

Highways & Engineering Division

**Code of Practice for the Depositing of
Skips on the Public Highway**

4th Edition

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Bolton Council Highways & Engineering Delivery Services

Standard Conditions that must be complied with by Skip owners or Operators when depositing Builder's Skips or Enclosed Containers on the public Highway in accordance with a valid Highway (Skip) Licence.

1. The Legal Position

The depositing of builder's skips or enclosed containers on the public highway is controlled principally through the provisions of Section 139 and 140 of The Highways Act 1980 (*refer to Appendix 'B' for extract*). Further legislation is contained in The Builder's Skips (Markings) Regulations, 1984.

Under the provisions Section 139 of The Highways Act 1980, a builder's skip or enclosed container cannot be deposited on a public highway without the permission of the highway authority, in this case Bolton Council. Where a highway authority grants permission for the depositing of a builder's skip or enclosed container, it can impose upon the person, to whom permission is granted certain conditions, including conditions relating to:-

- (a) the siting of the builder's skip or enclosed on the public highway,
- (b) the dimensions of the builder's skip or enclosed container,
- (c) the manner in which the builder's skip or enclosed container is to be painted for the purpose of making it immediately visible to oncoming traffic,
- (d) the care and disposal of the contents of the builder's skip or enclosed container,
- (e) the manner in which the builder's skip or enclosed container is to be lighted and guarded,
- (f) the removal of the builder's skip or enclosed container at the end of the Licence period.

Where a builder's skip or enclosed container is deposited on a public highway without prior permission, then the owner or operator of the skip or container is guilty of an offence and is liable to a fine not exceeding level 3 on the standard scale.

2. Siting of Builder's Skips or Enclosed Containers

The exact siting of the builder's skip or enclosed container must be approved by the highway authority, in this case Bolton Council, prior to the issuing of a Highway (Skip) Licence.

- 2.1 A builder's skip or enclosed container shall be deposited with its longer side parallel and near to the edge (channel) of the carriageway.

- 2.2 Where more than one builder's skip or enclosed container is deposited on the public highway at any one time, the skips or containers shall be deposited as closely as possible to each other.
- 2.3 Builder's skips or enclosed containers shall not be deposited on any footway under the ownership of, or maintained by, Bolton Council without prior agreement.
- 2.4 Permission to deposit a builder's skip or enclosed container on the public highway will not be granted in the following circumstances:-
- a) On Council owned or maintained footways (unless by prior agreement)
 - b) On highway verges (unless by prior agreement)
 - c) Within 15 metres of a road junction
 - d) Within 25 metres of traffic signals
 - e) Within a controlled area of a pedestrian crossing point.
 - f) On yellow zig-zag marking outside schools, ambulance or fire stations etc.
 - g) Within a marked bus stop area or within a dedicated bus lane / corridor.
 - h) On any highway where parking or loading restriction are in force.
 - i) In such a position that it blocks or obstructs access to premises by an emergency or service vehicle.
- 2.5 Permission will not be granted for a builder's skip or enclosed container to be deposited and left on the public highway during the hours of darkness in the following circumstances:-
- a) On a major arterial route or ring road.
 - b) Within Bolton Town Centre (unless agreed in advance).
 - c) Any street where the Highway Authority consider that the depositing of a builder's skip or enclosed container could result in the creation of a danger to highway users.

