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STATUTORY INSTRUMENTS

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**2002 No. 412**

**The Chester Guided Busway Order 2002**

**PART II**

**WORKS PROVISIONS**

*Streets*

**Power to alter layout of streets**

**6.**—(1) The Council may alter the layout of any street in the City of Chester specified in column (1) of Schedule 3 to this Order in the manner specified in relation to that street in column (2) of that Schedule.

(2) Without prejudice to the powers conferred by article 4 or paragraph (1) but subject to paragraph (3), the Council may for the purpose of constructing, maintaining or using the authorised guided busway alter the layout of any street within the limits of land to be acquired; and, without prejudice to the generality of the foregoing, the Council may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;
- (b) alter the level or increase the width of any kerb, footpath, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street by forming a reserved area in the street as a stopping place for buses or by carrying out other works; and
- (d) carry out works for the provision or alteration of parking places and bus lay-bys.

(3) The powers in paragraph (2) shall not be exercised without the consent of the street authority, but such consent shall not be unreasonably withheld.

**Power to keep apparatus in streets**

**7.**—(1) The Council may, for the purposes of or in connection with the construction, maintenance and use of the authorised works, place and maintain in any street within the limits of land to be acquired any work, equipment or apparatus.

(2) In this article—

- (a) “apparatus” has the same meaning as in Part III of the 1991 Act, and
- (b) the reference to any work, equipment or apparatus in a street includes a reference to any work, equipment or apparatus under, over, along or upon the street.

**Power to execute street works**

**8.** The Council may, for the purpose of exercising the powers conferred by article 7 and the other provisions of this Order, enter upon any street within the limits of land to be acquired and execute any works required for or incidental to the exercise of those powers including, without prejudice

to the generality of the foregoing, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street.

### **Temporary stopping up of streets**

**9.—**(1) The Council may, during and for the purposes of the execution of the authorised works, temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street, and
- (b) subject to paragraph (2), prevent all persons from passing along the street.

(2) The Council shall provide reasonable access for pedestrians going to or from premises abutting on a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access.

(3) The Council shall not exercise the powers of this article in relation to any street without the consent of the street authority, but such consent shall not be unreasonably withheld.

(4) In relation to any stopping up, alteration or diversion of a street by the Council under the powers conferred by this article, the provisions of the 1991 Act mentioned in paragraph (5), and any regulations made, or code of practice issued or approved under those provisions, shall apply (with the necessary modifications) where no street works are executed in that street as they would apply if the stopping up, alteration or diversion were occasioned by street works executed in that street by the Council.

(5) The provisions of the 1991 Act referred to in paragraph (4) are—

- section 54 (advance notice of certain works);
- section 55 (notice of starting date of works);
- section 59 (general duty of street authority to co-ordinate works);
- section 60 (general duty of undertakers to co-operate);
- section 69 (works likely to affect other apparatus in the street);
- section 76 (liability for cost of temporary traffic regulation);
- section 77 (liability for cost of use of alternative route); and

all such other provisions as apply for the purposes of the provisions mentioned above.

### **Maintenance of altered streets**

**10.—**(1) Where a street is altered under this Order, the altered part of the street shall when completed to the reasonable satisfaction of the street authority, unless otherwise agreed, be maintained by and at the expense of the Council for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(2) Nothing in this article shall prejudice the operation of section 87 of the 1991 Act (respectively maintainable highways); and the Council shall not by reason of any duty under this article to maintain a street be taken to be the street authority in relation to that street for the purposes of Part III of that Act.

(3) Nothing in this article shall have effect in relation to the street works as respects which the provisions of Part III of the 1991 Act apply.

### **Agreements with street authorities**

**11.—**(1) A street authority and the Council may enter into agreements with respect to—

- (a) any stopping up, alteration or diversion of a street under the powers conferred by this Order; and

- (b) the execution in the street of any of the works referred to in article 8.
- (2) Such an agreement may, without prejudice to the generality of paragraph (1)—
  - (a) make provision for the street authority to carry out any function under this Order which relates to the street in question; and
  - (b) contain such terms as to payment and otherwise as the parties consider appropriate.