



Traffic Management Act 2004

2004 CHAPTER 18

PART 6

CIVIL ENFORCEMENT OF TRAFFIC CONTRAVENTIONS

Civil penalties for road traffic contraventions

75 Power to require authority to apply for civil enforcement powers

- (1) The appropriate national authority may by notice in writing under this section (a “notice to apply”) require a local authority to make an application under paragraph 8 of Schedule 8 for an order designating the whole or part of the local authority’s area as a civil enforcement area for parking contraventions.
- (2) The notice must specify—
 - (a) the date by which the local authority is to make the application (“the application date”),
 - (b) the latest date by which the application must request that the order comes into force (“the in-force date”), and
 - (c) the area in respect of which the application is to be made.
- (3) Before giving a notice to apply the appropriate national authority must inform the local authority concerned and the appropriate chief officer of police, in writing, of its intention to give such a notice, indicating the application date, the in-force date and the area it intends to specify in the notice.
- (4) The local authority may make representations to the appropriate national authority to the effect—
 - (a) that a notice to apply should not be given to the authority, or
 - (b) that the notice should specify a different application date, a different in-force date, or a different area in respect of which the application is to be made.
- (5) In considering whether to give a notice to apply the appropriate national authority must have regard to the local authority’s representations and take into account—

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Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Section 75. (See end of Document for details)

- (a) the administrative burden of creating or extending a civil enforcement area and of enforcing parking contraventions within such an area,
 - (b) the financial circumstances of the local authority concerned and the likely expenses and receipts in connection with the proposed civil enforcement area,
 - (c) any representations made by the appropriate chief officer of police, and
 - (d) any other factors appearing to the appropriate national authority to be relevant.
- (6) After a notice to apply has been given, it may be modified by agreement between the appropriate national authority and the local authority concerned.

Commencement Information

- I1** S. 75 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), **art. 2(1)(2)(c)**
- I2** S. 75 in force at 31.3.2008 for E. by [S.I. 2007/2053](#), **arts. 1(2), 3(1)(2)(b)** (with **arts. 5-8**) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3, 5)

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