3. Builder's Skip or enclosed Container Dimensions

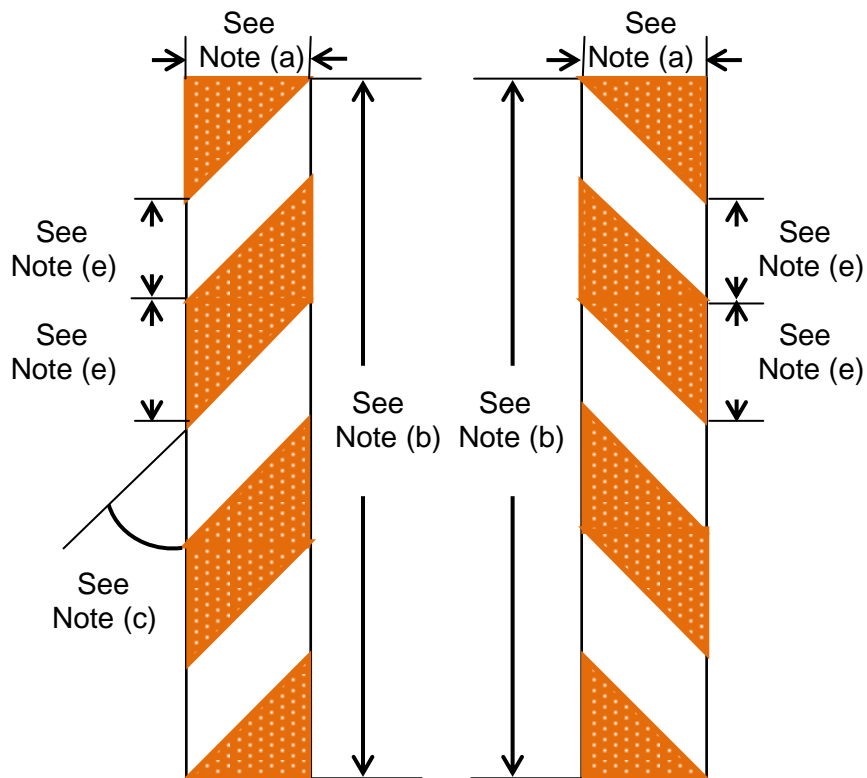
Permitted dimensions for a Builder's Skip or enclosed container deposited on the public highway within Bolton.

- 3.1 Normally, only "trapezoidal" builder's skips or enclosed containers and low-sided builder's skips, measuring less than 3.8 metres in length by 2 metres in width, will be suitable for use on the public highway.
- 3.2 Builder's skips or enclosed containers with dimensions larger than, 5 metres in length by 2 metres in width, will not be permitted without express approval in advance of it being deposited on the public highway.

4. Colour & Markings of Builder's Skips

Colour and markings that are required to be displayed on the builder's skip or enclosed container.

Sketch for Illustration Purposes Only



A Department of Transport's Builder's Skips (Markings) Regulations 1984 Schedule 1 (Regulation 3) Specifications about design.

- 4.1 All builder's skips or enclosed containers shall be clearly and indelibly marked with the owner's or operators name, address or telephone number, including out of hours emergency contact number. These details should be marked on both the long sides of the skip or container (*refer to Appendix 'A'*).

All builder's skips or enclosed containers shall, whilst deposited on the public highway, be coloured and marked in accordance with The Builder's Skips (Markings) Regulations 1984 Schedule 1 (Regulation 3) Specification about design.

Notes:

- a) The width of each half of the markings shall be not less than 140 millimetres nor more than 280 millimetres.
- b) The length of each half of the marking shall be not less than 350 millimetre nor more than 700 millimetres.
- c) The angle of each stripe shall be not less than 40 degrees to the vertical nor no more than 50 degrees to the vertical.

- d) Each of the markings shall have a minimum area of 980 square centimetres.
- e) The breadth of each stripe shall be not less than 133 millimetres or more than 147 millimetres.

Schedule 2 (Regulations 3) Requirements as to Markings.

1. The markings specified in Schedule 1 shall consist of two plates of equal size and the same shape as one another.
2. Each such plate shall comply with the requirements specified in the British Standard Specifications for rear Marking Plates for vehicles issued by the British Standards Institution and published on 1 April 1970 under BS AU152:1970 and shall be marked as provided in paragraph 5 of that Standard.
3. The two plates comprising the marking shall be securely attached to the end of the builder's skip or enclosed container in such a manner that:
 - a) each plate is as near to an outer edge of the builder skip or enclosed container as the construction of the skip or container allows, so that no part of any plate projects beyond an outer edge of the end of the skip;
 - b) the innermost edge of each plate is parallel to and the same distance from the vertical plane passing through the longitudinal axis of the skip or container;
 - c) the upper edge of each plate is parallel to and the same distance from the upper edge of the end of the skip or container;
 - d) no part of either plate is attached to:
 - (i) any lid, or
 - (ii) any door except in a case where a door is the only deposit to which the plate can possibly or conveniently be fixed;
 - e) The upper edge of each plate is:
 - (i) not more than 1.5 metres from the ground, and
 - (ii) not lower than the upper edge of the skip or container save in so far as this may be necessary on account of the construction of the skip or container, the provisions of Regulations 4 or the provisions of subparagraph above.
4. The stippled areas in the diagram in Schedule 1 shall be of red fluorescent material, and the un-stippled areas in that diagram shall be of yellow reflex reflecting material.

