



Traffic Management Act 2004

2004 CHAPTER 18

PART 4

STREET WORKS

Enforcement

40 Increase in penalties for summary offences under 1991 Act

- (1) The maximum fine for each offence under a provision of the New Roads and Street Works Act 1991 (c. 22) (in this Part referred to as “the 1991 Act”) listed in column 1 of the table in Schedule 1 is increased from level 3 on the standard scale to the level specified for that provision in column 3 of the table.
- (2) Accordingly, in each provision so listed, for “level 3” there is substituted “ level 4 ” or “level 5” (as specified in column 3 of the table).
- (3) In section 70(6) of the 1991 Act, for the words from “to a” to the end there is substituted—
 - “(a) in the case of an offence consisting of a failure to comply with subsection (3) or (4A), to a fine not exceeding level 4 on the standard scale; and
 - (b) in any other case, to a fine not exceeding level 5 on that scale.”
- (4) In section 74(7B) and 74A(11) of the 1991 Act (maximum fine for offences in regulations in respect of failure to comply with notice requirement) for “level 3” there is substituted “ level 4 ”.
- (5) In section 88(6) of the 1991 Act (failure to comply with duties relating to street works affecting the structure of a bridge) for the words from “to a” to the end there is substituted—
 - “(a) in the case of an offence consisting of a failure to take all reasonably practicable steps to comply with subsection (5)(a), to a fine not exceeding level 4 on the standard scale; and

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(b) in any other case, to a fine not exceeding level 5 on that scale.”

Commencement Information

- I1** S. 40(1)(2) in force at 4.10.2004 for E. by S.I. 2004/2380, **art. 2(d)(i)** (with art. 3)
- I2** S. 40(1)(2)(4)(5) in force at 26.11.2007 for W. by S.I. 2007/3174, art. 2, **Sch.** (with art. 4)
- I3** S. 40(3) in force at 4.10.2004 for specified purposes for E. by S.I. 2004/2380, **art. 2(d)(ii)** (with art. 3)
- I4** S. 40(3) in force at 26.11.2007 for specified purposes for W. and 1.4.2008 for W. in so far as not already in force by S.I. 2007/3174, art. 2, **Sch.** (with art. 4)
- I5** S. 40(3) in force at 1.4.2008 for E. in so far as not already in force by S.I. 2007/1890, art. 2, **Sch.**
- I6** S. 40(4)(5) in force at 4.10.2004 for E. by S.I. 2004/2380, **art. 2(d)(iii)** (with art. 3)

41 Fixed penalty offences

(1) After section 95 of the 1991 Act (offences) there is inserted—

“95A Fixed penalties for certain offences under this Part

- (1) Any offence under this Part relating to any street works which is listed in the first column of Schedule 4A (and described in general terms in the second column) is a fixed penalty offence for the purposes of this Part.
- (2) Offences listed in that Schedule which are committed by virtue of section 166 (offences by bodies corporate and Scottish partnerships) are not fixed penalty offences.
- (3) The Secretary of State may by order modify that Schedule so as to provide for offences under this Part relating to any street works to become (or cease to be) fixed penalty offences.
- (4) Such an order may not be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (5) Schedule 4B (which makes provision about fixed penalties for fixed penalty offences) has effect.”

(2) In section 106 of that Act (index for Part 3), the following entry is inserted in the appropriate place—

“fixed penalty offence	section 95A(1)”.
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(3) After Schedule 4 to that Act there is inserted Schedules 4A and 4B as set out in Schedules 2 and 3 to this Act.

Commencement Information

- I7** S. 41(1)(3) in force at 29.6.2007 for specified purposes for E. by S.I. 2007/1890, art. 2, **Sch.** (with art. 3)
- I8** S. 41(1)(3) in force at 26.11.2007 for specified purposes for W. by S.I. 2007/3174, art. 2, **Sch.** (with art. 3)

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