



# New Roads and Street Works Act 1991

## CHAPTER 22

### NEW ROADS AND STREET WORKS ACT 1991

#### PART I

##### NEW ROADS IN ENGLAND AND WALES

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- 8 Amount of tolls chargeable by concessionaire.
- 9 Amount of tolls chargeable by highway authority.
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34 Variation or revocation of toll order.  
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#### *Further provision with respect to tolls*

- 36 Further provision as to charging of tolls.  
37 Collection of tolls.  
38 Refusal or failure to pay tolls.  
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40 Restriction of access to toll roads.

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47 The Roads (Scotland) Act 1984 and the interpretation of Part II.

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### STREET WORKS IN ENGLAND AND WALES

*Status: Point in time view as at 01/10/2009.*

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- 53 The street works register.

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### *General requirements as to execution of street works*

- 65 Safety measures.
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- 67 Qualifications of supervisors and operatives.
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- 70 Duty of undertaker to reinstate.
- 71 Materials, workmanship and standard of reinstatement.
- 72 Powers of street authority in relation to reinstatement.
- 73 Reinstatement affected by subsequent works.

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- 74 Charge for occupation of the highway where works unreasonably prolonged.
- 74A Charge determined by reference to duration of works.
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- 76 Liability for cost of temporary traffic regulation.
- 77 Liability for cost of use of alternative route.
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*Duties and liabilities of undertakers with respect to apparatus*

- 79 Records of location of apparatus.
- 80 Duty to inform undertakers of location of apparatus.
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- 82 Liability for damage or loss caused.

*Apparatus affected by highway, bridge or transport works*

- 83 Works for road purposes likely to affect apparatus in the street.
- 84 Measures necessary where apparatus affected by major works.
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- 86 Highway authorities, highways and related matters.
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- 89 Public sewers, sewer authorities and related matters.
- 90 Provisions as to reinstatement of sewers, drains or tunnels.
- 91 Transport authorities, transport undertakings and related matters.
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- 93 Works affecting level crossings or tramways.

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- 94 Power of street authority or district council to undertake street works.

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- 96 Recovery of costs or expenses.
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### *The road works register*

- 112 The road works register.
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### *Notice and co-ordination of works*

- 113 Advance notice of certain works.
- 114 Notice of starting date of works.
- 115 Power to give directions as to timing of works.
- 115A Power to give directions as to placing of apparatus
- 116 Notice of emergency works.
- 117 Restriction on works following substantial works carried out for road purposes.
- 118 General duty of road works authority to co-ordinate works.
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- 119A Enforcement of sections 118 and 119: imposition of penalties

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- 120 Protected roads.
- 121 Supplementary provisions as to designation of protected roads.
- 122 Roads with special engineering difficulties.
- 123 Traffic-sensitive roads.

### *General requirements as to execution of road works*

- 124 Safety measures.
- 125 Avoidance of unnecessary delay or obstruction.
- 126 Qualifications of supervisors and operatives.
- 126A Duty of authorities, undertakers etc. to ensure competence of employees etc.
- 127 Facilities to be afforded to road works authority.
- 128 Works likely to affect other apparatus in the road.

### *Reinstatement*

- 129 Duty of undertaker to reinstate.
- 130 Materials, workmanship and standard of reinstatement.
- 131 Powers of road works authority in relation to reinstatement.
- 132 Reinstatement affected by subsequent works.

### *Charges, fees and contributions payable by undertakers*

- 133 Charge for occupation of the road where works unreasonably prolonged.
- 134 Inspection fees.
- 135 Liability for cost of temporary traffic regulation.
- 136 Liability for cost of use of alternative route.
- 137 Contributions to costs of making good long-term damage.

### *Duties and liabilities of undertakers with respect to apparatus*

- 138 Records of location of apparatus.
- 139 Duty to inform undertakers of location of apparatus.
- 140 Duty to maintain apparatus.

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141 Liability for damage or loss caused.

