



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART III

#### STREET WORKS IN ENGLAND AND WALES

##### *General requirements as to execution of street works*

#### **69 Works likely to affect other apparatus in the street.**

- (1) Where street works are likely to affect another person's apparatus in the street, the undertaker executing the works shall take all reasonably practicable steps—
  - (a) to give the person to whom the apparatus belongs reasonable facilities for monitoring the execution of the works, and
  - (b) to comply with any requirement made by him which is reasonably necessary for the protection of the apparatus or for securing access to it.
- (2) An undertaker who fails to comply with subsection (1) commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 4] on the standard scale.
- (3) In proceedings against a person for such an offence it is a defence for him to show that the failure 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 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.

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### Textual Amendments

- F1** Words in s. 69(2) 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. \(with art. 4\)](#)

### 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** 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** Pt. 3 modified (16.5.2008) by [The London Gateway Port Harbour Empowerment Order 2008 \(S.I. 2008/1261\), arts. 1, 6\(6\) \(with arts. 41\(1\), 45, 54\(2\), 55, 56, 57, 58\(6\)\)](#)
- C15** Pt. 3 modified (16.5.2008) by [The London Gateway Port Harbour Empowerment Order 2008 \(S.I. 2008/1261\), arts. 1, 6\(1\) \(with arts. 41\(1\), 45, 54\(2\), 55, 56, 57, 58\(6\)\)](#)
- C16** Pt. 3 modified (14.10.2008) by [The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 \(S.I. 2008/2512\), arts. 1, 4\(1\) \(with art. 36\(3\)\)](#)
- C17** Pt. 3 modified (9.6.2009) by [The Nottingham Express Transit System Order 2009 \(S.I. 2009/1300\), arts. 1, 4\(1\)\(2\) \(with Sch. 13 para. 14\(2\), Sch. 14 para. 19, Sch. 16\)](#)
- C18** Pt. 3 modified (18.9.2009) by [The London Underground \(Victoria Station Upgrade\) Order 2009 \(S.I. 2009/2364\), arts. 1, 3\(1\)\(2\)](#)
- C19** Pt. 3 modified (1.2.2011) by [The River Mersey \(Mersey Gateway Bridge\) Order 2011 \(S.I. 2011/41\), arts. 1, 3\(1\) \(with art. 51, Sch. 10 paras. 68, 85\)](#)
- C20** Pt. 3 modified (21.4.2011) by [The Network Rail \(Hitchin \(Cambridge Junction\)\) Order 2011 \(S.I. 2011/1072\), arts. 1, 4\(1\)](#)
- C21** S. 69 excluded (27.11.1992) by [S.I. 1992/2984, art. 8](#)
- C22** S. 69 modified (1.1.1993) by [Local Government, Planning and Land Act 1980 \(c. 65\), s. 167\(7\)](#)(as substituted (1.1.1993) 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\)](#)

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- S. 69 modified (1.1.1993) by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), s. 15(4) (as substituted (1.1.1993) 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**)
- C23** S. 69 applied (27.8.1998) by S.I. 1998/1936, **art. 4(3)**  
S. 69 applied (21.5.1997) by S.I. 1997/1266, **art. 5(2)(3)**  
S. 69 applied (11.11.1996) by S.I. 1996/2714, **art. 4(2)(3)**  
S. 69 applied (13.1.1999) by S.I. 1998/3269, **art. 4(2)(3)**  
S. 69 applied (10.2.1997) by S.I. 1997/264, **art. 8(6)(7)**  
S. 69 applied (with modifications) (30.4.1999) by S.I. 1999/1306, **art. 8(4)(5)**  
S. 69 applied (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 8(5)(6)**  
S. 69 applied (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 9(5)(6)(8)**  
S. 69 applied (with modifications) (23.8.1999) by S.I. 1999/2981, **art. 7(5)(6)**  
S. 69 applied (4.4.1996) by S.I. 1996/937, **art. 8(4)(5)**  
S. 69 applied (with modifications) (29.3.2001) by S.I. 2001/1348, **art. 21(3)-(5)**  
S. 69 applied (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 3(3)**  
S. 69 applied (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 10(6)**  
S. 69 applied (with modifications) (24.7.2001) by S.I. 2001/3627, **art. 4(3)(4)**  
S. 69 applied (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 8(6)**
- C24** S. 69 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. 69 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. 69 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)**
- C25** S. 69 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), arts. 1, **13(6)(7)(8)** (with art. 40)
- C26** S. 69 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)**
- C27** S. 69 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)
- C28** S. 69 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)
- C29** S. 69 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)(4)** (with art. 51)
- C30** S. 69 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, **12(7)**
- C31** S. 69 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)(4)** (with art. 47)
- C32** S. 69 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(3)(4)**
- C33** S. 69 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)
- C34** Ss. 68, 69 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)**
- C35** S. 69 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))
- C36** S. 69 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)
- C37** S. 69 applied (with modifications) (3.7.2006) by The Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **4**
- C38** S. 69 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)

