

*Draft Order laid before Parliament under section 37 of the Traffic Management Act 2004, for approval by resolution of each House of Parliament.*

---

STATUTORY INSTRUMENTS

---

**2007 No. 0000**

**HIGHWAYS, ENGLAND**

**The Traffic Management Permit Scheme (England) Regulations  
2007**

*Made* - - - - \*\*\*  
*Coming into force* - - \*\*\*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 37 and 39(2) of the Traffic Management Act 2004(a).

**PART 1**

**Introduction**

**Citation, commencement, and application**

**1.**—(1) These Regulations may be cited as the Traffic Management Permit Scheme (England) Regulations 2007 and shall come into force on 2007.

(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(b);

“the 2004 Act” means the Traffic Management Act 2004;

“address”, in relation to electronic communications, means any number or address used for the purposes of such communications;

---

(a) 2004 c.18.  
(b) 1991 c.22.

“apparatus” includes a sewer, drain or tunnel and includes any structure for the lodging therein of apparatus or for gaining access to apparatus;

“condition” means a condition imposed on works authorised under a permit scheme, whether or not attached to a permit;

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

“local authority” means the council of a district or London borough or the Common Council of the City of London;

“permit” means an authorisation from the Permit Authority which permits certain specified works to be undertaken on a single specified street for a specified duration (whether or not from a specified date);

“permit works” means works authorised by a permit;

“phase” means, in relation to specified works, a period of uninterrupted occupation of the street during which part of those works will be undertaken;

“Permit Authority” means, in relation to a permit scheme, the relevant local highway authority or authorities which have submitted, or intend to submit, that permit scheme to the Secretary of State under section 33(1) or (2) of the 2004 Act;

“prescribed costs” means the costs prescribed in regulation 29 for the purposes of section 37(9) of the 2004 Act;

“provisional advance authorisation” means an indication of approval given by the Permit Authority in relation to certain proposed works;

“specified area” has the meaning given in regulation 7;

“specified streets” has the meaning given in regulation 8;

“specified works” has the meaning given in regulation 6;

“statutory undertakers” has the meaning given in section 329(1) of the Highways Act 1980(b);

“street authority” has the meaning given in section 49(1) of the 1991 Act;

“working day” means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday; and

“works for road purposes” has the meaning given in section 86(2) of the 1991 Act.

## PART 2

### Application for scheme

#### Consultation for new permit schemes

**3.**—(1) Prior to submitting a permit scheme to the Secretary of State, the Permit Authority must consult—

- (a) every person who carries out works in the specified area from time to time, to the extent the Permit Authority is aware of them doing so;
- (b) every local authority other than the Permit Authority in whose area is situated any street to which the permit scheme relates;
- (c) where any street to which the permit scheme relates is in Greater London, Transport for London;

---

(a) 2000 c.7. Section 15(1) was amended by the Communications Act 2003 (c.21), section 406(1) and Schedule 17, paragraph 158.

(b) 1980 c.66.

- (d) where any street to which the permit scheme relates is in the passenger transport area of a Passenger Transport Executive, the relevant Passenger Transport Executive;
- (e) the emergency services which operate in the specified area;
- (f) the Secretary of State;

and such other persons as the Permit Authority considers appropriate.

(2) If, before the day on which these Regulations come into force, the Permit Authority has undertaken any consultation which, had it been undertaken after that day, would to any extent have satisfied the requirements in paragraph (1), those requirements shall to that extent be taken to have been satisfied.

#### **Procedural requirements for submitting new permit schemes**

**4.**—(1) When submitting a permit scheme under section 33(1) or (2) of the 2004 Act, the Permit Authority must provide the Secretary of State with the following information—

- (a) the name of every person who is a highway authority for one or more of the specified streets;
- (b) what the objectives of the Permit Authority are for that permit scheme;
- (c) how and when the Permit Authority proposes to evaluate that permit scheme so as to measure whether the objectives for it have been met;
- (d) the costs and benefits (whether or not financial) which the Permit Authority anticipates shall result from that permit scheme;
- (e) the evidence considered by the Permit Authority when it decided to include the provisions in the permit scheme as to the fees which may be charged, and the reasons for its decision;
- (f) the date on or after which the Permit Authority proposes that the permit scheme should come into effect;
- (g) details of any transitional arrangements which the Permit Authority would wish to apply in relation to the permit scheme coming into effect; and
- (h) a summary of the responses received to the consultation exercise undertaken under regulation 3 and of the changes made to the permit scheme following that consultation exercise.

