

SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS OF THE HIGHWAYS ACT 1980

- 6 After section 171 of the Highways Act 1980 (control of deposit of building materials, &c.) insert—

“171A Works under s. 169 or s. 171: charge for occupation of the highway

- (1) The Minister may make provision by regulations requiring a person carrying out any of the following works in a highway maintainable at the public expense—
- (a) erecting or retaining a relevant structure within the meaning of section 169(1) above, or
 - (b) depositing building materials, rubbish or other things, or making a temporary excavation, as mentioned in section 171(1) above,
- to pay a charge to the highway authority if the duration of the works exceeds such period as may be prescribed and the works are not completed within a reasonable period.
- (2) For this purpose “a reasonable period” means such period as is agreed by the authority and the person executing the works 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 a licence under section 169 or consent under section 171 submits together with his application an estimate of the likely duration of the works, 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 person carrying out the works that by reason of matters not previously foreseen or reasonably foreseeable the duration of the works—
- (a) is likely to exceed the prescribed period,
 - (b) is likely to exceed the period stated in his previous estimate, or
 - (c) is likely to exceed the period previously agreed or determined to be a reasonable period,

Status: This is the original version (as it was originally enacted).

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 time taken to complete the works and the extent to which the surface of the highway is affected by the works.

Different rates of charge may be prescribed according to the description of works, the place and time at which they are executed 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.”.