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- C39 S. 69 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)
- C40 S. 69 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))
- C41 S. 69 applied (with modifications) (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), arts. 1, **10(5)(6)**
- C42 S. 69 applied (with modifications) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), arts. 1, **8(2)** (with arts. 46-48, Sch. 6 para. 23)
- C43 S. 69 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))
- C44 S. 69 applied (with modifications) (28.9.2007) by The London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **3(2)(3)** (with arts. 19, 28, Sch. 3 para. 13(2))
- C45 S. 69 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **6(3)(4)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))
- C46 S. 69 applied (with modifications) (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **4(2)(3)** (with art. 36(3))
- C47 S. 69 applied (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), arts. 1, **4(4)(5)** (with Sch. 13 para. 14(2), Sch. 14 para. 19, Sch. 16)
- C48 S. 69 applied (with modifications) (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), arts. 1, **3(4)(5)**
- C49 S. 69 modified (11.1.2010) by The Traffic Management (Transport for London) Permit Scheme Order 2009 (S.I. 2009/3186), art. 1, Sch., **Appendix B**
- C50 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Croydon) Permit Scheme Order 2009 (S.I. 2009/3158), art. 1, Sch., **Appendix B**
- C51 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Ealing) Permit Scheme Order 2009 (S.I. 2009/3163), art. 1, Sch., **Appendix B**
- C52 S. 69 modified (11.1.2010) by The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 (S.I. 2009/3170), art. 1, Sch., **Appendix B**
- C53 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Hammersmith and Fulham) Permit Scheme Order 2009 (S.I. 2009/3168), art. 1, Sch., **Appendix B**
- C54 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Barnet) Permit Scheme Order 2009 (S.I. 2009/3141), art. 1, Sch., **Appendix B**
- C55 S. 69 modified (11.1.2010) by The Traffic Management (City of London Corporation) Permit Scheme Order 2009 (S.I. 2009/3162), art. 1, Sch., **Appendix B**
- C56 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Bromley) Permit Scheme Order 2009 (S.I. 2009/3148), art. 1, Sch., **Appendix B**
- C57 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Camden) Permit Scheme Order 2009 (S.I. 2009/3149), art. 1, Sch., **Appendix B**
- C58 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Islington) Permit Scheme Order 2009 (S.I. 2009/3180), art. 1, Sch., **Appendix B**
- C59 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Enfield) Permit Scheme Order 2009 (S.I. 2009/3165), art. 1, Sch., **Appendix B**
- C60 S. 69 modified (11.1.2010) by The Traffic Management (City of Westminster) Permit Scheme Order 2009 (S.I. 2009/3187), art. 1, Sch., **Appendix B**
- C61 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Hounslow) Permit Scheme Order 2009 (S.I. 2009/3178), art. 1, Sch., **Appendix B**
- C62 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Haringey) Permit Scheme Order 2009 (S.I. 2009/3169), art. 1, Sch., **Appendix B**
- C63 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Lewisham) Permit Scheme Order 2009 (S.I. 2009/3171), art. 1, Sch., **Appendix B**
- C64 S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Hackney) Permit Scheme Order 2009 (S.I. 2009/3167), art. 1, Sch., **Appendix B**

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- C65** S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Brent) Permit Scheme Order 2009 (S.I. 2009/3142), art. 1, Sch., **Appendix B**
- C66** S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Wandsworth) Permit Scheme Order 2009 (S.I. 2009/3189), art. 1, Sch., **Appendix B**
- C67** S. 69 modified (11.1.2010) by The Traffic Management (London Borough of Redbridge) Permit Scheme Order 2009 (S.I. 2009/3179), art. 1, Sch., **Appendix B**
- C68** S. 69 applied (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), arts. 1, **4(1)(2)**
- C69** S. 69 applied (with modifications) (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **3(2)(3)** (with art. 51, Sch. 10 paras. 68, 85)
- C70** S. 69 applied (with modifications) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **4(2)-(3)**
- C71** S. 69 modified (5.9.2011) by The Traffic Management (London Borough of Greenwich) Permit Scheme Order 2011 (S.I. 2011/1956), art. 1, Sch., **Appendix B**
- C72** S. 69 modified (5.9.2011) by The Traffic Management (London Borough of Richmond upon Thames) Permit Scheme Order 2011 (S.I. 2011/1960), art. 1, Sch., **Appendix B**
- C73** S. 69 modified (5.9.2011) by The Traffic Management (London Borough of Lambeth) Permit Scheme Order 2011 (S.I. 2011/1958), art. 1, Sch., **Appendix B**
- C74** S. 69 modified (5.9.2011) by The Traffic Management (London Borough of Harrow) Permit Scheme Order 2011 (S.I. 2011/1961), art. 1, Sch., **Appendix B**
- C75** S. 69 modified (5.9.2011) by The Traffic Management (London Borough of Southwark) Permit Scheme Order 2011 (S.I. 2011/1957), art. 1, Sch., **Appendix B**
- C76** S. 69 modified (5.9.2011) by The Traffic Management (London Borough of Newham) Permit Scheme Order 2011 (S.I. 2011/1962), art. 1, Sch., **Appendix B**
- C77** S. 69 modified (5.9.2011) by The Traffic Management (London Borough of Waltham Forest) Permit Scheme Order 2011 (S.I. 2011/1959), art. 1, Sch., **Appendix B**

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