



# Traffic Management Act 2004

## 2004 CHAPTER 18

### PART 5

#### HIGHWAYS AND ROADS

##### *Strategic roads in London*

#### **60 Strategic roads in London: initial designation by Secretary of State**

- (1) The Secretary of State may by order made by statutory instrument designate roads and proposed roads in Greater London, other than roads for which the Secretary of State<sup>[F1]</sup>, a strategic highways company] or Transport for London is the traffic authority, as strategic roads for the purposes of—
  - (a) section 301A of the 1980 Act, and
  - (b) section 121B of the 1984 Act.
- (2) Any road or proposed road so designated shall become a strategic road as from such date as may be specified in the order.
- (3) No order under subsection (1) may be made in respect of a road or proposed road in a London borough if an order under that subsection has been made in respect of any other road or proposed road in that borough.
- (4) In this section and section 61—
  - (a) “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;
  - [F2(aa) “strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015;]
  - (b) “strategic road” means a road which is for the time being a strategic road by virtue of an order under subsection (1) or section 61(1);
  - (c) “traffic authority” has the same meaning as in the 1984 Act.
- (5) For the purposes of this section and section 61—
  - (a) the City of London shall be treated as if it were a London borough;

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- (b) the Common Council shall be treated as if it were the council for a London borough;
  - (c) the Inner Temple and the Middle Temple shall be treated as forming part of the City.
- (6) In this Part—
- “the 1980 Act” means the Highways Act 1980 (c. 66);
  - “the 1984 Act” means the Road Traffic Regulation Act 1984 (c. 27).
- (7) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** Words in s. 60(1) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 149\(2\)](#); [S.I. 2015/481](#), reg. 2(a)
- F2** S. 60(4)(aa) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 149\(3\)](#); [S.I. 2015/481](#), reg. 2(a)

#### Commencement Information

- I1** S. 60 in force at 4.10.2004 for E. by [S.I. 2004/2380](#), [art. 2\(e\)](#)

## 61 Orders of the Greater London Authority changing what are strategic roads

- (1) If the Mayor of London considers it expedient that any road or proposed road in Greater London, other than a road for which the Secretary of State<sup>F3</sup>, a strategic highways company] or Transport for London is the traffic authority, should become a strategic road then the Greater London Authority may by order direct that the road or proposed road shall become a strategic road.
- (2) Subject to subsection (3), an order under subsection (1) takes effect on such date as may be specified in the order.
- (3) An order under subsection (1) is of no effect unless—
  - (a) it is made with the consent of the council for the London borough in which the road is situated (or proposed road is to be situated), or
  - (b) if that consent is refused, it is confirmed (with or without modifications) by the Secretary of State.
- (4) If the Mayor considers it expedient that any strategic road should cease to be such a road then the Greater London Authority may by order direct that the road shall cease to be such a road.
- (5) An order under subsection (4) takes effect on such date as may be specified in the order.
- (6) The functions of the Greater London Authority under this section are functions exercisable by the Mayor acting on its behalf.
- (7) Section 124C of the 1984 Act (certification and records) applies in relation to strategic roads as it applies in relation to GLA side roads.

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*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 5. (See end of Document for details)*

### Textual Amendments

- F3** Words in s. 61(1) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 150](#); [S.I. 2015/481](#), reg. 2(a)

### Commencement Information

- I2** S. 61 in force at 4.10.2004 for E. by [S.I. 2004/2380](#), [art. 2\(e\)](#)

