



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART III

STREET WORKS IN ENGLAND AND WALES

Streets subject to special controls

61 Protected streets.

- (1) The consent of the street authority is required for the placing of apparatus by an undertaker in a protected street, except as mentioned below.

The following are “protected streets” for this purpose—

- (a) any highway or proposed highway which is a special road in accordance with section 16 of the ^{M1}Highways Act 1980, and
- (b) any street designated by the street authority as protected.

- (2) Consent is not required for the placing of apparatus—

- (a) by way of renewal of existing apparatus, or
- (b) in pursuance of a street works licence,

unless, in the latter case, the licence was granted before the street became a protected street.

- (3) The street authority may require the payment of—

- (a) a reasonable fee in respect of the legal or other expenses incurred in connection with the giving of their consent under this section, and
- (b) an annual fee of a reasonable amount for administering the consent;

and any such fee is recoverable from the undertaker.

This shall not be construed as affecting any right of the authority where they own the land on which the street is situated to grant for such consideration as they think fit the right to place anything in, under or over the land.

Status: Point in time view as at 01/01/1993.

Changes to legislation: New Roads and Street Works Act 1991, Cross Heading: Streets subject to special controls is up to date with all changes known to be in force on or before 22 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)

- (4) Where the apparatus is to be placed crossing the protected street and not running along it, the street authority shall not withhold their consent unless there are special reasons for doing so.
- (5) Consent to the placing of apparatus in a protected street may be given subject to conditions; and the street authority may agree to contribute to the expenses incurred by the undertaker in complying with the conditions.
- (6) Any dispute between a street authority and an undertaker as to the withholding of consent, the imposition of conditions, or the making of contributions shall be settled by arbitration.
- (7) An undertaker having a statutory duty to afford a supply or service shall not be regarded as in breach of that duty if, or to the extent that, it is not reasonably practicable to afford a supply or service by reason of anything done by the street authority in exercise of their functions under this section.

Modifications etc. (not altering text)

- C1** S. 61 modified (27.11.1992) by [S.I. 1992/2984, art. 7](#)
 S. 61: 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\(h\)](#)

Marginal Citations

- M1** 1980 c. 66.

62 Supplementary provisions as to designation of protected streets.

- (1) The Secretary of State may prescribe—
 - (a) the criteria for designating a street as protected,
 - (b) the procedure for making or withdrawing such a designation, and
 - (c) the information to be made available by a street authority as to the streets for the time being so designated by them.
- (2) Where a street has been designated as protected the street authority may direct an undertaker to remove or change the position of apparatus placed in the street at a time when it was not so designated.

The authority shall indemnify the undertaker in respect of his reasonable expenses in complying with such a direction.
- (3) Where a designation is withdrawn the street authority may give such directions as they consider appropriate as to—
 - (a) the continuance in force of any conditions subject to which consent was given for the placing of apparatus in the street, and
 - (b) the continuance of entitlement to any contributions in respect of the expenses of an undertaker in complying with such conditions.
- (4) Where a designation is made or withdrawn the street authority may give such directions as they consider appropriate with respect to works in progress in the street when the designation comes into force or ceases to have effect.

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- (5) Any dispute between a street authority and an undertaker as to the exercise by the authority of their powers under subsection (2), (3) or (4) shall be settled by arbitration.

63 Streets with special engineering difficulties.

- (1) The provisions of Schedule 4 have 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.
- (2) The Secretary of State may prescribe—
- (a) the criteria for designating a street as having special engineering difficulties,
 - (b) the procedure for making or withdrawing such a designation, and
 - (c) the information to be made available by a street authority as to the streets for the time being so designated by them.
- (3) Where a local highway authority are asked to designate a street as having special engineering difficulties—
- (a) by a transport authority on the ground of the proximity of the street to a structure belonging to, or under the management or control of, the authority, or
 - (b) by an undertaker having apparatus in the street,
- and decline to do so, the transport authority or undertaker may appeal to the Secretary of State who may direct that the street be designated.
- (4) The designation of a street as having special engineering difficulties shall not be withdrawn except after consultation with any transport authority or undertaker at whose request the designation was made; and a designation made in pursuance of a direction by the Secretary of State shall not be withdrawn except with his consent.

64 Traffic-sensitive streets.

- (1) Regulations made for the purposes of section 54, 55 or 57 (notices required to be given in respect of street works) may make special provision in relation to street works in a street designated by the street authority as traffic-sensitive.
- (2) The Secretary of State may prescribe—
- (a) the criteria for designating a street as traffic-sensitive,
 - (b) the procedure for making or withdrawing such a designation, and
 - (c) the information to be made available by a street authority as to the streets for the time being so designated by them.
- (3) If it appears to the street authority that the prescribed criteria are met only at certain times or on certain dates, a limited designation may be made accordingly.

In such a case the reference in subsection (1) to the execution of works in a street designated as traffic-sensitive shall be construed as a reference to works so executed at those times or on those dates.

Status:

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Changes to legislation:

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