#### **Varying and revoking permit schemes at the Permit Authority's request**

**5.**—(1) A Permit Authority may ask the Secretary of State to vary or revoke a permit scheme at any time.

(2) Before making such a request, the Permit Authority must consult the persons referred to as consultees in regulation 3(1).

## **PART 3**

### **Permit Scheme Content**

#### **Specified works, area and streets**

**6.**—(1) A permit scheme must specify the works (or types of works) which that permit scheme is designed to control (which shall be the “specified works” for the purposes of that permit scheme).

(2) All specified works for a permit scheme must be either—

- (a) street works; or
- (b) works for road purposes.

(3) Specified works for a permit scheme must not include works executed in a street pursuant to a street works licence issued under section 50 of the 1991 Act.

7.—(1) A permit scheme must specify the area within which its specified works are to be controlled (which shall be the “specified area” for the purposes of that permit scheme).

(2) The specified area for a permit scheme may include an area for which the Permit Authority is not the highway authority.

8.—(1) Subject to the following paragraphs of this regulation, a permit scheme must specify the streets (or types of streets) within its specified area to which controls on specified works are to apply (which shall be the “specified streets” for the purposes of that permit scheme).

(2) A permit scheme may specify some or all of the streets within its specified area as being streets to which controls on specified works are to apply.

(3) Subject to paragraph 4, a permit scheme may not specify any streets which are not maintainable highways as being streets to which controls on specified works are to apply.

(4) A permit scheme may specify a street which is not a maintainable highway as being a street to which controls on specified works are to apply if—

- (a) the Permit Authority anticipates that the street shall become a maintainable highway; and
- (b) the permit scheme provides that the controls on specified works shall apply only in relation to works on the street which are undertaken after the street has become a maintainable highway.

## **Permits**

9.—(1) Subject to paragraph (2), a permit scheme must include provision requiring a permit to be obtained before specified works are carried out on a specified street.

(2) A permit scheme must specify persons (or types of persons) to whom and circumstances (or types of circumstances) in which the requirement in paragraph (1) shall not apply.

(3) A permit scheme must specify the information which must accompany a permit application, and may specify the manner in which such applications must be submitted and the deadline for submitting such applications.

(4) Each permit must relate to no more than one street.

(5) A permit scheme may provide for different classes of permit to be required in relation to different circumstances.

(6) A permit scheme may provide that where it is proposed that the relevant specified works are to be carried out in more than one phase, a separate permit must be obtained in respect of each phase.

## **Permit conditions**

10.—(1) A permit scheme must include provision for the Permit Authority to impose conditions on permits, and must specify the types of condition which the Permit Authority may impose.

(2) The types of condition which the Permit Authority may impose include conditions relating to—

- (a) days on which permit works may not be undertaken;
- (b) times of day during which permit works may not be undertaken;
- (c) the area (including areas not forming part of the street) which may be occupied in connection with the permit works;
- (d) the prohibition or restriction of traffic pursuant to orders or notices under section 14 of the Road Traffic Regulation Act 1984(a);

---

(a) 1984 c.27.

- (e) traffic management arrangements to be made in connection with the permit works (including arrangements for the particular benefit of persons with a disability);
- (f) the manner in which the specified works are to be undertaken;
- (g) consultation and publicity in relation to the specified works, including the display of information at the location of those works;
- (h) notification of progress in relation to the specified works.

(3) The types of condition which the Permit Authority may impose on a permit in respect of permit works to be undertaken by or on behalf of a highway authority may also include conditions—

- (a) requiring the highway authority to consult with any person who has apparatus in a street which apparatus is likely to be affected by the permit works; and
- (b) requiring the highway authority to take all reasonably practicable steps to comply with any requirement made by such person which is reasonably necessary for the protection of the apparatus or for securing access to it.

(4) A permit scheme must provide that the Permit Authority may revoke a permit where it appears to the Permit Authority that a condition of that permit has been breached.

(5) In this regulation, “traffic management arrangements” includes signs, signals, road markings, barriers and other measures which are intended to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).

#### **Provisional advance authorisations**

**11.**—(1) A permit scheme may include provision requiring a provisional advance authorisation for the proposed works to be obtained as part of the application for certain classes of permit.

(2) Where a permit scheme includes such provision, it must specify the information which must accompany an application for provisional advance authorisation, and may specify the manner in which such applications must be submitted and the deadline for submitting such applications.

(3) Each application for provisional advance authorisation must relate to no more than one street.

(4) Where a permit scheme requires a provisional advance authorisation to be obtained as part of the application for a class of permit, the Permit Authority must have regard to whether an applicant has obtained such authorisation when deciding whether to issue such a permit.

