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TO

Require highway authorities, street authorities and statutory undertakers to give notice to residents and businesses of road and street works; to provide for compensation if a notice is not issued; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Notice in respect of works

- (1) Where a highway authority or statutory undertaker proposes to undertake major highway works, works for road purposes, or street works, it shall, before the commencement of the works, consult—
- (a) the chief officer of police for the area in which the highway concerned is situated; and 5
 - (b) such other persons as may be prescribed by regulations made by the Secretary of State.
- (2) The highway authority or statutory undertaker shall also—
- (a) publish in one or more newspapers circulating in the area in which the highway concerned is situated, 10
 - (b) place at appropriate points on that highway, and
 - (c) cause to be sent to dwellings and businesses adjacent to the highway a notice of the proposal stating the nature, dimensions and location of the works. 15

2 Penalty

A statutory undertaker who executes works in contravention of section 1 commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

3 Emergency works

- (1) Nothing in section 1 affects the right of an undertaker to execute emergency works.
- (2) An undertaker executing emergency works shall inform residents and businesses of the reasons for and likely duration of the works in a manner and within such period of time as the street authority may prescribe.

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4 Compensation

If, on a claim made to a highway authority or statutory undertaker within the prescribed time and in the prescribed manner, it is shown that a person has suffered loss or damage directly attributable to any major highway works, works for road purposes or street works where notice was not given as required under section 1 above, the highway authority or statutory undertaker shall pay that person compensation in respect of that loss or damage.

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5 Regulations

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) The Secretary of State may make regulations under this Act—
 - (a) prescribing which persons should be consulted for the purposes of section 1 above; and
 - (b) prescribing the time and manner in which a claim for compensation under section 4 may be made.
- (3) A statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.

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6 Definitions

In this Act—

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“emergency works” has the same meaning as in section 57 of the New Roads and Street Works Act 1991 (c. 22);

“highway authority” has the same meaning as in the Highways Act 1980 (c. 66);

“major highway works” and “works for road purposes” have the same meaning as in section 86 of the New Roads and Street Works Act 1991;

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“street works” and “statutory undertaker” have the same meaning as in section 48 of the New Roads and Street Works Act 1991; and

“street authority” has the same meaning as in section 49 of the New Roads and Street Works Act 1991.

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7 Money

Expenditure of the Secretary of State in consequence of this Act shall be paid out of money provided by Parliament.

8 Short title and extent

- (1) This Act may be cited as the Road and Street Works (Notice and Compensation) Act 2003.
- (2) This Act extends to England only.

Road and Street Works (Notice and Compensation) Bill

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*Presented by Keith Vaz,
supported by
David Taylor.*

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