



# Traffic Management Act 2004

## 2004 CHAPTER 18

### PART 4

#### STREET WORKS

##### *Miscellaneous*

PROSPECTIVE

#### **55 Power of street authority to require undertaker to re-surface street**

(1) After section 73 of the 1991 Act there is inserted—

*“Re-surfacing*

##### **73A Power to require undertaker to re-surface street**

(1) In prescribed circumstances, the street authority for a street may by notice (a “re-surfacing notice”) require an undertaker within subsection (2) to execute such re-surfacing works in the street as may be specified in the notice.

(2) An undertaker is within this subsection if—

- (a) he has given notice under section 54 or 55 of, or made a notification under paragraph 2(1)(d) of Schedule 3A in respect of, proposed street works,
- (b) he is executing street works, or
- (c) he has, within such period ending with the giving of the notice as may be prescribed (or if no period is prescribed, at any time), executed street works,

and the works will involve, involve or (as the case may be) involved the breaking up of any part of the street.

*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 55. (See end of Document for details)*

- (3) The works specified in the re-surfacing notice may relate to any part of the street (including any part not, and not to be, broken up by the undertaker); but regulations may restrict the extent of the works that may be so specified.
- (4) The re-surfacing notice relieves the undertaker to the extent (if any) specified in the notice of his duty under section 70 to reinstate the surface of the street; but regulations may restrict the circumstances in which and the extent to which undertakers may be relieved of that duty.
- (5) The street authority may by notice to the undertaker vary or withdraw a re-surfacing notice; but regulations may restrict the circumstances in which notices may be varied or withdrawn.
- (6) A street authority may give a re-surfacing notice notwithstanding that the authority (in any capacity) are under a duty to undertake any of the works specified in the notice.
- (7) In this Part—
  - “re-surfacing notice” has the meaning given by subsection (1);
  - “re-surfacing works” means any works relating to the replacement of the surface of any part of a street;
  - “surface” includes a paved surface.
- (8) The reference in subsection (2)(c) to the execution of street works is a reference to the execution of such works after the commencement of this section (whether or not regulations under it have been made).

### **73B Power to specify timing etc. of re-surfacing**

- (1) A re-surfacing notice may require an undertaker to—
  - (a) execute the works specified in the notice in stages so specified;
  - (b) begin the execution of those works (or any stage of them) at or by a date and time so specified;
  - (c) execute those works (or any stage of them) at times or on days (or at times on days) so specified;
  - (d) complete the execution of those works (or any stage of them) by a date and time so specified.
- (2) The Secretary of State may by regulations make provision restricting, in some or all cases, the power to include requirements within subsection (1), including provision that—
  - (a) requires a street authority to consult an undertaker before a prescribed description of requirement is included in a notice;
  - (b) provides that any date specified in a notice for the beginning, execution or completion of works shall not be earlier than a prescribed period from the date on which the notice is given.

### **73C Materials, workmanship and standard of re-surfacing**

- (1) An undertaker who has been given a re-surfacing notice shall, when executing the works specified in the notice, comply with such requirements as may be

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prescribed as to the specification of materials to be used and the standards of workmanship to be observed.

(2) He shall also ensure that the new surface conforms to such performance standards as may be prescribed, for the prescribed period after completion of the works.”

(2) In section 106 of that Act—

(a) after the entry for relevant authority (in relation to street works) there is inserted—

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“re-surfacing notice	section 73A(7)
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re-surfacing works	section 73A(7)”;
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(b) after the entry for street works licence there is inserted—

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“surface	section 73A(7)”.
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**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 55.