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## STATUTORY INSTRUMENTS

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### 2020 No. 122

## The Street and Road Works (Amendments Relating to Electronic Communications) (England) Regulations 2020

### Amendments to the Traffic Management Permit Scheme (England) Regulations 2007

5.—(1) The Traffic Management Permit Scheme (England) Regulations 2007 are amended as follows.

(2) In regulation 23—

- (a) in the heading, for “Form” substitute “ Content ”;
- (b) omit paragraph (1).

(3) In regulation 27, omit paragraph (2).

(4) In regulation 30, after paragraph (2) insert—

“(2A) In the case mentioned in paragraph (2), the scheme shall also ensure that any fee for the issue of a permit or an application for a permit for minor works or standard works is less than any corresponding fee for major works. In this paragraph, “major works”, “minor works” and “standard works” have the same meanings as in regulation 3(1) of the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.”.

(5) Omit Part 7.

(6) Omit regulation 36(a).

(7) After regulation 38 insert—

### “PART 8A

#### Modifications to section 53 of the 1991 Act

#### Application of Part

38A. This Part applies to specified streets within permit schemes.

#### Modifications to section 53 of the 1991 Act

38B.—(1) Section 53 of the 1991 Act<sup>MI</sup> is to be read in relation to specified works in the specified streets as if—

(a) for subsections (1) and (2) there were substituted—

“(1) A Permit Authority shall keep a register of permits in respect of any permit scheme prepared by it under section 33 of the Traffic Management Act 2004 that is in effect under section 33A(2) or 35(2) of that Act.

(2) The register shall contain the following information—

- (a) the name of every specified street within that scheme;

- (b) whether those streets have been designated by the relevant street authority under section 61, 63 or 64 as protected streets, streets of special engineering difficulties or traffic-sensitive streets; and
- (c) such other information in relation to those streets as the Permit Authority considers appropriate.

(2A) The Permit Authority shall enter in the register the provisions of each of the following so far as it relates to the permit scheme for which the register is made—

- (a) every permit (consolidated so as to incorporate any variations of the permit);
- (b) every variation of a permit;
- (c) every variation and revocation of permit conditions;
- (d) every provisional advance authorisation;
- (e) every application for a permit;
- (f) every application for a variation of a permit;
- (g) every application for a provisional advance authorisation;
- (h) every refusal to grant a permit;
- (i) every refusal to grant a variation of a permit;
- (j) every refusal to grant a provisional advance authorisation;
- (k) every permit, provisional advance authorisation, variation of a permit and variation to permit conditions deemed to have been granted under regulation 16 of the Traffic Management Permit Scheme (England) Regulations 2007;
- (l) every permit revocation.

This is subject to subsection (5C) (also see subsection (5B) which sets out the circumstances in which subsection 5C) applies).

(2B) The Permit Authority shall also enter in the register each of the following so far as it relates to a specified street within that permit scheme—

- (a) every notice and consent given under section 58;
- (b) every notice given under regulation 6 of the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009;
- (c) every notice and direction given under Schedule 3A;
- (d) a description and location of activities for all plans and sections and descriptions of works submitted under paragraph 2(2), 3 or 5 of Schedule 4;
- (e) every notice given under Schedule 4;
- (f) every street works licence granted under section 50(1) (including details of conditions attached to such a licence and every assignment of the benefit of such a licence);
- (g) every notice given under section 70(3) or (4A);
- (h) all information given under section 80(2);
- (i) every notice given under regulation 6(3) of the Street Works (Sharing of Costs of Works) (England) Regulations 2000 <sup>M2</sup>.

This is subject to subsection (5C) (also see subsection (5B) which sets out the circumstances in which subsection 5C) applies).

(2C) Two or more Permit Authorities may combine their registers.”;

(b) in subsection (3)—

(i) for “authority” there were substituted “Permit Authority”;

(ii) the sentence after paragraph (b) were omitted;

(c) after subsection (3) there were inserted—

“(3A) For the purposes of subsection (3), “restricted information” is—

(a) information certified by, or with the authorisation of, the Secretary of State as being restricted information for the purpose of safeguarding national security; or

(b) information certified by, or with the authorisation of, a statutory undertaker as being restricted information because its disclosure would, or would be likely to, prejudice the commercial interests of that statutory undertaker.”;

(d) in subsection (4) for “street authorities” there were substituted “Permit Authorities”;

(e) in subsection (4A) for “street authorities” there were substituted “Permit Authorities”;

(f) in subsection (5) for “street authorities” there were substituted “Permit Authorities”;

(g) in subsection (5A) for “street authority” there were substituted “Permit Authority”;

(h) after subsection (5A) there were inserted—

“(5B) Subsections (5C) and (5D) apply where statutory undertakers are required by virtue of any enactment to enter any information listed in subsection (2A) or (2B) in a central register kept by a person appointed in pursuance of arrangements made under subsection (4).

