

*This Statutory Instrument has been made in consequence of a defect in S.I. 2008/757 (C.35) and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2011 No. 2938**

**ROAD TRAFFIC, ENGLAND**

**The Traffic Management Act 2004 (Commencement No. 5 and Transitional Provisions) (England) (Amendment) Order 2011**

*Made - - - - 6th December 2011*

The Secretary of State for Transport makes this order in exercise of the powers conferred by section 99(4) of the Traffic Management Act 2004<sup>(1)</sup>.

**Citation**

1. This order may be cited as the Traffic Management Act 2004 (Commencement No. 5 and Transitional Provisions) (England) (Amendment) Order 2011.

**Amendment**

2. In article 8(2) of the Traffic Management Act 2004 (Commencement No. 5 and Transitional Provisions) (England) Order 2007<sup>(2)</sup>, for subparagraph (b), substitute—

“(b) in subsection (12), for the words from “sections 74” to the end there is substituted “Part 2 of Schedule 9 to the Traffic Management Act 2004 (c.18) shall apply in relation to the levels of penalty charges under this section as it applies in relation to the levels of penalty charges under that Part of that Schedule”.”

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<sup>(1)</sup> 2004 c.18.

<sup>(2)</sup> S.I. 2007/2053 (C.78), amended by S.I. 2008/757 (C.35). See also correction slip ISBN 978-0-11-077927-0 which corrects S.I. 2007/2053 (C.78).

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**Status:** This is the original version (as it was originally made).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

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Signed by authority of the Secretary of State

6th December 2011

*Norman Baker*  
Parliamentary Under Secretary of State  
Department for Transport

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## EXPLANATORY NOTE

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

This order amends the Traffic Management Act 2004 (Commencement No. 5 and Transitional Provisions) (England) Order 2007 ([S.I. 2007/2053 \(C.78\)](#)) as amended by [S.I. 2008/757 \(C.35\)](#).

The order corrects a drafting error in the transitional modification made by article 8(2)(b) to section 4(12) of the London Local Authorities and Transport for London Act 2003 (c. iii). The drafting error was in article 5 of [S.I. 2008/757 \(C.35\)](#) which inserted article 8 into [S.I. 2007/2053 \(C.78\)](#). The transitional modification relates to the procedure for setting levels of penalty charges for traffic contraventions enforced under that Act, having the effect of applying the procedure, laid out in Part 2 of Schedule 9 to the Traffic Management Act 2004 ([c.18](#)), to the setting of penalty charge levels under the London Local Authorities and Transport for London Act 2003 (c. iii).

An impact assessment has not been produced for this instrument as there is no anticipated impact on the private or voluntary sectors and costs to the public sector are estimated at less than £5 million. An Explanatory Memorandum is available alongside the instrument on the OPSI website. The OPSI website address is:

[www.legislation.gov.uk](http://www.legislation.gov.uk)