

Changes to
Streetworks
Legislation
Effective 5
January 2026



The Department for Transport is changing legislation relating to street works in England from 5 January 2026



The changes are to;

**Regulations and to the Code of Practice for the Co-ordination of
Street and Road Works covering;**

- the use of Lane Rental (Section 74a) charges,
- Section 74 overrun charges
- and Fixed Penalty Notices (FPNs)

These changes apply on and after the 5th January 2026.





Changes to Lane Rental 50% surplus fund requirement



From 5 January 2026, highway authorities operating a lane rental scheme must spend;

- 50% of all net proceeds from surplus lane rental funds on highway maintenance
- and the remaining 50% on purposes intended to reduce the disruption and other adverse effects caused by street works.

The DfT expects this to apply to surplus net proceeds generated on or after the 5 January 2026

Examples of highway maintenance activities are;

- Preventative Maintenance
 - Planned works to prevent deterioration including Surface dressing, Crack sealing, or Drainage improvements.
- Capital (Renewal) Maintenance
 - Replacement or refurbishment of assets nearing end-of-life including, Resurfacing streets, Lamp columns, Traffic signs and signals, or Filter drain media.
- Reactive Maintenance
 - Unplanned, urgent repairs such as Programmes of permanent pothole repair, Emergency repairs due to accidents or weather damage, Fixing broken chamber covers or street lighting faults.
- Routine Maintenance
 - Scheduled minor works like Gully emptying, or Grass cutting
- Major Maintenance
 - Large-scale refurbishment or replacement projects including Bridge repairs, Structural road reconstruction, or Full carriageway resurfacing.



Changes to Section 74 (NRSWA) charges for the unreasonably prolonged occupation of the highway



The DfT has amended the Regulations relating to Section 74 charges to extend charging for overruns to weekends and public holidays, as well as the current working days

This will apply to permits for those works that start on or after 5th January 2026



Examples of Section 74 at weekends

Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues	Wed	3 day permit
	Day 1 (*PrP)	Day 2 (*PrP)	Day 3	O/run 1	O/run 2	O/run 3			Example 1 Site starts Wednesday and ends Monday (3 days S74)
		Day 1 (*PrP)	Day 2 (*PrP)	No O/run	No O/run	Day 3			Example 2 Site starts Thursday ends Monday (No S74)
		Day 1 (*PrP)	Day 2 (*PrP)	Day 3	O/run 1	O/run 2			Example 3 Site starts Thursday ends Monday. Weekend working an agreed permit condition. (2 days S74)
			Day 1 (*PrP)	Day 2	No O/run	Day 3 (*PrP)	O/Run 1		Example 4 Site starts Friday ends Tuesday. weekend working an agreed permit condition (1 day S74) as prescribed duration working days only. Potential condition breach

Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues	Wed	2 day permit (Prescribed Period working days only) (*PrP)
		Day 1 (*PrP)	Day 2 (*PrP)	O/run 1	O/run 2	O/run 3			Example 1 Site starts Thursday ends Monday (3 days S74)
			Day 1 (*PrP)	No O/run	No O/run	Day 2 (*PrP)			Example 2 Site starts Friday ends Monday (No S74)
			Day 1 (*PrP)	No O/run	No O/run	Day 2 (*PrP)	O/run 1		Example 2 Site starts Friday ends Tuesday. Weekend working an agreed permit condition (1 day S74). Potential condition breach.



Changes to Fixed Penalty Notices

The DfT have amended the Regulations relating to Fixed Penalty Notices to increase the penalty charges payable by double the current rate, and the Code of Practice for Co-ordination to make late notifications for S74 start

- **This will apply to offences committed on or after the 5th January 2026**

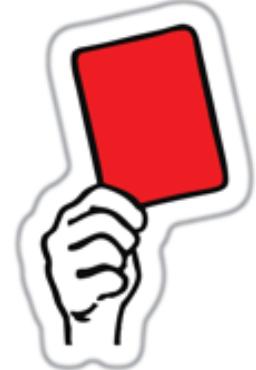


FPNs now apply to Start and stop Notices at weekends

Time period (every day)	Applies to Start/Stop notices (inc. Immediate permits)
00:00am through to 07:59am*	Start/Stop notice received by 10:00am on the same day
08:00am through to 04:30pm*	Start/Stop notice received within 2 hours e.g. work starts 03:25pm = start notice received by 05:25pm on the same day
04:31pm through to 11:59pm*	Start/Stop notice received by 10:00am on the next day



Fixed Penalty Charges



The penalty charges payable for offences committed on or after the 5th January 2026 are:

Offence	Full Charge	Discounted Charge
NRSWA sections 70, 74 or 74A	£240	£160
Regulation 19 (working without a permit)	£1000	£600
Regulation 20 (breach of permit conditions)	£240	£160