

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **E+W**

Section 40

INCREASE IN MAXIMUM FINES FOR CERTAIN SUMMARY OFFENCES UNDER THE 1991 ACT

Commencement Information

- I1** Sch. 1 in force at 4.10.2004 for E. by S.I. 2004/2380, art. 2(d)(i) (with art. 3)
I2 Sch. 1 in force at 26.11.2007 for W. by S.I. 2007/3174, art. 2, Sch. (with art. 4)

<i>Provision specifying fine</i>	<i>Brief description of offence or offences to which the fine relates</i>	<i>New maximum fine</i>
Section 51(2)	Offences under s. 51(1) (prohibition of authorised street works)	level 5
Section 54(5)	Failure to comply with duties under s.54 (advance notice of certain works, etc.)	level 4
Section 55(5)	Beginning to execute works in contravention of s. 55 (notice of starting date of works)	level 4
Section 56(3)	Execution of works in contravention of direction under s. 56 (directions as to timing of street works)	level 5
Section 57(4)	Failure to give notice in accordance with s. 57 (notice of emergency works)	level 4
Section 58(6)(a)	Carrying out works in contravention of a restriction imposed under s. 58 (restriction on works following substantial road works)	level 5
Section 60(3)	Failure to comply with duty under s. 60(1) (general duty of undertakers to co-operate)	level 5
Section 65(4)	Failure to comply with s. 65(1) or (2) (safety measures)	level 5

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Section 65(6)	Interference with safety measures taken by undertaker	level 5
Section 66(2)	Failure to comply with s. 66(1) (duty to carry on and complete certain street works with all reasonably practicable dispatch)	level 5
Section 67(3)	Failure to comply with s.67(1), (2) or (2C) (duties relating to the use of qualified supervisors and operatives)	level 5
Section 68(2)	Failure by undertaker to afford street authority with reasonable facilities for ascertaining whether he is complying with his duties under Part 3	level 4
Section 69(2)	Failure to comply with s. 69(1) (requirements relating to street works likely to affect another person's apparatus in the street)	level 4
Section 71(5)	Failure to comply with duties under s. 71 (prescribed requirements as to materials and workmanship and performance standards for reinstatements)	level 5
Section 79(4)	Failure to comply with duties under s. 79(1) to (3) (records of location of apparatus)	level 5
Section 80(4)	Failure to comply with s. 80(1) (duty to inform other undertaker of location of certain apparatus) or requirements imposed under s.80(2) (duties applicable where ownership of certain apparatus cannot be ascertained)	level 4
Section 83(3)	Failure by authority to comply with s. 83(2) (requirements relating to certain road works likely to affect apparatus in the street)	level 4
Section 92(2)	Failure to comply with a special requirement as to the displaying of lights imposed	level 5

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	by a transport authority under s. 92(1)	
Schedule 3, paragraph 5(3)	Failure to comply with obligation under paragraph 5 (obligations to give notice to street authority)	level 4
Schedule 4, paragraph 6	Execution of works in street with special engineering difficulties in contravention of paragraph 2 (requirement for agreed plan and section before executing works) or paragraph 3 (requirement to furnish plan and section after emergency works)	level 5
Schedule 4, paragraph 12(5)	Failure to execute works in such a street in accordance with a direction under paragraph 12	level 5
Schedule 4, paragraph 13(2)	Failure to comply with paragraph 13(1) (requirement to execute works in such a street in accordance with plan or agreed modification)	level 5

VALID FROM 12/05/2008

SCHEDULE 2 **E+W**

Section 41

SCHEDULE 4A TO THE NEW ROADS AND STREET WORKS ACT 1991

“SCHEDULE 4A **E+W**”

Section 95A

FIXED PENALTY OFFENCES UNDER PART 3

<i>Offence</i>	<i>Brief description</i>
An offence under section 54(5)	Failure to comply with duties under s. 54 (advance notice of certain works, etc.)
An offence under section 55(5)	Beginning to execute works in contravention of s. 55 (notice of starting date)
An offence under section 55(9)	Failure to give notice in accordance with s. 55(8) (notice to be given on s. 55 notice ceasing to have effect)

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An offence under section 57(4)	Failure to give notice in accordance with s. 57 (notice of emergency works)
An offence under section 70(6) consisting of a failure to comply with subsection (3) or (4A)	Failure to comply with requirements to give notice of completion of reinstatement
An offence created by regulations made under section 74(7B)	Failure to give a notice required by regulations under s. 74 (charge for occupation of the highway where works unreasonably delayed)
An offence created by regulations made under section 74A(11)	Failure to give a notice required by regulations under s. 74A (charge determined by reference to duration of works)”

SCHEDULE 3 E+W

Section 41

SCHEDULE 4B TO THE NEW ROADS AND STREET WORKS ACT 1991

Commencement Information

- I3** [Sch. 3](#) in force at 29.6.2007 for specified purposes for E. by [S.I. 2007/1890](#), [art. 2](#), [Sch.](#) (with [art. 3](#))
- I4** [Sch. 3](#) in force at 26.11.2007 for specified purposes for W. by [S.I. 2007/3174](#), [art. 2](#), [Sch.](#)

“SCHEDULE 4B E+W

Section 95A

FIXED PENALTIES FOR CERTAIN OFFENCES UNDER PART 3

Power to give fixed penalty notices

- 1 (1) An authorised officer of a street authority may, if he has reason to believe that a person is committing or has committed a fixed penalty offence, give him a fixed penalty notice in relation to that offence.
- (2) In this Schedule “fixed penalty notice” means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty.

Power to give fixed penalty notices

- 2 A fixed penalty notice for an offence may not be given after such time relating to the offence as the Secretary of State may by regulations prescribe.

Contents of fixed penalty notice

- 3 (1) A fixed penalty notice must identify the offence to which it relates and give reasonable particulars of the circumstances alleged to constitute that offence.

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- (2) A fixed penalty notice must also state—
- (a) the amount of the penalty and the period within which it may be paid;
 - (b) the discounted amount and the period within which it may be paid;
 - (c) the person to whom and the address at which payment may be made;
 - (d) the method or methods by which payment may be made;
 - (e) the person to whom and the address at which any representations relating to the notice may be addressed;
 - (f) the consequences of not making a payment within the period for payment.
- (3) The person specified under sub-paragraph (2)(c) must be the street authority or a person acting on their behalf.

The amount of the penalty and the period for payment

- 4 (1) The penalty for a fixed penalty offence is (subject to paragraph 5) such amount, not exceeding 30 per cent. of the maximum fine for that offence, as may be prescribed.
- (2) The period for payment of the penalty is the period of 29 days beginning with the day on which the notice is given.
- (3) The street authority may extend the period for paying the penalty in any particular case if they consider it appropriate to do so.