(5) A grant of provisional advance authorisation does not prevent the Permit Authority from deciding not to grant the permit to which that authorisation relates.

#### **Permit reference numbers**

**12.** The Permit Authority must allocate a unique reference number to each permit it issues.

#### **Conditions on works to which requirement to obtain permit does not apply**

**13.**—(1) A permit scheme may specify conditions which are to apply to specified works which are undertaken on specified streets to which the requirement to obtain a permit does not apply.

(2) Such conditions may be of the types specified in regulation 10(2) and 10(3).

#### **Criteria to be taken into account by Permit Authority**

**14.**—(1) Where a notice has been issued under section 58(1) (restriction of works following substantial road works) of the 1991 Act in respect of a specified street, and an application for a permit or a provisional advance authorisation is made in respect of works to be undertaken during the prescribed period, the Permit Authority shall when considering such application have regard to—

- (a) whether the applicant received a copy of the notice; and

- (b) whether, within the period specified in the notice for responses to that notice, the applicant notified the Permit Authority (or, if different, the street authority which issued the notice) of the works now proposed.

(2) In this regulation, the prescribed period means such period determined under regulation 10(2) of the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.**(a)**

#### **Review, variation and revocation of permits and permit conditions**

**15.—**(1) A permit scheme must include provision for the Permit Authority to have power to review, vary and revoke permits and permit conditions.

(2) A permit scheme must specify the information which must accompany an application for the review, variation or revocation of a permit or permit conditions, and may specify the manner in which such applications must be submitted and the deadline for submitting such applications.

(3) A permit scheme must include a statement of the Permit Authority's policy as to the circumstances in which it will review, vary or revoke a permit or permit conditions on its own initiative.

#### **Time limits on Permit Authority**

**16.—**(1) A permit scheme must set time limits within which the Permit Authority must respond to applications for permits, provisional advance authorisations, variations to permits and variations to conditions attached to permits.

(2) Different time limits may be set for different cases.

(3) If a Permit Authority does not grant or refuse a duly completed application within the time limit, the application shall be deemed to have been granted.

## **PART 4**

### **Publicity**

#### **Notification of permit scheme**

**17.—**(1) Where the Secretary of State has made an order under section 34(4) of the 2004 Act giving effect to a permit scheme, the Permit Authority must notify the persons referred to as consultees in regulation 3(1) that such order has been made not less than four weeks before the date on which the scheme is to come into effect.

(2) Where the Secretary of State has made an order under section 36 of the 2004 Act to vary or revoke a permit scheme, the Permit Authority must notify the persons referred to as consultees in regulation 3(1) that such order has been made not less than four weeks before the date on which the variation or revocation is to come into effect.

## **PART 5**

### **Sanctions**

#### **Action which may be taken for unauthorised works**

**18.—**(1) Where a person—

- (a) undertakes works for which a permit is required without a permit; or

---

(a) Currently subject to consultation.

(b) breaches a condition;

the Permit Authority may by notice require that person to take such reasonable steps as are specified in the notice, which may include steps to remove the works, to remedy the breach or to minimise or discontinue any obstruction to the street connected with the works.

(2) The notice must specify the activity falling within paragraph (1)(a) or (b) to which it relates.

(3) If a statutory undertaker fails to comply with such a notice within such reasonable period as is specified in the notice, the Permit Authority may take the steps specified in the notice or such reasonable steps as it considers appropriate having regard to the activity falling within paragraph (1)(a) or (b) to which the notice relates and recover from him the costs reasonably incurred by them in doing so.

## **Offences**

**19.**—(1) It is an offence for a statutory undertaker or a person acting on its behalf to undertake specified works on a specified street without a permit, except to the extent that a permit scheme provides that this requirement does not apply.

(2) A person guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**20.**—(1) It is an offence for a statutory undertaker or a person acting on its behalf to breach a condition.

(2) A person guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## **Fixed Penalty Notices**

**21.** An authorised officer of a Permit Authority may, if he has reason to believe that a person is committing or has committed an offence under regulation 19(1) or 20(1), give him a fixed penalty notice in relation to that offence.

**22.** A fixed penalty notice may not be given more than 91 days after the time of commission of the offence beginning with the day on which the offence is committed.

**23.**—(1) A fixed penalty notice must be in the form set out in Schedule 1.

(2) A fixed penalty notice must identify the offence to which it relates and give reasonable particulars of the circumstances alleged to constitute that offence.

