

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, as respects England, a provision of Part 5 (Highways and Roads) of the Traffic Management Act 2004 (the “2004 Act”).

Article 2 brings section 71 of the 2004 Act into force on 1st October 2013. Section 71 inserts new subsections (1A), (1B) and (1C) into section 174 (precautions to be taken by persons executing works in streets) of the Highways Act 1980. This provides for the Secretary of State to issue guidance to local highway authorities as to the discharge by them of their obligation to carry out safely the signing, lighting and guarding of works when they are executing works for road purposes. A local highway authority must have regard to the guidance in executing those works.