## 62 London borough council exercising powers under Highways Act 1980 so as to affect strategic roads

- (1) Section 301A of the 1980 Act (London borough council exercising powers under that Act so as to affect certain roads) is amended as follows.
- (2) In subsection (1)—
- (a) at the end of paragraph (a) there is inserted—
    - “(aa) a strategic road,”;
  - (b) in paragraph (b), after “borough” there is inserted “ other than a GLA road or strategic road ”.
- (3) In subsection (3)(a), for the words from “by Transport for London” to the end there is substituted “—
- (i) in the case of a GLA road, by Transport for London;
  - (ii) in the case of a strategic road, by Transport for London and, where the road concerned is in another London borough, the council for that borough;
  - (iii) in the case of a road within subsection (1)(b), by the London borough council concerned; or”.
- (4) After subsection (3) there is inserted—
- “(3A) References in paragraphs (b) to (d) of subsection (3) to objections are to objections made by a person who, in the circumstances, has the power to give an approval under paragraph (a) of that subsection.”
- (5) In subsection (5)(a), for the words from “a GLA road” to the end there is substituted “—
- (i) a GLA road,
  - (ii) a strategic road, or
  - (iii) a road in another London borough other than a GLA road or strategic road, and”.
- (6) In subsection (10)—
- (a) in paragraph (b), at the end there is inserted “ or strategic roads ”;
  - (b) in paragraph (c), for “neither GLA roads nor” there is substituted “ not GLA roads, strategic roads or ”.
- (7) After subsection (16) there is inserted—
- “(17) In this section “strategic road” has the meaning given by section 60 of the Traffic Management Act 2004.”

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#### Commencement Information

**I3** S. 62 in force at 4.10.2004 for E. by [S.I. 2004/2380](#), [art. 2\(e\)](#)

### **63 London borough council exercising powers under Road Traffic Regulation Act 1984 so as to affect strategic roads**

- (1) Section 121B of the 1984 Act (London borough council exercising powers under that Act so as to affect certain roads) is amended as follows.
- (2) In subsection (1)—
- (a) at the end of paragraph (a) there is inserted—
    - “(aa) a strategic road.”;
  - (b) in paragraph (b), after “borough” there is inserted “ other than a GLA road or strategic road ”.
- (3) In subsection (3)(a), for the words from “by Transport for London” to the end there is substituted “—
- (i) in the case of a GLA road, by Transport for London;
  - (ii) in the case of a strategic road, by Transport for London and, where the road concerned is in another London borough, the council for that borough;
  - (iii) in the case of a road within subsection (1)(b), by the London borough council concerned; or”.
- (4) After subsection (3) there is inserted—
- “(3A) References in paragraphs (b) to (d) of subsection (3) to objections are to objections made by a person who, in the circumstances, has the power to give an approval under paragraph (a) of that subsection.”
- (5) In subsection (5)(a), for the words from “a GLA road” to the end there is substituted “—
- (i) a GLA road,
  - (ii) a strategic road, or
  - (iii) a road in another London borough other than a GLA road or strategic road, and”.
- (6) In subsection (10)—
- (a) in paragraph (b), at the end there is inserted “ or strategic roads ”;
  - (b) in paragraph (c), for “neither GLA roads nor” there is substituted “ not GLA roads, strategic roads or ”.
- (7) After subsection (12) there is inserted—
- “(13) In this section “strategic road” has the meaning given by section 60 of the Traffic Management Act 2004.”

#### Commencement Information

**I4** S. 63 in force at 4.10.2004 for E. by [S.I. 2004/2380](#), [art. 2\(e\)](#)

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PROSPECTIVE

*Enforcement of certain offences under the Highways Act 1980*

**64 Fixed penalty offences under the Highways Act 1980**

(1) After section 314 of the 1980 Act (offences by body corporate) there is inserted—

**“314A Fixed penalties for certain offences under Part 9**

- (1) A fixed penalty offence is any offence under Part 9 which—
  - (a) is listed in the first column in Schedule 22A (and described in general terms in the second column), and
  - (b) is prescribed in regulations made by the Secretary of State.
- (2) Offences listed in that Schedule which are committed by virtue of section 314 (offences committed by bodies corporate, etc.) are not fixed penalty offences.
- (3) Schedule 22B (which makes provision about fixed penalties for fixed penalty offences) has effect.
- (4) Regulations under subsection (1)(b) may—
  - (a) make provision for Greater London different from that made for the rest of England;
  - (b) make consequential provision (including provision disapplying sections 8 to 11 of, and Schedule 2 to, the London Local Authorities and Transport for London Act 2003 in relation to any offence prescribed in such regulations);
  - (c) make transitional provision.”

