



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

85 Sharing of cost of necessary measures.

- (1) Where an undertaker's apparatus in a street is affected by major highway works, major bridge works or major transport works, the allowable costs of the measures needing to be taken in relation to the apparatus in consequence of the works, or in order to facilitate their execution, shall be borne by the highway, bridge or transport authority concerned and the undertaker in such manner as may be prescribed.

- (2) The regulations may make provision as to the costs allowable for this purpose.

Provision may, in particular, be made for disallowing costs of the undertaker—

- (a) where the apparatus in question was placed in the street after the authority had given the undertaker the prescribed notice of their intention to execute the works, or
- (b) in respect of measures taken to remedy matters for which the authority were not to blame,

and for allowing only such costs of either party as are not recoverable from a third party.

- (3) Where the authority have a right to recover from a third party their costs in taking measures in relation to undertaker's apparatus but in accordance with section 84 it is determined that the measures should be taken by the undertaker, the right of the authority includes a right to recover the undertaker's costs in taking those measures and they shall account to the undertaker for any sum received.

- (4) The regulations shall provide for the allowable costs to be borne by the authority and the undertaker in such proportions as may be prescribed.

Status: Point in time view as at 23/06/2015. This version of this provision has been superseded.

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Different proportions may be prescribed for different cases or classes of case.

- (5) The regulations may require the undertaker to give credit for any financial benefit to him from the betterment or deferment of renewal of the apparatus resulting from the measures taken.
- (6) The regulations may make provision as to the time and manner of making any payment required under this section.

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 (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)
- C3** 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)
- C4** 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))
- C5** Pt. 3 applied (11.1.2006) by [The Cambridgeshire Guided Busway Order 2005 \(S.I. 2005/3523\)](#), arts. 1, **3(1)** (with art. 52)
- C6** 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)
- C7** Pt. 3 modified (13.12.2006) by [The Luton Dunstable Translink Order 2006 \(S.I. 2006/3118\)](#), arts. 1, **3**
- C8** 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))
- C9** 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)
- C10** Pt. 3 modified (18.9.2009) by [The London Underground \(Victoria Station Upgrade\) Order 2009 \(S.I. 2009/2364\)](#), arts. 1, **3(1)(2)**
- C11** 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)
- C12** Pt. 3 modified (21.4.2011) by [The Network Rail \(Hitchin \(Cambridge Junction\)\) Order 2011 \(S.I. 2011/1072\)](#), arts. 1, **4(1)**
- C13** Pt. 3 modified (13.11.2012) by [The Chiltern Railways \(Bicester to Oxford Improvements\) Order 2012 \(S.I. 2012/2679\)](#), arts. 1, **4(1)** (with art. 42(2))
- C14** 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)
- C15** Pt. 3 modified (22.8.2013) by [The Leeds Railway Station \(Southern Entrance\) Order 2013 \(S.I. 2013/1933\)](#), arts. 1, **3(1)**
- C16** 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)**
- C17** 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)
- C18** 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)
- C19** 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)
- C20** 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)
- C21** Pt. 3 modified (21.4.2015) by [The Network Rail \(Ordsall Chord\) Order 2015 \(S.I. 2015/780\)](#), arts. 1, **4(1)** (with art. 36(2))

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- C22 S. 85 excluded (27.11.1992) by S.I. 1992/2984, **art. 10**
- C23 S. 85 applied (18.12.1996) by 1996 c. 61, s. 52, **Sch. 15 Pt. 4 para. 4(8)(a)**
S. 85 applied (10.2.1997) by S.I. 1997/264, art. 28, **Sch. 9 para. 2(7)(a)**
S. 85 applied (9.11.2001) by S.I. 2001/3682, **art. 33 Sch. 9 para. 2(7)(a)**
S. 85 applied (9.11.2001) by S.I. 2001/3682, art. 34, **Sch. 10 para. 9(5)(a)** (with Sch. 10 para. 12)
- C24 S. 85 applied (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), art. 1, **Sch. 12 para. 2(8)(a)**
- C25 S. 85 applied (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **Sch. 10 para. 2(7)(a)** (with art. 51)
- C26 S. 85 applied (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), art. 1, **Sch. 11 para. 7(a)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)
- C27 S. 85 applied (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), art. 1, **Sch. 9 para. 2(8)** (with arts. 3(5), 15(3))
- C28 S. 85 applied (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), art. 1, **Sch. 10 para. 2(8)** (with art. 52)
- C29 S. 85 applied (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), art. 1, **Sch. 8 para. 2(7)** (with art. 40, Sch. 7 para. 12)
- C30 S. 85 applied (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), art. 1, **Sch. 11 para. 2(8)** (with art. 43)
- C31 S. 85 applied (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), art. 1, **Sch. 10 para. 10(5)(a)** (with arts. 34, 35(2), Sch. 10 para. 13)
- C32 S. 85 applied (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), art. 1, **Sch. 9 para. 2(7)** (with arts. 34, 35(2))
- C33 S. 85 applied (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), art. 1, **Sch. 10 para. 2(7)**
- C34 S. 85 applied (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), art. 1, **Sch. 10 para. 21(8)(a)** (with arts. 34, 35(2), Sch. 10 para. 26)
- C35 S. 85 applied (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), art. 1, **Sch. 8 para. 2(8)** (with arts. 3(6), 12(3))
- C36 S. 85 applied (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), art. 1, **Sch. 9 para. 2(7)(a)** (with art. 36(3))
- C37 S. 85 applied (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), art. 1, **Sch. 11 para. 2(8)(a)** (with Sch. 13 para. 14(2), Sch. 14 para. 19)
- C38 S. 85 applied (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), art. 1, **Sch. 8 para. 2(7)(a)**
- C39 S. 85 applied (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), art. 1, **Sch. 8 para. 2(7)(a)**
- C40 S. 85 applied (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), art. 1, **Sch. 9 para. 2(7)(a)** (with art. 51, Sch. 10 paras. 68, 85)
- C41 S. 85 applied (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), art. 1, **Sch. 11 para. 2(7)(a)**
- C42 S. 85 applied (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), art. 1, **Sch. 13 para. 2(7)(a)** (with art. 42(2))
- C43 Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**
- C44 S. 85 applied (28.3.2013) by The Network Rail (Seaham Level Crossing) Order 2013 (S.I. 2013/533), art. 1, **Sch. para. 2(7)(a)**
- C45 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)**
- C46 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)
- C47 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)

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- C48** S. 85 applied (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), art. 1, **Sch. 12 para. 2(7)(a)**
- C49** S. 85 applied (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), art. 1, **Sch. 9 para. 2(8)(a)** (with arts. 57, 58, Sch. 11 para. 19)
- C50** 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)
- C51** 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)
- C52** 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)
- C53** 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)
- C54** 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)
- C55** 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)
- C56** Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**
- C57** 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)**
- C58** 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)**
- C59** 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**)
- C60** 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)
- C61** S. 85 applied (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), art. 1, **Sch. 11 para. 7(a)** (with art. 36(2))
- C62** 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)**
- C63** S. 85(1)(3): 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(c)**

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