SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS

PART IV

AMENDMENTS OF OTHER ENACTMENTS

Roads Act 1920 (c. 72)

98 In section 10 of the Roads Act 1920 (powers of Secretary of State in relation to charges for use of vehicles on roads), at the end insert—

"Nothing in this section applies to any sum payable by virtue of Part I or II of the New Roads and Street Works Act 1991.".

Fire Services Act 1947 (c. 41)

99 (1) The Fire Services Act 1947 is amended as follows.

(2) In section 3(2) (supplementary powers of fire authorities; provisions as to exercise of power to place fire alarms in public places), for the words from the beginning to "maintaining the road;" or, in Scotland, "of the roads authority;" substitute—

"(2) Before exercising the powers conferred by subsection (1)(c) above in relation to a highway for which they are not the highway authority or, in Scotland, a public road for which they are not the roads authority, a fire authority shall obtain the consent of the highway or roads authority;".

(3) In section 38(1) (interpretation)—

(a) at the appropriate place insert—

" "highway authority" has the same meaning as in the Highways Act 1980;"; and

(b) in the definition of "road" for the words "Public Utilities Street Works Act 1950" substitute "Part IV of the New Roads and Street Works Act 1991".

Land Powers (Defence) Act 1958 (c. 30)

100 In the Land Powers (Defence) Act 1958, after section 18 insert—

"**18A Modification of street works or road works provisions**

(1) In relation to works in exercise of the powers under a wayleave order, or the powers conferred by section 12 of the Requisitioned Land and War Works Act 1948, the provisions of Part III or IV of the New Roads and Street Works

Act 1991 (street works in England and Wales or road works in Scotland) have effect subject to the provisions of this section.

(2) The provisions of Schedule 4 or 6 of that Act (settlement of plan and section for works in streets or roads with special engineering difficulties) have effect subject as follows—

(a) an objection to a plan and section in form shall be disregarded if a Minister certifies that in his opinion it would be against the national interest to submit a plan and section on a larger scale or giving further particulars;

(b) no modification of a plan and section shall be made which would involve an unacceptable diversion or change; and

(c) a plan and section shall not be disapproved on the ground that there should be such a diversion or change.

(3) An arbitrator or arbiter appointed in pursuance of—

(a) paragraph 8(3) of Schedule 4 or 6 of that Act (settlement of plan and section in case of works in street or road with special engineering difficulties), or

(b) section 84(3) or 143(3) of that Act (settlement of necessary measures in case of apparatus affected by certain major works),

shall not provide for an unacceptable diversion or change.

(4) In subsections (2) and (3) above an "unacceptable diversion or change" means—

(a) a lateral diversion of a government oil pipe-line to which the Minister on whose behalf the works are to be executed does not consent, or

(b) a change of the site of accessory works which would necessitate such a diversion.".

Pipelines Act 1962 (c. 58)

101 (1) The Pipelines Act 1962 is amended as follows.

(2) In section 15 (power to place pipe-lines in streets), in subsections (1) to (9)—

(a) for "street" or, in Scotland, "road" substitute "street or, in Scotland, road", and

(b) for "protected street" or, in Scotland, "protected road", wherever occurring, substitute "main road".

(3) For section 15(10) substitute—

"(10) In this section—

"appropriate authority" means—

(a) in England and Wales, the street authority within the meaning of Part III of the New Roads and Street Works Act 1991, and

(b) in Scotland, the road works authority within the meaning of Part IV of that Act;

"carriageway" has the same meaning—

(a) in England and Wales, as in the Highways Act 1980, and

(b) in Scotland, as in the Roads (Scotland) Act 1984;

"main road" means a special road, trunk road or a road classified as a principal road within the meaning of the Highways Act 1980 or the Roads (Scotland) Act 1984;

"road", in Scotland, has the same meaning as in Part IV of the New Roads and Street Works Act 1991; and

"street", in England, has the same meaning as in Part III of that Act.".

(3) For sections 16 and 17 substitute—

"**16 Modification of street works or road works provisions**

(1) In relation to undertakers' works in exercise of a power conferred by section 15(1) of this Act, the provisions of Part III or IV of the New Roads and Street Works Act 1991 (street works in England and Wales or road works in Scotland) have effect subject to the provisions of this section.

(2) The provisions of Schedule 4 or 6 of that Act (settlement of plan and section for works in streets or roads with special engineering difficulties) have effect subject as follows—

(a) the period under paragraph 7(2)(b) (period for responding to plan and section as submitted) shall be two months instead of one month;

(b) no modification of a plan and section shall be made which would involve an unacceptable diversion; and

(c) a plan and section shall not be disapproved on the ground that there should be such a diversion.

