



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART IV

ROAD WORKS IN SCOTLAND

Apparatus affected by road, bridge or transport works

143 Measures necessary where apparatus affected by major works.

- (1) Where an undertaker's apparatus in a road is or may be affected by major works for roads purposes, major bridge works or major transport works, the roads, bridge or transport authority concerned and the undertaker shall take such steps as are reasonably required—
 - (a) to identify any measures needing to be taken in relation to the apparatus in consequence of, or in order to facilitate, the execution of the authority's works,
 - (b) to settle a specification of the necessary measures and determine by whom they are to be taken, and
 - (c) to co-ordinate the taking of those measures and the execution of the authority's works,so as to secure the efficient implementation of the necessary work and the avoidance of unnecessary delay.
- (2) The Secretary of State may issue or approve for the purposes of this section a code of practice giving practical guidance as to the matters mentioned in subsection (1) and the steps to be taken by the authority and the undertaker.
- (3) Any dispute between the authority and the undertaker as to any of the matters mentioned in subsection (1) shall, in default of agreement, be settled [^{F1}in the prescribed manner].
- (4) If the authority or the undertaker fails to comply with an agreement between them as to any of those matters, or with the decision [^{F2}made] under subsection (3) [^{F3}in settlement of a dispute], the authority or undertaker shall be liable to compensate the other in respect of any loss or damage resulting from the failure.

Status: Point in time view as at 02/03/2015.

Changes to legislation: *New Roads and Street Works Act 1991, Section 143 is up to date with all changes known to be in force on or before 16 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. 143(3) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(1)(2)(e)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1
- F2** Word in s. 143(4) substituted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(3)(a)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1
- F3** Words in s. 143(4) inserted (1.4.2008) by Transport (Scotland) Act 2005 (asp 12), **ss. 36(3)(b)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1

Modifications etc. (not altering text)

- C1** S. 143 applied (18.12.1996) by 1996 c. xii, s. 1, **Sch. para. 11**
- C2** Ss. 142-144 modified (18.3.2011) by Forth Crossing Act 2011 (asp 2), **ss. 58**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.
- C3** S. 143(1)(3)(4) excluded (28.11.1992) by S.I. 1992/2990, **art.10**

Commencement Information

- I1** S. 143 wholly in force; s. 143(1)(3)(4) in force at 1.1.1993, see s. 170 and S.I. 1992/2990, art. 2(2), **Sch. 2**; s. 143(2) in force at 14.7.1992 by S.I. 1992/1671, art. 2, **Sch.**

Status:

Point in time view as at 02/03/2015.

Changes to legislation:

New Roads and Street Works Act 1991, Section 143 is up to date with all changes known to be in force on or before 16 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.