The discounted amount

- 5 (1) A discounted amount is payable instead of the amount prescribed under paragraph 4(1) if payment is made before the end of the period of 15 days beginning with the day on which the notice is given.
- (2) The discounted amount for a fixed penalty offence is such amount, not exceeding 25 per cent. of the maximum fine for the offence, as may be prescribed.
- (3) If the last day of the period specified in sub-paragraph (1) does not fall on a working day, the period for payment of the discounted amount is extended until the end of the next working day.

Effect of notice and payment of penalty

- 6 (1) This paragraph applies where a person is given a fixed penalty notice in respect of a fixed penalty offence.
- (2) No proceedings for the offence may be commenced before the end of the period for payment of the penalty.
- (3) No such proceedings may be commenced or continued if payment of the penalty is made before the end of that period or is accepted by the street authority after that time.
- (4) Payment of the discounted amount only counts for the purposes of sub-paragraph (3) if it is made before the end of the period for payment of the discounted amount.
- (5) In proceedings for the offence a certificate which—
- (a) purports to be signed by or on behalf of the person having responsibility for the financial affairs of the street authority; and

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- (b) states that payment of an amount specified in the certificate was or was not received by a date so specified, is evidence of the facts stated.

Power to withdraw notices

- 7 (1) If the street authority consider that a fixed penalty notice which has been given ought not to have been given, they may give to the person to whom it was given a notice withdrawing the fixed penalty notice.
- (2) Where a notice under sub-paragraph (1) is given—
- (a) the authority shall repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice; and
- (b) no proceedings shall be commenced or continued against that person for the offence in question.
- (3) The street authority shall consider any representations made by or on behalf of the recipient of a fixed penalty notice and decide in all the circumstances whether to withdraw the notice.

General and supplementary

- 8 The Secretary of State may, with the consent of the Treasury, make regulations about—
- (a) the application by street authorities of fixed penalties paid under this Schedule;
- (b) the keeping of accounts, and the preparation and publication of statements of account, relating to fixed penalties paid under this Schedule.

General and supplementary

- 9 The Secretary of State may by regulations—
- (a) prescribe circumstances in which fixed penalty notices may not be given;
- (b) modify paragraph 4(2) or 5(1) so as to substitute a different period for the period for the time being specified there;
- (c) prescribe the method or methods by which penalties may be paid.”

Commencement Information

- I5** [Sch. 4](#) in force at 29.6.2007 for specified purposes for E. by [S.I. 2007/1890](#), art. 2, [Sch.](#) (with art. 7)
- I6** [Sch. 4](#) in force at 26.11.2007 for specified purposes for W. by [S.I. 2007/3174](#), art. 2, [Sch.](#) (with art. 8)

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“SCHEDULE 3A **E+W**”

RESTRICTION ON WORKS FOLLOWING SUBSTANTIAL STREET WORKS

Introductory

- 1 (1) This Schedule applies where a street authority receive a notice under section 54 or 55 that an undertaker is proposing to execute substantial street works in a highway.
- (2) For the purposes of this Schedule, “substantial street works” means street works of such description as may be prescribed.

Notice by authority of proposed restriction

- 2 (1) The street authority may publish a notice—
 - (a) specifying the nature and location of the proposed works and the date on which it is proposed to begin them;
 - (b) stating that the authority propose to issue a direction under paragraph 4 imposing a restriction on street works;
 - (c) stating the duration of the proposed restriction and the part of the highway to which it relates;
 - (d) requiring any other undertakers who propose to execute street works in that part of the highway, and who have not already done so, to notify the authority of their proposed works within the period specified in the notice (“the notice period”).
- (2) The notice period shall not be less than such period as may be prescribed.
- (3) A notice under this paragraph shall—
 - (a) be published in the prescribed form and manner; and
 - (b) comply with such requirements as to its form and content as may be prescribed.
- (4) A copy of a notice under this paragraph shall be given to each of the following—
 - (a) where there is a public sewer in the part of the highway specified under sub-paragraph (1)(c), to the sewer authority;
 - (b) where that part of the highway is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held by or used for the purposes of a transport authority, to that authority;
 - (c) where in any other case that part of the highway is carried or crossed by a bridge, to the bridge authority;
 - (d) any person who has given notice under section 54 of his intention to execute street works in that part of the highway;
 - (e) any person who has apparatus in that part of the highway;
 - (f) any other person of a prescribed description.
- (5) Notification under sub-paragraph (1)(d) shall be in such form, contain such information, and be made in such manner as may be prescribed.
- (6) Section 55 does not apply in relation to works in the part of the highway specified under sub-paragraph (1)(c) that are begun between the end of the notice period and completion of the works referred to in paragraph 3(1)(a) to (c).

This sub-paragraph does not apply to cases prescribed under paragraph 3(5)(b).

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Completion of notified works

- 3 (1) After the expiry of the notice period the street authority may issue directions to—
- (a) the undertaker proposing to execute the substantial street works,
 - (b) any undertakers who have given notice under paragraph 2 in respect of works they propose to execute, and
 - (c) any undertakers who have previously given notice of works they propose to execute in the part of the highway specified under paragraph 2(1)(c).
- (2) A direction to an undertaker under this paragraph is a direction as to the date on which he may begin to execute the works proposed by him.
- (3) Where—
- (a) a direction is given to an undertaker under this paragraph as respects the date on which he may begin to execute the works proposed by him, and
 - (b) he begins to execute those works before that date,
- he is guilty of an offence.
- (4) After the expiry of the notice period, any undertaker who, before completion of the works referred to in sub-paragraph (1)(a) to (c), executes any other street works in the part of the highway specified under paragraph 2(1)(c), commits an offence.
- (5) Sub-paragraph (4) does not apply—
- (a) where an undertaker executes emergency works; or
 - (b) in such other cases as may be prescribed.
- (6) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Direction restricting further works

- 4 (1) After the expiry of the notice period and before completion of the works referred to in paragraph 3(1)(a) to (c) the authority may give a direction under this paragraph.
- (2) A direction under this paragraph is a direction restricting the execution of street works in the part of the highway specified under paragraph 2(1)(c) for such period following completion of the works referred to in paragraph 3(1)(a) to (c) as may be specified in the direction.
- (3) The duration of the period specified under sub-paragraph (2) may not exceed the duration of the restriction proposed by the authority under paragraph 2(1)(c).
- (4) The period specified in a direction under this paragraph may not in any case exceed such period as may be prescribed.
- (5) A direction under this paragraph shall—
- (a) be given in the prescribed manner;
 - (b) comply with such requirements as to its form and content as may be prescribed.
- (6) The street authority must send a copy of any direction under this paragraph to the persons specified in paragraph 2(4).
- (7) A direction under this paragraph shall cease to have effect if the works referred to in paragraph 3(1)(a) to (c) to which it relates are not completed within such period as may be prescribed.

