

Changes to legislation: New Roads and Street Works Act 1991, Paragraph 6 is up to date with all changes known to be in force on or before 25 April 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) [View outstanding changes](#)

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

- 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.

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- (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,

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.”.

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 53(1)(a) words in s. 53(1) renumbered as s. 53(1)(a) by [2004 c. 18 s. 45\(2\)\(a\)](#)
- s. 53(1)(b) and word added by [2004 c. 18 s. 45\(2\)\(b\)](#)
- s. 53A inserted by [2004 c. 18 s. 48](#)
- s. 67(1A) inserted by [2004 c. 18 s. 50\(2\)](#)
- s. 67(2A)-(2C) inserted by [2004 c. 18 s. 50\(3\)](#)
- s. 67(4)(c) and word inserted by [2004 c. 18 s. 50\(5\)](#)
- s. 72(2A)(2B) inserted by [2004 c. 18 s. 58\(1\)](#)
- s. 72(3A) inserted by [2004 c. 18 s. 53\(1\)\(b\)](#)
- s. 73A excluded by [S.I. 2005/120 art. 4\(3\)](#)
- s. 73A excluded by [S.I. 2006/2905 art. 3\(3\)](#)
- s. 73A excluded by [S.I. 2007/2297 art. 3\(2\)](#)
- s. 73A excluded by [S.I. 2008/1261 art. 6\(2\)](#)
- s. 73A excluded by [S.I. 2009/1300 art. 4\(3\)](#)
- s. 73A excluded by [S.I. 2009/2364 art. 3\(3\)](#)
- s. 73A excluded by [S.I. 2013/1933 art. 3\(2\)](#)
- s. 73A excluded by [S.I. 2013/2587 art. 4\(3\)](#)
- s. 73A excluded by [S.I. 2013/2808 art. 8\(3\)](#)
- s. 73A excluded by [S.I. 2013/3244 art. 4\(3\)](#)
- s. 73A excluded by [S.I. 2014/2027 art. 4\(2\)](#)
- s. 73A excluded by [S.I. 2014/2269 art. 8\(3\)](#)
- s. 73A excluded by [S.I. 2014/2637 art. 8\(3\)](#)
- s. 73A excluded by [S.I. 2014/3102 art. 3\(3\)](#)
- s. 73A excluded by [S.I. 2014/909 art. 12\(2\)](#)
- s. 73A excluded by [S.I. 2015/129 art. 9\(3\)](#)
- s. 73A excluded by [S.I. 2015/2044 art. 4\(3\)](#)
- s. 73A excluded by [S.I. 2016/1035 art. 4\(3\)](#)
- s. 73A excluded by [S.I. 2016/547 art. 10\(3\)](#)
- s. 73A excluded by [S.I. 2016/73 art. 8\(3\)](#)
- s. 73A excluded by [S.I. 2016/863 art. 9\(3\)](#)
- s. 73A excluded by [S.I. 2017/1150 art. 4\(2\)](#)
- s. 73A excluded by [S.I. 2017/1214 art. 5\(3\)](#)
- s. 73A excluded by [S.I. 2017/1329 art. 3\(3\)](#)
- s. 73A excluded by [S.I. 2017/830 art. 3\(3\)](#)
- s. 73A excluded by [S.I. 2018/446 art. 4\(2\)](#)
- s. 73A excluded by [S.I. 2018/574 art. 7\(3\)](#)
- s. 73A excluded by [S.I. 2018/994 art. 9\(3\)](#)
- s. 73A excluded by [S.I. 2019/359 art. 9\(3\)](#)
- s. 73A excluded by [S.I. 2020/1075 art. 11\(3\)](#)
- s. 73A excluded by [S.I. 2020/114 art. 4\(2\)](#)
- s. 73A excluded by [S.I. 2020/1297 art. 8\(3\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- s. 73A excluded by [S.I. 2020/402 art. 9\(3\)](#)
- s. 73A excluded by [S.I. 2020/474 art. 7\(3\)](#)

