



New Roads and Street Works Act 1991

1991 CHAPTER 22

PART III

STREET WORKS IN ENGLAND AND WALES

Charges, fees and contributions payable by undertakers

[74A] ^{F1}Charge determined by reference to duration of works.

- (1) The Secretary of State may make provision by regulations requiring an undertaker executing street works in a maintainable highway to pay to the highway authority a charge determined, in the prescribed manner, by reference to the duration of the works.
- (2) The regulations shall not require charges to be paid to a local highway authority unless the Secretary of State has approved it for the purposes of the regulations by order made by statutory instrument.
- (3) The regulations may prescribe exemptions from the requirement to pay charges.
- (4) The regulations may prescribe different rates of charge according to—
 - (a) the extent to which the surface of the highway is affected by the works,
 - (b) the place and time at which the works are executed, and
 - (c) such other factors as appear to the Secretary of State to be relevant.
- (5) The regulations may—
 - (a) prescribe more than one rate of charge in respect of the same description of works, and
 - (b) provide that charges are to be paid in respect of any works of that description at the rate which appears to the highway authority to be appropriate in relation to those works.
- (6) The regulations may make provision for the determination of the duration of works for the purposes of the regulations.

Status: Point in time view as at 15/06/2013. This version of this provision has been superseded.

Changes to legislation: New Roads and Street Works Act 1991, Section 74A is up to date with all changes known to be in force on or before 13 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)

- (7) And they may, in particular, make provision for works to be treated as beginning or ending on the giving of, or as stated in, a notice given by the undertaker to the highway authority, in the prescribed manner, in accordance with a requirement imposed by the regulations.
- (8) The regulations may make provision as to the time and manner of making payment of charges.
- (9) The regulations shall provide that a highway authority may reduce the amount, or waive payment, of a charge—
- (a) in any particular case,
 - (b) in such classes of case as they may decide or as may be prescribed, or
 - (c) in all cases or in all cases other than a particular case or such class of case as they may decide or as may be prescribed.
- (10) The regulations may make provision as to—
- (a) the application by local highway authorities of sums paid by way of charges, and
 - (b) the keeping of accounts, and the preparation and publication of statements of account, relating to sums paid by way of charges.
- (11) The regulations may create in respect of any failure to give a notice required by the regulations a criminal offence triable summarily and punishable with a fine not exceeding [^{F2}level 4] on the standard scale.
- (12) The regulations may require disputes of any prescribed description to be referred to an arbitrator appointed in accordance with the regulations.
- (13) The first regulations under this section shall not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament; subsequent regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F1** Ss. 74A, 74B inserted (1.2.2001 subject to transitional provision and saving in Sch. 2 Pt. II of the commencing S.I.) by 2000 c. 38, s. 255(1); S.I. 2001/57, art. 3, Sch. 2 Pt. I (as amended by S.I. 2001/115, art. 2(5))
- F2** Words in s. 74A(11) substituted (4.10.2004 for E., 26.11.2007 for W.) by Traffic Management Act 2004 (c. 18), ss. 40(4), 99(1); S.I. 2004/2380, art. 2(d)(iii) (with art. 3); S.I. 2007/3174, art. 2, Sch. (with art. 4)

Modifications etc. (not altering text)

- C1** Pt. 3 modified (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 1, 4(1)(2) (with arts. 65, 66)
- C2** Pt. 3 modified (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), art. 3(1)(2) (with art. 51)
- C3** Pt. 3 modified (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), arts. 1, 3(1)(2) (with art. 47)
- C4** Pt. 3 applied (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 1, 3(1)
- C5** Pt. 3 modified (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 1, 8(7) (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

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- C6** Pt. 3 restricted (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **10(3)**
- C7** Pt. 3 modified (8.10.2005) by The Leicestershire County Council (Ashby de la Zouch Canal Extension) Order 2005 (S.I. 2005/2786), arts. 1, **9(1)**
- C8** Pt. 3 modified (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **3(1)** (with arts. 3(5), 15(3))
- C9** Pt. 3 applied (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 1, **3(1)** (with art. 52)
- C10** Pt. 3 modified (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **3(1)** (with art. 51, Sch. 10 paras. 68, 85)
- C11** Pt. 3 applied (with modifications) (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **9** (with arts. 48, 68, 79)
- C12** Ss. 54-106 applied (28.2.2013) by The Rookery South (Resource Recovery Facility) Order 2011 2013 (S.I. 2013/680), **art. 10(3)**
- C13** Ss. 54-106 applied (9.4.2013) by The Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (S.I. 2013/675), arts. 1, **9(2)**
- C14** Ss. 54-106 applied (15.6.2013) by The Galloper Wind Farm Order 2013 (S.I. 2013/1203), arts. 1, **13(3)** (with arts. 11, 12)

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