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- (8) A direction under this paragraph may be revoked at any time by the authority which gave it.
- (9) Where a direction under this paragraph ceases to have effect by virtue of sub-paragraph (7), or is revoked by virtue of sub-paragraph (8), the street authority must notify the persons specified in paragraph 2(4).
- (10) If the street authority decides not to give a direction under this paragraph, it must notify the persons specified in paragraph 2(4) accordingly.

Effect of direction imposing restriction

- 5 (1) Where a direction under paragraph 4 is in force, an undertaker may not during the period specified in the direction execute street works in the part of the highway to which the restriction relates.
- (2) Sub-paragraph (1) does not apply—
 - (a) where an undertaker executes emergency works;
 - (b) where an undertaker executes works with the consent of the street authority; or
 - (c) in such other cases as may be prescribed.
- (3) The consent of the street authority under sub-paragraph (2)(b) shall not be unreasonably withheld; and any question whether the withholding of consent is unreasonable shall be settled in such manner as may be prescribed.
- (4) Regulations under sub-paragraph (3) may in particular make provision for the question referred to in that sub-paragraph to be settled—
 - (a) by arbitration;
 - (b) by a person specified by the Secretary of State on appeal by the undertaker.
- (5) An undertaker who contravenes sub-paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) An undertaker convicted of an offence under sub-paragraph (5) is liable to reimburse the street authority any costs reasonably incurred by them in reinstating the highway.

Supplementary

- 6 An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, his failure is attributable to a restriction imposed under this Schedule.”

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PROSPECTIVE

SCHEDULE 5 E+W

Section 64

SCHEDULE 22A TO THE HIGHWAYS ACT 1980

“SCHEDULE 22A E+W”

Section 314A

FIXED PENALTY OFFENCES UNDER PART 9

<i>Offence</i>	<i>Brief description</i>
An offence under section 139(3)	Deposit of builder's skip on highway without permission of highway authority.
An offence under section 139(4)	Failure of owner of skip to ensure skip properly lit and marked and removed as soon as practicable once filled or to ensure conditions of permission complied with.
An offence created by regulations made under section 140A, consisting of a failure to give a notice	Failure to give a notice required by regulations under s.140A (charge for occupation of the highway by builder's skip for unreasonable period).
An offence created by regulations made under section 140B, consisting of a failure to give a notice	Failure to give a notice required by regulations under s.140B (charge determined by reference to duration of occupation of the highway by builder's skip).
An offence under section 169(5)	Offences relating to the erection or retention of scaffolding etc. which obstructs the highway.
An offence under section 170(1)	Mixing or depositing mortar etc. on highway.
An offence under section 171(6)	Offences relating to the deposit of materials on highway or the making of temporary excavations in it.
An offence created by regulations made under section 171A, consisting of a failure to give a notice	Failure to give a notice required by regulations under s.171A (charge for occupation of the highway by scaffolding etc. for unreasonable period).
An offence created by regulations made under section 171B, consisting of a failure to give a notice	Failure to give a notice required by regulations under s.171B (charge determined by reference to duration of occupation of the highway by scaffolding etc.).”

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PROSPECTIVE

SCHEDULE 6 **E+W**

Section 64

SCHEDULE 22B TO THE HIGHWAYS ACT 1980

“SCHEDULE 22B **E+W**”

Section 314A

FIXED PENALTIES FOR CERTAIN OFFENCES UNDER PART 9

Power to give fixed penalty notices

- 1 (1) An authorised officer of a highway authority may, if he has reason to believe that a person is committing or has committed a fixed penalty offence, give him a fixed penalty notice in relation to that offence.
- (2) In this Schedule “fixed penalty notice” means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty.

Power to give fixed penalty notices

- 2 A fixed penalty notice for an offence may not be given after such time relating to the offence as the Secretary of State may by regulations prescribe.

Contents of fixed penalty notice

- 3 (1) A fixed penalty notice must identify the offence to which it relates and give reasonable particulars of the circumstances alleged to constitute that offence.
- (2) A fixed penalty notice must also state—
 - (a) the amount of the penalty and the period within which it may be paid;
 - (b) the discounted amount and the period within which it may be paid;
 - (c) the person to whom and the address at which payment may be made;
 - (d) the method or methods by which payment may be made;
 - (e) the person to whom and the address at which any representations relating to the notice may be addressed;
 - (f) the consequences of not making any payment within the period for payment.
- (3) The person specified under sub-paragraph (2)(c) must be the highway authority or a person acting on their behalf.

The amount of the penalty and the period for payment

- 4 (1) The penalty for a fixed penalty offence is (subject to paragraph 5) such amount, not exceeding 30 per cent. of the maximum fine for that offence, as may be prescribed.
- (2) The period for payment of the penalty is the period of 29 days beginning with the day on which the notice is given.

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- (3) The highway authority may extend the period for paying the penalty in any particular case if they consider it appropriate to do so.

The discounted amount

- 5 (1) A discounted amount is payable instead of the amount prescribed under paragraph 4(1) if payment is made before the end of the period of 15 days beginning with the day on which the notice is given.
- (2) The discounted amount for a fixed penalty offence is such amount, not exceeding 25 per cent. of the maximum fine for the offence, as may be prescribed.
- (3) If the last day of the period specified in sub-paragraph (1) does not fall on a working day, the period for payment of the discounted amount is extended until the end of the next working day.
- (4) In sub-paragraph (3) “working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday in the locality in which the highway in question is situated.

Effect of notice and payment of penalty

- 6 (1) This paragraph applies where a person is given a fixed penalty notice in respect of a fixed penalty offence.
- (2) No proceedings for the offence may be commenced before the end of the period for payment of the penalty.
- (3) No such proceedings may be commenced or continued if payment of the penalty is made before the end of that period or is accepted by the highway authority after that time.
- (4) Payment of the discounted amount only counts for the purposes of sub-paragraph (3) if it is made before the end of the period for payment of the discounted amount.
- (5) In proceedings for the offence a certificate which—
- (a) purports to be signed by or on behalf of the person having responsibility for the financial affairs of the highway authority; and
 - (b) states that payment of an amount specified in the certificate was or was not received by a date so specified,
- is evidence of the facts stated.

Power to withdraw notices

- 7 (1) If the highway authority consider that a fixed penalty notice which has been given ought not to have been given, they may give to the person on whom it was given a notice withdrawing the fixed penalty notice.
- (2) Where a notice under sub-paragraph (1) is given—
- (a) the authority shall repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice; and
 - (b) no proceedings may be commenced or continued against that person for the offence in question.

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- (3) The highway authority shall consider any representations made by or on behalf of the recipient of a fixed penalty notice and decide in all the circumstances whether to withdraw the notice.

