



# Traffic Management Act 2004

## 2004 CHAPTER 18

### PART 6

#### CIVIL ENFORCEMENT OF TRAFFIC CONTRAVENTIONS

##### *Civil penalties for road traffic contraventions*

#### **72 Civil penalties for road traffic contraventions**

- (1) The appropriate national authority may make provision by regulations for or in connection with—
  - (a) the imposition of penalty charges in respect of road traffic contraventions that—
    - (i) are subject to civil enforcement (see section 73), and
    - (ii) are committed in an area that is a civil enforcement area for contraventions of that description (see section 74), and
  - (b) the payment of such penalty charges.
- (2) The regulations shall include provision specifying the person or persons by whom a penalty charge in respect of a contravention is to be paid (who may be the owner of the vehicle involved in the contravention, its driver at the time of the contravention or any other appropriate person).
- (3) The regulations shall include provision in respect of any description of conduct for which a penalty charge may be imposed—
  - (a) prohibiting criminal proceedings or the issuing of a fixed penalty notice in respect of conduct of that description, or
  - (b) securing that a penalty charge is not required to be paid, or is refunded, where the conduct is the subject of criminal proceedings or of a fixed penalty notice.
- (4) The regulations may include provision prohibiting the imposition of a penalty charge except on the basis of—
  - (a) a record produced by an approved device, or

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- (b) information given by a civil enforcement officer as to conduct observed by him.
- (5) The regulations may—
  - (a) specify exemptions from penalty charges, and
  - (b) make provision for discounts or surcharges, or both.

#### Commencement Information

- I1** S. 72 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)
- I2** S. 72 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(a\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

### 73 Contraventions subject to civil enforcement

- (1) Schedule 7 specifies the road traffic contraventions that are subject to civil enforcement.
- (2) These are—
  - (a) parking contraventions (see Part 1 of the Schedule);
  - (b) bus lane contraventions (see Part 2 of the Schedule);
  - (c) London lorry ban contraventions (see Part 3 of the Schedule);
  - (d) moving traffic contraventions (see Part 4 of the Schedule).
- (3) Regulations under this Part of this Act may make different provision in relation to different descriptions of contravention.
- (4) The appropriate national authority may by regulations make such consequential amendment of Schedule 7 as appears to the authority to be required in consequence of the amendment, replacement or revocation of any provision of subordinate legislation referred to in that Schedule.

#### Commencement Information

- I3** S. 73 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)
- I4** S. 73 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(b\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

### 74 Civil enforcement areas

- (1) Schedule 8 makes provision—
  - (a) as to the areas that are civil enforcement areas for the purposes of different descriptions of road traffic contravention, and
  - (b) as to the meaning of “enforcement authority” in relation to road traffic contraventions committed in a civil enforcement area.
- (2) In that Schedule—
  - Part 1 makes provision for Greater London, and
  - Part 2 makes provision for the rest of England and Wales.

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#### Commencement Information

- I5** S. 74 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)  
**I6** S. 74 in force at 31.3.2008 for specified purposes for E. by [S.I. 2007/2053](#), [arts. 1\(2\)](#), [3\(1\)\(2\)\(a\)](#) (with [arts. 5-8](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3, 5)

## 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—
  - (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

- I7** S. 75 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)  
**I8** 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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*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 6. (See end of Document for details)*

## 76 Civil enforcement officers

- (1) A local authority may provide for the enforcement of road traffic contraventions for which it is the enforcement authority by individuals to be known as civil enforcement officers.
- (2) A civil enforcement officer must be—
  - (a) an individual employed by the authority, or
  - (b) where the authority have made arrangements with any person for the purposes of this section, an individual employed by that person to act as a civil enforcement officer.
- (3) Civil enforcement officers—
  - (a) when exercising specified functions must wear such uniform as may be determined by the enforcement authority in accordance with guidelines issued by the appropriate national authority, and
  - (b) must not exercise any of those functions when not in uniform.
- (4) In subsection (3)(a) “specified” means specified by regulations made by the appropriate national authority.
- (5) A parking attendant appointed under section 63A of the Road Traffic Regulation Act 1984 (c. 27) by a local authority that is an enforcement authority—
  - (a) is a civil enforcement officer in relation to parking contraventions for which that authority is the enforcement authority, and
  - (b) may be appointed a civil enforcement officer in relation to other road traffic contraventions for which they are the enforcement authority.

[<sup>F1</sup>(6) In this section “local authority” includes a non-metropolitan district council.]

