



# Traffic Management Act 2004

## 2004 CHAPTER 18

### PART 4

#### STREET WORKS

##### *Enforcement*

#### 41 Fixed penalty offences

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

**“95A Fixed penalties for certain offences under this Part**

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

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

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*Status: This is the original version (as it was originally enacted).*

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“fixed penalty offence

section 95A(1)”.

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- (3) After Schedule 4 to that Act there is inserted Schedules 4A and 4B as set out in Schedules 2 and 3 to this Act.