

*Status: Point in time view as at 02/02/2015.*

*Changes to legislation: New Roads and Street Works Act 1991, Cross Heading: Objection to works executed without plan and section being settled is up to date with all changes known to be in force on or before 26 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)*

## SCHEDULES

### SCHEDULE 4

#### STREETS WITH SPECIAL ENGINEERING DIFFICULTIES

##### Modifications etc. (not altering text)

**C1** Sch. 4 modified (27.11.1992) by S.I. 1992/2984, art. 3(2)

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

- 12 (1) This paragraph applies where street works have been executed in a street with special engineering difficulties without a plan and section having been settled with the street authority or another relevant authority, whether the works were executed in contravention of paragraph 2 above or were emergency works.
- (2) The authority in question may, by notice to the undertaker, object to any of the works; and after affording the undertaker an opportunity to enter into an agreement with them for meeting the objection, may refer the matter to arbitration.
- (3) The arbitrator may direct the alteration of the works to conform to a plan and section settled by him, or the removal of any apparatus placed in the execution of the works, and the undertaker shall comply with any such direction.
- (4) In settling the terms of any such direction the arbitrator shall satisfy himself that compliance with it will not involve any undue interruption or restriction of the supply or service for the purposes of which the works were executed.
- (5) If an undertaker fails to execute works in accordance with a direction under this paragraph, he commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F1</sup> level 5] on the standard scale.

##### Textual Amendments

**F1** Words in Sch. 4 para. 12(5) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(1)(2), 99(1), Sch. 1; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

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