



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART III

STREET WORKS IN ENGLAND AND WALES

Introductory provisions

48 Streets, street works and undertakers.

- (1) In this Part a “street” means the whole or any part of any of the following, irrespective of whether it is a thoroughfare—
- any highway, road, lane, footway, alley or passage,
 - any square or court, and
 - any land laid out as a way whether it is for the time being formed as a way or not.

Where a street passes over a bridge or through a tunnel, references in this Part to the street include that bridge or tunnel.

- (2) The provisions of this Part apply to a street which is not a maintainable highway subject to such exceptions and adaptations as may be prescribed.
- (3) In this Part “street works” means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence—
- placing apparatus, or
 - inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it,

or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).

[^{F1}(3A) For the purposes of subsection (3), the works that are street works by virtue of being works required for or incidental to street works of any particular kind include—

Status: Point in time view as at 09/01/2014. This version of this provision has been superseded.

Changes to legislation: New Roads and Street Works Act 1991, Section 48 is up to date with all changes known to be in force on or before 26 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)

- (a) reinstatement of the street, and
 - (b) where an undertaker has failed to comply with his duties under this Part with respect to reinstatement of the street, any remedial works.]
- (4) In this Part “undertaker” in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be.
- (5) References in this Part to the undertaker in relation to apparatus in a street are to the person entitled, by virtue of a statutory right or a street works licence, to carry out in relation to the apparatus such works as are mentioned in subsection (3); and references to an undertaker having apparatus in the street, or to the undertaker to whom apparatus belongs, shall be construed accordingly.

Textual Amendments

F1 S. 48(3A) inserted (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. **124(2)**, 134(2)

Modifications etc. (not altering text)

- C1** Pt. 3 modified (9.1.2014) by [The National Grid \(King’s Lynn B Power Station Connection\) Order 2013 \(S.I. 2013/3200\)](#), arts. 1, **9(1)**
- C2** Pt. 3 applied (with modifications) (9.1.2014) by [The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 \(S.I. 2013/3244\)](#), arts. 1, **4(9)** (with arts. 57, 58, Sch. 11 para. 19)
- C3** Pt. 3 modified (9.1.2014) by [The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 \(S.I. 2013/3244\)](#), arts. 1, **4(1)(2)** (with arts. 57, 58, Sch. 11 para. 19)
- C4** S. 48(3) modified (9.1.2014) by [The National Grid \(King’s Lynn B Power Station Connection\) Order 2013 \(S.I. 2013/3200\)](#), arts. 1, **10(2)**

Status:

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