



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART IV

#### ROAD WORKS IN SCOTLAND

##### *Supplementary provisions*

#### **164 Minor definitions.**

(1) In this Part—

“apparatus” includes any structure for the lodging therein of apparatus or for gaining access to apparatus;

“carriageway” and “footway” have the same meaning as in the <sup>M1</sup>Roads (Scotland) Act 1984;

“enactment” includes an enactment contained in subordinate legislation within the meaning of the <sup>M2</sup>Interpretation Act 1978.

“in”, in a context referring to works, apparatus or other property in a road or other place includes a reference to works, apparatus or other property under, over, across, along or upon it;

[<sup>F1</sup>“public sewer” has the same meaning as in the Sewerage (Scotland) Act 1968;]

“railway” includes a light railway other than one in the nature of a tramway (see the definition of “tramway” below);

“reinstatement” includes making good;

<sup>F2</sup> .....

“special enactment” means an enactment which is not a public general enactment, and includes—

- (a) any Act for confirming a provisional order,
- (b) any provision of a public general Act in relation to the passing of which any of the Standing Orders of the House of Lords or the House of Commons relating to Private Business applied, and

*Status: Point in time view as at 02/09/2022.*

*Changes to legislation: New Roads and Street Works Act 1991, Section 164 is up to date with all changes known to be in force on or before 18 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)*

- (c) any enactment to the extent that it is incorporated or applied for the purposes of a special enactment;  
 “statutory right” means a right (whether expressed as a right, a power or otherwise) conferred by an enactment (whenever passed or made), other than a right exercisable by virtue of a permission granted under section 109;  
 “traffic” includes pedestrians and animals;  
 “traffic authority” and “traffic sign” have the same meaning as in the <sup>M3</sup>Road Traffic Regulation Act 1984;  
 “tramway” means a system, mainly or exclusively for the carriage of passengers, using vehicles guided, or powered by energy transmitted, by rails or other fixed apparatus installed exclusively or mainly in a road.
- (2) A right to execute works which extends both to a road and to other land is included in references in this Part to a right to execute works in a road in so far as it extends to the road.
- (3) A right to execute works which extends to part of the road but not the whole is included in references in this Part to a right to execute works in a road; and in relation to such a right references in this Part to the road in which it is exercisable shall be construed as references to the part to which the right extends.
- (4) For the purposes of this Part apparatus shall be regarded as affected by works if the effect of the works is to prevent or restrict access to the apparatus (for example, by laying other apparatus above or adjacent to it).
- (5) Section 28 of the <sup>M4</sup>Chronically Sick and Disabled Persons Act 1970 (power to define “disability” and other expressions) applies in relation to the provisions of this Part as to the provisions of that Act.

#### **Textual Amendments**

- F1** Words in s. 164(1) inserted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 7 para. 21\(7\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2](#)
- F2** Words in s. 164(1) repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 7 para. 21\(7\)\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2](#)

#### **Marginal Citations**

- M1** 1984 c. 54.  
**M2** 1978 c. 30.  
**M3** 1984 c. 27.  
**M4** 1970 c. 44.

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