



Avon Weir Act 1992

1992 CHAPTER v

PART VI

PROTECTIVE PROVISIONS

54 For protection of highway authority

For the protection of the highway authority the following provisions shall, unless otherwise agreed in writing between the Corporation and the highway authority have effect:—

- (1) In this section “highway” includes any intended highway (including a walkway to be created under section 35 of the Highways Act 1980) construction of which has been commenced but which has not yet been dedicated to public use;
- (2) Before commencing any part of the works the Corporation shall consult the highway authority as to—
 - (a) the programme for the construction of the works so as to secure, so far as may be reasonably practicable, that the duration of any disturbance occasioned by, or in connection with, such construction shall be reduced to a minimum; and
 - (b) any land to be occupied or used by the Corporation or its contractors as a temporary working site for the purposes of such construction, the period for which and the manner in which any such site is to be used and the steps to be taken by the Corporation in order to mitigate injury to the amenity, or interference with the convenience, of other highway users:
- (3) If the construction of any works affects any highway, the Corporation shall submit plans, sections and particulars relating thereto to the highway authority for its approval and notwithstanding anything shown on the deposited plans and the deposited sections the work to which such plans, sections and particulars relate shall not be constructed otherwise than in accordance with such plans, sections and particulars as have been approved by the highway authority as aforesaid provided that, if within 56 days after the submission to it of plans, sections and particulars in accordance with the provisions of this paragraph the highway authority does not signify its approval or disapproval

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thereof and the grounds for such disapproval, it shall be deemed to have approved thereof:

- (4) The Corporation shall consult the highway authority as to the routes proposed to be used by vehicles, machinery and plant, passing to or from any works under construction for the purposes of this Act and shall procure that all such vehicles, machinery and plant (whether belonging to the Corporation or to any contractor or other person) shall comply with such directions as the highway authority may give in respect of such routes and times or manner of their use:
- (5) (a) Before commencing to construct any part of any work which would involve interference with any highway the Corporation shall consult the highway authority as to—
 - (i) the time when that part shall be commenced;
 - (ii) the extent of the surface of the highway which it may be reasonably necessary for the Corporation to occupy in the construction of that part;
 - (iii) the conditions under which that part shall be constructed so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public;and that part shall not be constructed and the surface of the highway shall not be occupied by the Corporation except at the time, to the extent and in accordance with such reasonable conditions as may be agreed between the Corporation and the highway authority;
- (b) Any such highway shall be reinstated by the Corporation in the manner approved by the highway authority and to its satisfaction:
- (6) Any part of the construction of any work which involves interference with the highway shall be carried out under the supervision (if given) and to the reasonable satisfaction of the highway authority:
- (7) No part of the works (whether in or under a highway or elsewhere) shall be constructed in any way which shall have a detrimental effect either temporarily or permanently on the drainage of the surface of any highway:
- (8) The Corporation shall at all reasonable times during the construction of any part of the works that affect a highway or land supporting a highway afford to the surveyor of the highway authority or his duly authorised representatives access to the works for the purposes of inspection:
- (9) It shall be the responsibility of the Corporation at all times during the construction of the works to procure that the works are fenced against the highway:
- (10) (a) Subject to sub-paragraph (b) below, where the Corporation has carried out any works in any highway maintainable at public expense, that highway shall remain vested in and maintained by the highway authority which shall continue to have all such rights in relation to the subsoil and undersurface thereof as may be necessary for the purpose of its functions;
- (b) The Corporation shall be liable to the highway authority for the maintenance or repair of any works it has carried out in or affecting a highway for a period of 12 months after completion of those works:
- (11) The Corporation shall compensate the highway authority for any loss or expenditure it reasonably incurs as a result of subsidence of, or damage to, any highway or any other

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property belonging to, under the control of, or repairable by the highway authority in so far as such may be caused by, or in consequence of, any default of the Corporation, its contractors, servants or agents and whether such subsidence or damage happened during the construction of the works or at any time thereafter:

- (12) The Corporation shall keep the highway authority indemnified against all actions, costs, claims and demands whatsoever (save in so far as the same may arise from the default or negligence of the highway authority, its contractors, servants or agents) brought or made against the highway authority by any person in respect of loss or damage caused by or in consequence of the construction of any of the works and the fact that any act or thing may have been done in accordance with plans, sections and particulars approved by the highway authority or in accordance with any requirements of the highway authority or under its supervision shall not excuse the Corporation from liability under the provisions of this section:
- (13) The Corporation shall repay to the highway authority all reasonable costs, charges and expenses of the highway authority for the examination of the plans, sections and particulars submitted to the highway authority under this section, for supervising any works to highways and for the carrying out of all or any steps in connection with the making of any traffic regulation orders or the carrying out of any other act or thing which the highway authority reasonably deems necessary for the purposes of any traffic management measure in connection with any part of the construction of the works:
- (14) The Corporation shall not except with the highway authority's consent by itself or its contractor or agent deposit any soil, subsoil or other material on any highway and shall not permit any vehicle to obstruct any highway except in so far as such obstruction may be authorised by this Act:
- (15) The Corporation shall not without the consent of the highway authority place any hoarding on any part of the highway.