
WELSH STATUTORY INSTRUMENTS

2009 No. 1267

**The Traffic Management Permit
Scheme (Wales) Regulations 2009**

PART 6

Fees

Prescribed costs

29. For the purposes of section 37(9) of the 2004 Act (permit regulations) and regulation 32 the prescribed costs in any financial year are that proportion of the total costs incurred by the Permit Authority in connection with operating a permit scheme in that year attributable to the costs of operating that scheme in relation to statutory undertakers.

Power to charge a fee and discounts

30.—(1) Subject to regulations 31 and 32, a Permit Authority may charge a fee in respect of each of the following —

- (a) the issue of a permit;
- (b) an application for a permit, where the permit scheme requires a provisional advance authorisation to be obtained as part of that application; and
- (c) each occasion on which there is a variation of a permit or the conditions attached to a permit.

(2) In a case where the permit scheme allows for different fees to be paid for different specified works the scheme must set out the range of fees that may be charged and the criteria which are to be taken into account in determining how the fee applicable in an individual case is identified from that range.

(3) A permit scheme must include provision as to the circumstances in which fees may be discounted, and such provision may include —

- (i) the discount applicable in a specific circumstance; or
- (ii) the range of discounts which may be applicable in that circumstance and the criteria which are to be taken into account in determining how the discount applicable in an individual case is identified from that range.

(4) The maximum fee which may be charged in respect of the issue of a permit is £240.

(5) The maximum fee which may be charged in respect of an application for a permit is £105.

(6) The maximum fee which may be charged in respect of each occasion on which there is a variation of a permit or a condition attached to a permit is £45.

Savings from the payment of fees and discounts

31.—(1) Highway authorities will not be liable to pay fees under a permit scheme.

(2) A Permit Authority must not charge a fee in respect of a variation of a permit or of a condition attached to a permit if the variation was not made at the request of the permit holder.

(3) A Permit Authority must not charge a fee in respect of the deemed issue of a permit or a deemed variation of a permit or of the conditions attached to a permit pursuant to regulation 16(3).

(4) Paragraph (5) applies in a case where the Permit Authority is satisfied that applications for two or more permits received within 3 working days of each other, beginning with the day on which the first application is received, are the result of the applicant, or the applicants working together, designing the timing or extent of the programme of the specified works the subject of the applications so as to produce the least impact for users of the specified streets.

(5) In a case where this paragraph applies the Permit Authority shall allow a minimum 30% discount for each of the applications.

Application of sums received as fees

32. A Permit Authority must apply sums paid by way of fees under these Regulations towards those costs of operating its permit scheme which are prescribed costs.