*Apparatus affected by road, bridge or transport works*

142 Works for road purposes likely to affect apparatus in the road.  
143 Measures necessary where apparatus affected by major works.  
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*Provisions with respect to particular authorities and undertakings*

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147 Bridges, bridge authorities and related matters.  
148 Sewers.  
149 Provisions as to reinstatement of sewers, drains or tunnels.  
150 Transport authorities, transport undertakings and related matters.  
151 Special precautions as to displaying of lights.  
152 Works affecting level crossings or tramways.

*Power of road works authority or district council to undertake road works*

153 Power of road works authority or district council to undertake road works.

*Supplementary provisions*

154 Offences.  
154A Fixed penalties for certain offences under this Part  
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158 Arbitration.  
159 Agreements inconsistent with the provisions of this Part.  
160 Effect of this Part on certain existing special enactments or instruments.  
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162 Former controlled land.  
163 Meaning of “prescribed” and regulations generally.  
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167 Crown application.  
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170 Commencement.  
171 Short title.

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## SCHEDULES

### SCHEDULE 1 — Supplementary provisions as to termination of concession

#### *Introductory*

- 1 The provisions of this Schedule apply in relation to the...

#### *Property to vest free from security rights*

- 2 (1) Property vesting in the highway authority shall do so...

#### *Recovery of property taken in distress, &c.*

- 3 (1) Where before the ending of the concession possession of...

#### *Validity of previous discharge of liabilities*

- 4 Where a liability has been discharged before the ending of...

#### *Property subject to covenants, conditions or restrictions*

- 5 Except as provided by paragraph 2, property vesting in the...

#### *Transfer of agreements, &c.*

- 6 (1) Subject to the concession agreement and to paragraph 2,...

#### *Legal or other proceedings*

- 7 (1) Subject to the concession agreement, all legal or other...

#### *Transfer of employees*

- 8 For the purposes of the Transfer of Undertakings (Protection of...

### SCHEDULE 2 — Procedure in Connection with Toll Orders

#### *Publicity for proposals*

- 1 (1) Where the Secretary of State proposes to make a...  
2 (1) The Secretary of State or the local highway authority,...  
3 If it appears to the Secretary of State or, as...  
4 (1) Before or after the end of the period specified...

#### *Making of objections*

- 5 (1) A person who objects to the making or confirmation...

#### *Local inquiry*

- 6 (1) If an objection is received by the Secretary of...

#### *Making or confirmation of order*

- 7 (1) The Secretary of State, after considering—

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*Notice of making or confirmation of order*

8 As soon as may be after a toll order has...

*Special parliamentary procedure where existing highway appropriated or transferred*

9 (1) A toll order shall be subject to special parliamentary...

*Challenge to validity of order or certificate*

10 (1) If a person aggrieved by a toll order desires...

11 (1) In relation to a toll order which is subject...

SCHEDULE 3 — Street works licences

*Grant of licence*

1 Before granting a street works licence the street authority shall...

2 The street authority may require the payment of—

*Conditions attached to licence*

3 A street authority may attach to a street works licence...

4 Where assignment of a street works licence is permitted, a...

*Notice of change of ownership, &c.*

5 (1) Where the licensee under a street works licence proposes—...

*Withdrawal of licence*

6 (1) The street authority may by notice in writing served...

*Removal of apparatus*

7 (1) Where a street works licence expires or is withdrawn...

*Obligation of licensee to indemnify street authority*

8 (1) The licensee under a street works licence shall indemnify...

*Appeal against decision of local highway authority*

9 (1) Where the apparatus in respect of which an application...

SCHEDULE 3A — Restriction on works following substantial street works

1 Introductory

2 Notice by authority of proposed restriction

3 Completion of notified works

4 Direction restricting further works

5 Effect of direction imposing restriction

6 Supplementary

SCHEDULE 4 — Streets with special engineering difficulties

*Introductory*

1 In this Schedule a “street with special engineering difficulties” means...



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### *Requirement of plan and section*

- 2 (1) In a street with special engineering difficulties street works...
- 3 Emergency works may be executed without a plan and section...
- 4 (1) In the case of a street which is not...
- 5 (1) A relevant authority to whom a plan and section...
- 6 If an undertaker— (a) executes any works in contravention of...

