



Traffic Management Act 2004

2004 CHAPTER 18

PART 4

STREET WORKS

Miscellaneous

58 Inspection fees

- (1) In section 72 of the 1991 Act (powers of street authority in relation to reinstatement) after subsection (2) there is inserted—

“(2A) The Secretary of State may prescribe a fee in respect of a prescribed description of inspection mentioned in subsection (2).

If he does so that subsection has effect, in relation to that description of inspection, as if for “he shall bear the cost of” there were substituted “he shall pay the prescribed fee in respect of”.

- (2B) The power to make different provision under subsection (2A) for different cases includes power—

- (a) to make different provision for different descriptions of street authority or undertakers;
- (b) to prescribe different fees by reference to the nature or extent of the inspection, the place where it is carried out and such other factors as appear to the Secretary of State to be relevant.”

- (2) For section 75 of that Act (inspection fees) there is substituted—

“75 Inspection fees

- (1) The Secretary of State may make provision by regulations requiring an undertaker to pay to the street authority the prescribed fee in respect of—
- (a) all inspections carried out by the authority of his street works; or

Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Section 58. (See end of Document for details)

- (b) such inspections of those works as may be prescribed.
- (2) The regulations may—
- (a) require undertakers to make payments in respect of inspections anticipated to take place within a prescribed period; and
 - (b) make provision for the striking of an account between an undertaker and a street authority and the making of any necessary payment or repayment.
- (3) The power to make different provision under this section for different cases includes power—
- (a) to make different provision for different descriptions of street authority or different descriptions of undertakers (including descriptions framed by reference to their previous performance);
 - (b) to prescribe different fees by reference to the nature or extent of the excavation or other works, the place where they are executed and such other factors as appear to the Secretary of State to be relevant.
- (4) The reference in subsection (3)(a) to the previous performance of an undertaker is to the performance of the undertaker, during such period as may be prescribed, as respects such description of his duties under this Part as may be prescribed.
- (5) The regulations may require disputes of any prescribed description to be determined by arbitration.
- (6) Nothing in this section applies to inspections in respect of which the undertaker is obliged to bear the cost, or pay the prescribed fee, under section 72(2) (inspections consequent on failure to comply with duties as to reinstatement).”

Commencement Information

II S. 58(2) in force at 17.6.2022 for specified purposes for E. by S.I. 2022/649, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Traffic Management Act 2004, Section 58.