



# Traffic Management Act 2004

## 2004 CHAPTER 18

### PART 4

#### STREET WORKS

##### *Direction-making powers*

#### **43 Directions relating to timing of street works**

(1) Section 56 of the 1991 Act (power to give directions as to timing of street works) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (b), after “at certain times” there is inserted “or on certain days (or at certain times on certain days)”;
- (b) after “the times” there is inserted “or days (or both)”.

(3) After subsection (1) there is inserted—

“(1A) Where it appears to a street authority—

- (a) that subsisting street works are causing or are likely to cause serious disruption to traffic, and
- (b) that the disruption would be avoided or reduced if the works were to continue to be carried out only at certain times or on certain days (or at certain times on certain days),

the authority may give the undertaker such directions as may be appropriate as to the times or days (or both) when the works may or may not continue to be carried out.”

(4) After subsection (3) there is inserted—

“(3A) 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 direction under this section.”