

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 4

FORM OF FIXED PENALTY NOTICE

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| * | FIXED PENALTY NOTICE NEW ROADS AND STREET WORKS ACT 1991 (Section 154A and Schedules 6A(a) and 6B) | FIXED PENALTY NOTICE NUMBER: |
| (* Insert Road Works Authority name) | | |
| PART A | | |
| Contact Tel No. | Works Ref No. * | Road Works Authority No. * |
| | (*To be left blank where the offence relates to works in respect of which no notice has been given.) | |
| TO: | DATE OF THIS NOTICE: dd mm yy | |
| ADDRESS: | | |
| OFFENCE CODE: (See Part B) (NB: Only one offence code per fixed penalty notice) | | |
| LOCATION: | | |
| DATE OF OFFENCE: | | |
| DETAILS OF OFFENCE: | | |
| <p>1. I am giving you this notice, in accordance with section 154A of, and Schedule 6B to, the New Roads and Street Works Act 1991, to offer you the opportunity of discharging any liability to conviction for this fixed penalty offence by payment of a penalty.</p> <p>2. This means that no legal proceedings will be commenced for the offence if, subject to paragraph 3, the penalty of £120 is paid (see Part B for instructions on methods of payment) within the period of 36 days beginning with the day on which this notice was given. (NB: The road works authority may extend this period in any particular case if they consider it appropriate to do so (see paragraph 4(3) of Schedule 6B)).</p> <p>3. Instead of paying the amount referred to in paragraph 2, liability to conviction for the offence may also be discharged if the discounted amount of £80 is paid within the period of 29 days beginning with the day on which this notice was given. (NB: If the last day of this period does not fall on a working day, the period for payment of the discounted amount is extended until the end of the next working day (see paragraph 2(3) of Schedule 6B)).</p> <p>4. If the discounted amount is not paid within the period set out in paragraph 3, as extended where relevant, liability to conviction for the offence may only be discharged thereafter by payment of the penalty of £120 within the period set out in paragraph 2, as extended where considered appropriate. If you then fail to pay the penalty within that period, legal proceedings for the offence may be commenced against you.</p> <p>5. Any representations that you wish to make in relation to this notice may be addressed to at identifying the fixed penalty notice number stated above.</p> | | |
| NAME OF AUTHORISED OFFICER (in block capitals): | | |
| DATE: | | |

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| PART B | | |
|--|--|---|
| * | <u>INSTRUCTIONS ON METHODS OF PAYMENT</u> | FIXED PENALTY NOTICE Number |
| (* Insert Road Works Authority name) | | |
| <p>ELECTRONICALLY – by the Bankers Automated Clearing Services (BACS). Payment should be made to _____, Sort Code _____, Account Number _____. Payment must be supported by the timely submission of a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number.</p> | | |
| <p>“ON LINE”- please visit our web site at _____.</p> | | |
| <p>BY POST- by making your cheque payable to _____ and sending it to _____. Payment must be accompanied by a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number. A receipt will be sent on request.</p> | | |
| <p>IN PERSON – to _____ at _____ between 9.00am and 4.30pm on any day on which the office is open for business. Any cheque should be made payable to _____. Payment may be made by debit or credit card if the card is one that is accepted by the Road Works Authority in accordance with its standard procedures. Payment must be accompanied by a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number. A receipt will be provided on request.</p> | | |
| <p>BY TELEPHONE – by contacting _____ at _____ on _____ between 9.00am and 4.30pm on any day on which the office is open for business. Payment may only be made by using a debit or credit card that is accepted by the Road Works Authority in accordance with its standard procedures. You must state the fixed penalty notice number of each notice in respect of which payment is being made and the amount being paid in relation to each number. A receipt will be sent on request.</p> | | |

| OFFENCE CODES AND DESCRIPTION | | |
|---|--|---|
| (By reference to the New Roads and Street Works Act 1991) | | |
| CODE | OFFENCE | BRIEF DESCRIPTION |
| 01 | An offence under section 113(5)(a). | Failure to comply with duties under section 113 (advance notice of certain works, etc.) |
| 02 | An offence under section 114(5)(b). | Beginning to execute works in contravention of section 114 (notice of starting date). |
| 03 | An offence under section 116(4)(c). | Failure to give notice in accordance with section 116 (notice of emergency works). |
| 04 | An offence under section 129(6) consisting of a failure to comply with subsection (3) or (4)(d). | Failure to comply with requirements to give notice of completion of reinstatement. |

SCHEDULE 2

Regulation 7

AMOUNT OF PENALTY

TABLE

| <i>(1)</i> <i>Item No.</i> | <i>(2)</i> <i>Offence under the 1991 Act</i> | <i>(3)</i> <i>Brief description</i> | <i>(4)</i> <i>Amount of penalty</i> | <i>(5)</i> <i>Discounted amount</i> |
|-------------------------------|---|--|--|--|
| 1. | An offence under section 113(5). | Failure to comply with duties under section 113 (advance notice of certain works, etc.). | £120 | £80 |
| 2. | An offence under section 114(5). | Beginning to execute works in contravention of section 114 (notice of starting date). | £120 | £80 |
| 3. | An offence under section 116(4). | Failure to give notice in accordance with section 116 (notice of emergency works). | £120 | £80 |
| 4. | An offence under section 129(6) consisting of a failure to comply with subsection (3) or (4). | Failure to comply with requirements to give notice of completion of reinstatement. | £120 | £80 |

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SCHEDULE 3

Regulation 9

FORM OF NOTICE WITHDRAWING A FIXED PENALTY NOTICE

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|---|--|-------------------------------------|
| * | NOTICE WITHDRAWING FIXED PENALTY NOTICE | FIXED PENALTY NOTICE |
| <i>(* Insert Road Works Authority name)</i> | NEW ROADS AND STREET WORKS ACT 1991 (Section 154A and Schedules 6A and 6B) | Number: ***** |

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|---|
| TAKE NOTICE that the fixed penalty notice numbered as above is hereby WITHDRAWN . |
| NAME OF AUTHORISED OFFICER (<i>in block capitals</i>): |
| DATE: |