
STATUTORY INSTRUMENTS

2022 No. 299

The Bridgwater Tidal Barrier Order 2022

PART 1

PRELIMINARY

Application of streets and traffic regulation

3.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway must be treated for the purposes of Part 3 of the 1991 Act (street works in England and Wales) as major transport works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of that Act (which defines what highway authority works are major highway works); or
- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 of the 1980 Act⁽¹⁾ (dual carriageways and roundabouts) or section 184 of that Act⁽²⁾ (vehicle crossings).

(2) In Part 3 of the 1991 Act references, in relation to major highway works, to the highway authority concerned must, in relation to works which are major transport works by virtue of paragraph (1), be construed as references to the Agency.

(3) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers conferred by this Order—

- (a) section 56⁽³⁾ (directions as to timing of street works);
- (b) section 56A⁽⁴⁾ (power to give directions as to placing of apparatus);
- (c) section 58⁽⁵⁾ (restrictions following substantial road works);
- (d) section 73A (power to require undertaker to re-surface street);
- (e) section 73B (power to specify timing etc. of re-surfacing);
- (f) section 73C (materials, workmanship and standard of re-surfacing);
- (g) section 78A (contributions to costs of re-surfacing by undertaker); and
- (h) Schedule 3A⁽⁶⁾ (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5), which, together with other provisions of that Act, apply in relation to the execution of street works and any regulations made, or code of practice issued or approved under those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the Agency

(1) Section 64 was amended by Schedule 17 to the Local Government Act 1985 (c. 51) and Schedule 9 to the 1991 Act.
(2) Section 184 was amended by sections 35 and 46 of the Criminal Justice Act 1982 (c. 48), by section 4 of, and paragraph 45(11) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and by Part 1 of Schedule 8 to the 1991 Act.
(3) Section 56 was amended by sections 40 and 43 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).
(4) Section 56A was inserted by section 44 of the Traffic Management Act 2004.
(5) Section 58 was amended by sections 40 and 51 of, and Schedule 1 to, the Traffic Management Act 2004.
(6) Schedule 3A was inserted by Schedule 4 to the Traffic Management Act 2004 (c. 18).

under the powers conferred by article 11 (temporary stopping up and diversion of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

- (5) The provisions of the 1991 Act(7) referred to in paragraph (4) are—
- (a) section 54(8) (advance notice of certain works) subject to paragraph (6);
 - (b) section 55(9) (notice of starting date of works) subject to paragraph (6);
 - (c) section 57(10) (notice of emergency works);
 - (d) section 59(11) (general duty of street authority to co-ordinate works);
 - (e) section 60(12) (general duty of undertakers to co-operate);
 - (f) section 68(13) (facilities to be afforded to street authority);
 - (g) section 69(14) (works likely to affect other apparatus in the street);
 - (h) section 76 (liability for cost of temporary traffic regulation);
 - (i) section 77 (liability for cost of use of alternative route); and
 - (j) all such other provisions as apply for the purposes of the provisions mentioned in subparagraphs (a) to (i).

(6) Section 57 as applied by paragraph (5) has effect as if references to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(7) Part 3 of the Traffic Management Act 2004(15) and any permit scheme made under that Part do not apply in relation to any works executed under this Order.

(7) Sections 54, 55, 57, 60, 68 and 69 were amended by sections 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004.

(8) Section 54 was amended by section 40(1) and (2) and section 49(1) of, and Schedule 1 to, the Traffic Management Act 2004.

(9) Section 55 was amended by sections 40(1) and (2), 49(2) and 51(9) of, and Schedule 1 to, the Traffic Management Act 2004.

(10) Section 57 was amended by sections 40(1) and (2) and 52(3) of, and Schedule 1 to, the Traffic Management Act 2004.

(11) Section 59 was amended by sections 40(1) and (2), and 42 of, and Schedule 1 to, the Traffic Management Act 2004.

(12) Section 60 was amended by sections 40(1) and (2) of, and Schedule 1 to the Traffic Management Act 2004.

(13) Section 68 was amended by sections 40(1) and (2) of, and Schedule 1 to the Traffic Management Act 2004.

(14) Section 69 was amended by sections 40(1) and (2) of, and Schedule 1 to the Traffic Management Act 2004.

(15) 2004 c. 18.