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STATUTORY INSTRUMENTS

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**1992 No. 2984**

The New Roads and Street Works Act 1991 (Commencement No. 5 and Transitional Provisions and Savings) Order 1992

PART II

TRANSITIONAL PROVISIONS AND SAVINGS

**Duty of undertaker to reinstate**

9. An undertaker shall not be subject to the provisions of section 70 of the 1991 Act if—
- (a) the street authority has elected to execute permanent reinstatement in accordance with the provisions of the Third Schedule(1) to the 1950 Act and the undertaker is treated for the purposes of paragraph 5(2) of the said Schedule as having completed his works and such of the permanent reinstatement and making good as by virtue of the 1950 Act he is obliged to execute, provided however that an authority electing to exercise permanent reinstatement as aforesaid may not recover the cost of reinstatement from an undertaker unless the reinstatement has been completed on or before 31st December 1993 and an account has been rendered to the undertaker on or before 31st March 1994; or
  - (b) the undertaker has begun permanent reinstatement on or before 31st December 1992; or
  - (c) the street authority and the undertaker have agreed on or before 31st December 1992 that the street authority should execute permanent reinstatement and the reinstatement is executed in accordance with that agreement.

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(1) The Third Schedule was amended by the Criminal Justice Act 1982 (c. 48), sections 38 and 46 and by the Telecommunications Act 1984, section 109(1) and Schedule 4, paragraph 29(2).