General and supplementary

- 8 (1) In this Schedule “prescribed” means prescribed in regulations made by the Secretary of State.
- (2) The Secretary of State may, with the consent of the Treasury, make regulations about—
- (a) the application by highway authorities of fixed penalties paid under this Schedule;
 - (b) the keeping of accounts, and the preparation and publication of statements of account, relating to penalties paid under this Schedule.
- (3) The Secretary of State may by regulations—
- (a) prescribe circumstances in which fixed penalty notices may not be given;
 - (b) modify paragraph 4(2) or 5(1) so as to substitute a different period for the period for the time being specified there;
 - (c) prescribe the method or methods by which penalties may be paid.
- (4) Regulations under this Schedule may—
- (a) make different provision (including provision prescribing the amount of the penalty or the discounted amount) for different purposes or areas;
 - (b) make consequential or transitional provision.

General and supplementary

- 9 Section 323(1)(b) (reckoning of periods of 8 days or less) does not apply for the purposes of this Schedule.”

SCHEDULE 7 **E+W**

Section 73

ROAD TRAFFIC CONTRAVENTIONS SUBJECT TO CIVIL ENFORCEMENT

PART 1 E+W

PARKING CONTRAVENTIONS

Parking contraventions

- 1 References in this Part of this Act to a parking contravention shall be construed as follows.

Commencement Information

- I7** Sch. 7 para. 1 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1)(2)(b)** (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

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Contraventions relating to parking places in Greater London

- 2 (1) In Greater London there is a parking contravention in relation to a vehicle if the vehicle is stationary in a parking place and—
- (a) the vehicle has been left—
 - (i) otherwise than as authorised by or under any order relating to the parking place, or
 - (ii) beyond the period of parking that has been paid for,
 - (b) no parking charge payable with respect to the vehicle has been paid, or
 - (c) there has been, with respect to the vehicle, a contravention of any provision made by or under any order relating to the parking place.
- (2) In sub-paragraph (1) “parking place” means—
- (a) a parking place designated by an order made under section 6, 9 or 45 of the Road Traffic Regulation Act 1984 (c. 27), or
 - (b) an off-street parking place provided under section 32(1)(a) of that Act.

Commencement Information

18 Sch. 7 para. 2 in force at 23.7.2007 for E. by S.I. 2007/2053, arts. 1(2), 2(1)(2)(b) (with art. 4) (as amended (17.3.2008) by S.I. 2008/757, art. 3)

Other parking contraventions in Greater London

- 3 (1) In Greater London there is a parking contravention in relation to a vehicle if it is stationary in circumstances in which any of the offences listed below is committed.
- (2) The offences are—
- (a) an offence under section 15 of the Greater London Council (General Powers) Act 1974 (c. xxiv) (parking on footways, verges, etc.);
 - (b) an offence under section 8, 11, 16(1) or 16C of the Road Traffic Regulation Act 1984 (contravention of certain traffic orders) of contravening—
 - (i) a prohibition or restriction on waiting of vehicles, or
 - (ii) provision relating to any of the matters mentioned in paragraph 7 or 8 of Schedule 1 to that Act (conditions for loading or unloading, or delivering or collecting);
 - (c) an offence under section 25(5) of the Road Traffic Regulation Act 1984 of contravening regulation 18 or 20 of the Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997 (S.I. 1997/2400) (prohibition on stopping vehicles on or near pedestrian crossings);
 - (d) an offence under section 35A(1) of the Road Traffic Regulation Act 1984 (contravention of orders relating to parking places provided under section 32 or 33 of that Act);
 - (e) an offence under section 61(5) of the Road Traffic Regulation Act 1984 (parking in loading areas);
 - (f) an offence under section 19 of the Road Traffic Act 1988 (c. 52) (parking of HGVs on verges, central reservations or footways);
 - (g) an offence under section 21 of the Road Traffic Act 1988 (offences relating to cycle tracks) of parking a vehicle wholly or partly on a cycle track;

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (h) an offence under section 36(1) of the Road Traffic Act 1988 (failure to comply with traffic sign) of failing to comply with a sign of a type referred to in—
 - (i) regulation 10(1)(b) of the Traffic Signs Regulations and General Directions 2002 (S.I. 2002/3113) (zig-zag lines relating to certain crossings), or
 - (ii) regulation 29(1) of those regulations (bus stop or bus stand markings).

(3) This paragraph does not apply to a contravention within paragraph 2 above (contraventions relating to parking places).

Commencement Information

19 Sch. 7 para. 3 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1)(2)(b)** (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

Parking contraventions outside Greater London

- 4 (1) Outside Greater London there is a parking contravention in relation to a vehicle if it is stationary in circumstances in which any of the offences listed below is committed.
- (2) The offences are—
- (a) an offence under section 64(3) of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57) of causing a vehicle to stop on part of a road appointed, or deemed to have been appointed, as a hackney carriage stand;
 - (b) an offence under section 5, 11, 16(1) or 16C of the Road Traffic Regulation Act 1984 (c. 27) (contravention of certain traffic orders) of contravening a prohibition or restriction on waiting, or loading or unloading, of vehicles;
 - (c) an offence under section 25(5) of the Road Traffic Regulation Act 1984 of contravening regulation 18 or 20 of the Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997 (S.I. 1997/2400) (prohibition on stopping vehicles on or near pedestrian crossings);
 - (d) an offence under section 35A(1), 47(1) or 53(5) or (6) of the Road Traffic Regulation Act 1984 (offences in connection with parking places);
 - (e) an offence under section 61(5) of the Road Traffic Regulation Act 1984 (parking in loading areas);
 - (f) an offence under section 6(6) of the Essex Act 1987 (c. xx) of leaving a vehicle on any land in contravention of a prohibition under that section (prohibitions relating to verges and certain other land adjoining or accessible from highway);
 - (g) an offence under section 19 of the Road Traffic Act 1988 (c. 52) (parking of HGVs on verges, central reservations or footways);
 - (h) an offence under section 21 of the Road Traffic Act 1988 (offences relating to cycle tracks) of parking a vehicle wholly or partly on a cycle track;
 - (i) an offence under section 36(1) of the Road Traffic Act 1988 (failure to comply with traffic sign) of failing to comply with a sign of a type referred to in—

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) regulation 10(1)(b) of the Traffic Signs Regulations and General Directions 2002 (S.I. 2002/3113) (zig-zag lines relating to certain crossings), or
- (ii) regulation 29(1) of those regulations (bus stop or bus stand markings).

