



# New Roads and Street Works Act 1991

## 1991 CHAPTER 22

### PART III

#### STREET WORKS IN ENGLAND AND WALES

##### *Charges, fees and contributions payable by undertakers*

**[74A] <sup>F1</sup>Charge determined by reference to duration of works.**

- (1) The Secretary of State may make provision by regulations requiring an undertaker executing street works in a maintainable highway to pay to the highway authority a charge determined, in the prescribed manner, by reference to the duration of the works.
- (2) The regulations shall not require charges to be paid to [<sup>F2</sup>a strategic highways company or] a local highway authority unless the Secretary of State has approved it for the purposes of the regulations by order made by statutory instrument.
- (3) The regulations may prescribe exemptions from the requirement to pay charges.
- (4) The regulations may prescribe different rates of charge according to—
  - (a) the extent to which the surface of the highway is affected by the works,
  - (b) the place and time at which the works are executed, and
  - (c) such other factors as appear to the Secretary of State to be relevant.
- (5) The regulations may—
  - (a) prescribe more than one rate of charge in respect of the same description of works, and
  - (b) provide that charges are to be paid in respect of any works of that description at the rate which appears to the highway authority to be appropriate in relation to those works.
- (6) The regulations may make provision for the determination of the duration of works for the purposes of the regulations.

*Status: Point in time view as at 01/09/2020. This version of this provision has been superseded.*

*Changes to legislation: New Roads and Street Works Act 1991, Section 74A is up to date with all changes known to be in force on or before 22 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)*

- (7) And they may, in particular, make provision for works to be treated as beginning or ending on the giving of, or as stated in, a notice given by the undertaker to the highway authority, in the prescribed manner, in accordance with a requirement imposed by the regulations.
- (8) The regulations may make provision as to the time and manner of making payment of charges.
- (9) The regulations shall provide that a highway authority may reduce the amount, or waive payment, of a charge—
- (a) in any particular case,
  - (b) in such classes of case as they may decide or as may be prescribed, or
  - (c) in all cases or in all cases other than a particular case or such class of case as they may decide or as may be prescribed.
- (10) The regulations may make provision as to—
- (a) the application by [<sup>F3</sup>strategic highways companies or] local highway authorities of sums paid by way of charges, and
  - (b) the keeping of accounts, and the preparation and publication of statements of account, relating to sums paid by way of charges.
- (11) The regulations may create in respect of any failure to give a notice required by the regulations a criminal offence triable summarily and punishable with a fine not exceeding [<sup>F4</sup>level 4] on the standard scale.
- (12) The regulations may require disputes of any prescribed description to be referred to an arbitrator appointed in accordance with the regulations.
- (13) The first regulations under this section shall not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament; subsequent regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F1** Ss. 74A, 74B inserted (1.2.2001 subject to transitional provision and saving in Sch. 2 Pt. II of the commencing S.I.) by 2000 c. 38, s. 255(1); S.I. 2001/57, art. 3, Sch. 2 Pt. I (as amended by S.I. 2001/115, art. 2(5))
- F2** Words in s. 74A(2) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), Sch. 1 para. 120(2); S.I. 2015/481, reg. 2(a)
- F3** Words in s. 74A(10)(a) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), Sch. 1 para. 120(3); S.I. 2015/481, reg. 2(a)
- F4** Words in s. 74A(11) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(4), 99(1); S.I. 2004/2380, art. 2(d)(iii) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

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

- C1** Pt. 3 modified (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, 4(1)(2) (with arts. 65, 66)
- C2** Pt. 3 modified (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), art. 3(1)(2) (with art. 51)
- C3** Pt. 3 modified (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), arts. 1, 3(1)(2) (with art. 47)

*Status: Point in time view as at 01/09/2020. This version of this provision has been superseded.*

*Changes to legislation: New Roads and Street Works Act 1991, Section 74A is up to date with all changes known to be in force on or before 22 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)*

