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**Changes to legislation:** Road Traffic (Driver Licensing and Information Systems) Act 1989, Cross Heading: Counter-notices is up to date with all changes known to be in force on or before 16 April 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) [View outstanding changes](#)

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## SCHEDULES

### SCHEDULE 5

#### DRIVER INFORMATION SYSTEMS: UNDERTAKERS' WORKS

##### *Counter-notices*

- 3 Where a notice has been given under paragraph 2 above by a relevant undertaker to the operator, the operator may within the period of 10 days beginning with the giving of the notice give the relevant undertaker a counter-notice which may state either—
- (a) that the operator intends himself to make any alterations made necessary or expedient by the proposed undertaker's works; or
  - (b) that he requires the undertaker in making any such alteration to do so under the supervision and to the satisfaction of the operator.
- 4 Where a counter-notice given under paragraph 3 above states that the operator intends himself to make any alteration—
- (a) the operator shall (subject to paragraph 6 below) have the right, instead of the relevant undertaker, to execute any works for the purpose of making that alteration; and
  - (b) any expenses incurred by the operator in or in connection with the execution of those works and the amount of any loss or damage sustained by the operator in consequence of the alteration shall be recoverable by the operator from the undertaker in any court of competent jurisdiction.
- 5 Where a counter-notice given under paragraph 3 above states that any alteration is to be made under the supervision and to the satisfaction of the operator—
- (a) the relevant undertaker shall not make the alteration except as required by the notice or under paragraph 6 below; and
  - (b) any expenses incurred by the operator in or in connection with the provision of that supervision and the amount of any loss or damage sustained by the operator in consequence of the alteration shall be recoverable by the operator from the undertaker in any court of competent jurisdiction.

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 18(b)(d) by [2000 c. 38 s. 274](#)[Sch. 31 Pt. 5\(1\)](#)