(2) In section 322(5) of that Act (service of notices etc.), after paragraph (a) there is inserted—

“(ab) a notice under Schedule 22B to this Act;”.

(3) After Schedule 22 to that Act there is inserted Schedules 22A and 22B as set out in Schedules 5 and 6 to this Act.

(4) In the New Roads and Street Works Act 1991 (c. 22), in section 97 (service of notices etc.) after subsection (2) there is inserted—

“(3) References in this section to notices authorised to be given or served for the purposes of this Part include a reference to notices under Schedule 22B to the Highways Act 1980 (fixed penalties for certain offences under that Act).”

(5) In the London Local Authorities and Transport for London Act 2003 (c. iii), in section 11 (fixed penalties: reserve powers of Secretary of State) after subsection (6) there is inserted—

“(7) The Secretary of State may make regulations increasing the level of fixed penalty under this Act in respect of an offence listed in Schedule 22A to the Highways Act 1980 (as well as Schedule 4 to this Act).

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- (8) While regulations under subsection (7) are in force in respect of an offence, the borough councils and Transport for London may not set the level of fixed penalty in respect of that offence below that set by the regulations.”

PROSPECTIVE

*Records of objects placed in highway*

**65 Duty of [<sup>F4</sup>strategic highways company or] local highway authority to keep records of objects in highway**

- (1) The appropriate national authority may by regulations made by statutory instrument require [<sup>F5</sup>a strategic highways company or] a local highway authority to make and keep a record of the location of any object of a description specified in the regulations which has been placed by [<sup>F6</sup>that company or] that authority in a street.
- (2) Regulations under this section may include provision—
- as to the form in which a record is to be made;
  - as to supplementary information to be included in a record;
  - requiring a record to be made available for inspection.
- (3) The reference in subsection (1) to an object placed in a street includes an object placed under, over, across, along or upon a street.
- (4) In this section—
- “appropriate national authority” means—
- the Secretary of State, in relation to [<sup>F7</sup>strategic highways companies or] local highway authorities in England;
  - the National Assembly for Wales, in relation to local highway authorities in Wales;
- [<sup>F8</sup> “ local highway authority ” has the same meaning as in the 1980 Act; “ strategic highways company ” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015; ]
- “street” has the same meaning as in Part 3 of the New Roads and Street Works Act 1991.
- (5) A statutory instrument containing regulations under this section made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.

**Textual Amendments**

- F4** Words in s. 65 heading inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 151\(4\)](#); S.I. 2015/481, reg. 2(a)
- F5** Words in s. 65(1) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 151\(2\)\(a\)](#); S.I. 2015/481, reg. 2(a)
- F6** Words in s. 65(1) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 151\(2\)\(b\)](#); S.I. 2015/481, reg. 2(a)
- F7** Words in s. 65(4) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 151\(3\)\(a\)](#); S.I. 2015/481, reg. 2(a)

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**F8** Words in s. 65(4) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 151\(3\)\(b\)](#); S.I. 2015/481, reg. 2(a)

PROSPECTIVE

*Skips, scaffolding, building materials and excavations: charges for occupation of highway etc.*

## **66 Builders' skips: charge for occupation of highway for unreasonable period**

For section 140A of the 1980 Act there is substituted—

### **“140A Builders' skips: charge for occupation of highway for unreasonable period**

- (1) The Secretary of State 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 the period for which the skip remains in the highway exceeds—
  - (a) such period as may be prescribed, and
  - (b) 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.
- (3) 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.
- (4) The regulations may prescribe exemptions from the requirement to pay charges.
- (5) The regulations may provide—
  - (a) that in prescribed circumstances (including in particular where any person makes an application for permission under section 139) the owner of the skip shall give to the authority, in such manner and within such period as may be prescribed, notice containing an estimate of the likely duration of the occupation of the highway, and
  - (b) that the period stated in the notice shall be taken to be agreed by the authority to be reasonable unless the authority give notice, in such manner and within such period as may be prescribed, objecting to the estimate.
- (6) The regulations may also provide—
  - (a) that in prescribed circumstances the owner of the skip shall give to the authority, in such manner and within such period as may be prescribed, notice containing a revised estimate of the likely duration of the occupation of the highway, and
  - (b) that upon the notice being given any previous agreement to or determination of a reasonable period ceases to have effect, and the period stated in the notice shall be taken to be agreed by the authority

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to be reasonable unless the authority give notice, in such manner and within such period as may be prescribed, objecting to the revised estimate.