(5C) The duty imposed by subsection (2A) or (as the case may be) (2B) does not apply so far as relating to that information.

(5D) The Secretary of State may require the statutory undertakers to make contributions towards the costs of the arrangements (whether in addition to, or instead of, any requirements imposed under subsection (5)).”;

(i) at the end there were inserted—

“(7) Any term used in this section which is also defined in regulation 2 of the Traffic Management Permit Scheme (England) Regulations 2007 has the same meaning as in regulation 2 of those Regulations.

(8) In this section, “permit scheme” has the same meaning as in section 32 of the Traffic Management Act 2004.”.”.

(8) For regulation 39, substitute—

**“Service of documents under permit schemes and regulations 18, 21 and 27**

**39.**—(1) The following must be given by means of the Department for Transport's digital service for planning and managing roadworks<sup>M3</sup>—

(a) an application for a permit, variation of a permit, revocation of a permit or provisional advance authorisation;

(b) any document accompanying an application mentioned in sub-paragraph (a);

- (c) any decision to grant or refuse a permit, variation of a permit, revocation of a permit or provisional advance authorisation;
  - (d) a permit, variation of a permit, revocation of a permit or provisional advance authorisation;
  - (e) a notice given under regulation 21 or 27.
- (2) Any other document given in accordance with a requirement in a permit scheme or regulation 18 must be given by means of an electronic communication.
- (3) A document given pursuant to paragraph (2) must be given—
- (a) by means of the digital service mentioned in paragraph (1), or
  - (b) by sending it to an electronic address which has been agreed with the recipient for that purpose or another appropriate electronic address.
- (4) “Another appropriate electronic address” means—
- (a) any email address published for the time being by that person as an address for contacting the recipient, or
  - (b) if there is no such published address, any email address by means of which the person proposing to send the electronic communication believes, on reasonable grounds, that the notice will come to the attention of any director or other officer of the recipient.
- (5) An electronic communication must be—
- (a) capable of being accessed by the person to whom it is sent,
  - (b) legible, and
  - (c) in a form sufficiently permanent to be used for subsequent reference.
- (6) Where a document of a kind mentioned in paragraph (1) cannot be given by the service mentioned in that paragraph, it may be given by another means of electronic communication in accordance with paragraph (3)(b).
- (7) Where a document of any kind cannot be given by another means of electronic communication in accordance with paragraph (3)(b), it may be given by any other means of service agreed between the person giving the document and the recipient.
- (8) In paragraphs (6) and (7), the reference to not being able to give a document is a reference to not being able to give it after three attempts.
- (9) A document given under or pursuant to these Regulations must refer to the provision of the Regulations under or pursuant to which it is given.
- (10) Where a document of a kind mentioned in paragraph (1) is successfully given by means of an interface which complies with the Department for Transport's Application Programming Interface (API) specification for planning and managing roadworks, published on 19th December 2019, version 1.12, as revised or re-issued from time to time, the requirement in paragraph (1) is deemed to be met in respect of that document.

### **Service of documents under regulation 17**

- 39A.**—(1) This regulation applies to documents given under regulation 17.
- (2) A document may be given to a person by—
- (a) sending it to the person by means of an electronic communication, subject to paragraph (6),
  - (b) handing it to the person,
  - (c) leaving it at the person's proper address, or

- (d) sending it by post to the person at that address.
- (3) The proper address of a person is—
  - (a) in the case of a body corporate or its secretary or clerk, the address of the body's registered or principal office;
  - (b) in the case of a partnership, a partner or person having the control or management of the partnership business, the address of the principal office of the partnership;
  - (c) in any other case, the person's last known address.
- (4) A document given to a body corporate may be given to the secretary or clerk of that body.
- (5) A document given to a partnership may be given to a partner or a person who has the control or management of the partnership business.
- (6) A document may be sent to a person by means of an electronic communication only if—
  - (a) the person has indicated that the document may be given by that means by being sent to a particular electronic address and in a particular electronic form, and
  - (b) the document is sent to that address in that form.
- (7) A document given by means of an electronic communication must be—
  - (a) capable of being accessed by the recipient,
  - (b) legible, and
  - (c) in a form sufficiently permanent to be used for subsequent reference.”.
- (9) Omit Schedules 1 and 2.

#### Commencement Information

**I1** Reg. 5 in force at 1.7.2020, see [reg. 1\(2\)](#) (as amended (30.3.2020) by [S.I. 2020/346, reg. 2\(2\)](#))

#### Marginal Citations

**M1** Section 53 of the [New Roads and Street Works Act 1991 \(c. 22\)](#) was amended by section 45 to the [Traffic Management Act 2004 \(c. 18\)](#).

**M2** [S.I. 2000/3314](#).

**M3** This digital service can be accessed at <https://www.gov.uk/guidance/plan-and-manage-roadworks>.

**Changes to legislation:**

There are currently no known outstanding effects for the The Street and Road Works (Amendments Relating to Electronic Communications) (England) Regulations 2020, Section 5.