Explanatory Note.

- i. By these Regulations the power conferred by Section 139 of the Highways Act 1980 as amended by Section 65 of the Transport Act 1982 to require builder's skips or enclosed containers to be marked in a prescribed manner is exercised.

- ii. These Regulations require each end of the builder's skip or enclosed container to be marked as specified in Schedules 1 and 2 (Regulation 3).
- iii. Those requirements apply to each end of every builder's skip or enclosed container any part of which is deposited on any part of a public highway except a footway or a verge (Regulation 3).
- iv. Every marking with which a builder's skip or enclosed container is required to be marked by these Regulations shall be clean and efficient and (except when fitted to a door which is required to open for the purpose of loading or unloading the skip) shall be clearly visible for a reasonable distance to persons using the public highway on which the skip or container is deposited (Regulation 4).
- v. Copies of the British Standard mentioned in paragraph 2 may be obtained from any of the sales outlets operated by the British Institute.

5. Lighting & Guarding

Minimum lighting & guarding requirements for builder's skips or enclosed containers whilst deposited on the public highway.

- 5.1 Section 139(4) of The Highways Act 1980 requires the owner of a builder's skip or enclosed container which has been deposited on the public highway to secure that the skip or container is properly lit during the hours of darkness.
- 5.2 Each builder's skip or enclosed container shall be guarded by 3 traffic cones in an oblique line on the approach side of the skip or container. Where two or more skips or containers are less than 2 metres apart they shall be guarded as one skip or container.
- 5.3 During the hours of darkness (that is to say, between half an hour after sunset and half an hour before sunrise), a lamp should be deposited against or attached to each corner of the builder's skip or enclosed container, or end corners of a row of skips or containers where two or more skips or containers are deposited in a row and the distance between adjacent skips or containers does not exceed 2 metres. A warning lamp should also be deposited between each pair of traffic cones on the approach (*refer to Appendix 'A'*).
- 5.4 All warning lamps shall comply with the Traffic Sign Regulations and General Directions, each shall have an illuminating power of not less than 1 candle power and shall remain lit throughout the hours of darkness.

Note: It is a condition of granting a licence to deposit a builder's skip or enclosed container on the public highway, that all necessary traffic cones and warning lamps are provided for the customer's use by the skip or enclosed container owner or operator, which shall be in good working order and suitable for use on the public highway.

- 5.5 The owner or operator of the builder's skip or enclosed container must ensure that the necessary traffic cones and warning lights are placed in position immediately after the skip or container is deposited on the highway.

Warning: If during the hours of darkness, a builder's skip or enclosed container is reported or found unlit, Bolton Council, as Highway Authority, may take the appropriate action to guard and light the skip or container. In so doing may seek to recover all reasonable costs from the skip or container owner or operator.

6. Care & Disposal of Contents

Minimum requirements for the care and disposal of the contents of a builder's skip or enclosed container.

- 6.1 No builder's skip or enclosed container whilst deposited on the public highway, shall contain any inflammable, explosive, noxious or dangerous material or any materials likely to putrefy or which otherwise is, or is likely to become a nuisance to users of the public highway.
- 6.2 All reasonable care shall be taken to prevent materials from spilling out of the builder's skip or enclosed container, either during use or when the skip or container is being removed, any overspill shall be immediately removed from the public highway and measures taken to prevent dust pollution.

Note: The skip owner or operator will be held responsible for any materials that falls onto the public highway whilst the skip is being removed or relocated.

- 6.3 Builder's Skips or enclosed containers shall be removed or emptied as soon as practicable after they have been filled, and in any case not later than one working day after it has been filled. Any spillages on the public highway shall be immediately removed.
- 6.4 All materials placed in the builder's skip or enclosed container shall be deemed to be controlled waste as defined by the Environmental Protection Act 1990. They shall be properly disposed of by a registered carrier to a licenced site and the public highway where the skip or container has been deposited shall be left in a clean and tidy condition on the expiration of the licence period.