(3) An arbitrator or arbiter appointed in pursuance of—

(a) paragraph 8(2) of Schedule 4 or 6 of that Act (settlement of plan and section in case of works in street or road with special engineering difficulties), or

(b) section 84(3) or 143(3) of that Act (settlement of necessary measures in case of apparatus affected by certain major works),

shall not provide for an unacceptable diversion.

(4) In subsections (2) and (3) above an "unacceptable diversion" means a lateral diversion of a pipe-line beyond the limits of lateral diversion permissible in relation to it.

(5) No person shall be entitled to payment under section 85 or 144 of the New Roads and Street Works Act 1991 (sharing of costs in case of apparatus affected by certain major works) in respect of measures of his taken in connection with a pipe-line.".

(4) In section 31(1) (power of Minister to remove materials deposited above pipe-line), for "code-regulated works within the meaning of the Public Utilities Street Works Act 1950" substitute "street works within the meaning of Part III of the New Roads and Street Works Act 1991 or, in Scotland, road works within the meaning of Part IV of that Act".

(5) In section 66(1) (general interpretation provisions), for the definition of "emergency works" substitute—

""emergency works" has the same meaning as in Part III of the New Roads and Street Works Act 1991 or, in Scotland, as in Part IV of that Act;".

New Towns (Scotland) Act 1968 (c. 16)

102 In section 8 of the New Towns (Scotland) Act 1968 (acquisition of land for roads in connection with new towns), in subsection (2) for "a trunk road" substitute "a road for which he is the roads authority".

Sewerage (Scotland) Act 1968 (c. 47)

103 (1) The Sewerage (Scotland) Act 1968 is amended as follows.

(2) In section 41 (breaking open of roads) for the words "Public Utilities Street Works Act 1950" substitute "Part IV of the New Roads and Street Works Act 1991".

(3) In section 59(1) (interpretation) in the definition of "road" for the words "the Public Utilities Street Works Act 1950" substitute "Part IV of the New Roads and Street Works Act 1991".

Town and Country Planning (Scotland) Act 1972 (c. 52)

104 In section 209(2) of the Town and Country Planning (Scotland) Act 1972 (provisions as to telegraphic lines)—

(a) for the words "road, other than a trunk road" substitute "a road for which the Secretary of State is not the roads authority"; and

(b) for the words from "as defined" to the end of that subsection substitute "within the meaning of Part IV of the New Roads and Street Works Act 1991".

Control of Pollution Act 1974 (c. 40)

105 In section 105(1) of the Control of Pollution Act 1974 (interpretation) in the definition of "road" for the words "Public Utilities Street Works Act 1950" substitute "Part IV of the New Roads and Street Works Act 1991".

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

106 In section 15 of the Local Government (Miscellaneous Provisions) Act 1976 (power of local authorities to survey land), for subsection (4) substitute—

"(4) Where it is proposed to search or bore in pursuance of this section in a street within the meaning of Part III of the New Roads and Street Works Act 1991—

(a) section 55 of that Act (notice of starting date of works), so far as it requires notice to be given to a person having apparatus in the street which is likely to be affected by the works,

(b) section 69 of that Act (requirements to be complied with where works likely to affect another person's apparatus in the street), and

(c) section 82 of that Act (liability for damage or loss caused),

have effect in relation to the searching or boring as if they were street works within the meaning of that Part.".

Development of Rural Wales Act 1976 (c. 75)

107 In Schedule 3 to the Development of Rural Wales Act 1976 (the new towns code)—

(a) in paragraph 1(4)(c) for "a trunk road" substitute "a road for which the Secretary of State is the highway authority", and

(b) in paragraph 2(2) for "a trunk road" substitute "a road for which he is the highway authority".

Water (Scotland) Act 1980 (c. 45)

108 (1) The Water (Scotland) Act 1980 is amended as follows.

(2) In subsection (5) of section 10 (compensation for damage)—

(a) in paragraph (c), for the words from "or managers" to the end of that paragraph substitute "as defined in section 147 of the New Roads and Street Works Act 1991;", and

(b) for paragraph (d) substitute the following—

"(d) road works authority as defined in section 108 of the New Roads and Street Works Act 1991;".

(3) In section 13(5) (bulk supplies of water), for the words "the street works code in the Public Utilities Street Works Act 1950" substitute "the provisions of Part IV of the New Roads and Street Works Act 1991".

