



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART III

STREET WORKS IN ENGLAND AND WALES

Streets subject to special controls

61 Protected streets.

- (1) The consent of the street authority is required for the placing of apparatus by an undertaker in a protected street, except as mentioned below.

The following are “protected streets” for this purpose—

- (a) any highway or proposed highway which is a special road in accordance with section 16 of the ^{M1}Highways Act 1980, and
- (b) any street designated by the street authority as protected.

- (2) Consent is not required for the placing of apparatus—

- (a) by way of renewal of existing apparatus, or
- (b) in pursuance of a street works licence,

unless, in the latter case, the licence was granted before the street became a protected street.

- (3) The street authority may require the payment of—

- (a) a reasonable fee in respect of the legal or other expenses incurred in connection with the giving of their consent under this section, and
- (b) an annual fee of a reasonable amount for administering the consent;

and any such fee is recoverable from the undertaker.

This shall not be construed as affecting any right of the authority where they own the land on which the street is situated to grant for such consideration as they think fit the right to place anything in, under or over the land.

Status: Point in time view as at 09/04/2013. This version of this provision has been superseded.

Changes to legislation: New Roads and Street Works Act 1991, Section 61 is up to date with all changes known to be in force on or before 10 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)

- (4) Where the apparatus is to be placed crossing the protected street and not running along it, the street authority shall not withhold their consent unless there are special reasons for doing so.
- (5) Consent to the placing of apparatus in a protected street may be given subject to conditions; and the street authority may agree to contribute to the expenses incurred by the undertaker in complying with the conditions.
- (6) Any dispute between a street authority and an undertaker as to the withholding of consent, the imposition of conditions, or the making of contributions shall be settled by arbitration.
- (7) An undertaker having a statutory duty to afford a supply or service shall not be regarded as in breach of that duty if, or to the extent that, it is not reasonably practicable to afford a supply or service by reason of anything done by the street authority in exercise of their functions under this section.

Modifications etc. (not altering text)

- C1** Pt. 3 applied (11.1.2006) by [The Cambridgeshire Guided Busway Order 2005 \(S.I. 2005/3523\)](#), arts. 1, **3(1)** (with art. 52)
- C2** Pt. 3 modified (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **Sch. 3 para. 8**
- C3** Pt. 3 excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **Sch. 17 para. 1(3)**
- C4** Pt. 3 applied (with modifications) (9.4.2013) by [The Hinkley Point C \(Nuclear Generating Station\) Order 2013 \(S.I. 2013/648\)](#), arts. 1, **9** (with arts. 48, 68, 79)
- C5** S. 61 modified (27.11.1992) by [S.I. 1992/2984](#), **art. 7**
 S. 61: 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(h)**
- C6** S. 61 modified (11.1.2006) by [The Cambridgeshire Guided Busway Order 2005 \(S.I. 2005/3523\)](#), arts. 1, **20** (with art. 52)
- C7** S. 61 excluded (E.) (1.4.2008) by [The Street Works \(Registers, Notices, Directions and Designations\) \(England\) Regulations 2007 \(S.I. 2007/1951\)](#), regs. 1(1), **13(2)(b)** (with reg. 19)
- C8** S. 61 excluded (W.) (1.4.2008) by [The Street Works \(Registers, Notices, Directions and Designations\) \(Wales\) Regulations 2008 \(S.I. 2008/101\)](#), regs. 1, **13** (with reg. 19)
- C9** Ss. 54-106 applied (28.2.2013) by [The Rookery South \(Resource Recovery Facility\) Order 2011 2013 \(S.I. 2013/680\)](#), **art. 10(3)**
- C10** Ss. 54-106 applied (9.4.2013) by [The Lancashire County Council \(Torrisholme to the M6 Link \(A683 Completion of Heysham to M6 Link Road\)\) Order 2013 \(S.I. 2013/675\)](#), arts. 1, **9(2)**
- C11** S. 61(1) excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **Sch. 14 para. 14(4)**

Marginal Citations

- M1** 1980 c. 66.

Status:

Point in time view as at 09/04/2013. This version of this provision has been superseded.

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