



# Transport Act 2000

## 2000 CHAPTER 38

### PART V

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Charges for street works on highway*

#### **256 Charges where works unreasonably prolonged.**

- (1) Section 74 of the <sup>M1</sup>New Roads and Street Works Act 1991 (charges where works unreasonably prolonged) is amended as follows.
- (2) After subsection (2) insert—

“(2A) The regulations may prescribe exemptions from the requirement to pay charges.”
- (3) In subsection (3)—
  - (a) for “may submit to the authority” substitute “ shall give to the authority, in such manner as may be prescribed, notice containing ”, and
  - (b) for “so submitted” substitute “ contained in a notice given to an authority in such manner ”.
- (4) In subsection (4), for “may submit” substitute “ shall give to the authority, in such manner as may be prescribed, notice containing ”.
- (5) After subsection (5) insert—

“(5A) 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.

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**Changes to legislation:** Transport Act 2000, Section 256 is up to date with all changes known to be in force on or before 26 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

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(5B) The regulations may make provision for the determination of the duration of works for the purposes of the regulations.

(5C) 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.”

- (6) In subsection (7), for the words from “charge” to the end substitute “charges
- (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.”

(7) After that subsection insert—

“(7A) 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.

(7B) 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 level 3 on the standard scale.”

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**Commencement Information**

**II** S. 256 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

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**Marginal Citations**

**M1** 1991 c. 22.

**Changes to legislation:**

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

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

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

- s. 146(1)(defn.)(a)(b) by [2000 c. 38 s. 274 Sch. 31 Pt. 2](#)
- s. 19(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 9(1C)(b) (as inserted) by [S.I. 2019/1245 reg. 25](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 131A(2)(a) words omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(i\)](#)
- s. 131A(2)(b) omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(ii\)](#)
- s. 131A(4) omitted by [2017 c. 21 Sch. 2 para. 13\(b\)](#)
- s. 131A(5)(b) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(i\)](#)
- s. 131A(5)(c) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(ii\)](#)
- s. 132B(1)(a) omitted by [2017 c. 21 Sch. 2 para. 19](#)
- Sch. 16 para. 34(4)(a)para. 34(4)(b)(c) repealed by [2005 c. 14 Sch. 13 Pt. 1](#)