



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART III

#### STREET WORKS IN ENGLAND AND WALES

##### *Notice and co-ordination of works*

#### **55 Notice of starting date of works.**

- (1) An undertaker proposing to begin to execute street works involving—
  - (a) breaking up or opening the street, or any sewer, drain or tunnel under it, or
  - (b) tunnelling or boring under the street,shall give not less than 7 working days' notice (or such other notice as may be prescribed) to the street authority, to any other relevant authority and to any other person having apparatus in the street which is likely to be affected by the works.
- (2) Different periods of notice may be prescribed for different descriptions of works, [<sup>F1</sup>or in cases where the undertaker has been given notice under section 58(1),] and cases may be prescribed in which no notice is required.
- (3) The notice shall state the date on which it is proposed to begin the works and shall contain such other information as may be prescribed.
- (4) Where notice is required to be given under this section, the works shall not be begun without notice or before the end of the notice period, except with the consent of those to whom notice is required to be given.
- (5) An undertaker who begins to execute any works in contravention of this section commits an offence and is liable on summary conviction to a fine not exceeding [<sup>F2</sup>level 4] on the standard scale.
- (6) In proceedings against a person for such an offence it is a defence for him to show that the contravention was attributable—

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- (a) to his not knowing the position, or not knowing of the existence, of another person's apparatus, or
  - (b) to his not knowing the identity or address of—
    - (i) a relevant authority, or
    - (ii) the person to whom any apparatus belongs,
 and that his ignorance was not due to any negligence on his part or to any failure to make inquiries which he ought reasonably to have made.
- (7) A notice under this section shall cease to have effect if the works to which it relates are not substantially begun before the end of the period of 7 working days (or such other period as may be prescribed) beginning with the starting date specified in the notice, or such further period as may be allowed by those to whom notice is required to be given.
- [<sup>F3</sup>(8) If a notice under this section ceases to have effect the undertaker shall, within such period as may be prescribed, give a notice containing such information as may be prescribed to those to whom the notice under this section was required to be given.
- (9) An undertaker who fails to give notice in accordance with subsection (8) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.]

#### Textual Amendments

- F1** Words in s. 55(2) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E. in so far as not already in force, 1.4.2008 for W. in so far as not already in force) by [Traffic Management Act 2004 \(c. 18\)](#), ss. **51(9)**, 99(1); S.I. 2007/1890, art. 2, Sch. (with art. 6); S.I. 2007/3174, art. 2, Sch. (with art. 7)
- F2** Words in s. 55(5) substituted (4.10.2004 for E., 26.11.2007 for W.) by [Traffic Management Act 2004 \(c. 18\)](#), ss. 40(1)(2), 99(1), **Sch. 1**; S.I. 2004/2380, art. 2(d)(i) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)
- F3** S. 55(8)(9) inserted (29.6.2007 for E. for specified purposes, 26.11.2007 for W. for specified purposes, 1.4.2008 for E. in so far as not already in force, 1.4.2008 for W. in so far as not already in force) by [Traffic Management Act 2004 \(c. 18\)](#), ss. **49(2)**, 99(1); S.I. 2007/1890, art. 2, Sch. (with art. 5); S.I. 2007/3174, art. 2, Sch. (with art. 6)

#### Modifications etc. (not altering text)

- C1** Pt. 3 modified (2.4.2004) by [The Docklands Light Railway \(Woolwich Arsenal Extension\) Order 2004 \(S.I. 2004/757\)](#), arts. 1, **3(1)**
- C2** Pt. 3 modified (11.2.2005) by [The Merseytram \(Liverpool City Centre to Kirkby\) Order 2005 \(S.I. 2005/120\)](#), arts. 1, **4(1)(2)** (with arts. 65, 66)
- C3** Pt. 3 modified (22.3.2005) by [The Midland Metro \(Wednesbury to Brierley Hill and Miscellaneous Amendments\) Order 2005 \(S.I. 2005/927\)](#), art. **3(1)(2)** (with art. 51)
- C4** Pt. 3 modified (22.7.2005) by [The Midland Metro \(Birmingham City Centre Extension, etc.\) Order 2005 \(S.I. 2005/1794\)](#), arts. 1, **3(1)(2)** (with art. 47)
- C5** Pt. 3 applied (3.8.2005) by [The Greater Manchester \(Leigh Busway\) Order 2005 \(S.I. 2005/1918\)](#), arts. 1, **3(1)**
- C6** Pt. 3 modified (26.8.2005) by [The River Tyne \(Tunnels\) Order 2005 \(S.I. 2005/2222\)](#), arts. 1, **8(7)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)
- C7** Pt. 3 restricted (8.10.2005) by [The Leicestershire County Council \(Ashby de la Zouch Canal Extension\) Order 2005 \(S.I. 2005/2786\)](#), arts. 1, **10(3)**
- C8** Pt. 3 modified (8.10.2005) by [The Leicestershire County Council \(Ashby de la Zouch Canal Extension\) Order 2005 \(S.I. 2005/2786\)](#), arts. 1, **9(1)**

