



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*Status: This is the original version (as it was originally enacted).*

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- (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.