



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART III

STREET WORKS IN ENGLAND AND WALES

General requirements as to execution of street works

65 Safety measures.

- (1) An undertaker executing street works shall secure—
- (a) that any part of the street which is broken up or open, or is obstructed by plant or materials used or deposited in connection with the works, is adequately guarded and lit, and
 - (b) that such traffic signs are placed and maintained, and where necessary operated, as are reasonably required for the guidance or direction of persons using the street,

having regard, in particular, to the needs of people with a disability.

- (2) In discharging in relation to a highway his duty with respect to the placing, maintenance or operation of traffic signs, an undertaker shall comply with any directions given by the traffic authority.

The power of the traffic authority to give directions under this subsection is exercisable subject to any directions given by the Secretary of State under section 65 of the ^{M1}Road Traffic Regulation Act 1984.

- (3) The Secretary of State may issue or approve for the purposes of this section codes of practice giving practical guidance as to the matters mentioned in subsection (1); and—
- (a) so far as an undertaker complies with such a code of practice he shall be taken to comply with that subsection; and
 - (b) a failure in any respect to comply with any such code is evidence of failure in that respect to comply with that subsection.

Status: Point in time view as at 01/01/1993.

Changes to legislation: New Roads and Street Works Act 1991, Cross Heading: General requirements as to execution of street works is up to date with all changes known to be in force on or before 02 July 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)

- (4) An undertaker who fails to comply with subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) If it appears to the street authority that an undertaker has failed to comply with subsection (1) or (2), they may take such steps as appear to them necessary and may recover from the undertaker the costs reasonably incurred by them in doing so.
- (6) If a person without lawful authority or excuse—
 - (a) takes down, alters or removes any fence, barrier, traffic sign or light erected or placed in pursuance of subsection (1) or (2) above, or
 - (b) extinguishes a light so placed,
 he commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Modifications etc. (not altering text)

- C1** [S. 65\(2\)\(5\)](#): functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by [S.I. 1999/2106, art. 2, Sch. 2 paras. 1\(i\), 2](#)

Commencement Information

- II** [S. 65](#) wholly in force: [s. 65\(1\)\(2\)\(4\)-\(6\)](#) in force at 1.4.1993 see [s. 170\(1\)](#) and [S.I. 1992/2984, art. 2\(3\), Sch. 3](#); [s. 65\(3\)](#) in force at 14.7.1992 by [S.I. 1992/1686, art. 2, Sch.](#)

Marginal Citations

- M1** [1984 c. 27](#).

66 Avoidance of unnecessary delay or obstruction.

- (1) An undertaker executing street works which involve—
 - (a) breaking up or opening the street, or any sewer, drain or tunnel under it, or
 - (b) tunnelling or boring under the street,
 shall carry on and complete the works with all such dispatch as is reasonably practicable.
- (2) An undertaker who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Where an undertaker executing any street works creates an obstruction in a street to a greater extent or for a longer period than is reasonably necessary, the street authority may by notice require him to take such reasonable steps as are specified in the notice to mitigate or discontinue the obstruction.
- (4) If the undertaker fails to comply with such a notice within 24 hours of receiving it, or any longer period specified in the notice, the authority may take the necessary steps and recover from him the costs reasonably incurred by them in doing so.

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Modifications etc. (not altering text)

- C2** S. 66(3)(4): functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, Sch. 2 para. 1(j)

67 Qualifications of supervisors and operatives.

- (1) It is the duty of an undertaker executing street works involving—
 - (a) breaking up the street, or any sewer, drain or tunnel under it, or
 - (b) tunnelling or boring under the street,to secure that, except in such cases as may be prescribed, the execution of the works is supervised by a person having a prescribed qualification as a supervisor.
- (2) It is the duty of an undertaker executing street works involving—
 - (a) breaking up or opening the street, or any sewer, drain or tunnel under it, or
 - (b) tunnelling or boring under the street,to secure that, except in such cases as may be prescribed, there is on site at all times when any such works are in progress at least one person having a prescribed qualification as a trained operative.
- (3) An undertaker who fails to comply with his duty under subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) Regulations made by the Secretary of State for the purposes of this section may include provision with respect to—
 - (a) the approval of bodies conferring qualifications (and the withdrawal of such approval), and
 - (b) the circumstances in which a qualification may be conferred.

68 Facilities to be afforded to street authority.

- (1) An undertaker executing street works shall afford the street authority reasonable facilities for ascertaining whether he is complying with his duties under this Part.
- (2) An undertaker who fails to afford the street authority such facilities commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Modifications etc. (not altering text)

- C3** S. 68 applied (with modifications) (11.11.1996) by S.I. 1996/2714, art. 4(2)(3)
S. 68 applied (27.8.1998) by S.I. 1998/1936, art. 4(3)
S. 68 applied (21.5.1997) by S.I. 1997/1266, art. 5(2)(3)
S. 68 applied (with modifications) (24.7.2001) by S.I. 2001/3627, art. 4(3)(4)
- C4** S. 68 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), art. 3(3)(4);
S. 68 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), art. 3(3)

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- C5** S. 68: functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 1(k)**

69 Works likely to affect other apparatus in the street.

- (1) Where street works are likely to affect another person's apparatus in the street, the undertaker executing the works shall take all reasonably practicable steps—
- (a) to give the person to whom the apparatus belongs reasonable facilities for monitoring the execution of the works, and
 - (b) to comply with any requirement made by him which is reasonably necessary for the protection of the apparatus or for securing access to it.
- (2) An undertaker who fails to comply with subsection (1) commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In proceedings against a person for such an offence it is a defence for him to show that the failure was attributable—
- (a) to his not knowing the position, or not knowing of the existence, of another person's apparatus, or
 - (b) to his not knowing the identity or address of the person to whom any apparatus belongs,
- and that his ignorance was not due to any negligence on his part or to any failure to make inquiries which he ought reasonably to have made.

Modifications etc. (not altering text)

- C6** S. 69 excluded (27.11.1992) by S.I. 1992/2984, **art. 8**
- C7** S. 69 modified (1.1.1993) by Local Government, Planning and Land Act 1980 (c. 65), **s. 167(7)**(as substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. IV para. 109**; S.I. 1992/2984, art. 2(2), **Sch.2**)
S. 69 modified (1.1.1993) by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **s. 15(4)** (as substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. IV para. 106**; S.I. 1992/2984, art. 2(2), **Sch.2**)
- C8** S. 69 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**
S. 69 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**
S. 69 applied (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**
S. 69 applied (13.1.1999) by S.I. 1998/3269, **art. 4(2)(3)**
S. 69 applied (10.2.1997) by S.I. 1997/264, **art. 8(6)(7)**
S. 69 applied (with modifications) (30.4.1999) by S.I. 1999/1306, **art. 8(4)(5)**
S. 69 applied (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 8(5)(6)**
S. 69 applied (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 9(5)(6)(8)**
S. 69 applied (with modifications) (23.8.1999) by S.I. 1999/2981, **art. 7(5)(6)**
S. 69 applied (4.4.1996) by S.I. 1996/937, **art. 8(4)(5)**
S. 69 applied (with modifications) (29.3.2001) by S.I. 2001/1348, **art. 21(3)-(5)**
S. 69 applied (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 3(3)**
S. 69 applied (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 10(6)**
S. 69 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**
S. 69 applied (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 8(6)**
- C9** S. 69 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 9(4)(5)** (with **art. 38**);

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S. 69 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(3)(4)**;

S. 69 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 3(3)**

C10 S. 69 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), arts. 1, **13(6)(7)(8)** (with art. 40)

Status:

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