

Status: Point in time view as at 02/09/2022.

Changes to legislation: New Roads and Street Works Act 1991, Cross Heading: Requirement of plan and section is up to date with all changes known to be in force on or before 06 July 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)

SCHEDULES

SCHEDULE 4

STREETS WITH SPECIAL ENGINEERING DIFFICULTIES

Modifications etc. (not altering text)

C1 Sch. 4 modified (27.11.1992) by S.I. 1992/2984, art. 3(2)

Requirement of plan and section

- 2 (1) In a street with special engineering difficulties street works (other than emergency 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 not be executed until a plan and section of the works have been settled by agreement between the undertaker and each of the relevant authorities or by arbitration.
- (2) For that purpose an undertaker proposing to execute any such works shall submit a plan and section of them to each relevant authority.
- 3 Emergency works may be executed without a plan and section being so submitted or settled, but as soon as is reasonably practicable after the execution of the works the undertaker shall furnish a plan and section of the works to each relevant authority.
- 4 (1) In the case of a street which is not a maintainable highway and which the street managers have no liability to the public to maintain or repair, the undertaker may give the street managers a notice stating—
- (a) the general effect of the works proposed or, as the case may be, of the emergency works executed, and
 - (b) that it is a notice given for the purposes of this paragraph.
- (2) Where such a notice is given paragraphs 2 and 3 do not apply if the street managers do not, within 10 working days from the date on which the notice was given to them, give notice to the undertaker requiring the submission or furnishing of a plan and section to them.
- 5 (1) A relevant authority to whom a plan and section of works are required to be submitted or furnished may accept as, or in lieu of, a plan and section any description of the works, whether in diagram form or not, which appears to them to be sufficient.
- (2) References in this Schedule to a plan and section include any such description so submitted or furnished to the form of which the relevant authority have not objected within the time allowed under paragraph 7(2) below.
- 6 If an undertaker—
- (a) executes any works in contravention of paragraph 2, or

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(b) fails to furnish a plan and section in accordance with paragraph 3,
he commits an offence and is liable on summary conviction to a fine not exceeding
[^{F1}level 5] on the standard scale.

Textual Amendments

F1 Words in [Sch. 4 para. 6](#) 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)

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