7. Skip Company Central Register

- 7.1 Skip operators wishing to apply for permission to deposit a builder's skip or enclosed container on the public highway within Bolton, must be registered with Bolton Council prior to any permission being granted.
- 7.2 To be registered with Bolton Councils 'the skip operator must completed the standard 'Skip Company Central Register' application form which is available on request from Highway & Engineering Delivery Services.
- 7.3 Skip operators will be required to update their details supplied for the purpose of the 'Skip Company Central Register' on an annual basis.

8. Submitting Application to Deposit a Builder's Skip or Enclosed Container on the Public Highway

- 8.1 Applications for permission to deposit a builder's skip or enclosed container on the public highway can be submitted by one of the following methods:
 - In person at Highways & Engineering Delivery Services, 4th Floor The Wellsprings, Howell Croft South, Bolton BL1 1US - (completing the appropriate Licence Application Form)
 - By Post to the above address - (completed Licence Application Form)
 - By email to

Blank Licence Application Forms are available on request from Highway & Engineering Delivery Services, or via Bolton Councils website.

- 8.2 All applications for permission to deposit a builder's skip or enclosed container on the public highway must be forwarded to Highway & Engineering Delivery Services, using one of the above methods, who will then process the application.
- 8.3 Skip or container owners or operators are requested to submit any application for permission to deposit a builder's skip or enclosed container on the public highway as soon as possible, ideally 24hrs in advance. Please refer to section 11 for Licence application response times.

Note: Retrospective permission to deposit a builder's skip or enclosed container on the public highway may not be granted.

9. General Conditions

The standard conditions are set out below that will apply to all applications / permission to deposit a builder's skip or enclosed container on the public highway.

- 9.1 No builder's skip or enclosed container shall remain on the public highway after the specified date on the Highway (Skip) Licence. Failure to observe the dates stated on the Licence may lead to the builder's skip or enclosed container being removed by Bolton Council, as Highway Authority, or the Police and any expenses incurred in doing so will be directly recovered from the owner or operator of the skip or container.
- 9.2 A Licence granted to deposit a builder's skip or enclosed container on the public highway must be covered by Public Liability Insurance which should be available for inspection. A minimum cover to be £3 million is required.

The Public Liability Insurance must indemnify the Highway Authority, in this case Bolton Council, from and against all actions, claims, losses and expenses whatsoever in respect of loss or personal injury or damage to property howsoever caused.

- 9.3 In being granted a Licence to deposit a builder's skip or enclosed container on the public highway, the skip or enclosed container owner or operator shall ensure full compliance with the requirements of The Highways Act 1980, Section 139 and the conditions set out within this code of practice whilst the skip or container is deposited on the public highway.

Important Reminder: A builder's skip or enclosed container shall not be deposited on the public highway without receiving prior written permission to do so, retrospective permission may not be granted. All licence conditions must be fully complied with at all times, failure to comply may result in the permission (Licence) being revoked, immediate removal of the builder's skip or enclosed container, or the possibility of legal action being instigated.

10. Damage to the Fabric of the Highway

- 10.1 The owner or operator of the builder's skip or enclosed container shall agree to pay Bolton Council, as Highway Authority, the full cost of making good any damage to the fabric of the public highway including the carriageway, verge or footway, pipes etc, beneath the public highway, or damage to any trees situated in the public highway, caused by the skip or container or any of its contents, or by the skip or transporter lorry when depositing or removing the skip or container.

11. Consideration of Builder's Skip or Enclosed Container Licence Applications

Builder's Skip / Enclosed Container Licence Application Response Times.

- 11.1 On receiving an application to deposit a builder's skip or enclosed container on the public highway, Bolton Council, as Highway Authority, will endeavour to process the application within 4 working hours wherever possible. In cases where this is not possible Bolton Council is committed to processing those applications within a timescale no longer than 1 working day.

12. Builder's Skip / Enclosed Container Licence Consideration Fees & Durations

- 12.1 Bolton Council currently operates a variable scale of consideration fees for builder's skip or enclosed containers dependent on the following:

- The road classification (i.e. main road, side street etc.)
- Duration of the granted licence

The current schedule of licence consideration fees and duration periods are available on Bolton Council's website, alternatively copies of the schedule of fees are available from Highways & Engineering Delivery Services on request.

Note: Bolton Council does not currently charge a consideration fee for any builder's skip or enclosed container licence application that is refused for any reason.

