



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART III

STREET WORKS IN ENGLAND AND WALES

Notice and co-ordination of works

57 Notice of emergency works.

- (1) Nothing in section 54 (advance notice), section 55 (notice of starting date) or section 56 (directions as to timing of works) affects the right of an undertaker to execute emergency works.
- (2) An undertaker executing emergency works shall, if the works are of a kind in respect of which notice is required by section 55, give notice as soon as reasonably practicable, and in any event within two hours (or such other period as may be prescribed) of the works being begun, to the persons to whom notice would be required to be given under that section.
- (3) The notice shall state his intention or, as the case may be, the fact that he has begun to execute the works and shall contain such other information as may be prescribed.
- (4) An undertaker who fails to give notice in accordance with this section commits an offence and is liable on summary conviction to a fine not exceeding [^{F1}level 4] on the standard scale.
- (5) In proceedings against a person for such an offence it is a defence for him to show that the contravention was attributable—
 - (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,

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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.

Textual Amendments

- F1** Words in s. 57(4) substituted (4.10.2004 for E.) 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)

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\(1\)](#)
- 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** S. 57 modified (27.11.1992) by S.I. 1992/2984, [art. 5](#)
- C13** S. 57 applied (with modifications) (11.11.1996) by S.I. 1996/2714, [art. 4\(2\)\(3\)](#)
S. 57 applied (27.8.1998) by S.I. 1998/1936, [art. 4\(3\)](#)
S. 57 applied (21.5.1997) by S.I. 1997/1266, [art. 5\(2\)\(3\)](#)
S. 57 applied (with modifications) (24.7.2001) by S.I. 2001/3627, [art. 4\(3\)\(4\)](#)
- C14** S. 57 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. 57 applied (with modifications) (31.5.2002) by [The Greater Manchester \(Light Rapid Transit System\) \(Trafford Depot\) Order 2002 \(S.I. 2002/1327\)](#), [art. 3\(3\)](#)
- C15** S. 57 applied (with modifications) (2.4.2004) by [The Docklands Light Railway \(Woolwich Arsenal Extension\) Order 2004 \(S.I. 2004/757\)](#), arts. 1, [3\(3\)\(4\)](#)
- C16** S. 57 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)
- C17** S. 57 applied (with modifications) (3.8.2005) by [The Greater Manchester \(Leigh Busway\) Order 2005 \(S.I. 2005/1918\)](#), arts. 1, [3\(3\)\(4\)](#)
- C18** S. 57 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\(2\)\(3\)](#)
- C19** S. 57 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))
- C20** S. 57 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)

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- C21** S. 57 applied (with modifications) (3.7.2006) by [The Port of Blyth \(Battleship Wharf Railway\) Order 2006 \(S.I. 2006/1518\)](#), arts. 1, 4
- C22** S. 57 applied (with modifications) (22.11.2006) by [The Docklands Light Railway \(Stratford International Extension\) Order 2006 \(S.I. 2006/2905\)](#), arts. 1, [3\(4\)\(5\)](#) (with art. 43)
- C23** S. 57 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\(3\)](#))

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