STATUTORY INSTRUMENTS

2026 No. 1137

HIGHWAYS, ENGLAND TRANSPORT AND WORKS, ENGLAND AND WALES FEES, ENGLAND AND WALES

The Transport Infrastructure (Fees) Regulations 2026

Made - - - -	*26th October 2026*
Laid before Parliament	*30th October 2026*
Coming into force - -	*20th November 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 281B of the Highways Act 1980(**1**) and section 23A of the Transport and Works Act 1992(**2**).

Part 1

Introductory

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Transport Infrastructure (Fees) Regulations 2026 and come into force on 20th November 2026.

(2) These Regulations extend to England and Wales.

(3) Part 2 applies in relation to England.

(4) Part 3 applies in relation to England and cross-border orders(**3**).

(**1**) 1980 c. 66. Section 281B was inserted by section 31 of the Planning and Infrastructure Act 2025 (c. 34).
(**2**) 1992 c. 42. Section 23A was inserted by section 42 of the Planning and Infrastructure Act 2025.
(**3**) For the meaning of "cross-border order", see section 23A(9) of the Transport and Works Act 1992.

Part 2

Fees under section 281B of the Highways Act 1980

Prescription of public authorities and other matters under section 281B of the Highways Act 1980

2.—(1) The public authorities(**4**) listed in paragraph 1 of Schedule 1 are prescribed for the purposes of section 281B(1) of the Highways Act 1980 (power to provide for fees for certain services).

(2) Schemes made, or proposed to be made, under section 16 or 106 of the Highways Act 1980(**5**) are prescribed for the purposes of section 281B(2)(b) of that Act.

Power to charge fees in relation to the provision of relevant services

3.—(1) Subject to the provisions of this regulation, a prescribed public authority may charge fees to a highway authority(**6**) in relation to the provision of a relevant service(**7**).

(2) The public authority may charge fees under paragraph (1) only in accordance with a statement published on its website which—

(a) describes the relevant services for which fees are charged,

(b) sets out the fees or, if applicable, the method by which fees are to be calculated, and

(c) refers to any provision in an enactment pursuant to which the relevant services are provided.

(3) The fees may take account of the costs of anything that is reasonably incidental to the provision of the relevant service by the public authority.

(4) The fees charged in relation to the provision of a relevant service must not exceed the costs reasonably incurred or to be incurred by the public authority in providing the relevant service.

(5) This regulation is without prejudice to any power to charge fees under section 43(1) of the Environment Act 1995(**8**), section 27 of the Marine and Coastal Access Act 2009(**9**) and section 33(6) of the National Heritage Act 1983(**10**).

Supplementary powers in relation to the charging of fees

4.—(1) A prescribed public authority may, in accordance with a statement published on its website, do any of the following in relation to the fees referred to in regulation 3(1)—

(a) provide the highway authority with a written estimate of the fees before providing the relevant service;

(b) require all or part of the fees to be paid in advance of providing the relevant service;

(**4**) For the meaning of "public authority", see section 281B(6) of the Highways Act 1980.

(**5**) Section 16 makes general provision as to special roads. It was amended by paragraph 24 of Schedule 2 to the Planning Act 2008 (c. 29) and paragraph 13 of Schedule 1 to the Infrastructure Act 2015 (c. 7). There are other amendments to section 16 but none are relevant. Section 106 makes provision with respect to orders and schemes providing for the construction of bridges over, or tunnels under, navigable waters. It was amended by paragraph 26 of Schedule 2 to the Planning Act 2008 and paragraph 34 of Schedule 1 to the Infrastructure Act 2015. There are other amendments to section 106 but none are relevant.

(**6**) For the meaning of "highway authority", see section 1 of the Highways Act 1980. Section 1 was amended by paragraph 1 of Schedule 4 and Schedule 17 to the Local Government Act 1985 (c. 51), section 21(2) of the New Roads and Street Works Act 1991 (c. 22), section 259 of the Greater London Authority Act 1999 (c. 29) and paragraph 2 of Schedule 1 to the Infrastructure Act 2015. There are other amendments to section 1 but none are relevant.

(**7**) For the meaning of "relevant service", see section 281B(2) of the Highways Act 1980.

(**8**) 1995 c. 25. There are amendments to section 43(1) but none are relevant.

(**9**) 2009 c. 23. Section 27(3) was amended by paragraph 5 of Schedule 10 to the Fisheries Act 2020 (c. 22).

(**10**) 1983 c. 47.

(c) approve the payment of the fees by instalments;

(d) waive or refund all or part of the fees.

(2) Where the public authority decides to waive or refund all or part of the fees, it must notify the highway authority of the waiver or refund in writing.

Notification and payment of fees

5.—(1) A prescribed public authority charging fees to a highway authority under regulation 3(1) must notify the highway authority in writing of the amount of fees being charged.