(3) A fixed penalty notice must also state—

- (a) the amount of the penalty and the period within which it may be paid;
- (b) the discounted amount and the period within which it may be paid;
- (c) the person to whom and the address at which payment may be made;
- (d) the method or methods by which payment may be made;
- (e) the person to whom and the address at which any representations relating to the notice may be addressed; and
- (f) the consequences of not making a payment within the period for payment.

(4) The person specified under paragraph (3)(c) must be the Permit Authority or a person acting on its behalf.

**24.**—(1) Where a fixed penalty notice has been given under regulation 21 in relation to an offence, the penalty payable in order to discharge liability to conviction for that offence is £250.

(2) The period for payment of the penalty is the period of 36 days beginning with the day on which the notice is given.

(3) The Permit Authority may extend the period for paying the penalty in any particular case if they consider it appropriate to do so.

**25.**—(1) A discounted amount is payable instead of the amount prescribed under regulation 24(1) if payment is made before the end of the period of 29 days beginning on the day on which the notice is given.

(2) The discounted amount is £160.

(3) If the last day of the period specified in paragraph (1) does not fall on a working day, the period for payment of the discounted amount is extended until the end of the next working day.

(4) The Permit Authority may extend the period for paying the discounted amount in any particular case if they consider it appropriate to do so.

**26.**—(1) This regulation applies where a person is given a fixed penalty notice in respect of a fixed penalty offence.

(2) No proceedings for the offence may be commenced before the end of the period for payment of the penalty.

(3) No such proceedings may be commenced or continued if payment of the penalty is made before the end of that period or is accepted by the Permit Authority after that time.

(4) Payment of the discounted amount only counts for the purposes of paragraph (3) if it is made before the end of the period for payment of the discounted amount (including any extension of that period).

(5) Subject to paragraph (6) , in proceedings for the offence a certificate which—

- (a) purports to be signed by or on behalf of the person having financial responsibility for the permit scheme; and
- (b) states that payment of an amount specified in the certificate was or was not received by a date so specified,

is evidence of the facts stated.

(6) The person having financial responsibility for the permit scheme is—

- (a) where the Permit Authority is a single highway authority, the person having responsibility for the financial affairs of that authority; and
- (b) where the Permit Authority is more than one highway authority, the person appointed by the participating authorities as being responsible for financial accounting in relation to the permit scheme.

**27.**—(1) If the Permit Authority considers that a fixed penalty notice which has been given ought not to have been given, they may give to the person to whom it was given a notice withdrawing the fixed penalty notice.

(2) A Permit Authority may consider that a fixed penalty notice ought not to have been given for the reason that it considers it more appropriate for proceedings to be brought in relation to the offence to which it relates.

(3) A notice under paragraph (1) must be in the form set out in Schedule 2.

(4) Where a notice under paragraph (1) is given, the Permit Authority must repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice.

(5) The Permit Authority must consider any representations made by or on behalf of the recipient of a fixed penalty notice and decide in all the circumstances whether to withdraw the notice.

**28.** A Permit Authority may deduct from fixed penalties received under these Regulations any costs of operating its permit scheme which remain following the application of fee income to those costs under regulation 32, and must apply the net proceeds for the purpose of developing policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within the specified area.

## PART 6

### Fees

#### Fees

**29.** The costs incurred in connection with a permit scheme are, for the purposes of section 37(9) of the 2004 Act, that proportion of the costs of operating the permit scheme incurred by the Permit Authority in relation to private sector statutory undertakers.

**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) the variation of a permit or the conditions attached to a permit.

(2) A permit scheme must include provision as to the fees which may be charged, and such provision may include—

- (i) the fees which may be charged in relation to an activity; or
- (ii) the range of fees which may be so charged and the criteria which shall govern how the fee applicable in an individual case shall be 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 shall govern how the discount applicable in an individual case shall be identified from that range.

(4) The maximum fee which may be charged in respect 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 a variation to a permit or the conditions attached to a permit is £45.

**31.—**(1) Highway authorities shall 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 the conditions 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) Where two or more applications for a permit are received from statutory undertakers at the same time and relate to proposed specified works which are on the same street or on adjacent streets, the Permit Authority may charge the full fee in respect of one application and must allow a minimum 50% discount in relation to the other applications.

**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.

## PART 7

### Registers

#### Duty to maintain register

**33.**—(1) The Permit Authority must maintain or cause to be maintained a register in connection with a permit scheme.

(2) The register must contain the following information—

- (a) the name of every specified street under the permit scheme;
- (b) the name of every other street for which the Permit Authority is the street authority; and
- (c) whether such streets have been designated by the relevant street authority as protected streets, streets of special engineering difficulties or traffic-sensitive streets;

and such other information in relation to the streets referred to in sub-paragraphs (a) and (b) as the Permit Authority considers appropriate.

