



Traffic Management Act 2004

2004 CHAPTER 18

PART 3

PERMIT SCHEMES

37 Permit regulations

- (1) The appropriate national authority may by regulations (“permit regulations”) make provision with respect to the content, preparation, submission, approval, operation, variation or revocation of permit schemes.
- (2) Permit regulations may—
 - (a) set out procedural provisions with which those preparing permit schemes must comply,
 - (b) set out standard provisions which may or must be included in a permit scheme,
 - (c) make provision as to the publicity to be given to permit schemes.
- (3) Permit regulations may make provision—
 - (a) with respect to any of the matters mentioned in section 32(2) (including provision as to the conditions or types of conditions which may be imposed by virtue of section 32(2)(d)),
 - (b) for the purpose of limiting the streets, or type of streets, which may be the subject of a permit scheme.
- (4) Permit regulations may make provision—
 - (a) as to the criteria to be taken into account in the case of decisions with respect to the issue, review or variation of permits or decisions with respect to the imposition, review or variation of conditions,
 - (b) for or in connection with the determination, or facilitating the determination, of disputes (including provision with respect to the appointment of persons to determine, or facilitate the determination of, disputes),
 - (c) for or in connection with appeals (including provision with respect to the appointment of persons to hear appeals),

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- (d) as to the action which may be taken if works are carried out without a permit or if any conditions are not complied with,
 - (e) for or in connection with the creation, in prescribed cases (including prescribed cases where works are carried out without a permit or in breach of any conditions), of a criminal offence triable summarily and punishable with a fine not exceeding level 5 on the standard scale,
 - (f) for or in connection with excluding or limiting the liability of prescribed undertakers in prescribed cases.
- (5) Provision under subsection (4) in respect of adjudication may not be made without the consent of the Lord Chancellor.
- (6) Permit regulations may make provision for or in connection with the giving of fixed penalty notices (including, in particular, provision applying Schedule 4B to the New Roads and Street Works Act 1991 (c. 22), with or without modifications) in relation to any offence created by permit regulations.
- (7) Permit regulations may make provision for or in connection with the payment of a fee in respect of any one or more of the following—
- (a) an application for a permit,
 - (b) the issue of a permit,
 - (c) an application for the variation of a permit or the conditions attached to a permit,
 - (d) the variation of a permit or the conditions attached to a permit.
- (8) Provision made under subsection (7) may include provision as to—
- (a) the amount or maximum amount of any fee,
 - (b) cases in which fees are not to be payable or are to be repaid,
 - (c) cases in which fees may be discounted,
 - (d) the time and manner of making payment of fees,
 - (e) the application of sums paid by way of fees.
- (9) In making provision under subsection (7), the appropriate national authority must try to ensure, so far as is reasonably practicable, that the fees payable in connection with permit schemes do not exceed such costs in connection with permit schemes as may be prescribed.
- (10) For the purposes of subsection (9), the national authority may rely on such estimates (including estimates with respect to the average costs of highway authorities or particular descriptions of highway authority) as the national authority thinks fit.
- (11) Permit regulations may make provision—
- (a) for or in connection with the creation and maintenance of registers of permits,
 - (b) with respect to access to information contained in any such registers (including provision restricting such access),
 - (c) with respect to the keeping of accounts, and the preparation and publication of statements of account, relating to permit schemes.
- (12) Permit regulations may make provision for or in connection with permitting a highway authority, or two or more such authorities acting together, to prepare a permit scheme in respect of streets in a particular area which are maintainable highways notwithstanding that the authority, or those authorities, are not the highway authority for all or any of those streets.

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- (13) Permit regulations may set out provisions—
- (a) which disapply or modify enactments, and
 - (b) which are to or may apply in the case of permit schemes.
- (14) Nothing in subsections (2) to (13) is to be taken as affecting the generality of subsection (1).