### Textual Amendments

**F1** S. 76(6) inserted (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 127(2)**, 134(2)

### Commencement Information

**I9** S. 76 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), **art. 2(1)(2)(c)**

**I10** S. 76 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2)**, 2(1)(2)(c) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

## 77 Setting the level of penalty charges

- (1) Schedule 9 provides for the setting of the levels of penalty charges and certain other charges.
- (2) In that Schedule—
  - Part 1 specifies the charges to which the Schedule applies,
  - Part 2 provides for charges applicable in Greater London, and
  - Part 3 provides for charges applicable outside Greater London.

### Commencement Information

**I11** S. 77 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), **art. 2(1)(2)(c)**

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*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 6. (See end of Document for details)*

**112** S. 77 in force at 23.7.2007 for E. by S.I. 2007/2053, **arts. 1(2), 2(1)(2)(d)**, (with **art. 4**) (as amended (17.3.2008) by S.I. 2008/757, art. 3)

### *Notification, adjudication and enforcement*

## **78 Notification of penalty charge**

- (1) The Lord Chancellor may make regulations for and in connection with the notification of penalty charges.
- (2) The regulations may provide for notification of a penalty charge to be given in respect of a stationary vehicle—
  - (a) by a notice affixed to the vehicle,
  - (b) by a notice given to a person appearing to be in charge of the vehicle, or
  - (c) in such other manner as may be specified by the regulations.
- (3) The regulations may provide for notification of a penalty charge otherwise than in respect of a stationary vehicle to be given in such manner as may be specified by the regulations.
- (4) The regulations may not confer power to stop vehicles.
- (5) The regulations may provide that, if it appears to the enforcement authority that both the operator of a vehicle and the person in control of the vehicle are liable to a penalty charge, they may give notice to the operator requiring him to provide them with the name and address of the person who was in control of the vehicle at the time of the alleged contravention.
- (6) The regulations may include provision creating criminal offences to be triable summarily and punishable with a fine not exceeding level 5 on the standard scale or such lower amount as may be specified.

### **Commencement Information**

**113** S. 78 in force at 26.10.2006 for W. by S.I. 2006/2826, **art. 2(1)(2)(c)**

**114** S. 78 in force at 23.7.2007 for E. by S.I. 2007/2053, **arts. 1(2), 2(1)(2)(e)** (with **art. 4**) (as amended (17.3.2008) by S.I. 2008/757, art. 3)

## **79 Immobilisation of vehicle where penalty charge payable**

- (1) The appropriate national authority may make provision by regulations for or in connection with—
  - (a) the fixing of an immobilisation device to a stationary vehicle found in any place where there is reason to believe the vehicle has been permitted to remain at rest there in circumstances in which a penalty charge has become payable, and
  - (b) the release of the vehicle from the device only on payment of—
    - (i) the penalty charge mentioned in paragraph (a),
    - (ii) such unpaid earlier penalty charges relating to the vehicle as may be specified in the regulations, and
    - (iii) the charge payable in respect of the release.

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- (2) The regulations may make provision authorising—
- (a) the fixing of an immobilisation device to the vehicle while it remains in the place where it was found, or
  - (b) the moving of the vehicle to another place and the fixing of an immobilisation device to it in that other place,
- and providing for any power of removal that was exercisable in relation to the vehicle before it was so moved to continue to be exercisable in relation to the vehicle while it remains in the place to which it was so moved.
- (3) The regulations may provide—
- (a) that on any occasion when an immobilisation device is fixed to a vehicle in accordance with the regulations, the person fixing the device shall also fix to the vehicle a notice—
    - (i) indicating that such a device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion unless it has been released from the device;
    - (ii) specifying the steps to be taken in order to secure its release; and
    - (iii) giving such other information as may be specified by the regulations; and
  - (b) that a notice fixed to a vehicle in accordance with the regulations shall not be removed or interfered with except by or under the authority of—
    - (i) the owner or person in charge of the vehicle, or
    - (ii) the enforcement authority,

and that a person contravening that prohibition commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) The regulations may also provide—
- (a) that a vehicle to which an immobilisation device has been fixed in accordance with the regulations may only be released from the device by or under the direction of a person authorised by the enforcement authority; and
  - (b) that a person who, without being authorised to do so in accordance with the regulations, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with the regulations commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) The regulations shall provide—
- (a) that an immobilisation device must not be fixed to a vehicle if a current disabled person's badge is displayed on the vehicle; and
  - (b) that if, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (a), the vehicle was not being used—
    - (i) in accordance with regulations under section 21 of the Chronically Sick and Disabled Persons Act 1970 (c. 44), and
    - (ii) in circumstances falling within section 117(1)(b) of the Road Traffic Regulation Act 1984 (c. 27) (use where a disabled person's concession would be available),

the person in charge of the vehicle commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[<sup>F2</sup>(5A) The regulations shall provide—