(3) The Permit Authority must cause to be entered in the register the provisions of—

- (a) every permit (consolidated so as to incorporate any variations made to the permit);
- (b) every provisional advance authorisation;
- (c) every application for a permit;
- (d) every application for a permit variation;
- (e) every application for a provisional advance authorisation;
- (f) every refusal to grant a permit;
- (g) every refusal to grant a permit variation;
- (h) every refusal to grant a provisional advance authorisation; and
- (i) every permit revocation

relating to that permit scheme.

(4) The Permit Authority must also cause to be entered in the register—

- (a) every notice given under section 54 (advance notice of certain works)(a) or 55 (notice of starting date of works)(b) of the 1991 Act;
- (b) every direction given under section 56(1A) (power to give directions as to timing of street works)(c) of the 1991 Act;
- (c) every notice, consent and direction given under section 58 (restriction on works following substantial road works)(d) of the 1991 Act;
- (d) every notice given under section 66(3) (avoidance of unnecessary delay or obstruction)(e) of the 1991 Act;
- (e) every notice given under regulation 6 of the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2007(f);
- (f) every notice, consent and direction given under Schedule 3A (restriction on works following substantial street works)(g) to the 1991 Act;
- (g) a description and location of activities for all plans and sections submitted under paragraph 2(2) of Schedule 4 (streets with special engineering difficulties)(a) to the 1991 Act;

---

(a) Section 54 was amended by the Traffic Management Act 2004, sections 40, 49 and Schedule 1.

(b) Section 55 was amended by the Traffic Management Act 2004, sections 40, 49, 51 and Schedule 1.

(c) Section 56 was amended by the Traffic Management Act 2004, sections 40, 43 and Schedule 1.

(d) Section 58 was amended by the Traffic Management Act 2004, sections 40, 51 and Schedule 1.

(e) Section 66 was amended by the Traffic Management Act 2004, section 40 and Schedule 1.

(f) Currently subject to consultation.

(g) Schedule 3A was inserted by the Traffic Management Act 2004, section 52(2) and Schedule 4.

- (h) every notice given under Schedule 4 (streets with special engineering difficulties) to the 1991 Act;
- (i) every street works licence granted under 50(1) of the 1991 Act (including details of conditions and changes of ownership);
- (j) every notice given under section 70(3) or (4A) (duty of undertaker to reinstate)(b) of the 1991 Act;
- (k) all information given under section 80(2) (duty to inform undertakers of location of apparatus)(c) of the 1991 Act; and
- (l) every notice given under regulation 6(3) of the Street Works (Sharing of Costs of Works) (England) Regulations 2000(d);

relating to the specified area of that permit scheme.

(5) Two or more Permit Authorities may cause their registers to be combined.

### Access to register

**34.**—(1) The Permit Authority must make the register available for inspection, at all reasonable hours and free of charge—

- (a) so far as it relates to restricted information, by any person having authority to execute works of any description in the street, or otherwise appearing to the authority to have a sufficient interest, and
- (b) so far as it relates to information which is not restricted, by any person.

(2) For the purposes of paragraph (1), restricted information is—

- (a) information certified by, or with the authorisation of, the Secretary of State as being restricted information for the purpose of safeguarding national security; and
- (b) information certified by, or with the authorisation of, an undertaker as being restricted information because its disclosure would, or would be likely to, prejudice the commercial interests of that undertaker.

## PART 8

### Other Enactments

#### Application of Part

**35.** This Part applies to the specified streets of a permit scheme to the extent specified in the order made under section 34(4) of the 2004 Act in respect of that permit scheme.

#### Disapplication of enactments

**36.** The following provisions of the 1991 Act are disapplied in relation to specified works on specified streets—

- (1) section 53(e);
- (2) section 54;
- (3) section 55;
- (4) section 56;

---

(a) Schedule 4 was amended by the Traffic Management Act 2004, sections 40 and Schedule 1; by the Communications Act 2003, section 406 and Schedules 17 and 19; and by the Water Consolidation (Consequential Provisions) Act 1991 (c.60), section 2 and Schedule 1.

(b) Section 70 was amended by the Traffic Management Act 2004, sections 40 and 54.

(c) Section 80 was amended by the Traffic Management Act 2004, sections 40 and 47 and Schedule 1.

(d) S.I. 2000/3314.

