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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force, as respects England, further provisions of Part 4 (street works) of the Traffic Management Act 2004 (“the 2004 Act”) relating to the New Roads and Street Works Act 1991 (“the 1991 Act”) and makes related transitional provisions.

*Article 2 and the Schedule* bring the following provisions into force on 29th June 2007 for the sole purpose of enabling the Secretary of State to make orders or regulations—

- (a) section 41(1) and (3) and Schedule 3 (fixed penalty offences);
- (b) section 42 (duty of street authority to co-ordinate works);
- (c) section 44 (directions as to placing of apparatus);
- (d) section 49 (notices of street works);
- (e) section 51(1), (2), (3), (5), (7), (8) and (9) (restriction on works following substantial road works);
- (f) section 52(1), (2), (4) and (5) and Schedule 4 (restriction on works following substantial street works); and
- (g) section 54 (duty to notify street authority of reinstatement).

Section 44 is also brought into force on 29th June 2007 to enable the Secretary of State to issue or approve, under section 56A(8) of the 1991 Act, a code of practice for the purposes of section 56A of that Act (power to give directions as to placing of apparatus). Sections 51(4) (restriction on works following substantial road works) and 96 (Wales) are brought into force on 29th June 2007 for all purposes.

Sections 40(3) (increase in penalties for summary offences under the 1991 Act), 44, 49, 51(1), (2), (3), (5), (7), (8) and (9), 52(1), (2), (4) and (5) and Schedule 4, and 54 are brought into force on 1st April 2008 in so far as not already in force and sections 43(3) (directions relating to timing of street works), 51(6), and 52(3), (6) and (7) are brought into force on that date for all purposes.

Section 41(1), (2) and (3) and Schedules 2 and 3 are brought into force on 12th May 2008 in so far as not already in force.

*Article 3* ensures that when the new fixed penalty notice scheme for certain street works offences under Part 3 of the 1991 Act comes into force on 12th May 2008, that scheme will not apply in relation to offences committed before that date.

*Article 4* provides that the new powers to give directions under sections 56(1A) (power to give directions as to timing of street works) and 56A (power to give directions as to placing of apparatus) of the 1991 Act do not apply where notice of proposed works has been given under section 54(1) (advance notice of certain works) or 55(1) (notice of starting date of works) of that Act before 1st April 2008.

*Article 5* contains transitional provisions relating to the giving of notice in respect of street works.

*Article 6* ensures that the amendments to section 58 of the 1991 Act (restriction on works following substantial road works) do not apply where notice of a restriction has been given under section 58(1) of that Act before 1st April 2008.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

*Article 7* provides that the new power inserted into the 1991 Act by section 52 of the 2004 Act, for a street authority to impose a restriction on street works following substantial street works, only applies where notice of the latter was received by the authority on or after 1st April 2008.

*Article 8* provides that the amendments to section 70 of the 1991 Act (duty of undertaker to reinstate) do not apply in relation to street works in respect of which notice has been given under section 54(1), 55(1) or 57 (notice of emergency works) of that Act before 1st April 2008.