



# Traffic Management Act 2004

## 2004 CHAPTER 18

### PART 1 **E+W**

#### TRAFFIC OFFICERS

##### *Traffic officers for England and for Wales*

#### **1 Traffic officers: introduction** **E+W**

- (1) This Part makes provision for the designation of individuals as traffic officers by, or under an authorisation given by, the Secretary of State or the Assembly.
- (2) The duties assigned to traffic officers must be connected with, or intended to facilitate or to be conducive or incidental to—
  - (a) the management of traffic on the relevant road network; or
  - (b) the performance of any other functions of the appropriate national authority (in its capacity as a traffic authority or highway authority).
- (3) In subsection (2) “the relevant road network” means—
  - (a) the network of relevant roads in England (in the case of traffic officers designated by, or under an authorisation given by, the Secretary of State); or
  - (b) the network of relevant roads in Wales (in the case of traffic officers designated by, or under an authorisation given by, the Assembly).
- (4) Traffic officers shall have such special powers (for use in connection with the performance of their duties) as are referred to in section 5(1).
- (5) In this Part “relevant road” means a road in England for which the Secretary of State is the traffic authority or a road in Wales for which the Assembly is the traffic authority.

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#### **Commencement Information**

- II** S. 1 in force at 4.10.2004 for E. by [S.I. 2004/2380](#), [art. 2\(a\)](#)

*Status: Point in time view as at 04/10/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 1. (See end of Document for details)*

## 2 Designation of traffic officers **E+W**

- (1) The appropriate national authority may—
  - (a) designate individuals as traffic officers; and
  - (b) authorise another person to designate individuals as traffic officers.
- (2) An authorisation under subsection (1)—
  - (a) must be given (and may be varied or withdrawn) in writing; and
  - (b) may be given subject to such limitations and conditions as the appropriate national authority thinks appropriate.
- (3) The designation of an individual as a traffic officer must be made (and may be withdrawn) in writing.
- (4) A designation may provide that it is to remain in force (unless it is withdrawn or otherwise ceases to have effect) for a specified period.
- (5) A traffic officer designated under an authorisation must be employed by, or by a person providing services to, the authorised person.
- (6) An individual designated under an authorisation shall cease to be a traffic officer if the person who appointed him either withdraws his designation or ceases to be authorised.
- (7) The appropriate national authority may direct an authorised person to withdraw immediately the designation of all or any of the individuals who have been designated by that person.

### Commencement Information

**I2** S. 2 in force at 4.10.2004 for E. by S.I. 2004/2380, art. 2(a)

### *Jurisdiction and powers of traffic officers*

## 3 Jurisdiction of traffic officers **E+W**

- (1) A traffic officer has jurisdiction—
  - (a) over any relevant road in England (if he was designated by, or under an authorisation given by, the Secretary of State); or
  - (b) over any relevant road in Wales (if he was designated by, or under an authorisation given by, the Assembly),
 unless his designation provides that this subsection does not apply to him.
- (2) If subsection (1) does not apply to a traffic officer, he has jurisdiction only over such relevant roads, or relevant roads of such descriptions, as may be specified in his designation.

### Commencement Information

**I3** S. 3 in force at 4.10.2004 for E. by S.I. 2004/2380, art. 2(a)

*Status: Point in time view as at 04/10/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 1. (See end of Document for details)*

#### **4 Powers to direct traffic officers** **E+W**

- (1) A traffic officer shall, when carrying out his duties, comply with any direction of a constable.
- (2) Subject to that, a traffic officer designated by an authorised person shall, when carrying out his duties, comply with any direction of the appropriate national authority.

##### **Commencement Information**

**I4** S. 4 in force at 4.10.2004 for E. by S.I. 2004/2380, art. 2(a)

#### **5 The special powers of a traffic officer** **E+W**

- (1) For the purposes of this Part the special powers of a traffic officer are the following—
  - (a) powers conferred by sections 6 and 7;
  - (b) powers conferred by orders under section 8; and
  - (c) powers conferred by or under any other Act which are expressed to be special powers for the purposes of this section.
- (2) The exercise of those powers is subject to the following restrictions.
- (3) Those powers may only be exercised for one or more of the following purposes—
  - (a) maintaining or improving the movement of traffic on a relevant road over which the traffic officer has jurisdiction by virtue of section 3;
  - (b) preventing or reducing the effect of anything causing (or which has the potential to cause) congestion or other disruption to the movement of traffic on such a road;
  - (c) avoiding danger to persons or other traffic using such a road (or preventing risks of any such danger arising);
  - (d) preventing damage to, or to anything on or near, such a road;or for a purpose incidental to any of those purposes.
- (4) Subject to that, those powers may be exercised—
  - (a) on or in relation to any relevant road over which the traffic officer has jurisdiction to act by virtue of section 3; or
  - (b) if the condition specified in subsection (5) is met, on or in relation to any other road in England and Wales.
- (5) The condition is that the traffic officer is acting—
  - (a) at the direction of the chief officer of police for the area in which the road is situated; or
  - (b) with the consent of the traffic authority for the road.
- (6) A traffic officer may not exercise his special powers on a road unless he is in uniform.

