

*Status: Point in time view as at 27/07/2023.*

*Changes to legislation: New Roads and Street Works Act 1991, Cross Heading: Procedure on submission of plan and section is up to date with all changes known to be in force on or before 30 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)

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

- 7 (1) A relevant authority to whom there is submitted a plan and section of street works proposed to be executed in a street with special engineering difficulties shall give notice to the undertaker—
- (a) approving the plan and section without modification, or
  - (b) objecting to them in form as being on too small a scale or giving insufficient particulars, or
  - (c) approving them subject to modifications specified in the notice, or
  - (d) disapproving them.
- (2) The notice shall be given without avoidable delay, and at the latest before the end of the period of—
- (a) 7 working days in the case of a plan and section of works relating only to—
    - (i) a service pipe or service line, or
    - (ii) overhead electric lines or [<sup>F1</sup>electronic communications apparatus],  
and
  - (b) one month in any other case;
- and as between the undertaker and a relevant authority who do not duly give notice before the end of that period, the plan and section as submitted shall be deemed to have been settled by agreement.
- (3) The reference in sub-paragraph (2)(a)(i) to a service pipe or service line is to—
- (a) a pipe or line through or by means of which a supply of gas, electricity or water is afforded or intended to be afforded to premises—
    - (i) directly from premises from which the supply originates, or
    - (ii) from a main, that is, a pipe or line for affording a general supply;
  - (b) a pipe through or by means of which sewerage services are afforded, or intended to be afforded, which is a private sewer or drain within the meaning of the [<sup>F2</sup>Water Industry Act 1991]; or
  - (c) underground [<sup>F1</sup>electronic communications apparatus] for the purpose of providing a service by means of [<sup>F3</sup>an electronic communications network] to or from particular premises (as opposed to apparatus for the general purposes of such [<sup>F3</sup>a network]).

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But so much of any such pipe, line or apparatus as is placed, or intended to be placed, for a continuous length of 100 metres or more in a maintainable highway shall be treated as not being a service pipe or service line.

(4) In this paragraph—

“electric line” has the same meaning as in Part I of the <sup>M1</sup>Electricity Act 1989;

F4  
...  
F4  
...

#### Textual Amendments

- F1** Words in Sch. 4 para. 7 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 17 para. 108(1)(a)(2) (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F2** Words in Sch. 4 para. 7(3) substituted (01.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), Sch. 1 para. 57(2).
- F3** Words in Sch. 4 para. 7(3)(c) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 17 para. 108(1)(a)(3) (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F4** Words in Sch. 4 para. 7(4) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

#### Marginal Citations

- M1** 1989 c. 29.

- 8 (1) Where a relevant authority give notice approving the plan and section subject to modifications, or disapproving the plan and section, they shall state their reasons for doing so.
- (2) If a relevant authority duly give notice—
- (a) objecting to the plan and section in form, or
  - (b) approving them subject to modifications to which the undertaker does not agree, or
  - (c) disapproving them,
- then, unless the notice is withdrawn, the undertaker may refer the matter to arbitration.
- (3) If the notice is withdrawn, the plan and section as submitted shall be deemed to have been settled by agreement between the relevant authority and the undertaker.
- 9 A sewer authority or bridge authority may not give notice—
- (a) approving a plan and section subject to modifications, or
  - (b) disapproving a plan and section,
- on grounds other than such as relate to the injurious effect of the proposed works on their sewer or, as the case may be, on the structure or stability of their bridge.

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