

Status: Point in time view as at 12/10/2018.

Changes to legislation: New Roads and Street Works Act 1991, Paragraph 108 is up to date with all changes known to be in force on or before 21 August 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 8

MINOR AND CONSEQUENTIAL AMENDMENTS

Extent Information

- E1** [Sch. 8](#) extends to England and Wales and to Scotland or Northern Ireland also if amended enactment so extends see [s. 169](#)

PART IV

AMENDMENTS OF OTHER ENACTMENTS

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)—

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- (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 ”.

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