(e) Section 53 was amended by the Traffic Management Act 2004, section 45.

- (5) section 57(a);
- (6) section 58(5) to (8); and
- (7) section 66.

### **Modification of enactments**

**37.**—(1) Subject to regulation 40, the following sections of the 1991 Act shall be modified as follows in relation to specified works on specified streets.

(2) Section 74 shall have effect as if—

- (a) the Secretary of State could make regulations under that section to the effect of the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2007(b) as modified by regulation 39; and
- (b) in subsection (2) after the words “in question” there were added the words “The decision of a Permit Authority to grant a permit or a permit variation in relation to works does not represent its agreement to the term of that permit as “a reasonable period” for the purposes of this section, and shall be disregarded by the arbitrator in any arbitration under this section”.

(3) Section 88(4) shall have effect as if for the words “giving notice under section 55 (notice of starting date), or making a notification under paragraph 2(1)(d) of Schedule 3A (notification of proposed works)” there were substituted the words “submitting an application for a permit or for a provisional advance authorisation or undertaking any works which are exempt from the requirement to be authorised by a permit”.

(4) Section 89(2) shall have effect as if for the words “giving notice under section 55 (notice of starting date), or making a notification under paragraph 2(1)(d) of Schedule 3A (notification of proposed works)” there were substituted the words “submitting an application for a permit or for a provisional advance authorisation or undertaking any works which are exempt from the requirement to be authorised by a permit”.

(5) Section 93 shall have effect as if—

- (a) in subsection (2), for the words from “give the prescribed notice” to the end of the paragraph there were substituted the words “send a copy of the application for a permit or for a provisional advance authorisation to the relevant transport authority at the same time as it sends the application to the Permit Authority”;
- (b) in subsection (5), for the words from “notwithstanding” to the end of the paragraph there were substituted “and the notice must contain equivalent information to the information which is required by the permit scheme to support an application for a permit, notwithstanding that the permit scheme may not require a permit to be obtained in respect of such works.”;
- (c) there were inserted after subsection (5) the following—

“(6) An undertaker who fails to give notice in accordance with this section commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) In proceedings against a person for such an offence it is a defence for him to show that the contravention was attributable—

- (a) to his not knowing the position, or not knowing of the existence, of another person’s apparatus; or
- (b) to his not knowing the identity or address of—
  - (i) a relevant authority; or
  - (ii) the person to whom any apparatus belongs;

---

(a) Section 57 was amended by the Traffic Management Act 2004, sections 40, 52 and Schedule 1.  
(b) Currently subject to consultation.

and that his ignorance was not due to any negligence on his part or to any failure to make inquiries which he ought reasonably to have made.”

(6) Schedule 3A shall have effect as if—

(a) for paragraph 1, there were substituted—

“1. This Schedule applies where a Permit Authority receives an application for a permit or a provisional advance authorisation.”

(b) in paragraph 2(1)(b), the word “street” were deleted;

(c) in paragraph 2(1)(d)—

(i) for the word “undertakers” there be substituted the word “persons”;

(ii) the word “street” were deleted;

(iii) for the words “notify the authority of” there were substituted “apply for a permit or provisional advance authorisation, as applicable, in respect of”

(d) in paragraph 2(4)(d), for the words from “given notice” to “street works” there were substituted the words “applied for a permit or a provisional advance authorisation in respect of works”;

(e) sub-paragraphs (5) and (6) of paragraph 2 were deleted;

(f) paragraph 3 were deleted;

(g) in paragraph 4(1) the words “and before completion of the works referred to in this paragraph 3(1)(a) to (c)” were deleted;

(h) in paragraph 4(2) for the words from “the executive” to the end of the sub-paragraph there were substituted the words “the availability of permits for such period as may be specified in the direction”;

(i) paragraph 4(4), (5) and (7) were deleted;

(j) in paragraph 4(9) the words “ceases to have effect by virtue of sub-paragraph (7), or is” were deleted;

(k) for paragraph 5 there were substituted—

“5. Where a direction given under paragraph 4(1) has effect, and an application for a permit or a provisional advance authorisation is made after the expiry of the notice period in respect of works to be undertaken on the part of the highway to which that notice related, the Permit Authority shall when considering such application have regard to—

(1) whether that application could reasonably have been made during the notice period; and

(2) the desirability of not permitting works following substantial street works on the same part of the highway for the period specified in the direction.”; and

(l) paragraph 6 were deleted.

