



Traffic Management Act 2004

2004 CHAPTER 18

PART 4

STREET WORKS

Records and information

PROSPECTIVE

47 Duties relating to the location of unexpected apparatus

- (1) Section 80 of the 1991 Act (duties where person finds unidentified apparatus) is amended as follows.
- (2) In subsection (1) for “made available by the undertaker” there is substituted “ kept by the undertaker under section 79(1) and made available by him ”.
- (3) After subsection (1) there is inserted—

“(1A) Subsection (1) has effect subject to such exceptions as may be prescribed.”
- (4) For subsections (2) and (3) there is substituted—

“(2) Where a person executing works of any description in the street finds apparatus which does not belong to him and is unable, after taking such steps as are reasonably practicable, to ascertain to whom the apparatus belongs, he shall comply with such requirements (if any) as may be prescribed for the purpose of securing that he—

 - (a) makes and keeps a record of the location of the apparatus and (so far as appears from external inspection) its nature and whether it is in use; and
 - (b) informs the street authority or any other person of those matters.

(2A) Regulations under subsection (2) may make provision—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Section 47. (See end of Document for details)

- (a) as to the form and manner in which records are to be kept;
 - (b) as to the form and manner in which, or the time at or by which, information is to be given; and
 - (c) for records which are to be kept by undertakers to be included in the records kept by them under section 79(1).”
- (5) In subsection (4) for “(2)” there is substituted “ any requirement imposed on him by regulations under subsection (2) ”.
- (6) After subsection (4) there is added—
- “(5) The Secretary of State may by regulations make provision for and in connection with the keeping (whether by the Secretary of State or a person with whom he has made appropriate arrangements) of a register of information recorded by undertakers in pursuance of a requirement imposed under subsection (2).
- (6) Regulations under subsection (5) may make provision about the inspection of the register by any person having authority to execute works of any description in the street or otherwise appearing to the person responsible for keeping the register to have a sufficient interest.”

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Traffic Management Act 2004, Section 47.