

*Status: Point in time view as at 02/09/2022.*

*Changes to legislation: New Roads and Street Works Act 1991, Paragraph 2 is up to date with all changes known to be in force on or before 03 July 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)*

## SCHEDULES

### SCHEDULE 8

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### Extent Information

- E1** Sch. 8 extends to England and Wales and to Scotland or Northern Ireland also if amended enactment so extends see s. 169

#### PART I

##### AMENDMENTS OF THE HIGHWAYS ACT 1980

- 2 After section 140 of the Highways Act 1980, insert—

**“140A “Builders” skips: charge for occupation of highway.**

- (1) The Minister may make provision by regulations requiring the owner of a builder’s skip deposited on a highway maintainable at the public expense to pay a charge to the highway authority where—
  - (a) the period for which the skip remains in the highway exceeds such period as may be prescribed, and
  - (b) the skip is not removed within a reasonable period.
- (2) For this purpose “a reasonable period” means such period as is agreed by the authority and the owner of the skip to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable in the circumstances.

In default of agreement, the authority’s view as to what is a reasonable period shall be acted upon pending the decision of the arbitrator.
- (3) The regulations may provide that if a person applying to the highway authority for permission under section 139 above submits together with his application an estimate of the likely duration of the occupation of the highway, the period stated in the estimate shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.
- (4) The regulations may also provide that if it appears to the owner of the skip that by reason of matters not previously foreseen or reasonably foreseeable the duration of the occupation of the highway—
  - (a) is likely to exceed the prescribed period,
  - (b) is likely to exceed the period stated in his previous estimate, or

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(c) is likely to exceed the period previously agreed or determined to be a reasonable period,

he may submit an estimate or revised estimate accordingly, and that if he does so any previous estimate, agreement or determination shall cease to have effect and the period stated in the new estimate shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.

(5) The amount of the charge shall be determined in such manner as may be prescribed by reference to the period for which the highway is occupied by the skip and the extent of the occupation.

Different rates of charge may be prescribed according to the place and time of the occupation and such other factors as appear to the Minister to be relevant.

(6) The regulations may make provision as to the time and manner of making payment of any charge.

(7) The regulations shall provide that a highway authority may reduce the amount, or waive payment, of a charge in any particular case, in such classes of case as they may decide or as may be prescribed, or generally.

(8) In this section “prescribed” means prescribed by the Minister by regulations.”.

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