(4) In section 23 (power to lay mains), at end insert—

"(4) In the case of works in respect of which notice is required to be given under section 114 of the New Roads and Street Works Act 1991 (notice of starting date of road works), notice duly given to a person in accordance with that section and section 156 of that Act (service of notice) shall be treated as reasonable notice for the purposes of subsection (1) above.".

(5) In section 103 (requirement for all notices to be in writing), after "shall" insert ", subject to section 23(4) of and paragraph 4(1) of Schedule 3 to this Act,"

(6) In section 109(1) (interpretation), in the definition of "road", for the words "Public Utilities Street Works Act 1950" substitute "Part IV of the New Roads and Street Works Act 1991".

(7) In Schedule 3 (provisions as to breaking open streets and laying communication and supply pipes)—

(a) in paragraph 2(2), for the words "section 6 of the Public Utilities Street Works Act 1950" substitute "section 114 of the New Roads and Street Works Act 1991";

(b) in paragraph 4(1) for the words "not less than 72 hours"' substitute the word "such" and at the end of that sub-paragraph add the words "as would require to be given by an undertaker under section 114 of the New Roads and Street Works Act 1991 (notice of starting date of works) in accordance with that section and with section 156 of that Act (service of notice)".

(8) In Schedule 4 (provisions in orders relating to water undertakings)—

(a) in paragraph 5(2), for the words from "or in controlled land" to the end substitute "for the purposes of major road works, major bridge works or major transport works within the meaning of Part IV of the New Roads and Street Works Act 1991"; and

(b) in paragraph 36(b), for the words from "the code" to the end of that paragraph, substitute "Part IV of the New Roads and Street Works Act 1991".

Local Government, Planning and Land Act 1980 (c. 65)

109 In section 167 of the Local Government, Planning and Land Act 1980 (power to survey land), for subsection (7) substitute—

"(7) Where it is proposed to search or bore in pursuance of this section in a street within the meaning of Part III of the New Roads and Street Works Act 1991 or, in Scotland, a road within the meaning of Part IV of that Act—

(a) section 55 or 114 of that Act (notice of starting date of works), so far as it requires notice to be given to a person having apparatus in the street or road which is likely to be affected by the works,

(b) section 69 or 128 of that Act (requirements to be complied with where works likely to affect another person's apparatus in the street or road), and

(c) section 82 or 141 of that Act (liability for damage or loss caused),

have effect in relation to the searching or boring as if they were street works within the meaning of the said Part III or, in Scotland, road works within the meaning of the said Part IV.".

Water Act 1981 (c. 12)

110 In section 6 of the Water Act 1981 (liability of statutory water undertakers for escapes of water), in subsection (7)(c) (meaning of "excepted undertakers"), for sub-paragraphs (iii) and (iv) substitute—

"(iii) any person on whom a right to compensation is conferred by section 82 of the New Roads and Street Works Act 1991;".

British Telecommunications Act 1981 (c. 38)

111 In Schedule 3 to the British Telecommunications Act 1981, in paragraph 74(2) for "177 and 181(7)" substitute "and 177".

New Towns Act 1981 (c. 64)

112 In section 11 of the New Towns Act 1981 (acquisition of land for highways), in subsection (2)(a) (powers of Secretary of State) for "a trunk road" substitute "a road for which he is the highway authority".

Telecommunications Act 1984 (c. 12)

113 (1) In Schedule 2 to the Telecommunications Act 1984 (the telecommunications code), paragraph 1 (interpretation) is amended as follows.

(2) In sub-paragraph (1)—

(a) in the definition of "maintainable highway", in paragraph (a), for the words from the beginning to "1950" substitute "in England and Wales, means a maintainable highway within the meaning of Part III of the New Roads and Street Works Act 1991";

(b) in the definition of "public road", for "the Public Utilities Street Works Act 1950" substitute "Part IV of the New Roads and Street Works Act 1991";

(c) in the definition of "road", for "the meaning given by section 1(3) of the said Act of 1950" substitute "the same meaning as in Part IV of the New Roads and Street Works Act 1991";

(d) in the definition of "street" for "the meaning given by section 1(3) of the said Act of 1950" substitute "the same meaning as in Part III of the New Roads and Street Works Act 1991".

(3) Omit sub-paragraph (4) (which relates to the meaning of the expression "street").

(4) In sub-paragraph (5), for "the Public Utilities Street Works Act 1950" substitute "Part III of the New Roads and Street Works Act 1991".

