



# Traffic Management Act 2004

## 2004 CHAPTER 18

### PART 6

#### CIVIL ENFORCEMENT OF TRAFFIC CONTRAVENTIONS

##### *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>F1</sup>(3) In this section “ local authority ” includes a non-metropolitan district council. ]

#### **Annotations:**

##### **Amendments (Textual)**

**F1** S. 87(3) inserted (26.1.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 127(5)**, 134(2)

##### **Commencement Information**

**I1** S. 87 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), **art. 2(1)(2)(c)**

**I2** 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)

#### **[<sup>F2</sup>87A Power to prohibit use of devices etc: parking contraventions in England**

- (1) The Secretary of State may by regulations make provision to prohibit the use by civil enforcement officers of a device of a description specified in the regulations, or of records produced by such a device, in connection with the enforcement of parking contraventions on a road in a civil enforcement area in England.

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

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- (2) The prohibition may be—
  - (a) general, or
  - (b) limited to particular uses specified in the regulations.
- (3) The regulations may provide that a general or limited prohibition does not apply in circumstances specified in the regulations (which may be framed by reference to the type of contravention, the circumstances in which a contravention occurs or in any other way).
- (4) Regulations under this section may amend this Part or any provision made under it.]

**Annotations:**

**Amendments (Textual)**

- F2** [S. 87A](#) inserted (26.3.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), [ss. 53\(3\)](#), [115\(2\)\(b\)](#); [S.I. 2015/994](#), [art. 2\(b\)](#)

**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).

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

**Annotations:**

**Commencement Information**

- I3** S. 88 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)  
**I4** 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.
- (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.

**Annotations:**

**Commencement Information**

- I5** S. 89 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)  
**I6** 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.

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- (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.

**Annotations:**

**Commencement Information**

- I7** S. 90 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)  
**I8** 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.

**Annotations:**

**Commencement Information**

- I9** S. 91 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)  
**I10** 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)  
**I11** 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;

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“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.

**Annotations:**

**Commencement Information**

**I12** S. 92 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(c\)](#)

**I13** 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—

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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

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

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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

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**Annotations:**

**Commencement Information**

- I14** S. 93 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), **art. 2(1)(2)(c)**
- I15** 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)

**Changes to legislation:**

There are currently no known outstanding effects for the Traffic Management Act 2004, Cross  
Heading: Supplementary.