



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART V

#### GENERAL

#### 166 Offences by bodies corporate or Scottish partnerships.

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

In relation to a body corporate whose affairs are managed by its members “director” means a member of the body corporate.

- (2) Where an offence under this Act is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

#### Commencement Information

- II S. 166 wholly in force; s. 166(1)(2) in force (S.) at 21.10.1991 so far as relates to offences committed under Pt. II see s. 170(1) and S.I. 1991/2286, art. 2(1), [Sch. 1](#); s. 166(1) in force (E.W.) at 1.11.1991 see s. 170 and S.I. 1991/2288, art. 3, [Sch.](#); s. 166 wholly in force at 1.1.1993 by S.I. 1992/2990, art. 2(2), [Sch. 2](#)

#### 167 Crown application.

- (1) The provisions of section 327 of the <sup>M1</sup>Highways Act 1980 (application of Act to Crown land) apply in relation to the provisions of Part I of this Act (new roads in England and Wales) as in relation to the provisions of that Act; and the provisions of section 146 of the <sup>M2</sup>Roads (Scotland) Act 1984 (application of Act to Crown land)

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apply in relation to the provisions of Part II of this Act (new roads in Scotland) as in relation to the provisions of that Act.

- (2) Subject to any regulations under subsection (3), the provisions of Parts I and II of this Act have effect in relation to persons in the public service of the Crown, vehicles belonging to, or used for the purposes of, a Minister of the Crown or Government department [<sup>F1</sup>or as respects Part II of this Act any part of the Scottish Administration] and things done, or omitted to be done, in connection with such vehicles by such persons as they have effect in relation to other persons or vehicles.
- (3) The Secretary of State may by regulations provide that in their application in relation to—
- (a) vehicles belonging to the Crown and used for naval, military or air force purposes,
  - (b) vehicles used for the purposes of any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the <sup>M3</sup>Visiting Forces Act 1952, or
  - (c) vehicles used for the purposes of any headquarters or organisation designated by an Order in Council under section 1 of the <sup>M4</sup>International Headquarters and Defence Organisations Act 1964,

the provisions of Parts I and II of this Act shall have effect subject to such modifications as may be prescribed.

For this purpose “modifications” includes additions, omissions and alterations.

[<sup>F2</sup>The power to make regulations in terms of this subsection does not extend to the Scottish Ministers.]

- (4) The provisions of Parts III and IV of this Act (street works in England and Wales and road works in Scotland) bind the Crown.
- (5) Nothing in subsection (4) shall be construed as authorising the bringing of proceedings for a criminal offence against a person acting on behalf of the Crown.
- (6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** Words in s. 167(2) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 103**; S.I. 1998/3178, **art. 3**
- F2** Words in s. 167(3) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 103**; S.I. 1998/3178, **art. 3**

#### Commencement Information

- I2** S. 167 wholly in force; s. 167(1)(2)(3)(6) in force (S.) at 21.10.1991 so far as relating to Pt. II see s. 170(1) and S.I. 1991/2286, art. 2(1), **Sch. 1**; s. 167(1)(2)(3)(6) in force (E.W.) at 01.11.1991 by S.I. 1991/2288, **art. 3, Sch.**; s. 167(4)(5) in force (in so far as these subsections relate to the provisions of Pt. IV) at 14.7.1992 by S.I. 1992/1671, **art. 2, Sch.**; and s. 167(4)(5) in force (so far as they relate to England and Wales) at 14.7.1992 by S.I. 1992/1686, **art. 3, Sch.**

#### Marginal Citations

- M1** 1980 c. 66.
- M2** 1984 c. 54.

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**M3** 1952 c. 67.

**M4** 1964 c. 5.

## 168 Minor and consequential amendments and repeals.

- (1) The enactments specified in Schedule 8 have effect with the amendments specified there which are minor amendments and amendments consequential on the provisions of this Act.

In that Schedule—

Part I contains amendments of the <sup>M5</sup>Highways Act 1980,  
Part II contains amendments of the <sup>M6</sup>Road Traffic Regulation Act 1984,  
Part III contains amendments of the <sup>M7</sup>Roads (Scotland) Act 1984, and  
Part IV contains amendments of other enactments.

- (2) The enactments mentioned in Schedule 9 are repealed to the extent specified there.

### Commencement Information

- I3** S. 168 partly in force (S.) at 1.11.1991 see s. 170(1) and S.I. 1991/2286, art. 2(2), **Sch. 2**; s. 168 partly in force (E.W.) at 1.1.1993 see s. 170(1) and S.I. 1992/2984, art. 2(2), **Sch. 2**; s. 168 partly in force (S.) at 1.1.1993 see s. 170(1) and S.I. 1992/2990, art. 2(2), **Sch. 2**

### Marginal Citations

**M5** 1980 c. 66.

**M6** 1984 c. 27.

**M7** 1984 c. 54.

## 169 Extent.

- (1) The following provisions of this Act extend to England and Wales—  
Part I (new roads in England and Wales),  
Part III (street works in England and Wales),  
the provisions of Schedule 8 (minor and consequential amendments) and  
Schedule 9 (repeals) so far as relating to enactments which extend to England  
and Wales, and  
the other provisions of this Part so far as relating to the above provisions.
- (2) The following provisions of this Act extend to Scotland—  
Part II (new roads in Scotland),  
Part IV (road works in Scotland),  
the provisions of Schedule 8 (minor and consequential amendments) and  
Schedule 9 (repeals) so far as relating to enactments which extend to Scotland,  
and  
the other provisions of this Part so far as relating to the above provisions.
- (3) The following provisions of this Act extend to Northern Ireland—  
the provisions of Schedule 8 (minor and consequential amendments) and  
Schedule 9 (repeals) so far as relating to enactments which extend to Northern  
Ireland, and

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the other provisions of this Part so far as relating to the above provisions.

#### Commencement Information

- I4** S. 169 partly in force; s. 169(1) in force at 1.11.1991, see s. 170 and S.I. 1991/2288, art. 3, Sch. s. 169(2) in force at 14.7.1992, see s. 170(1) and S.I. 1992/1671, art. 2, Sch.

#### 170 Commencement.

- (1) The provisions of this Act come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed for different provisions and different purposes.
- (2) An order bringing into force any provision may contain such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient.

#### Subordinate Legislation Made

- P1** S. 170 power partly exercised: different dates appointed for specified provisions by S.I. 1991/2286
- P2** S. 170 power partly exercised: 1.11.1991 appointed by S.I.1991/2288;  
S. 170 power partly exercised: 14.7.1992 appointed for specified provisions by S.I. 1992/1671 and by S.I. 1992/1686;  
S. 170 power partly exercised: different dates appointed for specified provisions by S.I. 1992/2984 and by S.I. 1992/2990;  
S. 170 power partly exercised: 1.5.2003 appointed for specified provisions by {S.I. 2002/3267}

#### 171 Short title.

This Act may be cited as the New Roads and Street Works Act 1991.

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**Changes to legislation:**

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