

Status: Point in time view as at 25/01/2010.

Changes to legislation: New Roads and Street Works Act 1991, Cross Heading: Requirement of plan and section is up to date with all changes known to be in force on or before 04 August 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 6

ROADS WITH SPECIAL ENGINEERING DIFFICULTIES

Modifications etc. (not altering text)

C1 Sch. 6 modified (28.11.1992) by S.I. 1992/2990, art. 3(2)

Requirement of plan and section

- 2 (1) In a road with special engineering difficulties road works (other than emergency works) involving—
- (a) breaking up or opening the road, or any sewer, drain or tunnel under it, or
 - (b) tunnelling or boring under the road,
- shall not be executed until a plan and section of the works have been settled by agreement between the undertaker and each of the relevant authorities or ^{F1}in the prescribed manner].
- (2) For that purpose an undertaker proposing to execute any such works shall submit a plan and section of them to each relevant authority.

Textual Amendments

F1 Words in Sch. 6 para. 2(1) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), ss. 36(1)(2) (g), 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

- 3 Emergency works may be executed without a plan and section being so submitted or settled, but as soon as is reasonably practicable after the execution of the works the undertaker shall furnish a plan and section of the works to each relevant authority.
- 4 (1) In the case of a road which is not a public road and which the road managers have no liability to the public to maintain or repair, the undertaker may give the road managers a notice stating—
- (a) the general effect of the works proposed or, as the case may be, of the emergency works executed, and
 - (b) that it is a notice given for the purposes of this paragraph.
- (2) Where such a notice is given paragraphs 2 and 3 do not apply if the road managers do not, within 10 working days from the date on which the notice was given to them, give notice to the undertaker requiring the submission or furnishing of a plan and section to them.
- 5 (1) A relevant authority to whom a plan and section of works are required to be submitted or furnished may accept as, or in lieu of, a plan and section any description of the works, whether in diagram form or not, which appears to them to be sufficient.

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- (2) References in this Schedule to a plan and section include any such description so submitted or furnished to the form of which the relevant authority have not objected within the time allowed under paragraph 7(2) below.
- 6 If an undertaker—
- (a) executes any works in contravention of paragraph 2, or
 - (b) fails to furnish a plan and section in accordance with paragraph 3,
- he commits an offence and is liable on summary conviction to a fine not exceeding [^{F2}level 5] on the standard scale.

Textual Amendments

- F2** Words in Sch. 6 para. 6 substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), s. 54(2), sch. 3; S.S.I. 2008/15, art. 2(2), sch. 1

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