

TRAFFIC MANAGEMENT ACT 2004

EXPLANATORY NOTES

SUMMARY AND OVERVIEW OF THE ACT

4. The Act is in seven Parts.

Part 1

Traffic Officers

5. **Part 1** empowers the Secretary of State for Transport, in his capacity as highway and traffic authority for the strategic road network in England, (i.e. most motorways and all other trunk roads), to establish a uniformed on-road traffic officer service to manage the traffic consequences of random incidents (such as accidents, obstructions, debris and break downs) and manage programmed highway events such as the passage of abnormal loads. In practice the Secretary of State carries out his functions as highway and traffic authority through the Highways Agency, which is an executive agency of the Department for Transport, and the Highways Agency would be implementing this part of the Act on his behalf.
6. The Act also empowers the National Assembly for Wales, in their capacity as highway and traffic authority for the strategic road network in Wales, to so establish a traffic officer service in Wales.
7. The Act enables some traffic management functions on motorways and other trunk roads currently carried out by the police to be carried out by traffic officers. The Act provides for traffic officers to have powers to stop and direct traffic, and place and operate traffic signs to deal with incidents and keep traffic moving.

Part 2

Network management by local traffic authorities

8. **Part 2** imposes a duty on all local traffic authorities to secure the expeditious movement of traffic on their road networks, and to facilitate the expeditious movement of traffic on other authorities' networks. Authorities are required to make arrangements as they consider appropriate for planning and carrying out the action to be taken in performing the duty; part of the arrangements must be the appointment of a "Traffic Manager".
9. If an authority is failing properly to perform its network management duty, or duty to make appropriate arrangements, then the Act provides for the Secretary of State (in England) and the National Assembly for Wales (in Wales) to appoint a "Traffic Director" in relation to that authority. The national authority must, among other things, set out such objectives for the traffic director as the national authority considers will secure that the duty or duties are being properly performed.

Part 3

Permit schemes

10. **Part 3** provides for the introduction of permit schemes by order of the Secretary of State (in England), and the National Assembly for Wales (in Wales). A permit scheme would control specified works in the street in a particular area and would require a permit to be obtained for such works. The Act provides that permit schemes could extend to works such as road works and street works, and could extend to corresponding works. A permit scheme may provide for conditions to be attached to permits which would apply in relation to the carrying out of specified works.

Part 4

Street Works

11. **Part 4** provides for changes to the regulatory regime for utility companies' street works.
12. The Act also provides for increases in levels of fines of specified offences, and provides for highway authorities to issue Fixed Penalty Notices for certain offences.

Part 5

Highways and Roads

13. **Part 5** includes specific measures that alter the arrangements for traffic management in London. These include provisions for the Secretary of State to designate an initial network of strategic roads (and for changes to that network to be made by the Assembly or the Mayor of London acting on its behalf). The purpose of designating this network is to enhance Transport for London's (TfL's) powers in relation to Borough roads by enabling it to object to proposals that would affect strategic roads.
14. The Act also amends the Highways Act 1980, most notably to provide for regulations to apply 'lane rental' charges to skips, scaffolding, building materials and temporary excavations that occupy the highway.

Part 6

Civil enforcement of traffic contraventions

15. **Part 6** includes powers providing a single framework to make regulations for the civil enforcement by local authorities of parking and waiting restrictions, bus lanes and some moving traffic offences. These regulations will replace existing powers in national and London local legislation. It will enable regulations to be made giving authorities outside London civil enforcement powers to cover some moving traffic offences (such as ignoring the rules at box junctions and banned turns) using camera evidence, and additional powers in respect of parking enforcement which already exist in London.
16. The Act also gives the appropriate national authority a reserve power to direct a local authority outside London to apply for civil parking enforcement powers.

Part 7

Miscellaneous and general

17. **Part 7** contains general and miscellaneous provision, including provision relating to Blue Badges, for the application of surplus income from parking places, and financial provision for the establishment of traffic officers.