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**Changes to legislation:** Electricity Act 1989, Cross Heading: Street works etc. in England and Wales is up to date with all changes known to be in force on or before 23 May 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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## F<sup>1</sup> SCHEDULES

### SCHEDULE 4

#### OTHER POWERS ETC. OF LICENCE HOLDERS

**Modifications etc. (not altering text)**

- C1 Sch. 4 applied (with modifications) (1.9.2004) by [Energy Act 2004 \(c. 20\), ss. 143\(2\), 198\(2\); S.I. 2004/2184, art. 2\(2\), Sch. 2](#)

*Street works etc. in England and Wales*

- 1 (1) Subject to the following provisions of this paragraph, for any purpose connected with the carrying on of the activities which he is authorised by his licence to carry on, a licence holder may execute—
- (a) the following kinds of works, that is to say, installing under, over, in, on, along or across any street and from time to time inspecting, maintaining, adjusting, repairing, altering, replacing or removing—
    - (i) any electric lines or electrical plant; and
    - (ii) any structures for housing or covering any such lines or plant; and
  - (b) any works requisite for or incidental to the purposes of any works falling within paragraph (a) above, including for those purposes—
    - (i) opening or breaking up any street or any sewers, drains or tunnels within or under any street;
    - (ii) tunnelling or boring under any street; and
    - (iii) removing or using all earth and materials in or under any street;but nothing in this sub-paragraph shall empower a licence holder to lay down or place any electric line or electrical plant into, through or against any building, or in any land not dedicated to the public use.
- (2) The power of a licence holder under sub-paragraph (1) to place on or over a street any structure for housing any line or plant shall be <sup>F1</sup>exercisable only with the consent of the street authority; but such consent shall not be unreasonably withheld].
- (3) Any question under sub-paragraph (2) above as to whether or not a consent is unreasonably withheld shall be determined by a single arbitrator to be appointed by the parties or, in default of agreement, by the Director.
- (4) Except in cases of emergency arising from faults in any electric lines or electrical plant, <sup>F2</sup>a street which is not a maintainable highway] shall not be opened or broken up by virtue of sub-paragraph (1) above except with the consent of <sup>F3</sup>the street authority] or the consent of the Secretary of State.

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- (5) The Secretary of State shall not entertain an application for his consent under sub-paragraph (4) above unless the licence holder has served notice of the application on the person whose consent would otherwise be required.
- (6) A licence holder shall do as little damage as possible in the exercise of the powers conferred by sub-paragraph (1) above and shall make compensation for any damage done in the exercise of those powers.
- (7) A licence holder shall exercise the powers conferred by sub-paragraph (1) above in such manner as will secure that nothing which he installs or keeps installed under, over, in, on, along or across any street becomes a source of danger to the public.
- <sup>F4</sup>[(8) Nothing in sub-paragraph (1) above shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949.]
- <sup>F5</sup>[(9) In this paragraph “maintainable highway”, “street” and “street authority” have the same meaning as in Part III of the New Roads and Street Works Act 1991.]
- (10) This paragraph extends to England and Wales only.

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#### Textual Amendments

- F1** Words in Sch. 4 para. 1(2) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 Pt. IV para. 123\(2\)](#); S.I. 1992/2984, art. 2(2), [Sch. 2](#).
- F2** Words in Sch. 4 para. 1(4) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 Pt. IV para. 123\(3\)\(a\)](#); S.I. 1992/2984, art. 2(2), [Sch. 2](#).
- F3** Words in Sch. 4 para. 1(4) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 Pt. IV para. 123\(3\)\(b\)](#); S.I. 1992/2984, art. 2(2), [Sch. 2](#).
- F4** Sch. 4 para. 1(8) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 Pt. IV para. 123\(4\)](#); S.I. 1992/2984, art. 2(2), [Sch. 2](#).
- F5** Sch. 4 para. 1(9) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 Pt. IV para. 123\(5\)](#); S.I. 1992/2984, art. 2(2), [Sch. 2](#).

**Changes to legislation:**

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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):

- s. 4(1)(f) and word inserted by [2023 c. 52 s. 186\(3\)\(b\)](#)
- s. 4(1)(ca) inserted by [2023 c. 52 s. 166\(2\)](#)
- s. 4(1)(da) inserted by [2023 c. 52 s. 205\(2\)\(b\)](#)
- s. 4(3H)(3I) inserted by [2023 c. 52 s. 186\(4\)](#)
- s. 4(3CA) inserted by [2023 c. 52 s. 205\(3\)](#)
- s. 4(3EA) inserted by [2023 c. 52 s. 205\(5\)](#)
- s. 6(1)(g) and word inserted by [2023 c. 52 s. 186\(7\)\(b\)](#)
- s. 6(1)(ea) inserted by [2023 c. 52 s. 205\(8\)\(b\)](#)
- s. 6(2C) inserted by [2023 c. 52 s. 186\(8\)](#)
- s. 6(2AA) inserted by [2023 c. 52 s. 205\(9\)](#)
- s. 6(6E) inserted by [2023 c. 52 s. 205\(10\)](#)
- s. 7(3GA) inserted by [2023 c. 52 s. 186\(17\)](#)
- s. 7A(11B) inserted by [2023 c. 52 s. 186\(18\)](#)
- s. 8A(1C) inserted by [2023 c. 52 s. 206\(6\)](#)
- s. 10NA inserted by [2023 c. 52 s. 207\(2\)](#)
- s. 11E(2)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(b\)\(iii\)](#)
- s. 15(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 3(2)(b) (as substituted) by [S.I. 2019/1245 reg. 19](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 25(8A) inserted by [2023 c. 52 Sch. 14 para. 7\(3\)](#)
- s. 44A inserted by [1992 c. 43 s. 23](#)
- s. 44A(6)(b)(i) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 44B(1)(a)(iia) inserted by [2023 c. 52 Sch. 17 para. 8](#)
- s. 56C(6)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(d\)\(ii\)](#)
- Sch. 6A para. 9ZA and cross-heading inserted by [2023 c. 52 Sch. 14 para. 8](#)