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STATUTORY INSTRUMENTS

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**2020 No. 1099**

**The Southampton to London Pipeline  
Development Consent Order 2020**

**PART 3**

**STREETS**

**Application of the 1991 Act**

**12.**—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major highway works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (which defines what highway authority works are major highway works) of that Act; or
- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64(1) (dual carriageways and roundabouts) of the 1980 Act or section 184(2) (vehicle crossings over footways and verges) of that Act.

(2) In Part 3 of the 1991 Act, in relation to works which are major highway works by virtue of paragraph (1), references to the highway authority concerned are to be construed as references to the undertaker.

(3) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers of this Order—

- (a) section 56(3) (power to give directions as to timing);
- (b) section 56A(4) (power to give directions as to placing of apparatus);
- (c) section 58(5) (restrictions on works following substantial road works);
- (d) section 58A(6) (restriction on works following substantial street works); and
- (e) Schedule 3A(7) (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5) (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved under, those provisions apply (with the necessary modifications)

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- (1) Section 64 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(2) of, and Schedule 9 to, the New Roads and Street Works Act 1991 (c. 22).
  - (2) Section 184 was amended by sections 35, 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48); section 4 of, and paragraph 45(11) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11); and section 168 of, and paragraph 9 of Schedule 8 and Schedule 9 to, the New Roads and Street Works Act 1991 (c. 22).
  - (3) Section 56 was amended by section 43 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).
  - (4) Section 56A was inserted by section 44 of the Traffic Management Act 2004 (c. 18).
  - (5) Section 58 was amended by section 51 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).
  - (6) Section 58A was inserted by section 52 of the Traffic Management Act 2004 (c. 18).
  - (7) Schedule 3A was inserted by section 52(2) of, and Schedule 4 to, the Traffic Management Act 2004 (c. 18).

in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 13 (temporary closure, alteration, diversion or restriction of streets and public rights of way), whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

- (5) The provisions of the 1991 Act<sup>(8)</sup> referred to in paragraph (4) are—
- (a) subject to paragraph (6), section 54<sup>(9)</sup> (advance notice of certain works);
  - (b) subject to paragraph (6), section 55<sup>(10)</sup> (notice of starting date of works);
  - (c) section 57<sup>(11)</sup> (notice of emergency works);
  - (d) section 59<sup>(12)</sup> (general duty of street authority to co-ordinate works);
  - (e) section 60 (general duty of undertakers to co-operate);
  - (f) section 68 (facilities to be afforded to street authority);
  - (g) section 69 (works likely to affect other apparatus in the street);
  - (h) section 75 (inspection fees);
  - (i) section 76 (liability for cost of temporary traffic regulation); and
  - (j) section 77 (liability for cost of use of alternative route),

and all such other provisions as apply for the purposes of the provisions mentioned in sub-paragraphs (a) to (j).

(6) Sections 54 and 55 of the 1991 Act as applied by paragraph (4) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

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<sup>(8)</sup> Sections 54, 55, 57, 60, 68 and 69 were amended by sections 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

<sup>(9)</sup> As also amended by section 49(1) of the Traffic Management Act 2004 (c. 18).

<sup>(10)</sup> As also amended by section 49(2) and 51(9) of the Traffic Management Act 2004 (c. 18).

<sup>(11)</sup> As also amended by section 52(3) of the Traffic Management Act 2004 (c. 18).

<sup>(12)</sup> As amended by section 42 of the Traffic Management Act 2004 (c. 18).