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- (a) that an immobilisation device must not be fixed to a vehicle if a current recognised badge is displayed on the vehicle; and
- (b) that if, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (a), the vehicle was not being used—
  - (i) in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970, and
  - (ii) in circumstances falling within section 117(1A)(b) of the Road Traffic Regulation Act 1984 (use where a disabled person's concession would be available by virtue of displaying a non-GB badge),the person in charge of the vehicle commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]
- (6) The regulations shall also provide that an immobilisation device must not be fixed to a vehicle in a parking place in respect of a contravention consisting of, or arising out of, a failure—
  - (a) to pay a parking charge with respect to the vehicle,
  - (b) properly to display a ticket or parking device, or
  - (c) to remove the vehicle from the parking space by the end of a period for which the appropriate charge was paid,until 15 minutes have elapsed since the giving of a notification of a penalty charge in respect of the contravention.
- (7) In this section—
  - “disabled person's badge“ has the same meaning as in section 142(1) of the Road Traffic Regulation Act 1984;
  - “parking device” means a parking device within the meaning of section 35(3B) or 51(4) of that Act; <sup>F3</sup>...
  - “parking place” means—
    - (a) a parking place designated by an order under section 45 of that Act, or
    - (b) an off-street parking place provided under section 32(1)(a) or 57(1)(b), or under a letting or arrangement made under section 33(4), of that Act;
  - [<sup>F4</sup>“recognised badge” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970.]

#### Textual Amendments

- F2** S. 79(5A) inserted (30.6.2005 for E., 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), s. 20(4), [Sch. 1 para. 48\(2\)](#); [S.I. 2005/1676](#), art. 3(b); [S.I. 2007/3285](#), art. 2(b)
- F3** Word in s. 79(7) repealed (30.6.2005 for E., 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), s. 20(3), [Sch. 2](#); [S.I. 2005/1676](#), art. 3(c); [S.I. 2007/3285](#), art. 2(c)
- F4** Words in s. 79(7) inserted (30.6.2005 for E., 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\)](#), s. 20(4), [Sch. 1 para. 48\(3\)](#); [S.I. 2005/1676](#), art. 3(b); [S.I. 2007/3285](#), art. 2(b)

#### Commencement Information

- I15** S. 79 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)
- I16** S. 79 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\)](#), [2\(1\)\(2\)\(e\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

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## 80 Representations and appeals

- (1) The Lord Chancellor may make provision by regulations entitling a person—
  - (a) who is or may be liable to pay a penalty charge, or
  - (b) who secures the release of a vehicle from an immobilisation device on payment of an amount in accordance with regulations under section 79,
 to make representations to the enforcement authority and to appeal to an adjudicator if his representations are not accepted.
- (2) The regulations may make such provision in connection with the rights conferred as appears to the Lord Chancellor to be appropriate, and may in particular make provision—
  - (a) requiring the authority to give a person notice of the rights conferred by the regulations,
  - (b) as to the grounds on which, and time within which, representations may be made,
  - (c) requiring supporting evidence in such circumstances as may be specified,
  - (d) as to the duties of the authority when representations are received,
  - (e) as to the circumstances in which there is a right of appeal to an adjudicator,
  - (f) generally as to the making, determination and effect of, and procedure in connection with, appeals, and
  - (g) enabling an adjudicator to review any decision made on, or in the course of, an appeal.
- (3) The regulations may provide that, as respects a ground on which representations may be made, the adjudicator's function on an appeal is to decide whether to direct the enforcement authority to consider or re-consider (as the case may be) any representations relating to that ground.
- (4) The regulations may include provision—
  - (a) authorising an adjudicator to require a person—
    - (i) to attend to give evidence at the hearing of an appeal, and
    - (ii) to produce any documents in his custody or under his control relating to any matter relevant for the purposes of the appeal, and
  - (b) making it a criminal offence triable summarily and punishable with a fine not exceeding level 2 on the standard scale to fail to comply with such a requirement.
- (5) The regulations may provide that a person who makes a representation that is false in a material particular, and does so recklessly or knowing it to be false, commits an offence triable summarily and punishable with a fine not exceeding level 5 on the standard scale.
- (6) The regulations may include provision authorising an adjudicator to make an order for the payment of costs and expenses by a party to an appeal in such circumstances as may be specified.