- (7) 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.
- (8) The regulations may prescribe different rates of charge according to—
  - (a) the extent to which the skip occupies the highway;
  - (b) the place and time of the occupation;
  - (c) such other factors as appear to the Secretary of State to be relevant.
- (9) The regulations may provide—
  - (a) that the authority are to set the rate of charge, up to a prescribed maximum, and
  - (b) that different rates of charge may be set according to such factors as the authority consider relevant.
- (10) The regulations may make provision for the determination of the duration of the occupation of the highway for the purposes of the regulations.
- (11) And they may, in particular, make provision for an occupation to be treated as beginning or ending on the giving of, or as stated in, a notice given by the owner of the skip to the authority, in the prescribed manner, in accordance with a requirement imposed by the regulations.
- (12) The regulations may make provision requiring the owner of the skip to provide the authority, in such manner and within such period as may be prescribed, with such information as the authority may specify in a notice to that person, being information required for the purposes of—
  - (a) determining whether a charge is payable by him;
  - (b) calculating the amount of any charge payable by him.
- (13) The regulations may make provision as to the time and manner of making payment of charges.
- (14) The regulations shall provide that a highway authority may reduce the amount, or waive payment, of a charge—
  - (a) in any particular case,
  - (b) in such classes of case as they may decide or as may be prescribed, or
  - (c) in all cases or in all cases other than a particular case or such class of case as they may decide or as may be prescribed.
- (15) The regulations may make provision as to—
  - (a) the application by local highway authorities of sums paid by way of charges, and
  - (b) the keeping of accounts, and the preparation and publication of statements of account, relating to sums paid by way of charges.
- (16) The regulations may create in respect of any failure to give a notice, or to provide information, required by the regulations a criminal offence triable summarily and punishable with a fine not exceeding level 4 on the standard scale.



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- (17) The regulations may provide that where a skip is the subject of a prescribed description of hiring agreement or hire purchase agreement, the person in possession of the skip under the agreement is for the purposes of the regulations to be treated as the owner of the skip.
- (18) The regulations may make provision about their application to a series of deposits of skips.
- (19) And they may, in particular, provide that a series of deposits of skips is to be treated as a single deposit of a skip—
  - (a) beginning at the time the first in the series was deposited, and
  - (b) ending at the time the last in the series was removed.
- (20) In this section—

“builder's skip“ has the meaning given by section 139(11);

“prescribed” means prescribed by the Secretary of State by regulations, which may make different provision for different cases.”

#### **67 Builders' skips: charge determined by reference to duration of occupation of highway**

After section 140A of the 1980 Act there is inserted—

##### **“140B Builders' skips: charge determined by reference to duration of occupation of highway**

- (1) The Secretary of State may make provision by regulations requiring the owner of a builder's skip deposited on a highway maintainable at the public expense to pay to the highway authority a charge determined, in the prescribed manner, by reference to the period for which the highway is occupied by the skip.
- (2) The regulations shall not require charges to be paid to a local highway authority unless the Secretary of State has, by order, approved the authority for the purposes of the regulations.
- (3) The regulations may require disputes of any prescribed description to be referred to an arbitrator appointed in accordance with the regulations.
- (4) Subsections (4) and (8) to (20) of section 140A apply in relation to regulations under subsection (1) of this section as they apply in relation to regulations under subsection (1) of that section.”