### *Procedure on submission of plan and section*

- 7 (1) A relevant authority to whom there is submitted a...
- 8 (1) Where a relevant authority give notice approving the plan...
- 9 A sewer authority or bridge authority may not give notice—...

### *Settlement of plan and section by arbitration*

- 10 (1) The duty of the arbitrator where a matter is...
- 11 (1) Where the reference relates to the placing, altering or...

### *Objection to works executed without plan and section being settled*

- 12 (1) This paragraph applies where street works have been executed...

### *Execution of works in accordance with plan and section*

- 13 (1) An undertaker executing street works in a street with...

## SCHEDULE 4A — fixed penalty offences under part 3

### SCHEDULE 4B — Fixed penalties for certain offences under Part 3

- 1 Power to give fixed penalty notices
- 2 A fixed penalty notice for an offence may not be...
- 3 Contents of fixed penalty notice
- 4 The amount of the penalty and the period for payment
- 5 The discounted amount
- 6 Effect of notice and payment of penalty
- 7 Power to withdraw notices
- 8 General and supplementary
- 9 The Secretary of State may by regulations—

## SCHEDULE 5 — Procedure for making certain orders under Part III

### *Publication of proposals*

- 1 Where the Secretary of State proposes to make an order...

### *Notice to parties affected*

- 2 Not later than the day on which the notice is...

### *Local inquiry*

- 3 (1) The Secretary of State shall cause a local inquiry...
- 4 (1) The provisions of section 250(2) to (5) of the...

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### *Making of order*

- 5 After considering any objections to the order which are not...

### *Special parliamentary procedure*

- 6 If any objection is duly made by a person required...

## SCHEDULE 6 — Roads with special engineering difficulties

### *Introductory*

- 1 In this Schedule a “road with special engineering difficulties” means...

### *Requirement of plan and section*

- 2 (1) In a road with special engineering difficulties road works...  
3 Emergency works may be executed without a plan and section...  
4 (1) In the case of a road which is not...  
5 (1) A relevant authority to whom a plan and section...  
6 If an undertaker— (a) executes any works in contravention of...

### *Procedure on submission of plan and section*

- 7 (1) A relevant authority to whom there is submitted a...  
8 (1) Where a relevant authority give notice approving the plan...  
9 Scottish Water or a bridge authority may not give notice—...

### *Settlement of plan and section by arbitration*

- 10 (1) The duty of the person to whom it falls, ...  
11 (1) Where the reference relates to the placing, altering or...

### *Objection to works executed without plan and section being settled*

- 12 (1) This paragraph applies where road works have been executed...

### *Execution of works in accordance with plan and section*

- 13 (1) An undertaker executing road works in a road with...

## SCHEDULE 6A — FIXED PENALTY OFFENCES UNDER PART 4

## SCHEDULE 6B — FIXED PENALTIES FOR CERTAIN OFFENCES UNDER PART 4

### *Power to give fixed penalty notices*

- 1 (1) An authorised officer of a road works authority may, ...  
2 A fixed penalty notice for an offence may not be...

### *Contents of fixed penalty notice*

- 3 (1) A fixed penalty notice shall identify the offence to...

### *The amount of the penalty and the period for payment*

- 4 (1) The penalty for a fixed penalty offence is (subject...

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*The discounted amount*

5 (1) A discounted amount is payable instead of the amount...

*Effect of notice and payment of penalty*

6 (1) This paragraph applies where a person is served with...

*Request for hearing*

7 (1) A person to whom a fixed penalty notice has...

*Power to withdraw notices*

8 (1) If the road works authority consider (whether after holding...

*Effect of prosecution on notice*

9 Where proceedings for an offence in respect of which a...

*Recovery of unpaid fixed penalties*

10 Subject to paragraphs 8 and 9, where a fixed penalty...

*Judicial determination of enforcement of fixed penalty*

11 (1) A person against whom a fixed penalty bears to...