### Commencement Information

**I17** S. 80 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)

**I18** S. 80 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(e\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)



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## 81 Adjudicators

- (1) The Lord Chancellor may make provision by regulations for and in connection with the appointment of adjudicators for the purposes of this Part.
- (2) The following provisions apply in relation to the office of adjudicator—
  - (a) to be qualified for appointment as an adjudicator, a person must [<sup>F5</sup>satisfy the judicial-appointment eligibility condition on a 5-year basis;]
  - (b) an adjudicator is appointed for a term, not exceeding five years, specified in his instrument of appointment;
  - (c) on the expiry of a term of appointment an adjudicator is eligible for re-appointment;
  - (d) an adjudicator may be removed from office only for misconduct or on the ground that he is unable or unfit to discharge his functions, but otherwise holds and vacates office in accordance with the terms of his appointment.
- (3) The regulations shall provide—
  - (a) for adjudicators to be appointed by the relevant enforcement authorities on such terms as those authorities may decide, and
  - [<sup>F6</sup>(b) for the consent of the Lord Chancellor to be required for any decision by those authorities to appoint a person as an adjudicator;
  - (c) for the consent of the Lord Chancellor and the Lord Chief Justice to be required for any decision by those authorities—
    - (i) not to re-appoint a person as an adjudicator, or
    - (ii) to remove a person from his office as an adjudicator.]
- [<sup>F7</sup>(3A) The regulations may provide for the Lord Chief Justice to nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise any of his functions under the regulations.]
- (4) The relevant enforcement authorities shall—
  - (a) provide, or make arrangements for the provision of, accommodation and administrative staff and facilities for adjudicators, and
  - (b) determine the places where adjudicators are to sit,and shall defray all the expenses of the adjudication process and, in particular, expenses in relation to the remuneration of adjudicators.
- (5) The regulations shall provide—
  - (a) for each adjudicator to make an annual report to the relevant enforcement authorities in accordance with such requirements as may be imposed by those authorities, and
  - (b) for those authorities to make and publish an annual report to the appropriate national authority on the discharge by the adjudicators of their functions.
- (6) In this section “the relevant enforcement authorities” means the authorities who are enforcement authorities for the purposes of this Part in relation to road traffic contraventions (of any description).
- (7) The regulations may provide for the functions of the relevant enforcement authorities under this section—
  - (a) to be discharged separately for Greater London, England (outside Greater London) and Wales;

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- (b) to be discharged by means of arrangements under section 101 of the Local Government Act 1972 (c. 70) (arrangements for discharge of functions by local authorities) or in such other way as the regulations may provide.
- (8) The regulations may make provision—
- (a) for treating adjudicators appointed before the commencement of this Part under section 73 of the Road Traffic Act 1991 (c. 40), or under regulations made under section 144 of the Transport Act 2000 (c. 38), as if they had been appointed under this section;
- (b) for continuing in force for the purposes of this section any arrangements in force immediately before the commencement of this Part for the discharge of functions corresponding to the functions of relevant enforcement authorities under this section.
- (9) The expenses of the relevant enforcement authorities under this section shall be defrayed by them in such proportions—
- (a) as they may decide, or
- (b) in default of a decision by them, as may be determined in accordance with regulations made—
- (i) by the Secretary of State, or
- (ii) if the functions of those authorities are discharged separately for Wales, by the appropriate national authority.
- (10) Regulations under subsection (9)(b) may, in particular, provide—
- (a) for the matter to be determined by an arbitrator appointed by a body specified in the regulations, and
- (b) for the giving of directions by the Secretary of State or, as the case may be, the appropriate national authority in order to secure that the matter is referred to arbitration.

#### Textual Amendments

- F5** Words in s. 81(2)(a) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 39](#); S.I. 2008/1653, art. 2(d) (with arts. 34)
- F6** S. 81(3)(b)(c) substituted for s. 81(3)(b) (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), art. 1, [Sch. 1 para. 19](#)
- F7** S. 81(3A) inserted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), art. 1, [Sch. 1 para. 20](#)

#### Commencement Information

- I19** S. 81 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)
- I20** S. 81 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\)](#), [2\(1\)\(2\)\(e\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

## 82 Enforcement of penalty charges

- (1) The Lord Chancellor may make regulations for or in connection with the enforcement of penalty charges.
- (2) The regulations may include provision—

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- (a) creating criminal offences to be triable summarily and punishable with a fine not exceeding level 5 on the standard scale or such lower amount as may be specified;
- (b) for amounts payable under or by virtue of any provision of this Part to be recoverable, if a county court so orders, as if they were payable under a county court order.

An amount to which paragraph (b) applies that is so recoverable is referred to below as a “traffic contravention debt”.