**38.**—(1) Notwithstanding the disapplication of sections 54, 55 and 57 of the 1991 in regulation 36, and subject to paragraph (2) and regulation 40, regulation 13 of and Schedule 1 to the Street Works (Registers, Notices, Directions and Designations) Regulations 1992(a) shall have effect in respect of specified streets to the extent that they relate to the designation of traffic-sensitive streets.

(2) Paragraph 6 of Part 2 of Schedule 1 to the Street Works (Registers, Notices, Directions and Designations) Regulations 1992 shall have effect in relation to specified works on specified streets as if for the words “given notice under section 54 of his intention to execute street” there were substituted the words “applied for a permit or a provisional advance application in respect of”.

---

(a) S.I. 1992/2985. Regulation 13 was amended by S.I. 1995/2128, regulations 4 to 6. Schedule 1 was amended by S.I. 1999/1049, regulation 2. Revised regulations are currently subject to consultation.

**39.** Subject to regulation 40, the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2007(a) shall have effect in relation to specified works on specified streets as if—

(1) in regulation 8(1)(b), for the words “notice under section 55 of the Act (notice of starting date)” there were substituted the words “application for a permit”; and

(2) in regulation 8(1)(c), for the words “as soon as reasonably practicable” there were substituted the words “no more than two hours”.

**40.** Terms which are used in the modifications set out in regulations 37 to 39 shall, where applicable, have the meaning given to those terms in regulation 2.

## PART 9

### Miscellaneous

#### Service of documents, etc

**41.**—(1) Subject to paragraph (5), any requirement or power in these Regulations or in a permit scheme to send a document or information other than a fixed penalty notice must be discharged by sending that document or information using electronic communications.

(2) Where a person

(a) has given a Permit Authority an address for service on him of fixed penalty notices using electronic communications; and

(b) has not notified the Permit Authority that the address is withdrawn for that purpose;

a fixed penalty notice shall be given by sending it using electronic communications to that person at that address, in accordance with the condition set out in paragraph (4).

(3) Where electronic communications are used, unless the contrary is proven, the document or information shall be deemed to have been sent at the time of day recorded by the transmitting apparatus as being the time of satisfactory completion of the transmission.

(4) Electronic communications must be—

(a) capable of being accessed by the person to whom it is sent;

(b) legible in all material respects; and

(c) in a form sufficiently permanent to be used for subsequent reference

and for this purpose “legible in all material respects” means that the document or information contained in the electronic communication is available to that person to no lesser extent than it would be had the document or information been sent in printed form.

(5) Where it is not possible to use electronic communications or, in relation to a fixed penalty notice, paragraph (2) does not apply, service may be effected by any of the following means—

(a) delivery to the person to whom it is to be given;

(b) leaving it at his proper address;

(c) sending it by first class post to him at his proper address; or

(d) such other means as may be agreed between the sender and recipient.

(6) The proper address of any person for the purposes of this regulation is, subject to paragraph (7)—

(a) where such person has provided to the sender an address for service for the purposes of permit schemes, that address;

(b) otherwise-

---

(a) Currently subject to consultation

- (i) in the case of a corporation, the registered or principal office of the corporation; or
- (ii) in any other case, the last known address of such person.

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

(8) Where a Permit Authority does not have arrangements for receiving communications at any time outside business hours, any requirement imposed by or under a permit scheme to send a document or information to the Permit Authority by a given day shall be deemed to have been satisfied if the document or information has been received by the Permit Authority before 10.00 hours on the following working day.

(9) In paragraph (8), “business hours” means the period from 08.00 hours to 16.30 hours on a working day.

**Reckoning of periods**

**42.** In reckoning for the purposes of these Regulations a period expressed as a period from or before a given date, that date shall be excluded.