Commencement Information

I10 Sch. 7 para. 4 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(b\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), [art. 3](#))

Power to add further offences

- 5
- (1) The appropriate national authority may by regulations amend paragraph 3 or 4 so as to add further offences (but only in so far as they relate to stationary vehicles).
 - (2) Before making regulations amending paragraph 3 the Secretary of State shall consult—
 - (a) the Commissioner of Police of the Metropolis and the Commissioner of Police for the City of London, and
 - (b) such associations of London authorities (if any) as he thinks appropriate.
 - (3) Before making regulations amending paragraph 4 the appropriate national authority shall consult—
 - (a) such representatives of chief officers of police, and
 - (b) such associations of local authorities (if any),
 as the authority considers appropriate.

Commencement Information

I11 Sch. 7 para. 5 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(b\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), [art. 3](#))

PART 2 **E+W**

BUS LANE CONTRAVENTIONS

Bus lane contraventions

- 6
- (1) A bus lane contravention is a contravention of any provision of a traffic order relating to the use of an area of road that is or forms part of a bus lane.
 - (2) An area of road is or forms part of a bus lane if the order provides that it may be used—
 - (a) only by buses (or a particular description of bus), or
 - (b) only by buses (or a particular description of bus) and some other class or classes of vehicular traffic.
 - (3) In this paragraph—

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“bus” includes a tramcar (within the meaning of section 141A of the Road Traffic Regulation Act 1984 (c. 27)) and a trolley vehicle (within the meaning of that section); and

“traffic order” means an order under section 1, 6, 9 or 14 of that Act.

Commencement Information

I12 Sch. 7 para. 6 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(b\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

PART 3 **E+W**

LONDON LORRY BAN CONTRAVENTIONS

London lorry ban contraventions

- 7 A London lorry ban contravention is a contravention of the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 made by the Greater London Council under section 6 of the Road Traffic Regulation Act 1984, or any order replacing that order, as amended from time to time.

Commencement Information

I13 Sch. 7 para. 7 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(b\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

PART 4 **E+W**

MOVING TRAFFIC CONTRAVENTIONS

Moving traffic contraventions

- 8 (1) A moving traffic contravention is—
- an offence under section 36 of the Road Traffic Act 1988 (c. 52) of failing to comply with the indication given by a traffic sign that is subject to civil enforcement (see paragraph 9), or
 - an offence of failing to comply with a traffic order in so far as it makes provision for a requirement, restriction or prohibition that is conveyed by a traffic sign subject to civil enforcement.
- (2) In sub-paragraph (1)(b) “traffic order” means an order under section 1, 6, 9, 14 or 16A of the Road Traffic Regulation Act 1984 (c. 27).
- (3) If conduct is both a moving traffic contravention and a London lorry ban contravention (see Part 3 above), a penalty charge may only be imposed on the latter basis.

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) If in any other case the same conduct is a moving traffic contravention under subparagraph (1)(a) and (b), a penalty charge may be imposed on either basis but not both.

Commencement Information

I14 Sch. 7 para. 8 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(b\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

Traffic signs subject to civil enforcement

- 9 (1) The table below specifies the traffic signs that are subject to civil enforcement.
- (2) In the table—
- (a) column 1 sets out the description, corresponding to the description in the Traffic Signs Regulations and General Directions 2002 (S.I. 2002/3113), of the requirement, restriction or prohibition conveyed by the sign, and
- (b) column 2 sets out the number given to the diagram illustrating the sign in that instrument.
- (3) References in the table to any sign include any permitted variant of that sign.
- (4) The table is as follows:

<i>Description</i>	<i>Diagram number</i>
Vehicular traffic must proceed in the direction indicated by the arrow	606
Vehicular traffic must turn ahead in the direction indicated by the arrow	609
Vehicular traffic must comply with the requirements in regulation 15	610
No right turn for vehicular traffic	612
No left turn for vehicular traffic	613
No U-turns for vehicular traffic	614
Priority must be given to vehicles from the opposite direction	615, 615.1
No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement)	616
All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians	617
Entry to pedestrian zone restricted (alternative types)	618.2

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Entry to and waiting in pedestrian zone restricted (alternative types)	618.3
Entry to and waiting in pedestrian zone restricted (variable message sign)	618.3A
Motor vehicles prohibited	619
Motor vehicles except solo motor cycles prohibited	619.1
Solo motor cycles prohibited	619.2
Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	622.1A
One way traffic	652
Buses prohibited	952
Route for use by buses and pedal cycles only	953
Route for use by tramcars only	953.1
Route for use by pedal cycles only	955
Route for use by pedal cycles and pedestrians only	956
Route comprising two ways, for use by pedal cycles only and by pedestrians only	957
With-flow cycle lane	959.1
Contra-flow cycle lane	960.1
Box junction markings	1043, 1044

Commencement Information

I15 Sch. 7 para. 9 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(b\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

Power to amend table

- 10 (1) The appropriate national authority may by regulations amend the table in paragraph 9(4) so as to add further traffic signs.
- (2) A traffic sign may only be added to the table if it is of a type—
- regulating the movement of vehicles (and not stationary vehicles),
 - to which section 36 of the Road Traffic Act 1988 (c. 52) applies (offence of failure to comply with traffic sign), and
 - failure to comply with which is not an offence involving obligatory endorsement.

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

In paragraph (c) “offence involving obligatory endorsement” has the meaning given by section 96 of the Road Traffic Offenders Act 1988 (c. 53).

- (3) Before making regulations under this paragraph the appropriate national authority shall consult—
- (a) such representatives of chief officers of police, and
 - (b) such associations of local authorities (if any),
- as the authority considers appropriate.

Commencement Information

I16 Sch. 7 para. 10 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1)(2)(b)** (with art. 4) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

VALID FROM 31/03/2008

SCHEDULE 8 E+W

Section 74

CIVIL ENFORCEMENT AREAS AND ENFORCEMENT AUTHORITIES

SCHEDULE 9 E+W

Section 77

CIVIL ENFORCEMENT: SETTING THE LEVEL OF CHARGES

PART 1 E+W

CHARGES TO WHICH THIS SCHEDULE APPLIES

Charges to which this Schedule applies

- 1 (1) This Schedule provides for the setting of the levels of—
- (a) penalty charges, including any discounts or surcharges,
 - (b) charges made by authorities under section 102 of the Road Traffic Regulation Act 1984 (c. 27) for the removal, storage and disposal of vehicles found in areas that are civil enforcement areas for parking contraventions, and
 - (c) charges for the release of vehicles from an immobilisation device under regulations under section 79 above.
- (2) References in this Schedule to “charges” are to those charges.

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I17** Sch. 9 para. 1 in force at 23.7.2007 for E. by S.I. 2007/2053, arts. 1(2), 2(1)(2)(d) (with art. 4) (as amended (17.3.2008) by S.I. 2008/757, art. 3)
- I18** Sch. 9 para. 1 in force at 26.11.2007 for W. by S.I. 2007/3174, art. 2, Sch.