- (3) The Lord Chancellor may by order make provision—
  - (a) for warrants of execution in respect of traffic contravention debts, or such class or classes of traffic contravention debts as may be specified in the order, to be executed by certificated bailiffs;
  - (b) as to the requirements that must be satisfied before a person takes any other step of a kind specified in the order, with a view to enforcing the payment of—
    - (i) a traffic contravention debt, or
    - (ii) such class or classes of traffic contravention debts as may be so specified.
- (4) Any such order may make such incidental and supplementary provision (including modifications of any enactment other than this Act) as the Lord Chancellor considers appropriate in consequence of the provision made by the order.
- (5) Any order in force immediately before the commencement of this Part under section 78(2) of the Road Traffic Act 1991 (c. 40) shall have effect after that commencement as if made under the corresponding provisions of this section and shall apply in relation to the enforcement of any traffic contravention debt.

#### **Modifications etc. (not altering text)**

- C1** S. 82 modified (temp.) by 2003 c. iii Sch. 1 para. 6(3) (as modified by SI 2007/2053 art. 8(4)(a), as added) (17.3.2008) by [Traffic Management Act 2004 \(Commencement No.5 and Transitional Provisions\) \(England\) \(Amendment\) Order 2008 \(S.I. 2008/757\)](#), **art. 5**
- C2** S. 82 modified (temp.) by 1996 c. ix Sch. 1 para. 9(3) (as modified by SI 2007/2053 art. 5(5), as added) (17.3.2008) by [Traffic Management Act 2004 \(Commencement No.5 and Transitional Provisions\) \(England\) \(Amendment\) Order 2008 \(S.I. 2008/757\)](#), **art. 5**

#### **Commencement Information**

- I21** S. 82 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), **art. 2(1)(2)(c)**
- I22** S. 82 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1)(2)(e)** (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

## **83 Certified bailiffs**

- (1) For the purposes of section 82 (enforcement of penalty charges) a person is a certificated bailiff if he is authorised to act as such by a certificate signed—
  - (a) by a judge assigned to a county court district, or
  - (b) in such circumstances as may be specified in regulations made by the Lord Chancellor, by a district judge.

*Status: Point in time view as at 26/01/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 6. (See end of Document for details)*

- (2) The Lord Chancellor may by regulations make provision in connection with the certification of bailiffs under this section and the execution of warrants of execution by such bailiffs.
- (3) The regulations may, in particular, make provision—
- (a) as to the security (if any) to be required from certificated bailiffs,
  - (b) as to the fees and expenses payable with respect to execution by certificated bailiffs, and
  - (c) for the suspension or cancellation of certificates issued under this section and with respect to the effect of any such suspension or cancellation.
- (4) Any regulations in force immediately before the commencement of this Part under section 78(4) to (6) of the Road Traffic Act 1991 shall have effect after that commencement as if made under the corresponding provisions of this section and anything done by or in relation to any person under such regulations shall be treated, so far as may be necessary for continuing their effect, as if done under regulations made under this section.
- (5) A person who is not a certificated bailiff but who purports to levy a distress as such a bailiff, and any person authorising him to levy it, shall be deemed to have committed a trespass.

#### Modifications etc. (not altering text)

- C3** S. 83 modified (temp.) by 1996 c. ix Sch. 1 para. 9(3) (as modified by SI 2007/2053 art. 5(5), as added) (17.3.2008) by [Traffic Management Act 2004 \(Commencement No.5 and Transitional Provisions\) \(England\) \(Amendment\) Order 2008 \(S.I. 2008/757\)](#), **art. 5**
- C4** S. 83 modified (temp.) by 2003 c. iii Sch. 1 para. 6(3) (as modified by SI 2007/2053 art. 8(4)(a), as added) (17.3.2008) by [Traffic Management Act 2004 \(Commencement No.5 and Transitional Provisions\) \(England\) \(Amendment\) Order 2008 \(S.I. 2008/757\)](#), **art. 5**

#### Commencement Information

- I23** S. 83 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), **art. 2(1)(2)(c)**
- I24** S. 83 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1)(2)(e)** (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

### *Additional contraventions in special enforcement areas*

## 84 Designation of special enforcement areas

Schedule 10 provides for the designation of areas (“special enforcement areas”) where the following sections apply—

- section 85 (prohibition of double parking etc.);
- section 86 (prohibition of parking at dropped footways etc.).

#### Commencement Information

- I25** S. 84 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), **art. 2(1)(2)(c)**
- I26** S. 84 in force at 31.3.2008 for E. by [S.I. 2007/2053](#), **arts. 1(2), 3(1)(2)(c)** (with [arts. 5-8](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3, 5)

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*Status: Point in time view as at 26/01/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 6. (See end of Document for details)*

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## **85 Prohibition of double parking etc.**

- (1) In a special enforcement area a vehicle must not be parked on the carriageway in such a way that no part of the vehicle is within 50 centimetres of the edge of the carriageway.

