

## SCHEDULE 2

Article 2

### FUNCTIONS CONFERRED BY THE NEW ROADS AND STREET WORKS ACT 1991 OR REGULATIONS MADE UNDER ANY PROVISION OF THAT ACT

1. Functions conferred on the Secretary of State as street authority for a street by or under any of the following provisions of the 1991 Act:

- (a) section 53 (the street works register);
- (b) section 54(1) and (4) (advance notice of certain works to be given to the street authority and compliance with requirements imposed by the street authority);
- (c) section 55(1) and (4) (notice to be given to the street authority of starting date of works and prohibition on starting works without notice except with the consent of the street authority);
- (d) section 56(1) and (4) (street authority's power to give directions as to the timing of street works and duty to have regard to the code of practice in exercising power);
- (e) section 58 (restriction on works following substantial roadworks);
- (f) section 59 (general duty of street authority to co-ordinate works);
- (g) section 60(1) (general duty of undertaker to co-operate with the street authority with respect to the execution of street works);
- (h) section 61 (protected streets) except insofar as they relate to the power to designate a street as protected;
- (i) section 65(5) (street authority's power to take steps where undertaker has failed to comply with certain obligations, and to recover costs incurred);
- (j) section 66(3) and (4) (street authority's power to give notice to undertaker to mitigate and discontinue obstruction, to take necessary steps and to recover costs incurred);
- (k) section 68(1) (undertaker to afford reasonable facilities to the street authority);
- (l) section 70(3) and (4) (undertaker to inform street authority of completion of interim and permanent reinstatement);
- (m) section 72 (powers of street authority in relation to reinstatement);
- (n) section 75 (inspection fees);
- (o) section 81 (duty to maintain apparatus);
- (p) section 82(1) (payment of compensation to street authority); and
- (q) section 94(1) and (2) (power of street authority to enter into an agreement with an undertaker for the execution of street works).

#### Commencement Information

**I1** Sch. 2 para. 1 in force at 25.7.1995, see [art. 1\(1\)](#)

2. Functions conferred on the Secretary of State as traffic authority for a highway by or under section 65(2) of the 1991 Act (undertaker to comply with directions given by traffic authority).

#### Commencement Information

**I2** Sch. 2 para. 2 in force at 25.7.1995, see [art. 1\(1\)](#)

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3. Functions conferred on the Secretary of State as a relevant authority other than a street authority by or under the following provisions of the 1991 Act:

- (a) section 81 (duty to maintain apparatus); and
- (b) section 82(1) (payment of compensation to any relevant authority).

**Commencement Information**

**I3** Sch. 2 para. 3 in force at 25.7.1995, see [art. 1\(1\)](#)

4. Functions conferred on the Secretary of State as highway authority for a highway or as bridge authority for a bridge by or under the following provisions of the 1991 Act:

- (a) section 83 (works for road purposes likely to affect apparatus in the street);
- (b) section 84(1), (3) and (4) (undertaker and bridge or highway authority to take steps where apparatus affected by major works and requirement to pay compensation in certain circumstances);
- (c) section 85(1) and (3) of the 1991 Act (highway and bridge authority to bear allowable costs of necessary measures where undertaker's apparatus affected by major highway or bridge works and right to recover undertaker's costs from third parties); and
- (d) section 88(4) and (5) (consultation with bridge authority prior to execution of certain works, provision of reasonable facilities for bridge authority to monitor works, and compliance with directions of bridge authority).

**Commencement Information**

**I4** Sch. 2 para. 4 in force at 25.7.1995, see [art. 1\(1\)](#)

5. Functions conferred on the Secretary of State by or under section 90 of the 1991 Act (provisions as to reinstatement of sewers, drains or tunnels).

**Commencement Information**

**I5** Sch. 2 para. 5 in force at 25.7.1995, see [art. 1\(1\)](#)

6. Functions conferred on the Secretary of State as street authority for a street by or under regulation 3 of the Street Works (Inspection Fees) Regulations 1992(1) (undertaker required to pay the street authority a fee for each chargeable inspection carried out by the street authority).

**Commencement Information**

**I6** Sch. 2 para. 6 in force at 25.7.1995, see [art. 1\(1\)](#)

7. Functions conferred on the Secretary of State as street authority for a street by or under regulation 3 or 10 of the Street Works (Reinstatement) Regulations 1992(2) (street authority's power to give notice affecting the standard of reinstatement required and extension of the period for completion by agreement between the undertaker and the street authority).

(1) S.I.1992/1688.

(2) S.I. 1992/1689, amended by S.I. 1992/3110.

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**Commencement Information**

**17** Sch. 2 para. 7 in force at 25.7.1995, see [art. 1\(1\)](#)

**8.** Functions conferred on the Secretary of State as highway authority for a highway or as bridge authority for a bridge by or under any provision of the Street Works (Sharing of Costs of Works) Regulations 1992**(3)**.

**Commencement Information**

**18** Sch. 2 para. 8 in force at 25.7.1995, see [art. 1\(1\)](#)

**9.** Functions conferred on the Secretary of State as street authority for a street under regulations 3 and 4 of the Street Works (Maintenance) Regulations 1992**(4)** (street authority's power to execute works to enable it to inspect undertaker's apparatus and to execute any emergency works needed).

**Commencement Information**

**19** Sch. 2 para. 9 in force at 25.7.1995, see [art. 1\(1\)](#)

**10.** Functions conferred on the Secretary of State as street authority for a street or as highway authority for a highway, or, as bridge authority for a bridge by or under any of the following provisions of the Street Works (Registers, Notices, Directives and Designations) Regulations 1992**(5)**:

- (a) regulation 3(2) and (3) (information on street works to be shown on the register, and the person responsible for securing its registration);
- (b) regulation 5 (prescribed manner of service of notices);
- (c) regulation 7 (notice of starting date of works);
- (d) regulation 8 (procedure for giving directions);
- (e) regulation 11(3) (information to be made available by street authority in respect of designated protected streets);
- (f) regulation 12(3) (information to be made available by street authority in respect of designated streets with special engineering difficulties); and
- (g) regulation 13(3) (information to be made available by street authority in respect of designated traffic sensitive streets).

**Commencement Information**

**110** Sch. 2 para. 10 in force at 25.7.1995, see [art. 1\(1\)](#)

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**(3)** S.I. 1992/1690.  
**(4)** S.I. 1992/1691.  
**(5)** S.I. 1992/2985.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Order revoked in part by [S.I. 2009/721 art. 4\(1\)\(2\)](#)