##### **Commencement Information**

**I5** S. 5 in force at 4.10.2004 for E. by S.I. 2004/2380, art. 2(a)

*Status: Point in time view as at 04/10/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 1. (See end of Document for details)*

## 6 Powers to stop or direct traffic **E+W**

- (1) This section confers the following powers on a traffic officer—
- (a) a power, when the traffic officer is engaged in the regulation of traffic in a road, to direct a person driving or propelling a vehicle—
    - (i) to stop the vehicle, or
    - (ii) to make it proceed in, or keep to, a particular line of traffic;
  - (b) a power, for the purposes of a traffic survey of any description which is being carried out on or in the vicinity of a road, to direct a person driving or propelling a vehicle—
    - (i) to stop the vehicle, or
    - (ii) to make it proceed in, or keep to, a particular line of traffic, or
    - (iii) to proceed to a particular point on or near the road on which the vehicle is being driven or propelled;
 (subject to the restriction in section 35(3) of the Road Traffic Act 1988 (c. 52));
  - (c) a power, when the traffic officer is engaged in the regulation of vehicular traffic in a road, to direct persons on foot (or such persons and other traffic) to stop;
  - (d) a power to direct a person driving a mechanically propelled vehicle, or riding a cycle, on a road to stop the vehicle or cycle.
- (2) In section 35 of the Road Traffic Act 1988 (drivers to comply with traffic directions)—
- (a) in subsection (1)—
    - (i) after “a constable” there is inserted “ or traffic officer ”;
    - (ii) after “duty” there is inserted “ or the traffic officer (as the case may be) ”;
  - (b) in subsection (2)(b) after “constable” there is inserted “ or traffic officer ”.
- (3) In section 37 of that Act (directions to pedestrians)—
- (a) after “uniform” there is inserted “ or traffic officer ”;
  - (b) after “duty” there is inserted “ or the traffic officer (as the case may be) ”.
- (4) In section 163 of that Act (power of police to stop vehicles), in subsections (1) and (2) after “uniform” there is inserted “ or a traffic officer ”.
- (5) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (c. 53) (prosecution and punishment of offences under the Traffic Acts), in column 5 of the entry relating to section 35 of the Road Traffic Act 1988 after “constable” there is inserted “ , traffic officer ”.

### Commencement Information

**I6** S. 6 in force at 4.10.2004 for E. by S.I. 2004/2380, art. 2(a)

## 7 Powers to place temporary traffic signs **E+W**

- (1) A traffic officer has the powers of a constable under section 67(1) of the Road Traffic Regulation Act 1984 (c. 27) (power in the case of emergencies and temporary obstructions etc. to place and temporarily maintain traffic signs on a road or on any structure on a road).

*Status: Point in time view as at 04/10/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 1. (See end of Document for details)*

- (2) The references in section 67(1) and (2) to powers conferred by subsection (1) of that section include a reference to the corresponding powers of a traffic officer by virtue of this section.

**Commencement Information**

**I7** S. 7 in force at 4.10.2004 for E. by S.I. 2004/2380, art. 2(a)

**8 Power to confer further special powers on traffic officers** **E+W**

- (1) The appropriate national authority may by order made by statutory instrument confer further special powers on traffic officers.
- (2) The national authority may not confer a further special power on traffic officers unless it is satisfied that the power is necessary for the purpose of facilitating the performance of any duties which may be assigned to traffic officers.
- (3) The order may—
- (a) provide for the enforcement of any special power conferred by the order (whether by the creation of a summary offence or otherwise);
  - (b) make supplemental, incidental, transitional or consequential provision (including provision amending any Act or subordinate legislation).
- (4) An order under this section may not be made by the Secretary of State unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

**Commencement Information**

**I8** S. 8 in force at 4.10.2004 for E. by S.I. 2004/2380, art. 2(a)

**9 Removal of certain vehicles by traffic officers** **E+W**

- (1) The power to make regulations under section 99 of the Road Traffic Regulation Act 1984 (c. 27) includes, in relation to the removal of vehicles by traffic officers, power to make consequential provision.
- (2) The provision which may be made by virtue of subsection (1) includes in particular provision—
- (a) amending, or
  - (b) applying in relation to vehicles removed by traffic officers (with or without modifications),
- any provision of sections 100 to 102 of that Act (disposal of vehicles removed under section 99).