- 12.2 An additional unlicensed fee of £50 will be charged for any builder's skip or enclosed container found to be deposited on the public highway without a valid Highway (Skip) Licence, this fee will be in addition to the appropriate Highway (Skip) Licence fee that would be applicable at that location. If the skip operator is not registered with Bolton Council, an unlicensed fee of £100 will be applied.

13. Extending Builder's Skip / Enclosed Containers Licences.

- 13.1 Requests for an extension to a valid builder's skip or enclosed container licence must be agreed with Bolton Council, as Highway Authority, prior to the expiry of the valid Highway (Skip) Licence. Please refer to the current consideration fees schedule.

14. Contravention of Licence Requirements

- 14.1 Where a builder's skip or enclosed container is deposited on the public highway in contravention of any or all of the above requirements, Bolton Council, as Highway Authority, reserves the right to remove the builder's skip or enclosed container from the public highway without notice. Where a builder's skip or enclosed container is removed from the public highway, it will be stored for a maximum period of 1 month, after which Bolton Council, as Highway Authority, will dispose of it, recovering all reasonable expenses in so doing from the owner or operator of the skip or container.
- 14.2 Regardless of whether permission has been granted for the depositing of a builder's skip or enclosed container on a public highway and that the skip or container may be compliant with all the requirements, Bolton Council, as Highway Authority, or a Police Constable in uniform can require the owner or operator of the skip or container to remove or reposition it or cause it to be

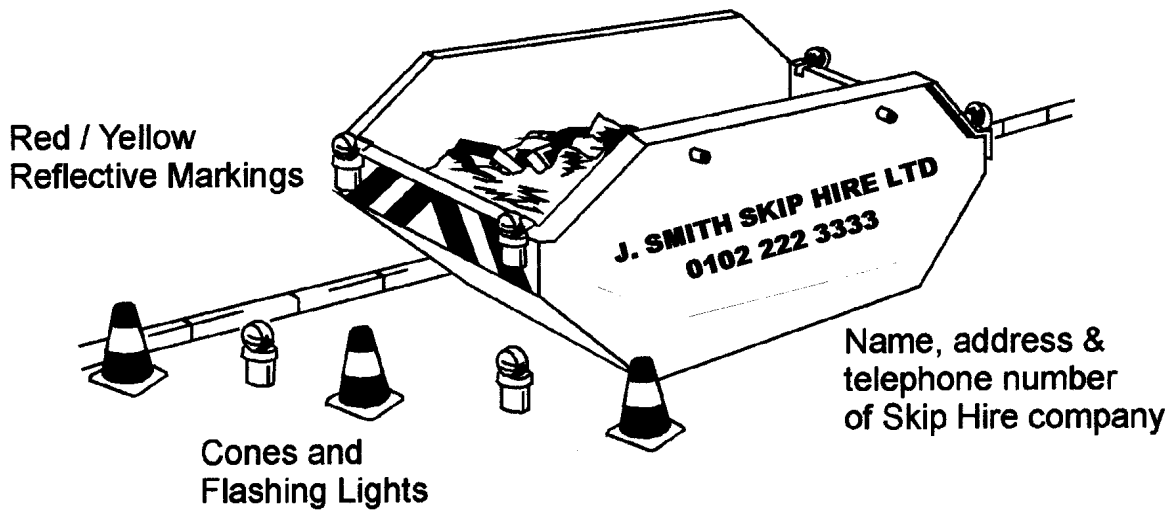
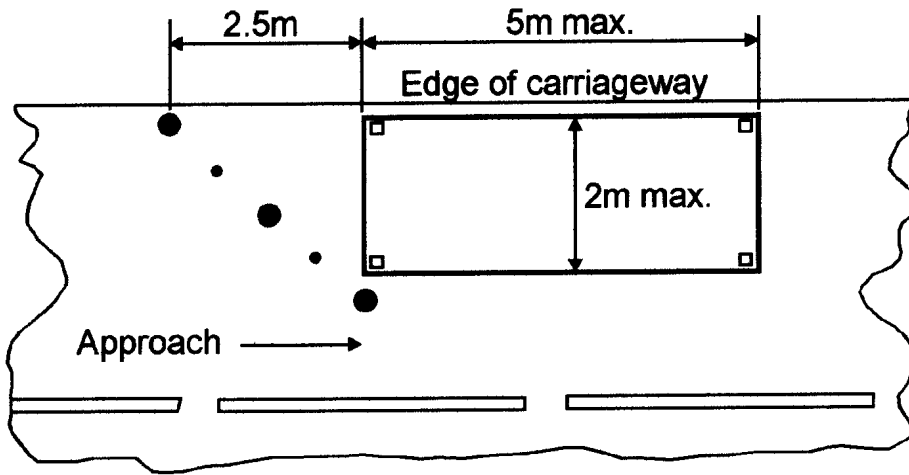
removed or repositioned. The person required to remove or reposition the skip or container must comply with the request as soon as practicable.

