



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART III

#### STREET WORKS IN ENGLAND AND WALES

##### *Provisions with respect to particular authorities and undertakings*

#### **86 Highway authorities, highways and related matters.**

(1) In this Part—

“highway authority” and “local highway authority” have the same meaning as in the <sup>M1</sup>Highways Act 1980; and

“maintainable highway” means a highway which for the purposes of that Act is maintainable at the public expense.

(2) In this Part “works for road purposes” means works of any of the following descriptions executed in relation to a highway—

- (a) works for the maintenance of the highway,
- (b) any works under powers conferred by Part V of the Highways Act 1980 (improvement),
- (c) the erection, maintenance, alteration or removal of traffic signs on or near the highway, or
- (d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles,

or works of any corresponding description executed in relation to a street which is not a highway.

(3) In this Part “major highway works” means works of any of the following descriptions executed by the highway authority in relation to a highway which consists of or includes a carriageway—

- (a) reconstruction or widening of the highway,
- (b) works carried out in exercise of the powers conferred by section 64 of the Highways Act 1980 (dual carriageways and roundabouts),

*Status: Point in time view as at 07/07/2014. This version of this provision has been superseded.*

*Changes to legislation: New Roads and Street Works Act 1991, Section 86 is up to date with all changes known to be in force on or before 15 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)*

- (c) substantial alteration of the level of the highway,
  - (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway,
  - (e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980,
  - (f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges),
  - (g) provision of a cattle-grid in the highway or works ancillary thereto, or
  - (h) tunnelling or boring under the highway.
- (4) Works executed under section 184(9) of the Highways Act 1980 by a person other than the highway authority shall also be treated for the purposes of this Part as major highway works; and in relation to such works the references in sections 84 and 85 to the highway authority shall be construed as references to him.

#### 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 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)**
- C3** 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)
- C4** 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)
- 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** S. 86(3) extended (13.1.1999) by [S.I. 1998/3269](#) art. 4(1)(a)
- C11** S. 86(3) applied (14.3.2002) by [The Chester Guided Busway Order 2002 \(S.I. 2002/412\)](#), **art. 3(1)(a)** (with art. 38)

#### Marginal Citations

- M1** 1980 c. 66.

**Status:**

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**Changes to legislation:**

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