PART 2 **E+W**

CHARGES APPLICABLE IN GREATER LONDON

Charges to be set by Transport for London or London local authorities

- 2 (1) It is the duty—
- (a) of Transport for London, so far as relating to contraventions on or adjacent to GLA roads, and
 - (b) of the London local authorities, so far as relating to—
 - (i) parking places provided or authorised by such authorities, or
 - (ii) contraventions on or adjacent to roads other than GLA roads,to set the levels of charges applicable in Greater London.
- (2) Different levels of charges may be set for different areas in London and for different cases or classes of case.
- (3) Before setting the level of any charges Transport for London must consult the London local authorities.

Commencement Information

- I19** Sch. 9 para. 2 in force at 23.7.2007 for E. by S.I. 2007/2053, arts. 1(2), 2(1)(2)(d) (with art. 4) (as amended (17.3.2008) by S.I. 2008/757, art. 3)

Supervisory role of Mayor of London

- 3 (1) Transport for London and the London local authorities must submit to the Mayor of London for his approval the levels of charges that they propose to set.
- (2) If—
- (a) Transport for London or the London local authorities fail to discharge their duty under paragraph 2, or
 - (b) the Mayor of London does not approve the levels of charges proposed by the London local authorities,
- the levels of charges shall be set by order made by the Mayor of London.

Commencement Information

- I20** Sch. 9 para. 3 in force at 23.7.2007 for E. by S.I. 2007/2053, arts. 1(2), 2(1)(2)(d) (with art. 4) (as amended (17.3.2008) by S.I. 2008/757, art. 3)

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Reserve powers of Secretary of State

- 4 (1) The following provisions apply where the Mayor of London—
- (a) approves any levels of charges on a submission under paragraph 3(1), or
 - (b) sets any such levels under paragraph 3(2).
- (2) The Mayor must notify the Secretary of State of the levels of charges so approved or set.
- (3) The levels of charges shall not come into force until after the expiration of—
- (a) the period of one month beginning with the date on which the notification is given, or
 - (b) such shorter period as the Secretary of State may allow.
- (4) The Secretary of State may before the end of that period give notice to the Mayor of London that he objects to the levels of charges on the grounds that some or all of them are excessive.
- If he does so those levels of charges shall not come into force unless and until the objection has been withdrawn.
- (5) If at any time before the levels of charges have come into force, the Secretary of State considers that some or all of them are excessive, he may make regulations setting the levels of charges.
- Those levels must be no higher than those notified under sub-paragraph (2).
- (6) If the Secretary of State makes regulations under sub-paragraph (5) no further submission to the Mayor of London under paragraph 3(1) may be made until after the end of the period of twelve months beginning with the day on which the regulations are made.

Commencement Information

I21 Sch. 9 para. 4 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1)(2)(d)** (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

Publication of levels of charges

- 5 (1) Transport for London and the London local authorities shall publish, in such manner as the Mayor of London may determine, the levels of charges set in accordance with this Part of this Schedule.
- (2) The duty imposed by sub-paragraph (1) applies—
- (a) to Transport for London so far as the charges relate to contraventions on or adjacent to GLA roads, and
 - (b) to the London local authorities so far as they relate to—
 - (i) parking places provided or authorised by such authorities, or
 - (ii) contraventions on or adjacent to roads other than GLA roads.

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I22 Sch. 9 para. 5 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(d\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

Discharge of functions by London local authorities

- 6 (1) The Secretary of State may make provision by regulations as to the discharge by London local authorities of the functions conferred on them by this Part of this Schedule.
- (2) The regulations may provide for the functions to be discharged by means of arrangements under section 101 of the Local Government Act 1972 (c. 70) (arrangements for discharge of functions by local authorities) or in such other way as the regulations may provide.
- (3) The regulations may make provision for continuing in force for the purposes of this Part of this Schedule any arrangements in force immediately before the commencement of this Part for the discharge of functions corresponding to the functions of London local authorities under this Part of this Schedule.

Commencement Information

I23 Sch. 9 para. 6 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(d\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

PART 3 **E+W**

CHARGES APPLICABLE OUTSIDE GREATER LONDON

Charges to be set by enforcement authority

- 7 (1) Outside Greater London it is the duty of each enforcement authority to set the level of charges applicable in the case of contraventions for which they are the enforcement authority.
- (2) Different levels of charges may be set for different parts of a civil enforcement area and for different cases or classes of case.

Commencement Information

I24 Sch. 9 para. 7 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(d\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

I25 [Sch. 9 para. 7](#) in force at 26.11.2007 for W. by [S.I. 2007/3174](#), [art. 2](#), [Sch.](#)

Guidelines given by appropriate national authority

- 8 (1) The levels of charges set by enforcement authorities under this Part of this Schedule must (subject to sub-paragraph (3)) accord with guidelines appended to an order made by the appropriate national authority.

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) Different guidelines may be given for different cases or classes of case.
- (3) An enforcement authority may, with the permission of the appropriate national authority, depart from any such guidelines.

Commencement Information

- I26** Sch. 9 para. 8 in force at 23.7.2007 for E. by S.I. 2007/2053, arts. 1(2), 2(1)(2)(d) (with art. 4) (as amended (17.3.2008) by S.I. 2008/757, art. 3)
- I27** Sch. 9 para. 8 in force at 26.11.2007 for W. by S.I. 2007/3174, art. 2, Sch.

Publication of levels of charges

- 9 An enforcement authority for an area outside Greater London shall publish, in such manner as the appropriate national authority may determine, the levels of charges set under this Part of this Schedule.

Commencement Information

- I28** Sch. 9 para. 9 in force at 23.7.2007 for E. by S.I. 2007/2053, arts. 1(2), 2(1)(2)(d) (with art. 4) (as amended (17.3.2008) by S.I. 2008/757, art. 3)
- I29** Sch. 9 para. 9 in force at 26.11.2007 for W. by S.I. 2007/3174, art. 2, Sch.

VALID FROM 31/03/2008

SCHEDULE 10 **E+W**

Section 84

CIVIL ENFORCEMENT: SPECIAL ENFORCEMENT AREAS

Designation of special enforcement areas in Greater London

- 1 (1) The Secretary of State may, on an application by a London authority, make an order designating the whole or part of that authority's area as a special enforcement area.
- (2) An area may only be so designated if it is within, or is co-extensive with, an area that is a civil enforcement area for parking contraventions within paragraph 3 of Schedule 7 (parking contraventions other than those relating to parking places).
- (3) An application under this paragraph may be made—
- (a) by Transport for London, to the extent that the special enforcement area is to consist of GLA roads;
 - (b) by a London local authority, to the extent that the special enforcement area is to consist of roads other than GLA roads.
- (4) Before making an order under this paragraph the Secretary of State shall consult the Commissioner of Police of the Metropolis or the Commissioner of Police for the City of London or, if appropriate, both of them.