*General and supplementary*

12 (1) The road works authority shall, subject to sub-paragraph (2),...

13 (1) Fixed penalty notices may not be given in such...

14 The Scottish Ministers may issue or approve for the purposes...

SCHEDULE 7 — Procedure for making certain orders under Part IV

*Publication of proposals*

1 Where the Secretary of State proposes to make an order...

*Notice to parties affected*

2 Not later than the day on which the notice is...

*Local inquiry*

3 (1) The Secretary of State shall cause a local inquiry...

4 (1) If the Secretary of State so directs, an inquiry...

*Making of order*

5 After considering any objections to the order which are not...

*Special parliamentary procedure*

6 If any objection is duly made by a person required...

SCHEDULE 8 — Minor and consequential amendments

Part I — AMENDMENTS OF THE HIGHWAYS ACT 1980

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- 1 In section 139 of the Highways Act 1980 (control of...
- 2 After section 140 of the Highways Act 1980, insert— “Builders”...
- 3 In section 144 of the Highways Act 1980 (power to...
- 4 In section 169 of the Highways Act 1980 (control of...
- 5 In section 170 of the Highways Act 1980 (control of...
- 6 After section 171 of the Highways Act 1980 (control of...
- 7 In section 174 of the Highways Act 1980 (precautions to...
- 8 In section 179 of the Highways Act 1980 (control of...
- 9 In section 184 of the Highways Act 1980 (vehicle crossings...
- 10 In section 285 of the Highways Act 1980 (power of...
- 11 In section 290 of the Highways Act 1980 (supplementary provisions...
- 12 In section 292 of the Highways Act 1980 (compensation for...
- 13 In section 314 of the Highways Act 1980 (offences by...
- 14 In section 325 of the Highways Act 1980 (provisions as...
- 15 (1) Section 329(1) of the Highways Act 1980 (interpretation) is...
- 16 (1) Section 334 of the Highways Act 1980 (savings for...

#### Part II — AMENDMENTS OF THE ROAD TRAFFIC REGULATION ACT 1984

##### *Traffic regulation orders outside Greater London*

- 17 (1) Section 1 of the Road Traffic Regulation Act 1984...
- 18 (1) Section 2 of the Road Traffic Regulation Act 1984...
- 19 In section 3(1) of the Road Traffic Regulation Act 1984...
- 20 In section 5 of the Road Traffic Regulation Act 1984...

##### *Orders as to traffic regulation in Greater London*

- 21 (1) Section 6 of the Road Traffic Regulation Act 1984...
- 22 In section 8 of the Road Traffic Regulation Act 1984...

##### *Experimental traffic schemes*

- 23 (1) Section 9 of the Road Traffic Regulation Act 1984...
- 24 (1) Section 10 of the Road Traffic Regulation Act 1984...
- 25 In section 12 of the Road Traffic Regulation Act 1984...

##### *Temporary prohibition or restriction of traffic*

- 26 .....
- 27 In section 16 of the Road Traffic Regulation Act 1984...

##### *Traffic regulation on special roads*

- 28 (1) Section 17 of the Road Traffic Regulation Act 1984...
- 29 After section 17 of the Road Traffic Regulation Act 1984...

##### *Traffic regulation in other special cases*

- 30 In section 18 of the Road Traffic Regulation Act 1984...
- 31 (1) Section 19 of the Road Traffic Regulation Act 1984...
- 32 In section 20 of the Road Traffic Regulation Act 1984...
- 33 In section 21 of the Road Traffic Regulation Act 1984...
- 34 (1) Section 22 of the Road Traffic Regulation Act 1984...

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### *Pedestrian crossings*

- 35 (1) Section 23 of the Road Traffic Regulation Act 1984...
- 36 In section 24 of the Road Traffic Regulation Act 1984...

### *Street playgrounds*

- 37 For sections 29 and 30 of the Road Traffic Regulation...
- 38 In section 31 of the Road Traffic Regulation Act 1984...