(2) The highway authority must pay the fees to the public authority within such period or (in relation to payment by instalments) periods as may be specified in the notice, provided the period or periods are not less than 21 days beginning with the date of the notice.

(3) If the highway authority fails to do so, the public authority may—

(a) where the overdue amount relates to a relevant service which has been provided in full, recover from the highway authority as a civil debt the overdue amount;

(b) where the overdue amount relates to a relevant service the provision of which has not been commenced, notwithstanding any requirement to provide the relevant service in full, withhold the relevant service until the overdue amount is paid;

(c) where the overdue amount relates to a relevant service which has been provided in part, notwithstanding any requirement to provide the relevant service in full, do either or both of the following—

(i) recover from the highway authority as a civil debt the overdue amount;

(ii) withhold the unprovided part of the relevant service until the overdue amount is paid.

Part 3

Fees under section 23A of the Transport and Works Act 1992

Interpretation

6. In this Part, "applicant" means an applicant under section 6 of the Transport and Works Act 1992(**11**).

Prescription of public authorities for the purposes of section 23A(1) of the Transport and Works Act 1992

7. The public authorities(**12**) listed in paragraph 1 of Schedule 2 are prescribed for the purposes of section 23A(1) of the Transport and Works Act 1992 (fees for certain services in connection with orders).

Power to charge fees in relation to the provision of relevant services

8.—(1) Subject to the provisions of this regulation, a prescribed public authority may charge fees to an applicant in relation to the provision of a relevant service(**13**).

(**11**) Applications under section 6 of the Transport and Works Act 1992 are for orders under sections 1 and 3 of that Act (orders as to railways, tramways etc. and orders as to inland waterways etc., respectively). Section 6 was amended by S.I. 1998/2226, 2006/958 and 2017/1070.

(**12**) For the meaning of "public authority", see section 23A(9) of the Transport and Works Act 1992.

(**13**) For the meaning of "relevant service", see section 23A(2) of the Transport and Works Act 1992.

(2) The public authority may charge fees under paragraph (1) only in accordance with a statement published on its website which—

(a) describes the relevant services for which fees are charged,

(b) sets out the fees or, if applicable, the method by which fees are to be calculated, and

(c) refers to any provision in an enactment pursuant to which the relevant services are provided.

(3) The fees may take account of the costs of anything that is reasonably incidental to the provision of the relevant service by the public authority.

(4) The fees charged in relation to the provision of a relevant service must not exceed the costs reasonably incurred or to be incurred by the public authority in providing the relevant service.

(5) This regulation is without prejudice to any power to charge fees under section 43(1) of the Environment Act 1995, section 27 of the Marine and Coastal Access Act 2009 and section 33(6) of the National Heritage Act 1983.

Supplementary powers in relation to the charging of fees

9.—(1) A prescribed public authority may, in accordance with a statement published on its website, do any of the following in relation to the fees referred to in regulation 8(1)—

(a) provide the applicant with a written estimate of the fees before providing the relevant service;

(b) require all or part of the fees to be paid in advance of providing the relevant service;

(c) approve the payment of the fees by instalments;

(d) waive or refund all or part of the fees.

(2) Where the public authority decides to waive or refund all or part of the fees, it must notify the applicant of the waiver or refund in writing.

Notification and payment of fees

10.—(1) A prescribed public authority charging fees to an applicant under regulation 8(1) must notify the applicant in writing of the amount of fees being charged.

(2) The applicant must pay the fees to the public authority within such period or (in relation to payment by instalments) periods as may be specified in the notice, provided the period or periods are not less than 21 days beginning with the date of the notice.

(3) If the applicant fails to do so, the public authority may—

(a) where the overdue amount relates to a relevant service which has been provided in full, recover from the applicant as a civil debt the overdue amount;

(b) where the overdue amount relates to a relevant service the provision of which has not been commenced, notwithstanding any requirement to provide the relevant service in full, withhold the relevant service until the overdue amount is paid;

(c) where the overdue amount relates to a relevant service which has been provided in part, notwithstanding any requirement to provide the relevant service in full, do either or both of the following—

(i) recover from the applicant as a civil debt the overdue amount;

(ii) withhold the unprovided part of the relevant service until the overdue amount is paid.

Part 4

Transitional provisions

Transitional provisions

11.—(1) Part 2 does not apply where the relevant service is provided in connection with—

(a) an order or proposed order under Part 2 or 6 of the Highways Act 1980 in respect of which a notice was first published in accordance with paragraph 1, 1A or 2 (as applicable) of Schedule 1 to that Act(**14**) before 20th November 2026,

(b) a scheme or proposed scheme under section 16 or 106 of the Highways Act 1980 in respect of which a notice was first published in accordance with paragraph 10 of Schedule 1 to that Act(**15**) before 20th November 2026,

(c) an order under Part 12 of the Highways Act 1980 in respect of which a notice was first published in accordance with section 11(1)(a) or (b) of the Acquisition of Land Act 1981(**16**) before 20th November 2026, or

(d) an order or proposed order under Part 12 of the Highways Act 1980 in respect of which a notice was first published in accordance with paragraph 2(1)(a) or (b) of Schedule 1 to the Acquisition of Land Act 1981 before 20th November 2026(**17**).