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) An order in force immediately before the commencement of this Part of this Act under section 76 of the Road Traffic Act 1991 (c. 40) designating an area in Greater London as a special parking area has effect on and after the commencement of this Part of this Act as if it were an order under this paragraph designating the area as a special enforcement area.

Variation of special enforcement area by Mayor of London

- 2
- (1) The Mayor of London may by order under this paragraph amend an order for the time being in force under paragraph 1 so as to vary the area that for the time being constitutes the special enforcement area.
- (2) No such order may be made without the consent of the relevant London authority for every road that the order has the effect of bringing within, or removing from, the special enforcement area.
- (3) The relevant London authority is—
- (a) as regards GLA roads, Transport for London;
 - (b) as regards roads other than GLA roads, the London local authority in whose area the road is situated.
- (4) An order under this paragraph must not be such as to bring within a special enforcement area an area as to which the Secretary of State has specified by order that it is expedient on grounds of national security that no part of it should be included in a special enforcement area.
- (5) An order in force immediately before the commencement of this Part of this Act under section 76A(1) or (3)(a) of the Road Traffic Act 1991 (c. 40) has effect on and after the commencement of this Part of this Act as if it made corresponding provision under this paragraph.

Designation of special enforcement areas outside Greater London

- 3
- (1) The appropriate national authority may, on an application under this paragraph, make an order designating the whole or part of a local authority's area as a special enforcement area.
- (2) An area may only be so designated if it is within, or is co-extensive with, an area that is a civil enforcement area for parking contraventions.
- (3) An application under this paragraph may be made—
- (a) with respect to the whole or part of their area, by a county council in England;
 - (b) with respect to the whole or part of their area, by a county council or county borough council in Wales;
 - (c) with respect to the whole of their area, by a metropolitan district council;
 - (d) with respect to the whole of their areas, by two or more metropolitan district councils acting jointly;
 - (e) with respect to the whole or part of the Isles of Scilly, by the Council of the Isles of Scilly.
- (4) Before making an order under this paragraph the appropriate national authority shall consult the appropriate chief officer of police.

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) An order in force immediately before the commencement of this Part of this Act under paragraph 2(1) of Schedule 3 to the Road Traffic Act 1991 designating an area outside Greater London as a special parking area has effect on and after the commencement of this Part of this Act as if it were an order under this paragraph designating the area as a special enforcement area.

SCHEDULE 11 E+W

Section 91

CIVIL ENFORCEMENT: CONSEQUENTIAL AMENDMENTS

Road Traffic Regulation Act 1984

VALID FROM 31/03/2008

- 1 (1) Section 46 of the Road Traffic Regulation Act 1984 (c. 27) (charges at, and regulation of, designated parking places) is amended as follows.
- (2) In subsection (1) after “outside Greater London” insert “, and not in a civil enforcement area for parking contraventions,”.
- (3) In subsection (1A) after “in Greater London” insert “, or outside Greater London in a civil enforcement area for parking contraventions,”.
- (4) After subsection (5) add—
- “(6) In this section “civil enforcement area for parking contraventions” has the same meaning as in Part 6 of the Traffic Management Act 2004.”.

VALID FROM 31/03/2008

- 2 In section 63A of the Road Traffic Regulation Act 1984 (parking attendants), for subsection (4) (requirement to wear uniform) substitute—
- “(4) Parking attendants in an area that is a civil enforcement area for parking contraventions—
- (a) when exercising prescribed functions must wear such uniform as may be determined by the enforcement authority in accordance with guidance issued by the appropriate national authority, and
- (b) must not exercise any of those functions when not in uniform.
- Expressions used in this subsection that are defined for the purposes of Part 6 of the Traffic Management Act 2004 have the same meaning as in that Part.”.
- 3 (1) In section 101 of the Road Traffic Regulation Act 1984 (disposal of vehicles removed under that Act)—
- (a) in subsection (1) (power of competent authority to dispose of vehicle) for “Subject to subsections (3) to (5A) below” substitute “ Subject to subsection (3) and section 101A below ”;

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) omit subsections (4) to (6) (right of owner to recover vehicle or proceeds of sale).

(2) After that section insert—

“Right of owner to recover vehicle or proceeds of sale

101A) If before a vehicle is disposed of by an authority under section 101 above it is claimed by a person who—

- (a) satisfies the authority that he is its owner, and
- (b) pays the relevant charges,

the authority shall permit him to remove the vehicle from their custody within such period as they may specify or, in the case of an authority other than a local authority, as may be prescribed.

(2) If before the end of the period of one year beginning with the date on which a vehicle is sold by an authority under section 101 above a person satisfies the authority that at the time of the sale he was the owner of the vehicle, the authority shall pay him any sum by which the proceeds of sale exceed the amount of the relevant charges.

(3) In the case of a vehicle found in an area that is a civil enforcement area for parking contraventions, the relevant charges are—

- (a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed,
- (b) such unpaid earlier penalty charges relating to the vehicle as may be prescribed, and
- (c) such sums in respect of the removal and storage of the vehicle—
 - (i) as the authority may require in accordance with Schedule 9 of the Traffic Management Act 2004, or
 - (ii) in the case of an authority other than a local authority, as may be prescribed.

(4) In any other case the relevant charges are such sums in respect of the removal and storage of the vehicle as may be prescribed.

(5) If in the case of any vehicle it appears to the authority in question that more than one person is or was its owner at the relevant time, such one of them as the authority think fit shall be treated as its owner for the purposes of this section.

(6) In this section—

“civil enforcement area for parking contraventions” and “penalty charge” have the same meaning as in Part 6 of the Traffic Management Act 2004; and

“owner” has the same meaning as in section 101 above.

Representations and appeals

101B) The Lord Chancellor may make regulations entitling a person who in the case of a vehicle found in an area that is a civil enforcement area for parking contraventions—

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) is required to pay an amount on recovering the vehicle under section 101A(1), or
 - (b) receives a sum in respect of the vehicle under section 101A(2) or is informed that the proceeds of sale did not exceed the aggregate amount mentioned in that provision,
- to make representations to the authority concerned and to appeal to an adjudicator if his representations are not accepted.
- (2) The regulations may make such provision in connection with the rights conferred as appears to the Lord Chancellor to be appropriate, and may in particular make provision—
- (a) requiring the authority to give a person notice of the rights conferred by the regulations,
 - (b) as to the grounds on which, and time within which, representations may be made;
 - (c) requiring supporting evidence in such circumstances as may be specified;
 - (d) as to the duties of the authority when representations are received;
 - (e) as to the circumstances in which there is a right of appeal to an adjudicator,
 - (f) generally as to the making, determination and effect of, and procedure in connection with, such appeals, and
 - (g) enabling an adjudicator to review any decision made on, or in the course of, an appeal.
- (3) The regulations may include provision authorising an adjudicator to require a person—
- (a) to attend to give evidence at the hearing of an appeal, and
 - (b) to produce any documents in his custody or under his control relating to any matter relevant for the purposes of the appeal,
- and making it a criminal offence triable summarily and punishable with a fine not exceeding level 2 on the standard scale to fail to comply with such a requirement.
- (4) The regulations may include provision authorising an adjudicator to make an order for the payment of costs and expenses by a party to an appeal in such circumstances as may be specified.
- (5) The functions of adjudicators under this section shall be discharged by the persons appointed as adjudicators for the purposes of Part 6 of the Traffic Management Act 2004 (civil enforcement of road traffic contraventions) and any arrangements made for the discharge of their functions under that Part also have effect for the purposes of this section.”.

