/2984, art. 2(2), **Sch. 2**; s. 60(2) in force at 14.7.1992 by S.I. 1992/1686, art. 3, **Sch.**

**Status:**

Point in time view as at 26/11/2007.

**Changes to legislation:**

New Roads and Street Works Act 1991, Cross Heading: Notice and co-ordination of works is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.