- C4 Pt. 3 applied (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, **3(1)**
- C5 Pt. 3 modified (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, **8(7)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)
- C6 Pt. 3 restricted (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **10(3)**
- C7 Pt. 3 modified (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **9(1)**
- C8 Pt. 3 modified (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(1)** (with arts. 3(5), 15(3))
- C9 Pt. 3 applied (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(1)** (with art. 52)
- C10 Pt. 3 modified (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **3(1)** (with art. 51, Sch. 10 paras. 68, 85)
- C11 Pt. 3 applied (with modifications) (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **9** (with arts. 48, 68, 79)
- C12 Pt. 3 modified (9.1.2014) by The National Grid (King's Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **9(1)**
- C13 Pt. 3 applied (with modifications) (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(9)** (with arts. 57, 58, Sch. 11 para. 19)
- C14 Pt. 3 modified (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **4(1)(2)** (with arts. 57, 58, Sch. 11 para. 19)
- C15 Pt. 3 restricted (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), art. 1, **Sch. 12 Pt. 2 para. 3** (with arts. 12, 13, Sch. 12 Pt. 1 paras. 6(3), 19, Pt. 2 paras. 3, 6, 13, Pt. 3 para. 5, Pt. 4 para. 4, Pt. 5 para. 4)
- C16 Pt. 3 modified (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(5)**, 11(4)
- C17 Pt. 3 modified (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **4(1)(2)**
- C18 Pt. 3 applied (with modifications) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **5(1)(2)** (with arts. 46, 47, Sch. 8 para. 2(7), Sch. 9 para. 4, Sch. 10 para. 12(2))
- C19 Pt. 3 modified (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **9(2)**
- C20 Pt. 3 modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 4 para. 8(1)** (with Sch. 4 para. 8(2))
- C21 Pt. 3 excluded (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 33 para. 1(3)**
- C22 Pt. 3 modified (29.3.2017) by The Glyn Rhonwy Pumped Storage Generating Station Order 2017 (S.I. 2017/330), arts. 1, **12(1)** (with art. 31)
- C23 Pt. 3 applied (with modifications) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **3(2)** (with arts. 55-57, Sch. 8 para. 13)
- C24 Pt. 3 modified (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **3(2)** (with arts. 55-57, Sch. 8 para. 13)
- C25 Pt. 3 modified (25.2.2020) by The Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020 (S.I. 2020/114), arts. 1, **4(1)** (with art. 37(2))
- C26 Pt. 3 applied (with modifications) (27.2.2020) by The A30 Chiverton to Carland Cross Development Consent Order 2020 (S.I. 2020/121), arts. 1, **12(1)(2)** (with art. 3(1))
- C27 Pt. 3 modified (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **13(1)(2)** (with art. 37)
- C28 Pt. 3 modified (18.6.2020) by The A63 (Castle Street Improvement, Hull) Development Consent Order 2020 (S.I. 2020/556), arts. 1, **9(1)(2)** (with arts. 5, 44)

*Status: Point in time view as at 01/09/2020. This version of this provision has been superseded.*

*Changes to legislation: New Roads and Street Works Act 1991, Section 74A is up to date with all changes known to be in force on or before 22 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)*

- C29** Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**
- C30** Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**
- C31** Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)
- C32** Ss. 54-106 applied (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **9(3)** (with art. 30)
- C33** Ss. 54-106 applied (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **8(3)** (with arts. 37, 38, Sch. 9 para. 19)
- C34** Ss. 54-106 applied (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **15(3)** (with arts. 7(6), 12, 13, Sch. 12 Pt. 1 para. 19, Sch. 12 Pt. 2 para. 6, sch. 12 Pt. 3 para. 5, Sch. 12 Pt. 4 para. 4, Sch. 12 Pt. 5 para. 4)
- C35** S. 74A excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 4(9)**
- C36** Ss. 54-106 applied (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **10(4)**, 11(5) (with arts. 55, 56)
- C37** Ss. 54-106 applied (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **9(3)** (with arts. 6, 9(4), 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)
- C38** Ss. 54-106 applied (29.10.2014) by The Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935), **art. 15(3)** (with arts. 30(4), 53)
- C39** Ss. 54-106 applied (28.11.2014) by The Walney Extension Offshore Wind Farm Order 2014 (S.I. 2014/2950), arts. 1, **10(3)** (with arts. 38, 39)
- C40** Ss. 54-106 applied (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **10(3)**
- C41** Ss. 54-106 applied (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeh Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **9(2)**
- C42** Ss. 54-106 applied (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **9(3)**
- C43** Ss. 54-106 applied (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, **13(3)** (with arts. 8(5), 35, 40, 41, **Sch. 12 Pt. 1 paras. 4, 9(2), 10, Pt. 2 paras. 4(2)(3), 19, Pt. 4 paras. 3, 4, 16)**
- C44** Ss. 54-106 applied (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **10(3)** (with art. 7(6), Sch. 8 para. 10)
- C45** Ss. 54-106 applied (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **9(2)**
- C46** Ss. 54-106 applied (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **9(3)** (with arts. 51, 53)
- C47** Ss. 54-106 applied (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **9(3)** (with art. 44)
- C48** Ss. 54-106 applied (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **10(3)**
- C49** Ss. 54-106 applied (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **14(3)** (with arts. 35, 40, 41)
- C50** Ss. 54-106 applied (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **9(3)**
- C51** Ss. 54-106 applied (30.12.2015) by The Port Talbot Steelworks Generating Station Order 2015 (S.I. 2015/1984), arts. 1, **9(3)** (with art. 26)
- C52** Ss. 54-106 applied (with modifications) (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **12(3)** (with art. 39)