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- C9** Pt. 3 modified (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(1)** (with arts. 3(5), 15(3))
- C10** Pt. 3 applied (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(1)** (with art. 52)
- C11** Pt. 3 modified (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(1)(2)** (with art. 43)
- C12** Pt. 3 modified (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **3**
- C13** Pt. 3 modified (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **3(1)** (with arts. 19, 28, Sch. 3 para. 13(2))
- C14** S. 55 modified (27.11.1992) by S.I. 1992/2984, **art.4**  
S. 55 modified (E.W.) (1. 1. 1993) by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), s. **15(4)** (as substituted by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. IV para. 106**; S.I. 1992/2984, art. 2(2), **Sch.2**)  
S. 55 modified (E.W.) (1. 1. 1993) by Local Government, Planning and Land Act 1980 (c. 65), s. **167(7)** (as substituted by New Roads and Street Works Act 1991 (c. 22), s. 168(1), **Sch. 8 Pt. IV para. 109**; S.I. 1992/2984, art. 2(2), **Sch.2**)
- C15** S. 55 applied (4.4.1996) by S.I. 1996/937, **art. 8(4)(5)**  
S. 55 applied (13.1.1999) by S.I. 1998/3269, **art. 4(2)(3)(4)**  
S. 55 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**  
S. 55 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**  
S. 55 applied (10.2.1997) by S.I. 1997/264, **art. 8(6)(7)**  
S. 55 applied with modifications (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**
- C16** S. 55 applied (with modifications) (30.4.1999) by S.I. 1999/1306, **art. 8(4)(5)**  
S. 55 applied (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 8(5)(6)**  
S. 55 applied (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 9(5)(6)(8)**  
S. 55 applied (with modifications) (23.8.1999) by S.I. 1999/2981, **art. 7(5)(6)**  
S. 55 applied (with modifications) (29.3.2001) by S.I. 2001/1348, **art. 21(3)-(5)**  
S. 55 applied (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 3(3)(4)**  
S. 55 applied (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 10(6)**  
S. 55 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**  
S. 55 applied (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 8(6)**
- C17** S. 55 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), **art. 9(4)(5)** (with art. 38)  
S. 55 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 3(3)(4)**;  
S. 55 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), **art. 3(3)**
- C18** S. 55 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 1, **3(3)(4)**
- C19** S. 55 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), arts. 1, **6(4)(5)** (with art. 38)
- C20** S. 55 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, **4(4)(5)** (with arts. 65, 66)
- C21** S. 55 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 3(3)-(5)** (with art. 51)
- C22** S. 55 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, **12(7)**
- C23** S. 55 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), arts. 1, **3(3)-(5)** (with art. 47)
- C24** S. 55 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)(4)**
- C25** S. 55 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, **8(9)(10)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

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- C26** Ss. 54, 55 applied (with modifications) (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **9(2)(3)**
- C27** S. 55 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(4)** (with arts. 3(5), 15(3))
- C28** S. 55 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(3)(4)** (with art. 52)
- C29** S. 55 applied (with modifications) (3.7.2006) by The Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **4**
- C30** S. 55 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 1, **9(5)(6)** (with art. 40, Sch. 7 para. 12)
- C31** S. 55 applied (with modifications) (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), arts. 1, **3(4)-(6)** (with art. 43)
- C32** S. 55 applied (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), arts. 1, **16(6)(7)** (with arts. 34, 35(2))
- C33** S. 55 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **10(5)(6)**
- C34** S. 55 applied (with modifications) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), arts. 1, **8(2)(3)** (with arts. 46-48, Sch. 6 para. 23)
- C35** S. 55 applied (with modifications) (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **3(4)(5)** (with arts. 3(6), 12(3))
- C36** S. 55 applied (with modifications) (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **3(2)-(4)** (with arts. 19, 28, Sch. 3 para. 13(2))
- C37** S. 55 excluded (E.) (1.4.2008) by The Traffic Management Permit Scheme (England) Regulations 2007 (S.I. 2007/3372), regs. 1(1), **36(c)** (with reg. 35)
- C38** S. 55(1)(4): functions of a local authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, art. 2, **Sch. 2 para. 1(c)**

#### **Commencement Information**

- II** S. 55 wholly in force: s. 55 in force for the purpose of making regulations at 28.11.1992, and for all other purposes at 1.1.1993, see s. 170 and S.I. 1992/2984, art. 2, Schs. 1, 2

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