114 In the same Schedule, in paragraph 2(8)(a) (construction of references to occupier of land)—

(a) for "street" or, in Scotland, "road" in each place where it occurs substitute "street or, in Scotland, road";

(b) in sub-paragraph (ii), for the words from "as references" to the end substitute—

"as references—

in England and Wales or Northern Ireland, to the street managers within the meaning of Part III of the New Roads and Street Works Act 1991 (which for this purpose shall be deemed to extend to Northern Ireland), and

in Scotland, to the road managers within the meaning of Part IV of that Act; and".

115 (1) In the same Schedule, paragraph 9 (street works) is amended as follows.

(2) In sub-paragraph (1), after "over," insert "in, on,", and for "a street" or, in Scotland, "a road" substitute "a street or, in Scotland, a road".

(3) In sub-paragraph (2), for "in a street which is not a maintainable highway" or, in Scotland, "in a road which is not a public road" substitute "in a street which is not a maintainable highway or, in Scotland, a road which is not a public road".

(4) In sub-paragraph (3), for the words from "a special road" to the end substitute "a special road within the meaning of the Roads (Northern Ireland) Order 1980".

Local Government Act 1985 (c. 51)

116 (1) In Schedule 5 to the Local Government Act 1985, paragraph 6 (guidance as to exercise of traffic powers in London and metropolitan counties) is amended as follows.

(2) In sub-paragraph (1) for "other than trunk roads" substitute "other than those for which he is the traffic authority".

(3) In sub-paragraph (3)—

(a) in paragraph (b)(i) for "trunk road" substitute "road for which the Secretary of State is the traffic authority", and

(b) in paragraph (c) for the words "trunk road" substitute the words "road for which he is the traffic authority".

Transport Act 1985 (c. 67)

117 (1) The Transport Act 1985 is amended as follows.

(2) In section 7(12) (application of traffic regulation conditions to local bus services; requirement of consent of Secretary of State) for "a trunk road" substitute "a road for which the Secretary of State is the highway or roads authority".

(3) In section 137(1) (interpretation), omit the definition of "trunk road".

Airports Act 1986 (c. 31)

118 (1) Section 62 of the Airports Act 1986 (provisions as to telecommunications apparatus) is amended as follows.

(2) In subsection (2) (cases in which highway authority or owner of subsoil may require alteration of apparatus), for paragraph (b) substitute—

"(b) for the improvement of the highway where the Secretary of State is not the highway authority,".

(3) In subsection (4) (limit on effect of subsection (2)(b), for "authority's works as defined in Part II of the Public Utilities Street Works Act 1950" substitute "major highway works, major bridge works or major transport works within the meaning of Part III of the New Roads and Street Works Act 1991 or, in Scotland, major works for roads purposes, major bridge works or major transport works within the meaning of Part IV of that Act".

Gas Act 1986 (c. 44)

119 (1) Schedule 4 to the Gas Act 1986 (power of public gas suppliers to break up streets, &c.) is amended as follows.

(2) In paragraphs 1(1), (2) (three times) and 4(1) and (2) for "street or bridge" substitute "street".

(3) In paragraph 2(1) for "highway authority" substitute "street authority".

(4) In paragraph 3(2) for "for the purpose of" substitute "only for the purpose of".

(5) Omit paragraph 5(1).

(6) In paragraph 6, omit the definition of "highway authority" and for the definition of "street" substitute—

""street" and "street authority" have the same meaning as in Part III of the New Roads and Street Works Act 1991.".

(7) In paragraph 7 (adaptations for Scotland)—

(a) for sub-paragraph (b) substitute—

"(b) in paragraph 2(1) for the words "street authority" there shall be substituted the words "road works authority";"

(b) omit sub-paragraph (e); and

(c) for sub-paragraph (f) substitute—

"(f) in paragraph 6, for "street" and "street authority" substitute "road" and "road works authority" and for "Part III" substitute "Part IV".".

120 (1) In Schedule 7 to the Gas Act 1986, paragraph 5 (which relates to the operation of certain provisions of the Pipe-lines Act 1962) is amended as follows.

(2) In sub-paragraph (5), in the definition of "street" for "the Public Utilities Street Works Act 1950" substitute "Part III of the New Roads and Street Works Act 1991".

(3) For sub-paragraph (6) substitute—

"(6) In its application to Scotland this paragraph shall have effect with the substitution for any reference to a street of a reference to a road within the meaning of Part IV of the New Roads and Street Works Act 1991.".

Road Traffic Act 1988 (c. 52)

121 (1) The Road Traffic Act 1988 is amended as follows.

(2) In section 22A(3)(c)(i), omit the words "section 8 of the Public Utilities Street Works Act 1950".