- s. 73A excluded by S.I. 2020/528 art. 13(3)
- s. 73A excluded by S.I. 2020/556 art. 9(3)
- s. 73A excluded by S.I. 2020/746 art. 9(3)
- s. 73A excluded by S.I. 2021/74 art. 10(3)
- s. 73A excluded by S.I. 2022/1067 art. 4(2)
- s. 73A excluded by S.I. 2022/1070 art. 11(3)
- s. 73A excluded by S.I. 2022/1194 art. 12(3)(e)
- s. 73A excluded by S.I. 2022/1248 art. 12(3)
- s. 73A excluded by S.I. 2022/299 art. 3(3)(d)
- s. 73A excluded by S.I. 2022/475 art. 9(3)
- s. 73A excluded by S.I. 2022/549 art. 11(3)
- s. 73A excluded by S.I. 2022/573 art. 10(3)
- s. 73A excluded by S.I. 2022/738 art. 11(3)(e)
- s. 73A excluded by S.I. 2022/853 art. 15(2)
- s. 73A excluded by S.I. 2022/911 art. 10(3)(e)
- s. 73A excluded by S.I. 2022/922 art. 10(3)
- s. 73A excluded by S.I. 2022/934 art. 11(3)
- s. 73A excluded by S.I. 2023/218 art. 11(3)
- s. 73A excluded by S.I. 2023/778 art. 11(3)
- s. 73A excluded by S.I. 2023/834 art. 8(3)
- s. 73A excluded by S.I. 2024/360 art. 8(3)
- s. 73A excluded by S.I. 2024/393 art. 12(3)
- s. 73A excluded by S.I. 2024/60 art. 12(3)
- s. 73A-73C inserted by 2004 c. 18 s. 55(1)
- s. 73A modified by S.I. 2009/3188 Sch. para. 3.12
- s. 73A modified by S.I. 2013/1781 art. 2Sch. para. 2.4
- s. 73A modified by S.I. 2013/2389 art. 2Sch. para. 2.12.2
- s. 73A modified by S.I. 2013/2398 Sch. para. 1.5AppendixA
- s. 73A modified by S.I. 2013/2399 art. 2Sch. para. 2.12.2
- s. 73A modified by S.I. 2013/805 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2013/806 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2013/808 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2013/809 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2013/810 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2013/811 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2013/812 art. 2Sch. Appendix C (When in force)
- s. 73A modified by S.I. 2013/813 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2013/814 art. 2Sch. Appendix C
- s. 73A modified by S.I. 2014/3105 art. 2Sch. para. 2.12.2
- s. 73A modified by S.I. 2014/3106 art. 2Sch. para. 1.8
- s. 73A modified by S.I. 2014/3107 art. 2Sch. para. 1.9
- s. 73A modified by S.I. 2014/3108 art. 2Sch. para. 1.8
- s. 73A modified by S.I. 2014/3109 art. 2Sch. para. 1.5AppendixE
- s. 73A modified by S.I. 2014/3109 art. 2Sch. para. 1.5
- s. 73A modified by S.I. 2014/3112 art. 2Sch. para. 2.12.2
- s. 73A modified by S.I. 2015/105 Sch. 1 para. 2.8.1
- s. 73A modified by S.I. 2015/107 Sch. 1 para. 3.5
- s. 73A modified by S.I. 2015/34 art. 2Sch. para. 1.8
- s. 73A modified by S.I. 2015/38 art. 2Sch. para. 1.8
- s. 73A modified by S.I. 2015/90 Sch. para. 2.8.1
- s. 73A modified by S.I. 2015/91 Sch. para. 2.7.1
- s. 73A(1) excluded by S.I. 2014/2384 Sch. 19 Pt. 1 para. 4(8)
- s. 73A(1) excluded by S.I. 2019/1358 Sch. 14 para. 3(8)
- s. 73A(1) restricted by 2008 c. 18 Sch. 14 para. 14(8)
- s. 73A(1) restricted by 2017 c. 7 Sch. 24 para. 2(8)
- s. 73A(1) restricted by 2021 c. 2 Sch. 24 para. 2(8)
- s. 73A(1) restricted by S.I. 2020/511 Sch. 14 para. 3(8)
- s. 73A(2)(a) modified by S.I. 2007/3372 reg. 37(3)

