



# 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*Status: Point in time view as at 30/06/2015. This version of this provision has been superseded.*

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- (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** 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)
- C2** Pt. 3 restricted (6.8.2014) by [The Rampion Offshore Wind Farm Order 2014 \(S.I. 2014/1873\)](#), art. 1, **Sch. 12 Pt. 2 para. 3** (with arts. 12, 13, Sch. 12 Pt. 1 paras. 6(3), 19, Pt. 2 paras. 3, 6, 13, Pt. 3 para. 5, Pt. 4 para. 4, Pt. 5 para. 4)
- C3** Pt. 3 modified (24.9.2014) by [The Thames Water Utilities Limited \(Thames Tideway Tunnel\) Order 2014 \(S.I. 2014/2384\)](#), arts. 1, **10(5)**, 11(4)
- C4** 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**)
- C5** Ss. 54-106 applied (28.2.2013) by [The Rookery South \(Resource Recovery Facility\) Order 2011 2013 \(S.I. 2013/680\)](#), art. **10(3)**
- C6** 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)**
- C7** Ss. 54-106 applied (15.6.2013) by [The Galloper Wind Farm Order 2013 \(S.I. 2013/1203\)](#), arts. 1, **13(3)** (with arts. 11, 12)
- C8** Ss. 54-106 applied (15.8.2013) by [The North Blyth Biomass Power Station Order 2013 \(S.I. 2013/1873\)](#), arts. 1, **9(3)** (with art. 30)
- C9** Ss. 54-106 applied (7.7.2014) by [The East Anglia ONE Offshore Wind Farm Order 2014 \(S.I. 2014/1599\)](#), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)
- C10** Ss. 54-106 applied (6.8.2014) by [The Rampion Offshore Wind Farm Order 2014 \(S.I. 2014/1873\)](#), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)
- C11** Ss. 54-106 applied (24.9.2014) by [The Thames Water Utilities Limited \(Thames Tideway Tunnel\) Order 2014 \(S.I. 2014/2384\)](#), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)
- C12** Ss. 54-106 applied (2.10.2014) by [The North Killingholme \(Generating Station\) Order 2014 \(S.I. 2014/2434\)](#), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)
- C13** Ss. 54-106 applied (29.10.2014) by [The Able Marine Energy Park Development Consent Order 2014 \(S.I. 2014/2935\)](#), art. **15(3)** (with arts. 30(4), 53)
- C14** Ss. 54-106 applied (28.11.2014) by [The Walney Extension Offshore Wind Farm Order 2014 \(S.I. 2014/2950\)](#), arts. 1, **10(3)** (with arts. 38, 39)
- C15** Ss. 54-106 applied (7.1.2015) by [The Willington C Gas Pipeline Order 2014 \(S.I. 2014/3328\)](#), arts. 1, **10(3)**
- C16** Ss. 54-106 applied (2.2.2015) by [The Northumberland County Council \(A1 – South East Northumberland Link Road \(Morpeth Northern Bypass\)\) Development Consent Order 2015 \(S.I. 2015/23\)](#), arts. 1, **9(2)**

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- C17** Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**
- C18** Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16**)
- C19** Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), **Sch. 8 para. 10**)
- C20** Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**
- C21** Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)
- C22** 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)**
- C23** S. 82(2) applied (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **13(2)(3)** (with art. 33)

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