

2010 No. 0000

HIGHWAYS, ENGLAND

**The Street Works (Charges for Unreasonably Prolonged
Occupation of the Highway) (England) (Amendment)
Regulations 2010**

<i>Made</i>	- - - -	2010
<i>Laid before Parliament</i>		2010
<i>Coming into force</i>	- -	1st October 2010

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 74 of the New Roads and Street Works Act 1991(a):

Citation and commencement

1. These Regulations may be cited as the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) (Amendment) Regulations 2010 and shall come into force on 1st October 2010.

Preliminary

2. The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009(b) are further amended in accordance with the following provisions of these Regulations.

Amendment of regulation 9

3.—(1) Regulation 9 is amended as follows.

(2) In paragraph (3) after “paragraph (4)” there is inserted “or (4B)”.

(3) In paragraph (4) after “charge shall” there is inserted “, subject to paragraphs (4A) and (4B),”.

(4) After paragraph (4) there is inserted—

“(4A) Paragraph (4) applies only to street works executed in pursuance of—

(a) a notice under section 54(1), 55(1) or 57 of the 1991 Act given before 1st October 2010; or

(b) a permit obtained before that date under a permit scheme within the meaning of section 32(1) of the Traffic Management Act 2004.

(4B) In relation to street works which—

(a) 1991 c. 22; section 74 was amended by the Transport Act 2000 (c. 38) section 256 and Schedule 31, Part V and by the Traffic Management Act 2004 (c. 18) sections 40(4) and 52(5). For the meaning of “prescribed” see section 104(1) of the New Roads and Street Works Act 1991.

(b) S.I. 2009/303, to which there is an amendment not relevant to these Regulations.

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- (a) are not works to which paragraph (4) applies;
- (b) are executed in a street of a description specified in column (2) of an item in Table (1A); and
- (c) are works of a description specified in column (3) of that item,

the amount of the charge is the amount specified in column (4) of the item opposite the category to which the works belong.

Table 1A

<i>(1) Item</i>	<i>(2) Description of street</i>	<i>(3) Description of street works</i>	<i>(4) Amount (£)</i>
1.	Traffic-sensitive street which is not a street in road category 2, 3 or 4	Major, standard, minor or intermediate works	25000
2.	Other street which is not a street in road category 2, 3 or 4	Major works Standard works Minor works Intermediate works	2500 2500 500 500
3.	Traffic-sensitive street in road category 2	Major, standard, minor or intermediate works	8000
4.	Other street in road category 2	Major works Standard works Minor works Intermediate works	2000 2000 500 500
5.	Traffic-sensitive street in road category 3 or 4	Major, standard, minor or intermediate works	1000
6.	Other street in road category 3 or 4	Major works Standard works Minor works Intermediate works	250 250 100 100"

Signed by authority of the Secretary of State

2010

Name
[Parliamentary Under Secretary] [Minister] of State,
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009. *Regulation 3* inserts into regulation 9 of those Regulations two paragraphs, the general effect of which is to increase the charges for unreasonably prolonged occupation of traffic-sensitive streets. The existing scale of charges under regulation 9(4) continues to apply to street works executed in pursuance of a notice given before 1st October 2010 under section 54(1), 55(1) or 57 of the New Roads and Street Works Act 1991, or a permit obtained before that date under a permit scheme within the meaning of section 32(1) of the Traffic Management Act 2004.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Transport, Zone 2/08, Great Minster House, 76 Marsham Street, London SW1P 4DR (Tel: 020 7944 2485) and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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Both the Explanatory Memorandum and the assessment may also be found by visiting the Department's website at www.dft.gov.uk.