Commencement Information

I30 Sch. 11 para. 3 in force at 23.7.2007 for specified purposes for E. by S.I. 2007/2053, arts. 1(2), 2(1), 2(2)(i) (with art. 4) (as amended (17.3.2008) by S.I. 2008/757, art. 3)

Status: Point in time view as at 26/11/2007.

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VALID FROM 31/03/2008

- 4 (1) Section 102 of the Road Traffic Regulation Act 1984 (c. 27) (charges for removal, storage and disposal of vehicles) is amended as follows.
- (2) For subsection (2) (recovery of charges) substitute—
- “(2) If the place from which the vehicle is removed is in an area that is not a civil enforcement area for parking contraventions—
- (a) the appropriate authority is entitled to recover from any person responsible such charges as may be prescribed in respect of the removal of the vehicle;
 - (b) the chief officer of a police force or a local authority in whose custody the vehicle is during any period is entitled to recover from any person responsible charges ascertained by reference to a prescribed scale in respect of that period; and
 - (c) the chief officer of a police force or a local authority who dispose of the vehicle in pursuance of section 101 of this Act is entitled to recover from any person responsible charges determined in the prescribed manner in respect of its disposal.
- (2A) If the place from which the vehicle is removed is in an area that is a civil enforcement area for parking contraventions, the enforcement authority is entitled to recover from any person responsible such charges in respect of the removal, storage and disposal of the vehicle as they may require in accordance with Schedule 9 of the Traffic Management Act 2004.”
- (3) In subsection (8) (interpretation) at the appropriate place insert—
- ““civil enforcement area for parking contraventions” and “enforcement authority” have the same meaning as in Part 6 of the Traffic Management Act 2004;”;
- (4) In subsection (9) (application of provisions to parking places provided under letting or other arrangements), for “subsection (2)(d)” substitute “ subsection (2A) ”.

VALID FROM 31/03/2008

Tribunals and Inquiries Act 1992

- 5 In Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992 (c. 53) (tribunals under direct supervision of Council on Tribunals), in paragraph 40 (road traffic) for sub-paragraph (b) substitute—
- “(b) an adjudicator appointed for the purposes of Part 6 of the Traffic Management Act 2004 (civil enforcement of road traffic contraventions).”.

Status: Point in time view as at 26/11/2007.

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VALID FROM 31/03/2008

London Local Authorities Act 1995

- 6 In the London Local Authorities Act 1995 (c. x)—
- (a) in section 2 (interpretation), for the definition of “special parking area” substitute—
- ““special enforcement area” means a special enforcement area designated by order of the Secretary of State under Schedule 10 of the Traffic Management Act 2004;”;
- (b) in section 9(1) (special temporary prohibitions) for “special parking area” substitute “special enforcement area”.

VALID FROM 31/03/2008

London Local Authorities and Transport for London Act 2003

- 7 In section 20 of the London Local Authorities and Transport for London Act 2003 (c. iii) (disclosure of information about identity of owner of vehicle), in subsection (2) (enactments for purposes of which disclosure may be made) for paragraphs (b) to (d) substitute—
- “(b) Part 6 of the Traffic Management Act 2004 (civil enforcement of road traffic contraventions).”.

SCHEDULE 12 **E+W**

Section 98

REPEALS

VALID FROM 31/03/2008

PART 1 E+W

CIVIL ENFORCEMENT

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Road Traffic Regulation Act 1984 (c. 27)	Section 8(1A) and (1B). Section 11(2) and (2A). In section 47(1), the words “; but this subsection does not apply in relation to any designated parking place in Greater London”. Section 101(4) to (6).

Status: Point in time view as at 26/11/2007.

Changes to legislation: Traffic Management Act 2004 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Road Traffic Act 1988 (c. 52)	In section 102(8), the definition of “London authority” and the word “and” preceding it. Section 36(1A).
Road Traffic Act 1991 (c. 40)	Section 43. Sections 65 to 67. Section 68(2) and (3)(c). Sections 69 to 74A. Sections 76 to 79. Schedule 3. Schedule 6.
Local Government Wales Act 1994 (c. 19)	In Schedule 7, paragraph 43(b).
London Local Authorities Act 1995 (c. x)	Sections 4, 5, 7 and 8.
Greater London Authority Act 1999 (c. 29)	Section 283(2) and (4). Section 284. Section 286.
Transport Act 2000 (c. 38)	Section 144.
London Local Authorities Act 2000 (c. vii)	In section 3(1), the definition of “special parking area”. Sections 4 to 14.
London Local Authorities and Transport for London Act 2003 (c. iii)	Sections 4 to 7. Sections 14 and 15. Schedule 1. In Schedule 2— (a) in the heading, the words from “4” to “and”; (b) paragraph 1(a); (c) paragraphs 5 and 6. Schedule 3.

PART 2 **E+W**

OTHER REPEALS

Commencement Information

I31 Sch. 12 Pt. 2 in force at 4.10.2004 for E. by S.I. 2004/2380, art. 2(h)

I32 Sch. 12 Pt. 2 in force at 26.10.2006 for W. by S.I. 2006/2826, art. 2(1)(2)(e)

Short title and chapter

Road Traffic Offenders Act 1988 (c. 53)

Extent of repeal

In Schedule 1, in column 2 of the entry relating to section 163 of the Road Traffic Act 1988 the words “by constable”.
In Part 1 of Schedule 2, in column 2 of the entry relating to section 37 of the Road

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Traffic Act 1988 the words “by constable regulating traffic”, and in column 2 of the entry relating to section 163 of the Road Traffic Act 1988 the words “by constable”. In Schedule 3, in column 2 of the entry relating to section 163 of the Road Traffic Act 1988 the words “by constable in uniform”.

London Local Authorities and Transport for London Act 2003 (c. iii) Section 12.

Status:

Point in time view as at 26/11/2007.

Changes to legislation:

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