This is subject to the following exceptions.

- (2) The first exception is where the vehicle is parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised.

A “designated parking place” means a parking place designated by order under section 6, 9, 32(1)(b) or 45 of the Road Traffic Regulation Act 1984 (c. 27).

- (3) The second exception is where the vehicle is being used for fire brigade, ambulance or police purposes.

- (4) The third exception is where—

- (a) the vehicle is being used for the purposes of delivering goods to, or collecting goods from, any premises, or is being loaded from or unloaded to any premises,
- (b) the delivery, collection, loading or unloading cannot reasonably be carried out in relation to those premises without the vehicle being parked as mentioned in subsection (1), and
- (c) the vehicle is so parked for no longer than is necessary and for no more than 20 minutes.

- (5) The fourth exception is where—

- (a) the vehicle is being used in connection with any of the following—
  - (i) undertaking any building operation, demolition or excavation,
  - (ii) the collection of waste by a local authority,
  - (iii) removing an obstruction to traffic,
  - (iv) undertaking works in relation to a road, a traffic sign or road lighting, or
  - (v) undertaking works in relation to a sewer or water main or in relation to the supply of gas, electricity, water or communications services,
- (b) it cannot be so used without being parked as mentioned in subsection (1), and
- (c) it is so parked for no longer than is necessary.

- (6) In this section “carriageway” has the meaning given by section 329(1) of the Highways Act 1980 (c. 66).

- (7) References in this section to parking include waiting, but do not include stopping where—

- (a) the driver is prevented from proceeding by circumstances beyond his control or it is necessary for him to stop to avoid an accident, or
- (b) the vehicle is stopped, for no longer than is necessary, for the purpose of allowing people to board or alight from it.

- (8) The prohibition in this section is enforceable as if imposed—

- (a) in Greater London, by an order under section 6 of the Road Traffic Regulation Act 1984;
- (b) elsewhere in England and Wales, by an order under section 1 of that Act.

[<sup>F8</sup>(9) In this section “local authority” includes a non-metropolitan district council.]

*Status: Point in time view as at 26/01/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 6. (See end of Document for details)*

### Textual Amendments

**F8** S. 85(9) inserted (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), ss. **127(3)**, 134(2)

### Commencement Information

**I27** S. 85 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), art. **2(1)(2)(c)**

**I28** S. 85 in force at 31.3.2008 for E. by [S.I. 2007/2053](#), arts. **1(2)**, 3(1)(2)(c) (with arts. 5-8) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3, 5)

## 86 Prohibition of parking at dropped footways etc.

- (1) In a special enforcement area a vehicle must not be parked on the carriageway adjacent to a footway, cycle track or verge where—
- (a) the footway, cycle track or verge has been lowered to meet the level of the carriageway for the purpose of—
    - (i) assisting pedestrians crossing the carriageway,
    - (ii) assisting cyclists entering or leaving the carriageway, or
    - (iii) assisting vehicles entering or leaving the carriageway across the footway, cycle track or verge; or
  - (b) the carriageway has, for a purpose within paragraph (a)(i) to (iii), been raised to meet the level of the footway, cycle track or verge.

This is subject to the following exceptions.

- (2) The first exception is where the vehicle is parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised.

A “designated parking place” means a parking place designated by order under section 6, 9, 32(1)(b) or 45 of the Road Traffic Regulation Act 1984 (c. 27).

- (3) The second exception is where the vehicle is parked outside residential premises by or with the consent (but not consent given for reward) of the occupier of the premises.

This exception does not apply in the case of a shared driveway.

- (4) The third exception is where the vehicle is being used for fire brigade, ambulance or police purposes.

- (5) The fourth exception is where—

- (a) the vehicle is being used for the purposes of delivering goods to, or collecting goods from, any premises, or is being loaded from or unloaded to any premises,
- (b) the delivery, collection, loading or unloading cannot reasonably be carried out in relation to those premises without the vehicle being parked as mentioned in subsection (1), and
- (c) the vehicle is so parked for no longer than is necessary and for no more than 20 minutes.

