



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART III

#### STREET WORKS IN ENGLAND AND WALES

##### *Apparatus affected by highway, bridge or transport works*

#### **83 Works for road purposes likely to affect apparatus in the street.**

- (1) This section applies to works for road purposes other than major highway works (as to which see section 84 below).
- (2) Where works to which this section applies are likely to affect apparatus in the street, the authority 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.
- (3) An authority who fail to comply with subsection (2) commit an offence in respect of each failure and are liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 4] on the standard scale.
- (4) In proceedings against an authority for such an offence it is a defence for them to show that the failure was attributable—
  - (a) to their not knowing the position, or not knowing of the existence, of a person's apparatus, or
  - (b) to their not knowing the identity or address of the person to whom any apparatus belongs,

and that their ignorance was not due to any negligence on their part or to any failure to make inquiries which they ought reasonably to have made.

*Status: Point in time view as at 18/09/2014. This version of this provision has been superseded.*

*Changes to legislation: New Roads and Street Works Act 1991, Section 83 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)*

### Textual Amendments

- F1** Words in s. 83(3) 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 (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)
- C2** 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)
- C3** 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))
- C4** Pt. 3 applied (11.1.2006) by [The Cambridgeshire Guided Busway Order 2005](#) (S.I. 2005/3523), arts. 1, **3(1)** (with art. 52)
- C5** 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)
- C6** 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)
- C7** Pt. 3 modified (9.1.2014) by [The National Grid \(King's Lynn B Power Station Connection\) Order 2013](#) (S.I. 2013/3200), arts. 1, **9(1)**
- C8** Pt. 3 applied (with modifications) (9.1.2014) by [The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013](#) (S.I. 2013/3244), arts. 1, **4(9)** (with arts. 57, 58, Sch. 11 para. 19)
- C9** Pt. 3 modified (9.1.2014) by [The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013](#) (S.I. 2013/3244), arts. 1, **4(1)(2)** (with arts. 57, 58, Sch. 11 para. 19)
- C10** 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)
- C11** S. 83: 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. 4(a)**
- C12** Ss. 54-106 applied (28.2.2013) by [The Rookery South \(Resource Recovery Facility\) Order 2011](#) 2013 (S.I. 2013/680), **art. 10(3)**
- C13** 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)**
- C14** 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)
- C15** 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)
- C16** 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)
- C17** 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)

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