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STATUTORY INSTRUMENTS

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**2020 No. 122**

**The Street and Road Works (Amendments Relating to  
Electronic Communications) (England) Regulations 2020**

**Amendments to the Street Works (Fixed Penalty) (England) Regulations 2007**

- 4.—(1) The Street Works (Fixed Penalty) (England) Regulations 2007<sup>(1)</sup> are amended as follows.
- (2) Omit regulation 4.
- (3) For regulation 5 substitute—

**“Service of fixed penalty notices, etc**

5.—(1) A fixed penalty notice or a notice withdrawing a fixed penalty notice must be given by means of the Department for Transport’s digital service for planning and managing roadworks.

(2) In this regulation, “notice withdrawing a fixed penalty notice” means a notice under paragraph 7(1) of Schedule 4B to the 1991 Act.

(3) Where a notice cannot be given by the means mentioned in paragraph (1), it may be given by another means of electronic communication.

(4) A notice given pursuant to paragraph (3) must be given—

- (a) by sending it to an electronic address which has been agreed with the recipient for that purpose, or
- (b) if there is no such agreement, by sending it to—
- (i) any email address published for the time being by the recipient as an address for contacting the recipient, or
- (ii) if there is no such published address, any email address by means of which the person proposing to send the electronic communication believes, on reasonable grounds, that the notice will come to the attention of any director or other officer of the recipient.

(5) An electronic communication must be—

- (a) capable of being accessed by the recipient,
- (b) legible, and
- (c) in a form sufficiently permanent to be used for subsequent reference.

(6) Where a notice cannot be given by another means of electronic communication in accordance with paragraph (4), it may be given by any other means of service agreed between the person giving the notice and the recipient.

(7) In paragraphs (3) and (6), the reference to not being able to give a notice is a reference to not being able to give it after three attempts.

(8) Where a fixed penalty notice or notice withdrawing a fixed penalty notice is successfully given by means of an interface which complies with the Department for Transport's Application Programming Interface (API) specification for planning and managing roadworks, published on 19th December 2019, version 1.12, as revised or re-issued from time to time, the requirement in paragraph (1) is deemed to be met in respect of that notice.”.

(4) Omit regulation 10.

(5) Omit Schedules 1 and 3.