



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART III

#### STREET WORKS IN ENGLAND AND WALES

##### *Supplementary provisions*

#### **105 Minor definitions.**

(1) In this Part—

“apparatus” includes any structure for the lodging therein of apparatus or for gaining access to apparatus;

“carriageway” and “footway” have the same meaning as in the <sup>M1</sup>Highways Act 1980;

“enactment” includes an enactment contained in subordinate legislation within the meaning of the <sup>M2</sup>Interpretation Act 1978;

“in”, in a context referring to works, apparatus or other property in a street or other place includes a reference to works, apparatus or other property under, over, across, along or upon it;

“railway” includes a light railway other than one in the nature of a tramway (see the definition of “tramway” below);

“reinstatement” includes making good;

“special enactment” means an enactment which is not a public general enactment, and includes—

- (a) any Act for confirming a provisional order,
- (b) any provision of a public general Act in relation to the passing of which any of the Standing Orders of the House of Lords or the House of Commons relating to Private Business applied, and
- (c) any enactment to the extent that it is incorporated or applied for the purposes of a special enactment;

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“statutory right” means a right (whether expressed as a right, a power or otherwise) conferred by an enactment (whenever passed or made), other than a right exercisable by virtue of a street works licence;

“traffic” includes pedestrians and animals;

“traffic authority” and “traffic sign” have the same meaning as in the <sup>M3</sup>Road Traffic Regulation Act 1984;

“tramway” means a system, mainly or exclusively for the carriage of passengers, using vehicles guided, or powered by energy transmitted, by rails or other fixed apparatus installed exclusively or mainly in a street.

- (2) A right to execute works which extends both to a street and to other land is included in references in this Part to a right to execute works in a street in so far as it extends to the street.
- (3) A right to execute works which extends to part of the street but not the whole is included in references in this Part to a right to execute works in a street; and in relation to such a right references in this Part to the street in which it is exercisable shall be construed as references to the part to which the right extends.
- (4) For the purposes of this Part apparatus shall be regarded as affected by works if the effect of the works is to prevent or restrict access to the apparatus (for example, by laying other apparatus above or adjacent to it).
- (5) Section 28 of the <sup>M4</sup>Chronically Sick and Disabled Persons Act 1970 (power to define “disability” and other expressions) applies in relation to the provisions of this Part as to the provisions of that Act.

#### Modifications etc. (not altering text)

- C1** Pt. 3 applied (with modifications) (9.4.2013) by [The Hinkley Point C \(Nuclear Generating Station\) Order 2013 \(S.I. 2013/648\)](#), arts. 1, **9** (with arts. 48, 68, 79)
- C2** Pt. 3 restricted (6.8.2014) by [The Rampion Offshore Wind Farm Order 2014 \(S.I. 2014/1873\)](#), art. 1, **Sch. 12 Pt. 2 para. 3** (with arts. 12, 13, Sch. 12 Pt. 1 paras. 6(3), 19, Pt. 2 paras. 3, 6, 13, Pt. 3 para. 5, Pt. 4 para. 4, Pt. 5 para. 4)
- C3** Pt. 3 modified (24.9.2014) by [The Thames Water Utilities Limited \(Thames Tideway Tunnel\) Order 2014 \(S.I. 2014/2384\)](#), arts. 1, **10(5)**, 11(4)
- C4** Pt. 3 applied (with modifications) (2.8.2016) by [The Midland Metro \(Wolverhampton City Centre Extension\) Order 2016 \(S.I. 2016/684\)](#), arts. 1, **5(1)(2)** (with arts. 46, 47, Sch. 8 para. 2(7), Sch. 9 para. 4, Sch. 10 para. 12(2))
- C5** S. 105 modified (E.) (1.4.2008) by [The Traffic Management Permit Scheme \(England\) Regulations 2007 \(S.I. 2007/3372\)](#), regs. 1(1), **37(8)** (with reg. 35)
- C6** S. 105 modified (W.) (1.6.2009) by [The Traffic Management Permit Scheme \(Wales\) Regulations 2009 \(S.I. 2009/1267\)](#), regs. 1, **37(8)**
- C7** S. 105 modified (25.1.2010) by [The Traffic Management \(Kent County Council\) Permit Scheme Order 2009 \(S.I. 2009/3188\)](#), art. 1, **Sch. Appendix B**
- C8** Ss. 54-106 applied (28.2.2013) by [The Rookery South \(Resource Recovery Facility\) Order 2011 2013 \(S.I. 2013/680\)](#), **art. 10(3)**
- C9** Ss. 54-106 applied (9.4.2013) by [The Lancashire County Council \(Torrisholme to the M6 Link \(A683 Completion of Heysham to M6 Link Road\)\) Order 2013 \(S.I. 2013/675\)](#), arts. 1, **9(2)**
- C10** S. 105 modified (29.4.2013) by [The Traffic Management \(Salford City Council\) Permit Scheme Order 2013 \(S.I. 2013/810\)](#), arts. 1, 2, Sch. Appendix C
- C11** S. 105 modified (29.4.2013) by [The Traffic Management \(Oldham Borough Council\) Permit Scheme Order 2013 \(S.I. 2013/808\)](#), arts. 1, 2, Sch. Appendix C