### *Parking places*

- 39 In section 32 of the Road Traffic Regulation Act 1984...
- 40 In section 34 of the Road Traffic Regulation Act 1984...
- 41 (1) Section 37 of the Road Traffic Regulation Act 1984...
- 42 In section 38 of the Road Traffic Regulation Act 1984...
- 43 In section 43 of the Road Traffic Regulation Act 1984...
- 44 (1) Section 45 of the Road Traffic Regulation Act 1984...
- 45 In section 53(1) of the Road Traffic Regulation Act 1984,...
- 46 (1) Section 55 of the Road Traffic Regulation Act 1984...

### *Traffic signs*

- 47 In section 64 of the Road Traffic Regulation Act 1984...
- 48 (1) Section 65 of the Road Traffic Regulation Act 1984...
- 49 In section 66(1) of the Road Traffic Regulation Act 1984...
- 50 In section 67 of the Road Traffic Regulation Act 1984...
- 51 (1) Section 68 of the Road Traffic Regulation Act 1984...
- 52 (1) Section 69 of the Road Traffic Regulation Act 1984...
- 53 In section 70 of the Road Traffic Regulation Act 1984...
- 54 In section 71 of the Road Traffic Regulation Act 1984...
- 55 In section 73 of the Road Traffic Regulation Act 1984...
- 56 In section 77 of the Road Traffic Regulation Act 1984...
- 57 In section 79 of the Road Traffic Regulation Act 1984...
- 58 In section 80 of the Road Traffic Regulation Act 1984...
- 59 (1) Section 82 of the Road Traffic Regulation Act 1984...
- 60 (1) Section 83 of the Road Traffic Regulation Act 1984...
- 61 In section 84 of the Road Traffic Regulation Act 1984...
- 62 (1) Section 85 of the Road Traffic Regulation Act 1984...
- 63 In section 86 of the Road Traffic Regulation Act 1984...
- 64 Omit section 91 (definition of “local authority” for the purposes...
- 65 (1) Section 92 of the Road Traffic Regulation Act 1984...
- 66 (1) Section 93 of the Road Traffic Regulation Act 1984...
- 67 (1) Section 94 of the Road Traffic Regulation Act 1984...
- 68 In section 100(5) of the Road Traffic Regulation Act 1984...
- 69 In section 106 of the Road Traffic Regulation Act 1984...
- 70 In the Road Traffic Regulation Act 1984, at the beginning...
- 71 In section 122 of the Road Traffic Regulation Act 1984...
- 72 In section 124(2) of the Road Traffic Regulation Act 1984...
- 73 In section 125(3) of the Road Traffic Regulation Act 1984...
- 74 In section 130 of the Road Traffic Regulation Act 1984...
- 75 (1) Section 131 of the Road Traffic Regulation Act 1984...
- 76 (1) Section 132 of the Road Traffic Regulation Act 1984...
- 77 In section 134(2) of the Road Traffic Regulation Act 1984...
- 78 (1) Section 142(1) of the Road Traffic Regulation Act 1984...