- s. 73A(2)(a) modified by S.I. 2009/1267 reg. 37(3)
- s. 73B excluded by S.I. 2005/120 art. 4(3)
- s. 73B excluded by S.I. 2006/2905 art. 3(3)
- s. 73B excluded by S.I. 2007/2297 art. 3(2)
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- s. 73B excluded by S.I. 2024/60 art. 12(3)
- s. 73C excluded by S.I. 2005/120 art. 4(3)
- s. 73C excluded by S.I. 2006/2905 art. 3(3)
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- s. 73C excluded by S.I. 2022/1194 art. 12(3)(g)
- s. 73C excluded by S.I. 2022/1248 art. 12(3)
- s. 73C excluded by S.I. 2022/299 art. 3(3)(f)
- s. 73C excluded by S.I. 2022/475 art. 9(3)
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- s. 73C excluded by S.I. 2024/360 art. 8(3)
- s. 73C excluded by S.I. 2024/393 art. 12(3)
- s. 73C excluded by S.I. 2024/60 art. 12(3)
- s. 73D73E inserted by 2004 c. 18 s. 56
- s. 78A excluded by S.I. 2005/120 art. 4(3)
- s. 78A excluded by S.I. 2006/2905 art. 3(3)
- s. 78A excluded by S.I. 2007/2297 art. 3(2)
- s. 78A excluded by S.I. 2008/1261 art. 6(2)
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- s. 78A excluded by S.I. 2022/1194 art. 12(3)(h)
- s. 78A excluded by S.I. 2022/1248 art. 12(3)
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- s. 78A excluded by S.I. 2022/738 art. 11(3)(h)
- s. 78A excluded by S.I. 2022/853 art. 15(2)
- s. 78A excluded by S.I. 2022/911 art. 10(3)(h)
- s. 78A excluded by S.I. 2022/922 art. 10(3)
- s. 78A excluded by S.I. 2022/934 art. 11(3)
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- s. 78A excluded by S.I. 2024/60 art. 12(3)
- s. 78A inserted by 2004 c. 18 s. 57(1)
- s. 78A modified by 2017 c. 7 Sch. 24 para. 2(10)
- s. 78A(1) excluded by S.I. 2014/2384 Sch. 19 Pt. 1 para. 4(8)
- s. 78A(1) excluded by S.I. 2019/1358 Sch. 14 para. 3(8)
- s. 78A(1) restricted by S.I. 2020/511 Sch. 14 para. 3(8)
- s. 78A(1)(b) modified by 2021 c. 2 Sch. 24 para. 2(10)
- s. 78A(1)(b) restricted by 2008 c. 18 Sch. 14 para. 14(9)
- s. 79(1A) inserted by 2004 c. 18 s. 46(2)
- s. 79(2A) inserted by 2004 c. 18 s. 46(3)
- s. 79(3A) inserted by 2004 c. 18 s. 46(4)
- s. 80(1A) inserted by 2004 c. 18 s. 47(3)
- s. 80(2)(2A) substituted for s. 80(2)(3) by 2004 c. 18 s. 47(4)
- s. 80(5)(6) added by 2004 c. 18 s. 47(6)
- s. 90(2A) inserted by 2004 c. 18 s. 53(2)(b)
- s. 97(3) inserted by 2004 c. 18 s. 64(4)
- s. 112B(2A) inserted by 2019 asp 17 s. 117(2)(a)
- s. 112B(5A) inserted by 2019 asp 17 s. 117(2)(b)
- s. 112B(9) inserted by 2019 asp 17 s. 117(2)(d)
- s. 114A inserted by 2019 asp 17 s. 117(3)
- s. 126(1ZA) inserted by 2019 asp 17 s. 116(2)(a)
- s. 126(2ZA) inserted by 2019 asp 17 s. 116(2)(b)
- s. 126(2ZB) inserted by 2019 asp 17 s. 116(2)(c)
- s. 129(5B) inserted by 2019 asp 17 s. 117(4)(c)
- s. 130A-130C inserted by 2019 asp 17 s. 118(2)
- s. 130B inserted by 2005 asp 12 s. 38(1)
- s. 132A-132C and cross-heading inserted by 2005 asp 12 s. 30(1)
- s. 132A-132E repealed by 2019 asp 17 sch. para. 6(7)
- s. 132D132E inserted by 2005 asp 12 s. 31
- s. 137A inserted by 2005 asp 12 s. 32(1)
- s. 137A repealed by 2019 asp 17 sch. para. 6(7)
- s. 138A substituted for s. 138 by 2019 asp 17 s. 119(2)
- s. 139(1A)(1B) substituted for s. 139(1) by 2019 asp 17 s. 119(3)(a)
- s. 143(2)(b)(i) words inserted by 2005 asp 12 s. 38(2)
- s. 153A-153I and cross-heading inserted by 2019 asp 17 s. 111(2)
- s. 154B inserted by 2005 asp 12 s. 35
- s. 163(2A) inserted by 2019 asp 17 s. 111(3)
- Sch. 6B para. 1(2)(a) Sch. 6B para. 1(2) renumbered as Sch. 6B para. 1(2)(a) by 2019 asp 17 s. 112(3)(c)(i)
- Sch. 6B para. 1(1A) inserted by 2019 asp 17 s. 112(3)(b)
- Sch. 6B para. 1(2)(b) inserted by 2019 asp 17 s. 112(3)(c)(ii)
- Sch. 6B para. 4(1A) inserted by 2019 asp 17 s. 112(3)(d)(ii)

- Sch. 6B para. 5(A1) inserted by [2019 asp 17 s. 112\(3\)\(e\)](#)
- Sch. 6B para. 13A inserted by [2019 asp 17 s. 112\(3\)\(g\)](#)