

Section 50 license holders' agreement for awareness of potential offences and costs that may be incurred as a result of breaches.

OFFENCE CODES AND DESCRIPTION
(By reference to the New Roads and Street Works Act 1991)

05 - An offence under section 70(6) consisting of a failure to comply with subsection (3) or (4A). - Failure to comply with requirements to give notice of completion of reinstatement within 10 working days

06 - An offence created by regulations made under section 74(7B). - Failure to give a notice required by regulations under s.74 (charge for occupation of the highway where works unreasonably delayed- work stop notification not sent within 2 hours of work stopping; Actual start notification not sent within 2 hours of work starting

Giving Fixed Penalty Notices

- 1) An authorised officer may, if he has reason to believe that a person is committing or has committed an offence under sections 70 (6) & Section 74 (7b) (b)

(2) In this Part "fixed penalty notice" means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty.

Time limit for giving fixed penalty notice

- 1) A fixed penalty notice may not be given more than 91 days after the commission of the offence beginning with the day of its commission.

Costs

<i>Item No.</i>	<i>Offence under the 1991 Act</i>	<i>Brief description</i>	<i>Amount of penalty</i>	<i>Discounted amount</i>
5.	An offence under section 70(6) consisting of a failure to comply with subsection (3) or (4A)(2).	Failure to comply with requirements to give notice of completion of reinstatement.	£120.	£80.
6.	An offence created by regulations made under section 74(7B).	Failure to give a notice required by regulations under s.74 (charge for occupation of the highway where works unreasonably delayed).	£120.	£80.

7.	An offence created by regulations made under section 74A(11).	Failure to give a notice required by regulations under s.74A (charge determined by reference to duration of works).	£120.	£80.
----	---	---	-------	------

Withdrawal of fixed penalty notice

- (1) If the Permit Authority considers that a fixed penalty notice which has been given ought not to have been given, it shall give to the person to whom that notice was given a notice withdrawing the fixed penalty notice.
- (2) A notice under paragraph (1) shall be in the form set out in Schedule 2 or in a form to substantially the like effect.
- (3) Where a notice under paragraph (1) is given the Permit Authority shall repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice.
- (4) The Permit Authority shall 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.

Payments

To be made as per attached instructions for payment document

Form of fixed penalty notice

- (1) A fixed penalty notice shall be in relation to the form attached to this document
- (2) A fixed penalty notice shall identify the offence to which it relates and gives reasonable particulars of the circumstances alleged to constitute that offence.
- (3) A fixed penalty notice shall also state—
- (a) the amount of the penalty and the period within which it may be paid.
 - (b) the discounted amount payable in accordance with regulation 25 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) shall be the Permit Authority or a person contracted to act on its behalf.

Hertfordshire County Council - Permit Authority
FIXED PENALTY NOTICE for PERMIT OFFENCES 1900
THE TRAFFIC MANAGEMENT PERMIT SCHEME(ENGLAND) Regulations 2007

Fixed Penalty Notice Number:

Contact Tel no.

Permit Reference:

To:

Date of this Notice:

Address:

Offence Code *(NB: Only one offence code per fixed penalty notice):*

Location:

Date of Offence:

Details of Offence:

1. I am giving you this notice, in accordance with section 37(6) of the Traffic Management Act 2004, and Schedule 4b to, the New Roads and Street Works Act 1991, to offer you the opportunity of discharging any liability to conviction for this fixed penalty offence by payment of a penalty.
2. This means that no legal proceedings will be commenced for the offence if, subject to paragraph 3, the penalty of £120.00 is paid (See Part B for instructions on methods of payment) within the period of 36 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 25(3)).
3. 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 £80.00 is paid within the period of 29 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 Paragraph 5(3) of Schedule 4B)).
4. 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 £120.00 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.
5. Any representations that you wish to make in relation to this notice may be addressed to:

Mr Lewis Benn
Farnham House
Six Hills Way
Stevenage
Hertfordshire
SG1 2ST

Identifying the fixed penalty notice number stated above.

NAME OF AUTHORISED OFFICER: LEWIS BENN

DATE:

Signed

.....

Date:

.....

Company liable for Fixed Penalty notice liability discharge

.....

Company number

.....