



Transport Act 2000

2000 CHAPTER 38

PART V

MISCELLANEOUS AND SUPPLEMENTARY

Charges for street works on highway

255 Charge for whole duration of works

(1) In the New Roads and Street Works Act 1991, after section 74 insert—

“74A 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 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

Status: This is the original version (as it was originally enacted).

- (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.
- (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 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 level 3 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.

74B Regulations under sections 74 and 74A

Nothing shall be taken to prevent the imposition of charges by both regulations under sections 74 and regulations under section 74A in respect of the execution of the same works at the same time.”

- (2) The reference to the New Roads and Street Works Act 1991 in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 is to be treated as referring to that Act as amended by this section and section 256.

256 Charges where works unreasonably prolonged

- (1) Section 74 of the New Roads and Street Works Act 1991 (charges where works unreasonably prolonged) is amended as follows.

(2) After subsection (2) insert—

“(2A) The regulations may prescribe exemptions from the requirement to pay charges.”

(3) In subsection (3)—

- (a) for “may submit to the authority” substitute “shall give to the authority, in such manner as may be prescribed, notice containing”, and
- (b) for “so submitted” substitute “contained in a notice given to an authority in such manner”.

(4) In subsection (4), for “may submit” substitute “shall give to the authority, in such manner as may be prescribed, notice containing”.

(5) After subsection (5) insert—

“(5A) 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.

(5B) The regulations may make provision for the determination of the duration of works for the purposes of the regulations.

(5C) 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.”

(6) In subsection (7), for the words from “charge” to the end substitute “charges

- (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.”

(7) After that subsection insert—

“(7A) The regulations may make provision as to—

- (a) the application by 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.

(7B) 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 level 3 on the standard scale.”