(3) In section 39 (provisions with respect to road safety)—

(a) in subsection (3)(a) (duty of local authority as to study of road accidents), for "trunk roads" substitute "roads for which the Secretary of State is the highway authority (in Scotland, roads authority)";

(b) in subsection (3)(b) (duties as to taking of measures in light of studies), for "roads for which they are the highway authority (in Scotland, local roads authority)" substitute "roads for the maintenance of which they are responsible".

(4) In section 192(1) (general interpretation), for the definition of "highway authority" substitute—

""highway authority", in England and Wales, means—

(a) in relation to a road for which he is the highway authority within the meaning of the Highways Act 1980, the Secretary of State, and

(b) in relation to any other road, the council of the county, metropolitan district or London borough, or the Common Council of the City of London, as the case may be;".

Water Act 1989 (c. 15)

122 (1) The Water Act 1989 is amended as follows.

(2) In section 132(8) (certain works to be treated as emergency works), for "section 39(1) of the Public Utilities Street Works Act 1950" substitute "section 52 of the New Roads and Street Works Act 1991".

(3) In section 189(1) (general interpretation provisions), for the definition of "street" substitute—

""street" has the same meaning as in Part III of the New Roads and Street Works Act 1991;".

(4) In Schedule 19 (provisions as to laying and maintenance of pipes), in paragraphs 3(2) and 10(5)(a) (which relate to emergency works) for "within the meaning of the

Public Utilities Street Works Act 1950" substitute "as defined in section 52 of the New Roads and Street Works Act 1991".

Electricity Act 1989 (c. 29)

123 (1) In Schedule 4 to the Electricity Act 1989 (powers of licence-holders), paragraph 1 (street works in England and Wales) is amended as follows.

(2) In sub-paragraph (2) (consent required for placing of certain structures in the street), for the words from "exercisable only" to the end substitute "exercisable only with the consent of the street authority; but such consent shall not be unreasonably withheld".

(3) In sub-paragraph (4) (consent required in certain cases for breaking up or opening street)—

(a) for "a street falling within paragraph (b) or (c) of sub-paragraph (2) above" substitute "a street which is not a maintainable highway", and

(b) for "the person mentioned in that paragraph" substitute "the street authority".

(4) For sub-paragraph (8) (savings) substitute—

"(8) Nothing in sub-paragraph (1) above shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949.".

(5) For sub-paragraph (9) (interpretation) substitute—

"(9) In this paragraph "maintainable highway", "street" and "street authority" have the same meaning as in Part III of the New Roads and Street Works Act 1991.".

124 (1) In the same Schedule, paragraph 2 (road works in Scotland) is amended as follows.

(2) In sub-paragraph (2) (consent required for placing of certain structures in the road), for the words from "exercisable only" to the end substitute "exercisable only with the consent of the road works authority; but such consent shall not be unreasonably withheld".

(3) In sub-paragraph (4) (consent required in certain cases for breaking up or opening road)—

(a) for "a road or bridge falling within paragraph (b) or (c) of sub-paragraph (2) above" substitute "a road which is not a public road", and

(b) for "the person mentioned in that paragraph" substitute "the road works authority".

(4) For sub-paragraph (8) (savings) substitute—

"(8) Nothing in sub-paragraph (1) above shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949.".

(5) For sub-paragraph (9) (interpretation) substitute—

"(9) In this paragraph "public road", "road" and "road works authority" have the same meaning as in Part IV of the New Roads and Street Works Act 1991.".

125 In the same Schedule, in paragraph 12 (interpretation), omit the definitions of "navigation authority" and "railway authority".

Town and Country Planning Act 1990 (c. 8)

126 (1) Section 256 of the Town and Country Planning Act 1990 (provisions as to telecommunications apparatus) is amended as follows.

(2) In subsection (3) (power of local highway authority to require alteration of apparatus) for "highway, other than a trunk road" substitute "highway for which the Secretary of State is not the highway authority".

(3) In subsection (4) (limitation of power under subsection (3)) for "authority's works as defined in Part II of the Public Utilities Street Works Act 1950" substitute "major highway works, major bridge works or major transport works within the meaning of Part III of the New Roads and Street Works Act 1991".

Natural Heritage (Scotland) Act 1991 (c. 28.)

127 In paragraph 5(4) of Schedule 7 to the Natural Heritage (Scotland) Act 1991 (works under drought orders), for "section 39(1) of the Public Utilities Street Works Act 1950" substitute "section 111 of the New Roads and Street Works Act 1991".