



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART IV

ROAD WORKS IN SCOTLAND

Apparatus affected by road, bridge or transport works

144 Sharing of cost of necessary measures.

- (1) Where an undertaker's apparatus in a road is affected by major works for roads purposes, major bridge works or major transport works, the allowable costs of the measures needing to be taken in relation to the apparatus in consequence of the works, or in order to facilitate their execution, shall be borne by the roads, bridge or transport authority concerned and the undertaker in such manner as may be prescribed.

- (2) The regulations may make provision as to the costs allowable for this purpose.

Provision may, in particular, be made for disallowing costs of the undertaker—

- (a) where the apparatus in question was placed in the road after the authority had given the undertaker the prescribed notice of their intention to execute the works, or
- (b) in respect of measures taken to remedy matters for which the authority were not to blame,

and for allowing only such costs of either party as are not recoverable from a third party.

- (3) Where the authority have a right to recover from a third party their costs in taking measures in relation to undertaker's apparatus but in accordance with section 143 it is determined that the measures should be taken by the undertaker, the right of the authority includes a right to recover the undertaker's costs in taking those measures and they shall account to the undertaker for any sum received.

- (4) The regulations shall provide for the allowable costs to be borne by the authority and the undertaker in such proportions as may be prescribed.

Status: Point in time view as at 27/02/2020.

Changes to legislation: *New Roads and Street Works Act 1991, Section 144 is up to date with all changes known to be in force on or before 01 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)*

Different proportions may be prescribed for different cases or classes of case.

- (5) The regulations may require the undertaker to give credit for any financial benefit to him from the betterment or deferment of renewal of the apparatus resulting from the measures taken.
- (6) The regulations may make provision as to the time and manner of making any payment required under this section.

Modifications etc. (not altering text)

- C1** Pt. 4 excluded (1.6.2010) by [The Network Rail \(Waverley Steps\) Order 2010 \(S.S.I. 2010/188\)](#), arts. 1, **38(6)**
- C2** [S. 144](#) excluded (28.11.1992) by [S.I. 1992/2990](#), **art. 10**
- C3** [S. 144](#) applied (18.12.1996) by 1996 c. xii, s. 1, **Sch. para. 11**
- C4** [S. 144](#) applied (27.4.2006) by [Edinburgh Tram \(Line Two\) Act 2006 \(asp 6\)](#), **sch. 9 para. 2(3)(a)** (with s. 75)
- C5** [S. 144](#) applied (8.5.2006) by [Edinburgh Tram \(Line One\) Act 2006 \(asp 7\)](#), **sch. 9 para. 2(3)(a)** (with ss. 76, 84)
- C6** [S. 144](#) applied (1.6.2010) by [The Network Rail \(Waverley Steps\) Order 2010 \(S.S.I. 2010/188\)](#), art. 1, **sch. 7 para. 2(4)(a)**
- C7** [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.
- C8** [S. 144](#) applied (18.3.2011) by [Forth Crossing Act 2011 \(asp 2\)](#), **ss. 61(3), 80(2)** (with ss. 69, 78); [S.S.I. 2011/38](#), art. 2, sch.

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