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- 79 .....
- 80 (1) Schedule 9 to the Road Traffic Regulation Act 1984...  
     Part III — AMENDMENTS OF THE ROADS (SCOTLAND) ACT 1984
- 81 In section 35(2)(a) of the Roads (Scotland) Act 1984 (provision...  
 82 In section 39(4) of the Roads (Scotland) Act 1984 (status...  
 83 In section 56(3) of the Roads (Scotland) Act 1984 (control...  
 84 In section 57(5) of the Roads (Scotland) Act 1984 (dangerous...  
 85 In section 59(6) of the Roads (Scotland) Act 1984 (control...  
 86 In section 60 of the Roads (Scotland) Act 1984 (fencing...  
 87 In section 61 of the Roads (Scotland) Act 1984 (granting...  
 88 After section 61 of the Roads (Scotland) Act 1984 there...  
 89 In section 85 of the Roads (Scotland) Act 1984 (control...  
 90 In section 121(2) of the Roads (Scotland) Act 1984 (power...  
 91 In section 132(3) of the Roads (Scotland) Act 1984 (saving...  
 92 In section 135(1) of the Roads (Scotland) Act 1984 (restriction...  
 93 In subsection (2) of section 143 of the Roads (Scotland)...  
 94 In section 151(1) of the Roads (Scotland) Act 1984 (interpretation)—...  
 95 In section 155(d) of the Roads (Scotland) Act 1984 (general...  
 96 (1) In Schedule 1 to the Roads (Scotland) Act 1984...  
 97 At the end of Schedule 2 to the Roads (Scotland)...  
     Part IV — AMENDMENTS OF OTHER ENACTMENTS
- Roads Act 1920 (c.72)*
- 98 .....
- Fire Services Act 1947 (c.41)*
- 99 (1) The Fire Services Act 1947 is amended as follows....
- Land Powers (Defence) Act 1958 (c.30)*
- 100 In the Land Powers (Defence) Act 1958, after section 18...
- Pipelines Act 1962 (c.58)*
- 101 (1) The Pipelines Act 1962 is amended as follows.
- New Towns (Scotland) Act 1968 (c. 16)*
- 102 In section 8 of the New Towns (Scotland) Act 1968...
- Sewerage (Scotland) Act 1968 (c.47)*
- 103 (1) The Sewerage (Scotland) Act 1968 is amended as follows....
- Town and Country Planning (Scotland) Act 1972 (c.52)*
- 104 .....
- Control of Pollution Act 1974 (c.40)*
- 105 In section 105(1) of the Control of Pollution Act 1974...

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 30 June 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)*

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*Local Government (Miscellaneous Provisions) Act 1976 (c.57)*

106 In section 15 of the Local Government (Miscellaneous Provisions) Act...

*Development of Rural Wales Act 1976 (c.75)*

107 .....

*Water (Scotland) Act 1980 (c.45)*

108 (1) The Water (Scotland) Act 1980 is amended as follows....

*Local Government, Planning and Land Act 1980 (c.65)*

109 In section 167 of the Local Government, Planning and Land...

*Water Act 1981 (c.12)*

110 .....

*British Telecommunications Act 1981 (c.38)*

111 In Schedule 3 to the British Telecommunications Act 1981, in...

*New Towns Act 1981 (c.64)*

112 In section 11 of the New Towns Act 1981 (acquisition...

*Telecommunications Act 1984 (c.12)*

113 (1) In Schedule 2 to the Telecommunications Act 1984 (the...  
114 In the same Schedule, in paragraph 2(8)(a) (construction of references...  
115 (1) In the same Schedule, paragraph 9 (street works) is...

*Local Government Act 1985 (c.51)*

116 (1) In Schedule 5 to the Local Government Act 1985,...

*Transport Act 1985 (c.67)*

117 (1) The Transport Act 1985 is amended as follows.

*Airports Act 1986 (c.31)*

118 (1) Section 62 of the Airports Act 1986 (provisions as...

*Gas Act 1986 (c.44)*

119 (1) Schedule 4 to the Gas Act 1986 (power of...  
120 .....

*Road Traffic Act 1988 (c.52)*

121 (1) The Road Traffic Act 1988 is amended as follows....

*Water Act 1989 (c.15)*

122 .....

**Status:** Point in time view as at 01/10/2009.

**Changes to legislation:** *New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 30 June 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)*

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*Electricity Act 1989 (c.29)*

- 123 (1) In Schedule 4 to the Electricity Act 1989 (powers...
- 124 (1) In the same Schedule, paragraph 2 (road works in...
- 125 In the same Schedule, in paragraph 12 (interpretation), omit the...

*Town and Country Planning Act 1990 (c.8)*

- 126 (1) Section 256 of the Town and Country Planning Act...

*Natural Heritage (Scotland) Act 1991 (c.28.)*

- 127 In paragraph 5(4) of Schedule 7 to the Natural Heritage...

SCHEDULE 9 — Repeals



**Status:**

Point in time view as at 01/10/2009.

**Changes to legislation:**

New Roads and Street Works Act 1991 is up to date with all changes known to be in force on or before 30 June 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.