- (6) The fifth exception is where—

- (a) the vehicle is being used in connection with any of the following—
  - (i) undertaking any building operation, demolition or excavation,
  - (ii) the collection of waste by a local authority,

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*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 6. (See end of Document for details)*

- (iii) removing an obstruction to traffic,
  - (iv) undertaking works in relation to a road, a traffic sign or road lighting,  
or
  - (v) undertaking works in relation to a sewer or water main or in relation to the supply of gas, electricity, water or communications services,
  - (b) it cannot be so used without being parked as mentioned in subsection (1), and
  - (c) it is so parked for no longer than is necessary.
- (7) In this section “carriageway”, “cycle track” and “footway” have the meanings given by section 329(1) of the Highways Act 1980 (c. 66).
- (8) References in this section to parking include waiting, but do not include stopping where—
- (a) the driver is prevented from proceeding by circumstances beyond his control or it is necessary for him to stop to avoid an accident, or
  - (b) the vehicle is stopped, for no longer than is necessary, for the purpose of allowing people to board or alight from it.
- (9) The prohibition in this section is enforceable as if imposed—
- (a) in Greater London, by an order under section 6 of the Road Traffic Regulation Act 1984 (c. 27),
  - (b) elsewhere in England and Wales, by an order under section 1 of that Act.
- [<sup>F9</sup>(10) In this section “local authority” includes a non-metropolitan district council.]

#### Textual Amendments

**F9** S. 86(10) inserted (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 127(4)**, 134(2)

#### Commencement Information

**I29** S. 86 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), **art. 2(1)(2)(c)**

**I30** S. 86 in force at 31.3.2008 for E. by [S.I. 2007/2053](#), **arts. 1(2)**, 3(1)(2)(c) (with **arts. 5-8**) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3, 5)

### Supplementary

#### 87 Guidance to local authorities

- (1) The appropriate national authority may publish guidance to local authorities about any matter relating to their functions in connection with the civil enforcement of traffic contraventions.
- (2) In exercising those functions a local authority must have regard to any such guidance.
- [<sup>F10</sup>(3) In this section “local authority” includes a non-metropolitan district council.]

#### Textual Amendments

**F10** S. 87(3) inserted (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 127(5)**, 134(2)

*Status: Point in time view as at 26/01/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 6. (See end of Document for details)*

#### Commencement Information

- I31** S. 87 in force at 26.10.2006 for W. by S.I. 2006/2826, art. 2(1)(2)(c)  
**I32** S. 87 in force at 23.7.2007 for E. by S.I. 2007/2053, arts. 1(2), 2(1)(2)(f) (with art. 4) (as amended (17.3.2008) by S.I. 2008/757, art. 3)

## 88 Financial provisions

- (1) The appropriate national authority may make provision by regulations—
  - (a) requiring the keeping of accounts, and the preparation and publication of statements of account, of the income and expenditure of enforcement authorities in connection with their functions under this Part, and
  - (b) as to the purposes for which any surpluses may be applied.
- (2) The regulations may provide—
  - (a) for separate accounts to be kept in respect of an authority's functions in relation to different descriptions of contravention, and
  - (b) for accounts to be kept in respect of an authority's income and expenditure in respect of functions under this Part and such other functions as may be specified in the regulations.
- (3) The regulations may provide that section 55 of the Road Traffic Regulation Act 1984 (financial provisions relating to income and expenditure from parking places) applies in relation to income and expenditure of enforcement authorities in connection with their functions under this Part of this Act in relation to parking contraventions, subject to such modifications as may be specified in the regulations.
- (4) The regulations may provide for carrying forward a surplus arising before the commencement of this Part on an account kept under—
  - (a) section 55 of the Road Traffic Regulation Act 1984 as modified by an order under Schedule 3 to the Road Traffic Act 1991 (c. 40) (parking contraventions),
  - (b) regulations under section 144 of the Transport Act 2000 (c. 38) (bus lane contraventions), or
  - (c) Schedule 2 to the London Local Authorities and Transport for London Act 2003 (c. iii) (London lorry ban contraventions or moving traffic contraventions).

#### Commencement Information

- I33** S. 88 in force at 26.10.2006 for W. by S.I. 2006/2826, art. 2(1)(2)(c)  
**I34** S. 88 in force at 23.7.2007 for E. by S.I. 2007/2053, arts. 1(2), 2(1)(2)(f) (with art. 4) (as amended (17.3.2008) by S.I. 2008/757, art. 3)

## 89 Regulations and orders

- (1) Regulations and orders under this Part may make provision for Greater London different from that made for the rest of England.
- (2) Regulations and orders under this Part made by the Lord Chancellor may make provision for Wales different from that made for England.