#### **68 Scaffolding, building materials and excavations: charge for occupation of highway for unreasonable period**

For section 171A of the 1980 Act there is substituted—

##### **“171A Scaffolding, building materials and excavations: charge for occupation of highway for unreasonable period**

- (1) The Secretary of State may make provision by regulations requiring a person who—

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- (a) erects a relevant structure on or over a highway maintainable at the public expense,
  - (b) deposits building materials, rubbish or other things in such a highway, or
  - (c) makes a temporary excavation in such a highway,to pay a charge to the highway authority in the circumstances set out in subsection (3).
- (2) The reference in subsection (1)(a) to the erection of a relevant structure is a reference to the erection, in connection with any building or demolition work or the alteration, repair, maintenance or cleaning of any building, of any scaffolding or other structure that obstructs the highway.
- (3) The circumstances are that the period (in this section, the “relevant period”) for which—
  - (a) a relevant structure is on or over the highway,
  - (b) things are deposited in the highway, or (as the case may be)
  - (c) there is an excavation in the highway,exceeds both the prescribed period and a reasonable period.
- (4) For this purpose “a reasonable period” means such period as is agreed by the authority and the person to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable in the circumstances.
- (5) 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.
- (6) The regulations may prescribe exemptions from the requirement to pay charges.
- (7) The regulations may provide—
  - (a) that in prescribed circumstances (including in particular where an application is made for a licence under section 169 or consent under section 171) a person who intends to do or who does an activity mentioned in subsection (1)(a) to (c) shall give to the authority, in such manner and within such period as may be prescribed, notice containing an estimate of the likely duration of the relevant period, and
  - (b) that the period stated in the notice shall be taken to be agreed by the authority to be reasonable unless the authority give notice, in such manner and within such period as may be prescribed, objecting to the estimate.
- (8) The regulations may also provide—
  - (a) that in prescribed circumstances a person who has given a notice of a type mentioned in subsection (7) shall give to the authority, in such manner and within such period as may be prescribed, notice containing a revised estimate of the likely duration of the relevant period, and
  - (b) that upon the notice being given any previous agreement to or determination of a reasonable period ceases to have effect, and the period stated in the notice shall be taken to be agreed by the authority to be reasonable unless the authority give notice, in such manner and

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within such period as may be prescribed, objecting to the revised estimate.

- (9) The amount of the charge shall be determined in such manner as may be prescribed by reference to the relevant period.
- (10) The regulations may prescribe different rates of charge according to—
  - (a) the extent to which the highway is affected by the structure, things deposited or excavation;
  - (b) the place and time at which the highway is so affected;
  - (c) such other factors as appear to the Secretary of State to be relevant.
- (11) The regulations may provide—
  - (a) that the authority are to set the rate of charge, up to a prescribed maximum, and
  - (b) that different rates of charge may be set according to such factors as the authority consider relevant.
- (12) The regulations may make provision for the determination of the duration of the relevant period for the purposes of the regulations.
- (13) And they may, in particular, make provision for the relevant period to be treated as beginning or ending on the giving of, or as stated in, a notice given by the person mentioned in subsection (1) to the authority, in the prescribed manner, in accordance with a requirement imposed by the regulations.
- (14) The regulations may make provision requiring a person who does an activity mentioned in subsection (1)(a) to (c) to provide the authority, in such manner and within such period as may be prescribed, with such information as the authority may specify in a notice to that person, being information required for the purposes of—
  - (a) determining whether a charge is payable by him;
  - (b) calculating the amount of any charge payable by him.
- (15) The regulations may make provision as to the time and manner of making payment of charges.
- (16) The regulations shall provide that a highway authority may reduce the amount, or waive payment, of a charge—
  - (a) in any particular case,
  - (b) in such classes of case as they may decide or as may be prescribed, or
  - (c) in all cases or in all cases other than a particular case or such class of case as they may decide or as may be prescribed.
- (17) The regulations may make provision as to—
  - (a) the application by local highway authorities of sums paid by way of charges, and
  - (b) the keeping of accounts, and the preparation and publication of statements of account, relating to sums paid by way of charges.
- (18) The regulations may create in respect of any failure to give a notice, or to provide information, required by the regulations a criminal offence triable summarily and punishable with a fine not exceeding level 4 on the standard scale.