- 14.3 All reasonable costs incurred by Bolton Council, as Highway Authority, in removing or repositioning a builder's skip or enclosed container in default may be recovered from the skip or container owner or operator.

15. Unadopted Highways / Streets

- 15.1. Bolton Council, as Highway Authority, are responsible for ensuring that free and unrestricted access is maintained along an unadopted highway or street in the same way as any adopted highway within the borough. However, unlike an adopted highway the ongoing maintenance of an unadopted highway or street is the responsibility of the street frontagers, as the Street Manager, therefore they are responsible for ensuring that any builder's skip or enclosed container is sited correctly so as not to cause an obstruction to the travelling public.
- 15.2. The owner or operator of a builder's skip or enclosed container so deposited on a unadopted highway or street is not required to obtain a Highway (Skip) Licence from Bolton Council.

APPENDIX 'A'



Arrangement for siting a builders skip on the public highway

APPENDIX 'B'

139. Control of builder's skips

- (1) A builder's skip shall not be deposited on a highway without the permission of the highway authority for the highway.
- (2) A permission under this section shall be a permission for a person to whom it is granted to deposit, or cause to be deposited, a skip on the highway specified in the permission, and a highway authority may grant such permission either unconditionally or subject to such conditions as may be specified in the permission including, in particular, conditions relating to -
 - (a) the siting of the skip;
 - (b) its dimensions;
 - (c) the manner in which it is to be coated with paint and other material for the purpose of making it immediately visible to oncoming traffic;
 - (d) the care and disposal of its contents;
 - (e) the manner in which it is to be lighted or guarded;
 - (f) its removal at the end of the period of permission.
- (3) If a builder's skip is deposited on a highway without a permission granted under this section, the owner of the skip is, subject to subsection (6) below, guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale].
- (4) Where a builder's skip has been deposited on a highway in accordance with a permission granted under this section, the owner of the skip shall secure -
 - (a) that the skip is properly lighted during the hours of darkness [and, where regulations made by the Secretary of State under this section require it to be marked in accordance with the regulations (whether with reflecting or fluorescent material or otherwise), that it is so marked];
 - (b) that the skip is clearly and indelibly marked with the owner's name and with his telephone number or address;
 - (c) that the skip is removed as soon as practicable after it has been filled;
 - (d) that each of the conditions subject to which that permission was granted is complied with; and, if he fails to do so, he is, subject to subsection (6) below, guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale].
- (5) Where the commission by any person of an offence under this section is due to the act or default of some other person, that other person is guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.
- (6) In any proceedings for an offence under this section it is a defence, subject to subsection (7) below, for the person charged to prove that the commission of the offence was due to the act or default of another person and that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.
- (7) A person charged with an offence under this section is not, without leave of the court, entitled to rely on the defence provided by subsection (6) above unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

- (8) Where any person is charged with an offence under any other enactment for failing to secure that a builder's skip which has been deposited on a highway in accordance with a permission granted under this section was properly lighted during the hours of darkness, it is a defence for the person charged to prove that the commission of the offence was due to the act or default of another person and that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.
- (9) Where a person is charged with obstructing, or interrupting any user of, a highway by depositing a builder's skip on it, it is a defence for the person charged to prove that the skip was deposited on it in accordance with a permission granted under this section and either—
 - (a) that each of the requirements of subsection (4) above had been complied with; or
 - (b) that the commission of any offence under that subsection was due to the act or default of another person and that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.
- (10) Nothing in this section is to be taken as authorising the creation of a nuisance or of a danger to users of a highway or as imposing on a highway authority by whom a permission has been granted under this section any liability for any injury, damage or loss resulting from the presence on a highway of the skip to which the permission relates.
- (11) In this section, [section 140 and section 140A] below—

“builder's skip” means a container designed to be carried on a road vehicle and to be deposited on a highway or other land for the storage of builder's materials, or for the removal and disposal of builder's rubble, waste, household and other rubbish or earth; and “owner,” in relation to a builder's skip which is the subject of a hiring agreement, being an agreement for a hiring of not less than one month, or a hire purchase agreement, means the person in possession of the skip under that agreement.