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- C12** S. 105 modified (29.4.2013) by The Traffic Management (Rochdale Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/809), arts. 1, 2, Sch. Appendix C
- C13** S. 105 modified (29.4.2013) by The Traffic Management (Bury Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/814), arts. 1, 2, Sch. Appendix C
- C14** S. 105 modified (29.4.2013) by The Traffic Management (The Council of the City of Manchester) Permit Scheme Order 2013 (S.I. 2013/811), arts. 1, 2, Sch. Appendix C
- C15** S. 105 modified (29.4.2013) by The Traffic Management (Tameside Metropolitan Borough Council) Permit Scheme Order 2013 (S.I. 2013/806), arts. 1, 2, Sch. Appendix C
- C16** S. 105 modified (29.4.2013) by The Traffic Management (Wigan Borough Council) Permit Scheme Order 2013 (S.I. 2013/812), arts. 1, 2, Sch. Appendix C
- C17** S. 105 modified (29.4.2013) by The Traffic Management (The Metropolitan Borough Council of Stockport) Permit Scheme Order 2013 (S.I. 2013/805), arts. 1, 2, Sch. Appendix C
- C18** S. 105 modified (29.4.2013) by The Traffic Management (The Borough Council of Bolton) Permit Scheme Order 2013 (S.I. 2013/813), arts. 1, 2, Sch. Appendix C
- C19** Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)
- C20** Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)
- C21** S. 105 modified (1.10.2013) by The Traffic Management (Derby City Council) Permit Scheme Order 2013 (S.I. 2013/1781), arts. 1, 2, **Sch. para. 2.4**
- C22** S. 105 modified (4.11.2013) by The Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 (S.I. 2013/2398), art. 1, Sch. para. 1.5, Appendix A
- C23** S. 105 modified (11.11.2013) by The Traffic Management (East Sussex County Council) Permit Scheme Order 2013 (S.I. 2013/2399), arts. 1, 2, **Sch. para. 2.12.2**
- C24** S. 105 modified (11.11.2013) by The Traffic Management (Surrey County Council) Permit Scheme Order 2013 (S.I. 2013/2389), arts. 1, 2, **Sch. para. 2.12.2**
- C25** Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)
- C26** Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)
- C27** Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)
- C28** Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)
- C29** Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)
- C30** Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)
- C31** Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**
- C32** S. 105 modified (19.1.2015) by The Traffic Management (Wokingham Borough Council) Permit Scheme Order 2014 (S.I. 2014/3105), arts. 1, 2, **Sch. para. 2.12.2**
- C33** S. 105 modified (2.2.2015) by The Traffic Management (Warrington Borough Council) Permit Scheme Order 2014 (S.I. 2014/3108), arts. 1, 2, **Sch. para. 1.8**
- C34** S. 105 modified (2.2.2015) by The Traffic Management (Cheshire West and Chester Borough Council) Permit Scheme Order 2014 (S.I. 2014/3106), arts. 1, 2, **Sch. para. 1.8**
- C35** S. 105 modified (2.2.2015) by The Traffic Management (Sefton Metropolitan Borough Council) Permit Scheme Order 2014 (S.I. 2014/3107), arts. 1, 2, **Sch. para. 1.9**
- C36** Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeh Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**

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- C37** S. 105 modified (9.2.2015) by The Traffic Management (North Tyneside Council) Permit Scheme Order 2014 (S.I. 2014/3109), arts. 1, 2, **Sch. para. 1.5, Appendix E**
- C38** Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**
- C39** S. 105 modified (1.3.2015) by The Traffic Management (West Berkshire Council) Permit Scheme Order 2014 (S.I. 2014/3110), arts. 1, 2, **Sch. para. 2.12.2**
- C40** S. 105 modified (2.3.2015) by The Traffic Management (Knowsley Metropolitan Borough Council) Permit Scheme Order 2015 (S.I. 2015/34), arts. 1, 2, **Sch. para. 1.8**
- C41** S. 105 modified (4.3.2015) by The Traffic Management (Slough Borough Council) Permit Scheme Order 2014 (S.I. 2014/3112), arts. 1, 2, **Sch. para. 2.12.2**
- C42** S. 105 modified (9.3.2015) by The Traffic Management (Lancashire County Council) Permit Scheme Order 2015 (S.I. 2015/38), arts. 1, 2, **Sch. para. 1.8**
- C43** Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)
- C44** S. 105 modified (30.3.2015) by The Traffic Management (Brighton and Hove City Council) Permit Scheme Order 2015 (S.I. 2015/90), art. 1, **Sch. para. 2.8.1**
- C45** S. 105 modified (30.3.2015) by The Traffic Management (Southampton City Council) Permit Scheme Order 2015 (S.I. 2015/105), art. 1, **Sch. para. 2.8.1**
- C46** S. 105 modified (30.3.2015) by The Traffic Management (Milton Keynes Council) Permit Scheme Order 2015 (S.I. 2015/91), art. 1, **Sch. para. 2.7.1**
- C47** S. 105 modified (31.3.2015) by The Traffic Management (Derbyshire County Council) Permit Scheme Order 2015 (S.I. 2015/107), art. 1, **Sch. para. 3.5**
- C48** Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)
- C49** Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**
- C50** Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)
- C51** Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)
- C52** Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**
- C53** Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)
- C54** Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**
- C55** Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)
- C56** Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)
- C57** Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
- C58** Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
- C59** Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)

#### Marginal Citations

- M1** 1980 c. 66.  
**M2** 1978 c. 30.  
**M3** 1984 c. 27.

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**M4** 1970 c. 44.

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