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- (19) The regulations may make provision about their application to a series of deposits of things.
- (20) And they may, in particular, provide that a series of deposits of things is to be treated as a single deposit of things—
  - (a) beginning at the time the first in the series was deposited, and
  - (b) ending at the time the last in the series was removed.
- (21) The regulations may make provision corresponding to that mentioned in subsections (19) and (20) in relation to the erection of relevant structures and the making of excavations.
- (22) In this section “prescribed” means prescribed by the Secretary of State by regulations, which may make different provision for different cases.”

**69 Scaffolding, building materials and excavations: charge determined by reference to duration of occupation of highway**

After section 171A of the 1980 Act there is inserted—

**“171B Scaffolding, building materials and excavations: charge determined by reference to duration of occupation of highway**

- (1) The Secretary of State may make provision by regulations requiring a person who—
  - (a) erects a relevant structure on or over a highway maintainable at the public expense,
  - (b) deposits building materials, rubbish or other things in such a highway, or
  - (c) makes a temporary excavation in such a highway,
 to pay a charge to the highway authority.
- (2) The reference in subsection (1)(a) to the erection of a relevant structure is a reference to the erection, in connection with any building or demolition work or the alteration, repair, maintenance or cleaning of any building, of any scaffolding or other structure that obstructs the highway.
- (3) The charge shall be determined in the prescribed manner, by reference to the period (in this section, the “relevant period”) for which—
  - (a) a relevant structure is on or over the highway,
  - (b) things are deposited in the highway, or (as the case may be)
  - (c) there is an excavation in the highway.
- (4) The regulations shall not require charges to be paid to a local highway authority unless the Secretary of State has, by order, approved the authority for the purposes of the regulations.
- (5) The regulations may require disputes of any prescribed description to be referred to an arbitrator appointed in accordance with the regulations.
- (6) Subsections (6) and (10) to (22) of section 171A apply in relation to regulations under subsection (1) of this section as they apply in relation to regulations under subsection (1) of that section.”

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## **70 Sections 66 to 69: supplementary**

(1) In section 139 of the 1980 Act, in subsection (11) for “, section 140 and section 140A” there is substituted “ and section 140 ”.

(2) After section 140B of that Act there is inserted—

### **“140C Regulations under sections 140A and 140B**

Nothing shall be taken to prevent the imposition of charges by both regulations under section 140A and regulations under section 140B in respect of the same builder's skip at the same time.”

(3) After section 171B of that Act there is inserted—

### **“171C Regulations under sections 171A and 171B**

Nothing shall be taken to prevent the imposition of charges by both regulations under section 171A and regulations under section 171B in respect of the same structure, things or excavation at the same time.”

(4) In section 325 of that Act (provisions as to regulations), in subsection (2A)—

(a) in paragraph (a), after “140A” there is inserted “ or 140B ”;

(b) for paragraphs (b) and (c) there is substituted—

“(b) the first regulations for the purposes of section 171A or 171B as they apply in relation to the erection of relevant structures, or

(c) the first regulations for the purposes of section 171A or 171B as they apply in relation to the deposit of building materials, rubbish or other things and the making of temporary excavations,”.

### *Guidance as to safety precautions*

## **71 Guidance to local highway authorities as to safety precautions**

In section 174 of the 1980 Act (precautions to be taken by persons executing works in streets), after subsection (1) there is inserted—

“(1A) The Secretary of State may give guidance to local highway authorities as to the discharge by them of their obligations under subsection (1)(a) and (b) where they are executing works for road purposes.

(1B) A local highway authority must in executing any works for road purposes have regard to any guidance given under subsection (1A).

(1C) In subsections (1A) and (1B) “works for road purposes” has the same meaning as in Part 3 of the New Roads and Street Works Act 1991.”

### **Commencement Information**

**I5** S. 71 in force at 26.11.2007 for W. by [S.I. 2007/3174](#), art. 2, [Sch.](#)

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**Status:** Point in time view as at 05/03/2015. This version of this part contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the Traffic Management Act 2004, Part 5. (See end of Document for details)

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**16** S. 71 in force at 1.10.2013 for E. by [S.I. 2013/2408](#), [art. 2](#)

**Status:**

Point in time view as at 05/03/2015. This version of this part contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Traffic Management Act 2004, Part 5.