
STATUTORY INSTRUMENTS

2007 No. 1952

The Street Works (Fixed Penalty) (England) Regulations 2007

Citation, commencement and application

1.—(1) These Regulations may be cited as the Street Works (Fixed Penalty) (England) Regulations 2007 and shall come into force on 12th May 2008.

(2) These Regulations apply as respects England only.

Interpretation

2. In these Regulations—

“the 1991 Act” means the New Roads and Street Works Act 1991;

“address”, in relation to a particular method for transmitting an electronic communication, means any number or address used for the purposes of such method of transmission;

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(1); and

“offence” means a fixed penalty offence.

Exceptions

3. Section 95A(1) of, and Schedule 4A to, the 1991 Act (fixed penalty offences under Part 3) shall not apply to a street which is not a maintainable highway.

Form of fixed penalty notice

4. A fixed penalty notice shall be in the form set out in Schedule 1.

Manner of service of a fixed penalty notice or a notice withdrawing a fixed penalty notice

5.—(1) Subject to paragraphs (5) and (7), where a person—

(a) has provided a street authority with an address for service on him of any notice under Schedule 4B to the 1991 Act (fixed penalties for certain offences under Part 3) by using a particular method for transmitting an electronic communication; and

(b) has not notified the authority that the address is withdrawn for that purpose,

such notice shall be given by sending it to him at that address by that method, in accordance with the condition set out in paragraph (3).

(2) In any other case, a notice under that Schedule shall be given by—

(a) sending it by first class post to the person to whom it is to be given at his proper address;

(b) delivering it to him;

(c) leaving it at his proper address; or

(d) any other means agreed with him.

(3) The condition referred to in paragraph (1) is that the notice shall be—

- (a) capable of being accessed by the person to whom it is being sent;
- (b) legible in all material respects; and
- (c) in a form which permits the notice to be retained for subsequent reference,

and for this purpose “legible in all material respects” means that the information contained in the notice is available to that person to no lesser extent than it would be if given by means of a notice in printed form.

(4) Subject to section 98(2) of the 1991 Act (reckoning of periods), where an electronic communication is used for the purpose of serving a notice under Schedule 4B to that Act, then, unless the contrary is proved, the notice shall be deemed to be given on the day and at the time recorded by the transmitting apparatus as being the day and time of satisfactory completion of the transmission.

(5) Where, after three attempts (duly recorded by the person serving the notice) to effect service by using one particular method for transmitting an electronic communication, service cannot be effected, the notice may be given by serving it upon the person to whom it is to be given by any other such method for which an address is available by virtue of paragraph (1) or by any of the other means referred to in paragraph (2).

(6) Subject to paragraph (7), for the purposes of this regulation, the proper address of any person to whom a notice under Schedule 4B to the 1991 Act is to be given shall be—

- (a) where such person has provided the street authority giving the notice with an address for postal service of such notices, that address; and
- (b) otherwise—
 - (i) in the case of a corporation, the registered or principal office of the corporation; and
 - (ii) in any other case, the last known address of such person.

(7) A person may provide different addresses for different notices or different classes of notice.

Time limit for giving fixed penalty notice

6. A fixed penalty notice for an offence may not be given more than 91 days after the commission of the offence beginning with the day of its commission.

Amount of penalty

7.—(1) Subject to paragraph (2), where a fixed penalty notice has been given in relation to an offence set out in column 2 of the Table in Schedule 2 to these Regulations and briefly described in column 3 of that Table, the penalty for that offence shall be the amount set out, in relation to it, in column 4.

(2) Where, in relation to such an offence, payment is made before the end of the period specified in paragraph 5(1) of Schedule 4B to the 1991 Act, or if the last day of that period does not fall on a working day, before the end of the next working day in accordance with paragraph 5(3) of that Schedule, the penalty for that offence shall instead be the amount set out, in relation to it, in column 5.

Modification of Schedule 4B

8.—(1) Schedule 4B to the 1991 Act is modified (in its application as respects England) as follows.

- (2) In paragraph 4(2) for “29” substitute “36”.
- (3) In paragraph 5(1) for “15” substitute “29”.

Application of penalties

9. A street authority may deduct from fixed penalties received under Schedule 4B to the 1991 Act the reasonable costs of operating the scheme under which they are paid and shall apply the net proceeds for the purpose of developing or implementing policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within their area.

Form of notice withdrawing a fixed penalty notice

10. Where a notice withdrawing a fixed penalty notice is given in accordance with paragraph 7(1) of Schedule 4B to the 1991 Act, it shall be in the form set out in Schedule 3.

Signed by authority of the Secretary of State for Transport

10th July 2007

Rosie Winterton
Minister of State,
Department for Transport

We consent to the making of these Regulations to the extent that they are made in exercise of the powers conferred by paragraph 8(a) of Schedule 4B to the 1991 Act.

9th July 2007

F. Roy
Alan Campbell
Two of the Lords Commissioners of
Her Majesty's Treasury