

## SCHEDULES

### SCHEDULE 24

Section 34

#### STREET WORKS

##### *Works in or near highways*

- 1 (1) The following enactments (which control obstructions of the highway in connection with works relating to buildings) do not apply to anything erected, placed or retained in, upon or over a highway for the purposes of or in connection with the exercise of the powers conferred by this Act—
  - (a) section 15(1) of the [Greater London Council \(General Powers\) Act 1970 \(c. lxxvi\)](#), and
  - (b) section 169(1) of the Highways Act 1980.
- (2) Section 141 of the Highways Act 1980 (restriction on planting trees or shrubs in or near carriageway) does not apply to any tree or shrub planted for the purposes of or in connection with the exercise of the powers conferred by this Act.
- (3) Section 167 of the Highways Act 1980 (powers relating to retaining walls near streets) does not apply to any length of a retaining wall erected on land held by the Secretary of State or by the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.
- (4) Nothing in section 8(2) to (5) of the [Greater London Council \(General Powers\) Act 1986 \(c. iv\)](#) (power of borough councils in relation to retaining walls supporting the carriageway or footway of certain highways) applies with respect to any retaining wall erected in exercise of the powers conferred by this Act.
- (5) The provisions of this paragraph apply in relation to a highway for which the Secretary of State or a strategic highways company is the highway authority only if the Secretary of State or the strategic highways company consents (and consent may be subject to conditions).

##### *Street works*

- 2 (1) The powers conferred by section 56(1) and (1A) of the New Roads and Street Works Act 1991 (powers to give directions as to the timing of proposed and subsisting street works) do not apply in relation to works proposed to be, or being, carried out under the powers conferred by this Act.
- (2) Section 56A of that Act (power to give directions as to placing of apparatus) does not apply in relation to the placing of apparatus in exercise of the powers conferred by this Act.
- (3) No restriction under section 58(1) of that Act (power to impose restriction on execution of street works following completion of substantial road works) has effect in relation to works carried out under the powers conferred by this Act.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Section 61(1) of that Act (under which the consent of the street authority is required for the placing of apparatus in a protected street) does not apply to the placing of apparatus in exercise of the powers conferred by this Act.
- (5) Section 62(2) of that Act (power following designation of protected street to require removal or repositioning of apparatus already placed in the street) does not apply in relation to apparatus placed in exercise of the powers conferred by this Act.
- (6) Section 62(4) of that Act (power, when designation as protected street commences or ceases, to give directions with respect to works in progress) does not apply in relation to works being carried out under the powers conferred by this Act.
- (7) Section 63(1) of that Act (under which Schedule 4 to that Act has effect for requiring the settlement of a plan and section of street works to be executed in a street designated by the street authority as having special engineering difficulties) does not apply in relation to works to be executed under the powers conferred by this Act.
- (8) The power conferred by section 73A(1) of that Act (power to require undertaker to re-surface street) may not be exercised in relation to an undertaker who is within subsection (2) of that section because of—
  - (a) having given a notice in respect of works proposed to be carried out under the powers conferred by this Act, or
  - (b) executing, or having executed, works under those powers.
- (9) Nothing in section 74A of that Act (power to make regulations requiring payment of charges for street works), or in regulations made under it, applies in relation to the execution of works under the powers conferred by this Act.
- (10) No contribution is payable under section 78A(1)(b) of that Act (contributions by other undertakers to costs incurred in executing works specified in a re-surfacing notice) because of the execution of works under the powers conferred by this Act.
- (11) Schedule 3A to that Act (restriction on works following substantial street works) does not apply where a notice under section 54 (advance notice of certain works) or section 55 (notice of starting date of works) of that Act is in respect of works to be executed under the powers conferred by this Act.
- (12) No notice under paragraph 2(1)(d) of that Schedule (power by notice to require notification of works which an undertaker proposes to carry out in a part of a highway to which a proposed restriction applies) has effect to require the notification of works proposed to be carried out under the powers conferred by this Act.
- (13) No directions under paragraph 3 of that Schedule (directions as to the date on which undertakers may begin to execute proposed works) may be issued to the nominated undertaker.
- (14) Paragraph 3(4) of that Schedule (under which it is an offence for an undertaker to execute street works before the completion of certain other street works) does not apply in relation to the execution of works under the powers conferred by this Act.
- (15) Paragraph 5(1) of that Schedule (effect of direction under paragraph 4 restricting further works) does not apply in relation to the execution of works under the powers conferred by this Act.
- (16) The provisions of this paragraph apply in relation to a street for which the Secretary of State or a strategic highways company is the street authority only if the Secretary

of State or the strategic highways company consents (and consent may be subject to conditions).

*Permit schemes*

- 3 (1) Nothing in Part 3 of the Traffic Management Act 2004 (permit schemes), or in any permit scheme or permit regulations under that Part, applies in relation to the carrying out of works under the powers conferred by this Act.
- (2) This paragraph applies in relation to—
- (a) a permit scheme under Part 3 of the 2004 Act in respect of a street for which the Secretary of State or a strategic highways company is the highway authority, or
  - (b) a permit scheme prepared by the Secretary of State under section 33(4) of the 2004 Act,
- only if the relevant authority consents (and consent may be subject to conditions).
- (3) “The relevant authority” means—
- (a) in relation to a permit scheme mentioned in sub-paragraph (2)(a), the person who is the highway authority in respect of the street, and
  - (b) in relation to a permit scheme mentioned in sub-paragraph (2)(b), the Secretary of State.