



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART III

STREET WORKS IN ENGLAND AND WALES

Duties and liabilities of undertakers with respect to apparatus

82 Liability for damage or loss caused.

- (1) An undertaker shall compensate—
 - (a) the street authority or any other relevant authority in respect of any damage or loss suffered by the authority in their capacity as such, and
 - (b) any other person having apparatus in the street in respect of any expense reasonably incurred in making good damage to that apparatus,as a result of the execution by the undertaker of street works or any event of a kind mentioned in subsection (2).
- (2) The events referred to in subsection (1) are any explosion, ignition, discharge or other event occurring to gas, electricity, water or any other thing required for the purposes of a supply or service afforded by an undertaker which—
 - (a) at the time of or immediately before the event in question was in apparatus of the undertaker in the street, or
 - (b) had been in such apparatus before that event and had escaped therefrom in circumstances which contributed to its occurrence.
- (3) The liability of an undertaker under this section arises—
 - (a) whether or not the damage or loss is attributable to negligence on his part or on the part of any person for whom he is responsible, and
 - (b) notwithstanding that he is acting in pursuance of a statutory duty.
- (4) However, his liability under this section does not extend to damage or loss which is attributable to misconduct or negligence on the part of—

Status: Point in time view as at 28/02/2013. This version of this provision has been superseded.

Changes to legislation: New Roads and Street Works Act 1991, Section 82 is up to date with all changes known to be in force on or before 19 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)

- (a) the person suffering the damage or loss, or any person for whom he is responsible, or
 - (b) a third party, that is, a person for whom neither the undertaker nor the person suffering the damage or loss is responsible.
- (5) For the purposes of this section the persons for whom a person is responsible are his contractors and any person in his employ or that of his contractors.
- (88) Nothing in this section shall be taken as exonerating an undertaker from any liability to which he would otherwise be subject.

Modifications etc. (not altering text)

- C1** S. 82 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](#))
- S. 82 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](#))
- C2** Ss. 54-106 applied (28.2.2013) by [The Rookery South \(Resource Recovery Facility\) Order 2011 2013 \(S.I. 2013/680\), art. 10\(3\)](#)
- C3** S. 82(1): 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 paras. 1\(p\), 3\(b\)](#)

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