



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART IV

ROAD WORKS IN SCOTLAND

Apparatus affected by road, bridge or transport works

142 Works for road purposes likely to affect apparatus in the road.

- (1) This section applies to works for road purposes other than major works for road purposes (as to which see section 143 below).
- (2) Where works to which this section applies are likely to affect apparatus in the road, the authority executing the works shall take all reasonably practicable steps—
 - (a) to give the person to whom the apparatus belongs reasonable facilities for monitoring the execution of the works, and
 - (b) to comply with any requirement made by him which is reasonably necessary for the protection of the apparatus or for securing access to it.
- (3) An authority who fail to comply with subsection (2) commit an offence in respect of each failure and are liable on summary conviction to a fine not exceeding [^{F1}level 4] on the standard scale.
- (4) In proceedings against an authority for such an offence it is a defence for them to show that the failure was attributable—
 - (a) to their not knowing the position, or not knowing of the existence, of a person's apparatus, or
 - (b) to their not knowing the identity or address of the person to whom any apparatus belongs,and that their ignorance was not due to any negligence on their part or to any failure to make inquiries which they ought reasonably to have made.

Status: Point in time view as at 01/04/2008. This version of this provision has been superseded.

Changes to legislation: *New Roads and Street Works Act 1991, Section 142 is up to date with all changes known to be in force on or before 24 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)*

Textual Amendments

- F1** Words in s. 142(3) 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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Modifications etc. (not altering text)

- C1** [S. 142](#) applied (18.12.1996) by [1996 c. xii, s. 1, Sch. para. 11](#)

Status:

Point in time view as at 01/04/2008. This version of this provision has been superseded.

Changes to legislation:

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