Signed by authority of the Secretary of State for Transport

*Name*  
Parliamentary Under Secretary of State  
Department for Transport

SCHEDULE 1

Regulation 23

FORM OF FIXED PENALTY NOTICE

*	<b>FIXED PENALTY NOTICE</b> [ NAME OF PERMIT SCHEME ORDER ] <b>THE TRAFFIC MANAGEMENT PERMIT SCHEME</b> <b>(ENGLAND) REGULATIONS 2007</b>	<b>FIXED PENALTY NOTICE</b> Number: .....
<b>PART A</b>		
Contact Tel No.	Permit Reference No. *	
<b>TO:</b>	<b>DATE OF THIS NOTICE:</b> ..... dd mm yy	
<b>ADDRESS:</b>		
<b>OFFENCE CODE:</b> (See Part B) (NB: Only one offence code per fixed penalty notice) .....		
<b>LOCATION:</b>		
<b>DATE OF OFFENCE:</b>		
<b>DETAILS OF OFFENCE:</b>		
<p><b>1.</b> I am giving you this notice, in accordance with Part 5 of the Traffic Management Permit Scheme (England) Regulations 2007, to offer you the opportunity of discharging any liability to conviction for this fixed penalty offence by payment of a penalty.</p> <p><b>2.</b> This means that no legal proceedings will be commenced for the offence if, subject to paragraph 3, the penalty of <b>£250</b> is paid (See Part B for instructions on methods of payment) within the period of <b>36</b> days beginning with the day on which this notice was given. (NB: The permit authority may extend this period in any particular case if they consider it appropriate to do so (See Regulation 24(3))).</p> <p><b>3.</b> Instead of paying the amount referred to in paragraph 2, liability to conviction for the offence may also be discharged if the discounted amount of <b>£160</b> is paid within the period of <b>29</b> days beginning with the day on which this notice was given. (NB: If the last day of this period does not fall on a working day, the period for payment of the discounted amount is extended until the end of the next working day (See Regulation 25(3)). The permit authority may extend this period in any particular case if they consider it appropriate to do so (See Regulation 25(4))).</p> <p><b>4.</b> If the discounted amount is not paid within the period set out in paragraph 3, as extended where relevant, liability to conviction for the offence may only be discharged thereafter by payment of the penalty of <b>£250</b> within the period set out in paragraph 2, as extended where considered appropriate. If you then fail to pay the penalty within that period, legal proceedings for the offence may be commenced against you.</p> <p><b>5.</b> Any representations that you wish to make in relation to this notice may be addressed to _____ at _____ identifying the fixed penalty notice number stated above.</p>		
<b>NAME OF AUTHORISED OFFICER</b> (in block capitals): .....		
<b>DATE:</b> .....		

**PART B**

*	<b><u>INSTRUCTIONS ON METHODS OF PAYMENT</u></b>	<b>FIXED PENALTY NOTICE Number:</b> .....
(* <i>Insert Permit Authority name</i> )		
<p><b>ELECTRONICALLY</b>– by the Bankers Automated Clearing Services (BACS). Payment should be made to _____, Sort Code _____, Account Number _____. Payment must be supported by the timely submission of a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number.</p>		
<p><b>“ON LINE”</b>- please visit our web site at _____.</p>		
<p><b>BY POST</b>- by making your cheque payable to _____ and sending it to _____. Payment must be accompanied by a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number. A receipt will be sent on request.</p>		
<p><b>IN PERSON</b> – to _____ at _____ between [9.00am and 4.30pm] on any day on which the office is open for business. Any cheque should be made payable to _____. Payment may be made by debit or credit card if the card is one that is accepted by the Permit Authority in accordance with its standard procedures. Payment must be accompanied by a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number. A receipt will be provided on request.</p>		
<p><b>BY TELEPHONE</b> – by contacting _____ at _____ on _____ between [9.00am and 4.30pm] on any day on which the office is open for business. Payment may only be made by using a debit or credit card that is accepted by the Permit Authority in accordance with its standard procedures. You must state the fixed penalty notice number of each notice in respect of which payment is being made and the amount being paid in relation to each number. A receipt will be sent on request.</p>		

**OFFENCE CODES AND DESCRIPTION**

(By reference to the Traffic Management Permit Scheme (England) Regulations 2007)

<b>CODE</b>	<b>OFFENCE</b>	<b>BRIEF DESCRIPTION</b>
<b>PS01</b>	An offence under Regulation 19(1)	Undertaking works on a street without a permit where an applicable Permit Scheme requires one.
<b>PS02</b>	An offence under Regulation 20(1)	Breaching a condition imposed under a permit scheme (whether or not attached to a permit).

SCHEDULE 2

Regulation 27

FORM OF NOTICE WITHDRAWING A FIXED PENALTY NOTICE

*  <i>(* Insert Permit Authority name)</i>	<b>NOTICE WITHDRAWING FIXED PENALTY NOTICE</b> <b>[ NAME OF PERMIT SCHEME ORDER ]</b> <b>REGULATION 27 OF THE TRAFFIC MANAGEMENT PERMIT SCHEME (ENGLAND) REGULATIONS 2007</b>	<b>FIXED PENALTY NOTICE</b> Number: .....
--	---	---

**TAKE NOTICE** that the fixed penalty notice numbered as above is hereby **WITHDRAWN**.

**NAME OF AUTHORISED OFFICER** *(in block capitals)*  
.....

**DATE**  
.....

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*