



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART IV

ROAD WORKS IN SCOTLAND

Charges, fees and contributions payable by undertakers

136 Liability for cost of use of alternative route.

- (1) Where by reason of road works the use of a road is restricted or prohibited and the diverted traffic uses as an alternative route a road of a lower classification, the undertaker shall indemnify the roads authority for the latter road in respect of costs reasonably incurred by them—
- (a) in strengthening the road, so far as that is done with a view to and is necessary for the purposes of its use by the diverted traffic; or
 - (b) in making good any damage to the road occurring in consequence of the use by it of the diverted traffic.

- (2) For this purpose the order of classification of roads, from higher to lower, is as follows:

| | |
|---|-------------------------|
| 1 | Trunk roads. |
| 2 | Principal roads. |
| 3 | Other classified roads. |
| 4 | Other roads. |

- (3) In this section, “trunk road” and “classified road” have the meanings given by section 151 of the ^{M1}Roads (Scotland) Act 1984 and “principal road” refers to a road classified as such by the Secretary of State under section 11 of that Act.

Status: Point in time view as at 27/04/2006. This version of this provision has been superseded.

Changes to legislation: *New Roads and Street Works Act 1991, Section 136 is up to date with all changes known to be in force on or before 18 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)*

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Modifications etc. (not altering text)

- C1 S. 136 applied (with modifications) (27.4.2006) by [Edinburgh Tram \(Line Two\) Act 2006 \(asp 6\)](#), s. 7(6)(7) (with s. 75)
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Marginal Citations

- M1 1984 c. 54.

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