



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART IV

ROAD WORKS IN SCOTLAND

Provisions with respect to particular authorities and undertakings

149 Provisions as to reinstatement of sewers, drains or tunnels.

- (1) The duties of an undertaker under this Part with respect to reinstatement of the road extend, in the case of road works which involve breaking up or opening a sewer, drain or tunnel under the road, to the reinstatement of the sewer, drain or tunnel.
- (2) The responsible authority may by notice require an undertaker who has failed to comply with his duties under this Part with respect to reinstatement to carry out the necessary remedial works within such period [^{F1}, not being shorter than such period as may be prescribed,] as may be specified in the notice.

If he fails to comply with the notice, the authority may carry out the necessary works and recover from him the costs reasonably incurred by them in doing so.

[^{F2}(2A) Different minimum periods may be prescribed under subsection (2) for different descriptions of remedial works; and cases may be so prescribed in which no minimum period applies.]

- (3) If it appears to the responsible authority that a failure by an undertaker to comply with his duties under this Part as to reinstatement is causing danger to users of the road, the authority may carry out the necessary works without first giving notice and may recover from him the costs reasonably incurred by them in doing so.

They shall, however, give notice to him as soon as reasonably practicable stating their reasons for taking immediate action.

- (4) The responsible authority for the purposes of this section is—
 - (a) in the case of [^{F3}a public sewer, Scottish Water], and

Status: Point in time view as at 01/04/2008.

Changes to legislation: *New Roads and Street Works Act 1991, Section 149 is up to date with all changes known to be in force on or before 22 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)*

- (b) in the case of any other sewer, drain or tunnel, the authority, body or person having the management or control of it.

Textual Amendments

- F1** Words in s. 149(2) substituted (1.4.2008) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), **ss. 29(2)(a)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1
- F2** S. 149(2A) inserted (1.4.2008) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), **ss. 29(2)(b)**, 54(2); S.S.I. 2008/15, art. 2(2), sch. 1
- F3** Words in s. 149(4)(a) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, **Sch. 7 para. 21(6)** (with s. 67); S.S.I. 2002/118, **art. 2**

Status:

Point in time view as at 01/04/2008.

Changes to legislation:

New Roads and Street Works Act 1991, Section 149 is up to date with all changes known to be in force on or before 22 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.