**Commencement Information**

**I9** S. 9 in force at 4.10.2004 for E. by S.I. 2004/2380, art. 2(a)

*Status: Point in time view as at 04/10/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 1. (See end of Document for details)*

### Miscellaneous and supplementary

## 10 Offences **E+W**

- (1) A person who assaults a traffic officer in the execution of his duties is guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 5 on the standard scale (or both).
- (2) A person who resists or wilfully obstructs a traffic officer in the execution of his duties is guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 3 on the standard scale (or both).
- (3) A person who, with intent to deceive—
  - (a) impersonates a traffic officer,
  - (b) makes any statement or does any act calculated falsely to suggest that he is a traffic officer, or
  - (c) makes any statement or does any act calculated falsely to suggest that he has powers as a traffic officer that exceed the powers he actually has,
 is guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 5 on the standard scale (or both).
- (4) A person to whom this subsection applies who fails to give his name and address to a traffic officer in uniform on being required to do so by that officer is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Subsection (4) applies to a person whom the traffic officer reasonably believes to have been the driver of a vehicle at a time of a failure to comply with—
  - (a) a direction given in relation to that vehicle under a power conferred by section 6, or
  - (b) the indication given by a traffic sign placed under a power conferred by section 7.
- (6) In the case of offences committed before the commencement of section 281(5) of the Criminal Justice Act 2003—
  - (a) subsections (1) and (3) apply as if for “51 weeks” there were substituted “six months”; and
  - (b) subsection (2) applies as if for “51 weeks” there were substituted “one month”.

#### Commencement Information

**I10** S. 10 in force at 4.10.2004 for E. by S.I. 2004/2380, art. 2(a)

## 11 Uniform **E+W**

The appropriate national authority shall determine the uniform for traffic officers designated by, or under an authorisation given by, that authority.

*Status: Point in time view as at 04/10/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 1. (See end of Document for details)*

**Commencement Information**

**I11** S. 11 in force at 4.10.2004 for E. by [S.I. 2004/2380](#), [art. 2\(a\)](#)

**12 Power to charge for traffic officer services provided on request** **E+W**

The appropriate national authority may, at the request of any person, agree to arrange for the services of a traffic officer to be provided to that person subject to the payment of a charge.

**Commencement Information**

**I12** S. 12 in force at 4.10.2004 for E. by [S.I. 2004/2380](#), [art. 2\(a\)](#)

**13 Power to acquire land** **E+W**

In the Highways Act 1980 (c. 66), after section 245 (acquisition of land for buildings etc. required for discharge of functions of highway authority) there is inserted—

**“245A Acquisition of land by Secretary of State or Assembly for buildings etc. needed for traffic management purposes**

- (1) The Secretary of State may acquire land which in his opinion is required for the provision of any buildings or facilities which are needed—
  - (a) for use by, or in connection with the activities of, traffic officers in England; or
  - (b) for other purposes connected with the management of traffic on highways in England for which he is the highway authority.
- (2) The National Assembly for Wales may acquire land which in its opinion is required for the provision of any buildings or facilities which are needed—
  - (a) for use by, or in connection with the activities of, traffic officers in Wales; or
  - (b) for other purposes connected with the management of traffic on highways in Wales for which it is the highway authority.”

**Commencement Information**

**I13** [S. 13](#) in force at 4.10.2004 for specified purposes for E. by [S.I. 2004/2380](#), [art. 2\(b\)](#)

**14 Financial assistance to authorised persons** **E+W**

The appropriate national authority may give financial assistance to an authorised person, in such form and on such terms as it considers appropriate, in respect of the traffic officers designated by that person (including financial assistance in respect of equipment, accommodation or other facilities provided for those traffic officers).

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*Status: Point in time view as at 04/10/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 1. (See end of Document for details)*

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#### Commencement Information

**I14** S. 14 in force at 4.10.2004 for E. by S.I. 2004/2380, art. 2(c)

## 15 Interpretation of Part 1 **E+W**

In this Part—

“the appropriate national authority” means—

- (a) the Secretary of State, as respects England; and
- (b) the Assembly, as respects Wales;

“the Assembly” means the National Assembly for Wales;

“authorised person” means a person who is authorised under section 2;

“designation” means designation as a traffic officer under section 2;

“relevant road” has the meaning given by section 1(5);

“road” means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

“traffic authority” has same meaning as in the Road Traffic Regulation Act 1984 (c. 27);

“traffic officer” means an individual designated under section 2.

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#### Commencement Information

**I15** S. 15 in force at 4.10.2004 for E. by S.I. 2004/2380, art. 2(c)



**Status:**

Point in time view as at 04/10/2004.

**Changes to legislation:**

There are currently no known outstanding effects for the Traffic Management Act 2004, Part 1.