140. Removal of builder's skips

- (1) The following provisions of this section have effect in relation to a builder's skip deposited on a highway notwithstanding that it was deposited on it in accordance with a permission granted under section 139 above.
- (2) The highway authority for the highway or a constable in uniform may require the owner of the skip to remove or reposition it or cause it to be removed or repositioned.
- (3) A person required to remove or reposition, or cause to be removed or repositioned, a skip under a requirement made by virtue of subsection (2) above shall comply with the requirement as soon as practicable, and if he fails to do so he is guilty of an offence and liable to a fine not exceeding [level 3 on the standard scale].
- (4) The highway authority for the highway or a constable in uniform may themselves remove or reposition the skip or cause it to be removed or repositioned.
- (5) Where a skip is removed under subsection (4) above, the highway authority or, as the case may be, the chief officer of police shall, where practicable, notify the owner of its removal but if the owner cannot be traced, or if after a reasonable period of time after being so notified he has not recovered the skip, the highway authority or chief officer of police may dispose of the skip and its contents.

- (6) Any expenses reasonably incurred by a highway authority or chief officer of police in the removal or repositioning of a skip under subsection (4) above or the disposal of a skip under subsection (5) above may be recovered from the owner of the skip in any court of competent jurisdiction or summarily as a civil debt.
- (7) Any proceeds of the disposal of a skip under subsection (5) above shall be used in the first deposit to meet the expenses reasonably incurred in the removal and disposal of the skip and thereafter any surplus shall be given to the person entitled to it if he can be traced and if not may be retained by the highway authority or the chief officer of police, as the case may be; and any surplus so retained by a chief officer of police shall be paid into the police fund.
- (8) References in this section to expenses incurred in the removal of a skip include references to expenses incurred in storing the skip until it is recovered by the owner or, as the case may be, disposed of.
- (9) The owner of a skip is not guilty of an offence under section 139(4) above of failing to secure that a condition relating to the siting of the skip was complied with if the failure resulted from the repositioning of the skip under subsection (3) or (4) above.

140A. [Builder's skips: charge for occupation of highway]

- (1) The Minister may make provision by regulations requiring the owner of a builder's skip deposited on a highway maintainable at the public expense to pay a charge to the highway authority where-
 - (a) the period for which the skip remains in the highway exceeds such period as may be prescribed, and
 - (b) the skip is not removed within a reasonable period.
- (2) For this purpose "a reasonable period" means such period as is agreed by the authority and the owner of the skip to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable in the circumstances. In default of agreement, the authority's view as to what is a reasonable period shall be acted upon pending the decision of the arbitrator.
- (3) The regulations may provide that if a person applying to the highway authority for permission under section 139 above submits together with his application an estimate of the likely duration of the occupation of the highway, the period stated in the estimate shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.
- (4) The regulations may also provide that if it appears to the owner of the skip that by reason of matters not previously foreseen or reasonably foreseeable the duration of the occupation of the highway-
 - (a) is likely to exceed the prescribed period,
 - (b) is likely to exceed the period stated in his previous estimate, or
 - (c) is likely to exceed the period previously agreed or determined to be a reasonable period,

he may submit an estimate or revised estimate accordingly, and that if he does so any previous estimate, agreement or determination shall cease to have effect and the period stated in the new estimate shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.

- (5) The amount of the charge shall be determined in such manner as may be prescribed by reference to the period for which the highway is occupied by the skip and the extent of the occupation. Different rates of charge may be prescribed according to the deposit and time of the occupation and such other factors as appear to the Minister to be relevant.
- (6) The regulations may make provision as to the time and manner of making payment of any charge.
- (7) The regulations shall provide that a highway authority may reduce the amount, or waive payment, of a charge in any particular case, in such classes of case as they may decide or as may be prescribed, or generally.
- (8) In this section “prescribed” means prescribed by the Minister by regulations.]