*Status: Point in time view as at 01/09/2020. This version of this provision has been superseded.*

*Changes to legislation: New Roads and Street Works Act 1991, Section 74A is up to date with all changes known to be in force on or before 22 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)*

- C53** Ss. 54-106 applied (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **11(3)**
- C54** Ss. 54-106 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **10(3)** (with arts. 35, 36)
- C55** Ss. 54-106 applied (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **10(5)** (with art. 35)
- C56** Ss. 54-106 applied (with modifications) (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **11(3)** (with art. 43)
- C57** Ss. 54-106 applied (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **11(3)**
- C58** Ss. 54-106 applied (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **8(3)** (with arts. 39, 40, Sch. 8 para. 19)
- C59** S. 74A excluded (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 24 para. 2(9)** (with Sch. 24 para. 2(16))
- C60** Ss. 54-106 applied (18.3.2017) by The North London Heat and Power Generating Station Order 2017 (S.I. 2017/215), arts. 1, **10(3)**
- C61** Ss. 54-106 applied (29.3.2017) by The Glyn Rhonwy Pumped Storage Generating Station Order 2017 (S.I. 2017/330), arts. 1, **10(3)** (with art. 31)
- C62** Ss. 54-106 applied (5.4.2017) by The Keuper Underground Gas Storage Facility Order 2017 (S.I. 2017/433), arts. 1, **10(4)**
- C63** Ss. 54-106 applied (8.8.2017) by The Wrexham Gas Fired Generating Station Order 2017 (S.I. 2017/766), arts. 1, **10(3)**
- C64** Ss. 54-106 applied (29.8.2017) by The East Anglia THREE Offshore Wind Farm Order 2017 (S.I. 2017/826), arts. 1, **8(3)** (with arts. 5(9), 36, 37, Sch. 8 para. 34)
- C65** Ss. 54-106 applied (12.10.2018) by The Eggborough Gas Fired Generating Station Order 2018 (S.I. 2018/1020), arts. 1, **8(3)** (with arts. 6, 42)
- C66** Ss. 54-106 applied (3.4.2019) by The Millbrook Gas Fired Generating Station Order 2019 (S.I. 2019/578), arts. 1, **9(3)**
- C67** Ss. 54-106 applied (10.10.2019) by The Abergelli Power Gas Fired Generating Station Order 2019 (S.I. 2019/1268), arts. 1, **9(3)**
- C68** Ss. 54-106 applied (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), arts. 1, **9(3)**
- C69** S. 74A excluded (30.10.2019) by The Northampton Gateway Rail Freight Interchange Order 2019 (S.I. 2019/1358), art. 1, **Sch. 14 para. 3(9)** (with art. 45(7), Sch. 13 Pt. 1 para. 19)
- C70** Ss. 54-106 applied (27.2.2020) by The A30 Chiverton to Carland Cross Development Consent Order 2020 (S.I. 2020/121), arts. 1, **11(3)** (with art. 3(1))
- C71** Ss. 54-106 applied (14.4.2020) by The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020 (S.I. 2020/325), arts. 1, **10(4)** (with art. 7)
- C72** Ss. 54-106 applied (1.5.2020) by The Riverside Energy Park Order 2020 (S.I. 2020/419), arts. 1, **11(3)** (with art. 7)
- C73** S. 74A excluded (25.5.2020) by The West Midlands Rail Freight Interchange Order 2020 (S.I. 2020/511), art. 1, **Sch. 14 para. 3(9)**
- C74** Ss. 54-106 applied (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **12(3)** (with art. 37)
- C75** Ss. 54-106 applied (1.9.2020) by The Immingham Open Cycle Gas Turbine Order 2020 (S.I. 2020/847), arts. 1, **9(3)** (with Sch. 9 para. 144)

**Status:**

Point in time view as at 01/09/2020. This version of this provision has been superseded.

**Changes to legislation:**

New Roads and Street Works Act 1991, Section 74A is up to date with all changes known to be in force on or before 22 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.