*Status: Point in time view as at 26/01/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 6. (See end of Document for details)*

- (3) Regulations and orders under this Part may contain incidental, consequential or transitional provision or savings.
- (4) Regulations and orders under this Part made by a Minister of the Crown or by the National Assembly for Wales shall be made by statutory instrument.
- (5) Regulations under section 80 may not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament.
- (6) Subject to that, a statutory instrument containing regulations or an order under this Part made by a Minister of the Crown is subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Commencement Information**

**I35** S. 89 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)

**I36** S. 89 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(f\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

## **90 Application to Crown and visiting forces**

- (1) This Part does not apply in relation to a vehicle that—
  - (a) at the relevant time is used or appropriated for use for naval, military or airforce purposes, or
  - (b) belongs to any visiting forces (within the meaning of the Visiting Forces Act 1952 (c. 67)) or is at the relevant time used or appropriated for use by any such forces.
- (2) The provisions of this Part apply to—
  - (a) vehicles in the public service of the Crown that are required to be registered under the Vehicle Excise and Registration Act 1994 (c. 22) (other than those exempted by subsection (1)(a) above), and
  - (b) persons in the public service of the Crown.
- (3) This Part does not apply in relation to Crown roads within the meaning of section 131 of the Road Traffic Regulation Act 1984 (c. 27) (application of road traffic enactments to Crown roads) unless applied by order under that section.

#### **Commencement Information**

**I37** S. 90 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)

**I38** S. 90 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(f\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

## **91 Consequential amendments**

Schedule 11 provides for amendments consequential on the provisions of this Part.

#### **Commencement Information**

**I39** S. 91 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)

*Status: Point in time view as at 26/01/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 6. (See end of Document for details)*

- I40** S. 91 in force at 23.7.2007 for specified purposes for E. by S.I. 2007/2053, arts. 1(2), 2(1)(2)(g) (with art. 4) (as amended (17.3.2008) by S.I. 2008/757, art. 3)
- I41** S. 91 in force at 31.3.2008 for specified purposes for E. by S.I. 2007/2053, arts. 1(2), 3(1)(2)(d) (with arts. 5-8) (as amended (17.3.2008) by S.I. 2008/757, arts. 3, 5)

## 92 Minor definitions

(1) In this Part—

“appropriate national authority” means—

- (a) as regards England, the Secretary of State, and
- (b) as regards Wales, the National Assembly for Wales;

“approved device” means a device of a description specified in an order made by the appropriate national authority;

“fixed penalty notice” has the meaning given by section 52(1) of the Road Traffic Offenders Act 1988 (c. 53);

“GLA road” means—

- (a) a GLA road within the meaning of the Highways Act 1980 (c. 66) (see sections 329(1) and 14D(1) of that Act), or
- (b) a GLA side road within the meaning of the Road Traffic Regulation Act 1984 (c. 27) (see sections 124A(9) and 142(1) of that Act);

“immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984;

“local authority” means—

- (a) as regards England, a county council, a London authority, a metropolitan district council or the Council of the Isles of Scilly,
- (b) as regards Wales, a county or county borough council;

“London authority” means a London local authority or Transport for London;

“London local authority” means a London borough council or the Common Council of the City of London;

“operator”, in relation to a vehicle, means a person who holds an operator’s licence in respect of the vehicle under section 2 of the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23);

“owner”, in relation to a vehicle, means the person by whom the vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 (c. 22) is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered;

“penalty charge” means a penalty charge imposed under this Part;

“road” has the same meaning as in the Road Traffic Regulation Act 1984;

“subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30) (see section 21(1) of that Act);

“traffic sign” has the meaning given by section 64 of the Road Traffic Regulation Act 1984.

(2) Any reference in this Part to contravention of an order, or of provision made by or under an order, includes a failure to comply with the order or provision.

*Status: Point in time view as at 26/01/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Part 6. (See end of Document for details)*

#### Commencement Information

- I42** S. 92 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)  
**I43** S. 92 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(h\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3)

### 93 Index of defined expressions

In this Part the expressions listed below are defined or otherwise explained by the provisions indicated—

appropriate national authority	section 92
approved device	section 92
bus lane contravention	Part 2 of Schedule 7
civil enforcement area	Schedule 8
civil enforcement officer	Section 76
enforcement authority	Schedule 8
fixed penalty notice	section 92
GLA road	section 92
immobilisation device	section 92
local authority	section 92
London local authority	section 92
London lorry ban contravention	Part 3 of Schedule 7
moving traffic contravention	Part 4 of Schedule 7
operator	section 92
owner	section 92
parking contravention	Part 1 of Schedule 7
penalty charge	section 92
road	section 92
road traffic contravention	Schedule 7
special enforcement area	Schedule 10
subordinate legislation	section 92
traffic sign	section 92

#### Commencement Information

- I44** S. 93 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)  
**I45** S. 93 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(h\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

**Status:**

Point in time view as at 26/01/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Traffic Management Act 2004, Part 6.