



Traffic Management Act 2004

2004 CHAPTER 18

PART 3

PERMIT SCHEMES

39 Interpretation of Part 3

(1) In this Part—

“the appropriate national authority” means—

- (a) the Secretary of State, as respects England, and
- (b) the [^{F1}Welsh Ministers], as respects Wales;

“condition” is to be construed in accordance with section 32(2);

“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30));

“fixed penalty notice” means a notice offering a person the opportunity of discharging any liability to conviction for an offence by payment of a penalty;

“highway authority” and “local highway authority” have the same meaning as in the Highways Act 1980 (c. 66);

“maintainable highway” has the same meaning as in Part 3 of the New Roads and Street Works Act 1991 (c. 22);

“permit” is to be construed in accordance with section 32(2);

“permit scheme” is to be construed in accordance with section 32;

“permit regulations” is to be construed in accordance with section 37;

“prescribed” means prescribed, or of a description prescribed, by regulations made by the appropriate national authority;

“Royal Park” means any park to which the Parks Regulation Act 1872 (c. 15) applies (see sections 1 and 3 of the Parks Regulation (Amendment) Act 1926 (c. 36));

[^{F2}“strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015;]

“street” means a street (within the meaning of Part 3 of the New Roads and Street Works Act 1991)—

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Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Section 39. (See end of Document for details)

- (a) which is a maintainable highway, or
 - (b) which is situated in a Royal Park;
- “street works” has the meaning given by section 48(3) of the New Roads and Street Works Act 1991;
- “undertaker” has the same meaning as in Part 3 of that Act;
- “works” means—
- (a) prescribed street works, and
 - (b) such other works or activities as may be prescribed,
- but activities may not be prescribed under paragraph (b) unless they are, or correspond to, activities which are regulated or controlled by the Highways Act 1980.

- (2) An order or regulations under this Part—
 - (a) may make different provision for different cases or different areas,
 - (b) may include incidental, supplemental, consequential or transitional provision or savings.
- (3) A power [^{F3}of the Secretary of State or the Welsh Ministers] to make an order or regulations under this Part is exercisable by statutory instrument.
- (4) The first permit regulations may not be made by the Secretary of State unless a draft of them has been laid before and approved by a resolution of each House of Parliament.
- (5) Subject to that, a statutory instrument containing regulations under this Part made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F4}(6) A statutory instrument containing regulations under this Part made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

Textual Amendments

- F1** Words in s. 39(1) substituted (26.3.2015 for specified purposes, 30.6.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), [Sch. 10 para. 10\(2\)\(a\)](#); S.I. 2015/994, art. 9(b)
- F2** Words in s. 39(1) inserted (26.3.2015 for specified purposes, 30.6.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), [Sch. 10 para. 10\(2\)\(b\)](#); S.I. 2015/994, art. 9(b)
- F3** Words in s. 39(3) inserted (26.3.2015 for specified purposes, 30.6.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), [Sch. 10 para. 10\(3\)](#); S.I. 2015/994, art. 9(b)
- F4** S. 39(6) inserted (26.3.2015 for specified purposes, 30.6.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), [Sch. 10 para. 10\(4\)](#); S.I. 2015/994, art. 9(b)

Modifications etc. (not altering text)

- C1** Ss. 32-39 applied by SI 2014/2384, arts. 10(4A), 11(5A), 16(2A) (as inserted (17.3.2015) by [The Thames Water Utilities Limited \(Thames Tideway Tunnel\) \(Correction\) Order 2015 \(S.I. 2015/723\)](#), art. 1, [Sch.](#) Table 2)

Commencement Information

- I1** S. 39 in force at 1.12.2007 for E. by [S.I. 2007/3184](#), [art. 2](#)
- I2** S. 39 in force at 31.3.2008 for W. by [S.I. 2007/3174](#), [art. 2](#), [Sch.](#)

Status:

Point in time view as at 26/03/2015. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Traffic Management Act 2004, Section 39.