(2) Part 3 does not apply where the relevant service is provided in connection with an application under section 6 of the Transport and Works Act 1992 which was made to the Secretary of State before 20th November 2026.

Simon Lightwood
Parliamentary Under-Secretary of State
Department for Transport

26th October 2026

(**14**) Paragraph 1 of Schedule 1 to the Highways Act 1980 ("the 1980 Act") was amended by paragraph 63(2) of Schedule 1 to the Infrastructure Act 2015 and section 33(2) of the Planning and Infrastructure Act 2025. Paragraph 1A of Schedule 1 to the 1980 Act was inserted by section 32(7) of the Planning and Infrastructure Act 2025. Paragraph 2 of Schedule 1 to the 1980 Act was amended by paragraph 63(3) of Schedule 1 to the Infrastructure Act 2015.

(**15**) Paragraph 10 of Schedule 1 to the Highways Act 1980 was amended by paragraph 63(7) of Schedule 1 to the Infrastructure Act 2015 and section 33(5) of the Planning and Infrastructure Act 2025.

(**16**) 1981 c. 67. Section 11(1)(b) was amended by section 181(3)(b) of the Levelling-up and Regeneration Act 2023 (c. 55). Section 11(1) applies to orders under Part 12 of the Highways Act 1980 authorising a compulsory purchase by an authority other than a Minister (see section 2(2) of the Acquisition of Land Act 1981). Such orders are made before a notice is published in respect of them.

(**17**) Paragraph 2 of Schedule 1 was amended by paragraph 1(3) of Schedule 19 to the Levelling-up and Regeneration Act 2023.

Schedules

Schedule 1 Regulation 2

List of Public Authorities prescribed under section 281B of the Highways Act 1980

1. The public authorities listed in this paragraph are—

(a) the Coal Authority;

(b) the Environment Agency;

(c) the Health and Safety Executive;

(d) the Historic Buildings and Monuments Commission for England;

(e) local authorities in England;

(f) the Marine Management Organisation;

(g) Natural England;

(h) National Highways;

(i) Transport for London.

2. In this Schedule, "local authority in England" means—

(a) a county council in England;

(b) a district council;

(c) a London borough council;

(d) the Common Council of the City of London;

(e) the Council of the Isles of Scilly;

(f) a National Park authority;

(g) the Broads Authority.

Schedule 2 Regulation 7

List of Public Authorities prescribed under section 23A(1) of the Transport and Works Act 1992

1. The public authorities listed in this paragraph are—

(a) the Coal Authority;

(b) the Environment Agency;

(c) the Health and Safety Executive;

(d) the Historic Buildings and Monuments Commission for England;

(e) local authorities in England;

(f) local authorities in Wales, where providing relevant services in connection with an application for a cross-border order;

(g) the Marine Management Organisation;

(h) Natural England;

(i) National Highways;

(j) Natural Resources Wales, where providing relevant services in connection with an application for a cross-border order;

(k) Transport for London;

(l) the Welsh Ministers, where providing relevant services in connection with an application for a cross-border order.

2. In this Schedule—

"local authority in England" has the meaning given in paragraph 2 of Schedule 1;

"local authority in Wales" means—

(a) a county council in Wales;

(b) a county borough council;

(c) a National Park authority.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for prescribed public authorities to charge fees for services provided in connection with certain transport infrastructure projects. They are made under powers inserted into the Highways Act 1980 (c. 66) ("the 1980 Act") and the Transport and Works Act 1992 (c. 42) ("the 1992 Act") by the Planning and Infrastructure Act 2025 (c. 34).

Part 2 enables the public authorities listed in Schedule 1 to charge highway authorities for services provided in relation to orders and schemes under Part 2, 6 or 12 of the 1980 Act. It requires public authorities to publish a statement of their fees on their website and provides that any fees charged must not exceed the costs reasonably incurred in providing the service. It also sets out supplementary powers regarding the administration of fees, including powers to require advance payments, allow payment by instalments, waive or refund fees, and recover unpaid amounts.

Part 3 makes similar provision to Part 2, enabling the public authorities listed in Schedule 2 to charge applicants under section 6 of the 1992 Act for services provided in relation to applications under that section.

Part 4 contains transitional provisions ensuring that the new fee-charging powers do not apply to projects that have already reached specified stages in the applicable statutory process before these Regulations come into force.

A full impact assessment has not been produced for this instrument. These Regulations are in connection with a tax, duty, levy or other charge and so fall outside of the Better Regulation Framework. No significant impact on the private, voluntary or public sector is foreseen.