Traffic Calming Act 1992

1992 CHAPTER 30

An Act to make provision about the carrying out on highways of works affecting the movement of vehicular and other traffic for the purposes of promoting safety and of preserving or improving the environment; and for connected purposes. [16th March 1992]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Commencement Information

I1 Act wholly in force at 16.5.1992 see s. 3

1 Amendment of Highways Act 1980.

(1) In section 62 of the [M1]Highways Act 1980 (general power of improvement) in subsection (3) (description of works for which specific powers are given and to which the general power does not apply) after paragraph (ff) there shall be inserted—

"(fg) the construction and removal of such traffic calming works as may be specially authorised by the Secretary of State under section 90G below or prescribed by regulations made by him under section 90H below;".

(2) After section 90F of that Act there shall be inserted the provisions set out in Schedule 1 to this Act.

(3) In section 329 of that Act (interpretation) after the definition of "traffic" there shall be inserted—

""traffic calming works", in relation to a highway, means works affecting the movement of vehicular and other traffic for the purpose of promoting

safety or preserving or improving the environment through which the highway runs".

Marginal Citations

M1 1980 c. 66.

2 Amendment of Roads (Scotland) Act 1984.

(1) After section 39 of the [M2]Roads (Scotland) Act 1984 (status of road humps) there shall be inserted the provisions set out in Schedule 2 to this Act.

(2) In section 40 of that Act (interpretation)—

(a) for the words "39" there shall be inserted the words " 39C ";

(b) the word "and", where it occurs immediately after the definition of "road hump", shall cease to have effect; and

(c) at the end there shall be added the words—

"; and

"traffic calming works", in relation to a road, means works affecting the movement of vehicular and other traffic for the purpose of promoting safety or preserving or improving the environment through which the road runs."

Marginal Citations

M2 1984 c. 54.

3 Commencement.

This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.

4 Extent.

This Act does not extend to Northern Ireland.

5 Short title.

This Act may be cited as the Traffic Calming Act 1992.

SCHEDULES

SCHEDULE 1

Section 1.

PROVISIONS TO BE INSERTED IN HIGHWAYS ACT 1980

" Other traffic calming works

Powers to carry out traffic calming works.

90G (1) A highway authority may, in a highway maintainable at the public expense for which they are the highway authority, construct traffic calming works which—

(a) are of a description prescribed by regulations under section 90H below, or

(b) are specially authorised by the Secretary of State,

and may remove such works (whenever constructed).

(2) A highway authority shall not exercise the powers conferred by subsection (1) above except in accordance with any requirements imposed by the regulations or authorisation concerned.

(3) Requirements imposed by a special authorisation given by the Secretary of State under this section may relate to any matter with respect to which regulations may be made under section 90H below.

(4) Nothing in this section shall prejudice any power of a highway authority to construct or remove traffic calming works which are neither of a description prescribed by regulations under section 90H below nor specially authorised by the Secretary of State.

Prescribing of works.

90H (1) The Secretary of State may make regulations—

(a) prescribing any description of traffic calming works for the purposes of section 90G above, and

(b) making such provision (if any) as appears to him necessary or expedient in relation to the construction, maintenance and removal of works of a prescribed description.

(2) Regulations under this section may in particular—

(a) provide that works of a prescribed description shall be constructed only in highways of such descriptions and in such circumstances as may be prescribed by the regulations;

(b) impose requirements as to—

(i) the dimensions and location of works;

(ii) the placing of signs;

(iii) the carrying out and maintenance of ancillary or consequential works;

(c) impose requirements as to consultation and publicity in respect of proposed works.

(3) Regulations under this section may make different provision for different cases.

Status of works authorised by section 90G.

90I Works (whenever constructed) of a description prescribed by regulations under section 90H above or specially authorised under section 90G above which conform to any requirements imposed by the regulations or authorisation shall not be treated as constituting an obstruction to the highway but as part of the highway, so that in particular—

(a) the obligation of any person to maintain the highway, and

(b) the obligation of any person having power to break open the highway to make good any damage or otherwise reinstate the highway,

extend to maintaining or, as the case may be, making good any damage to or otherwise reinstating the works."

SCHEDULE 2

Section 2.

PROVISIONS TO BE INSERTED IN ROADS (SCOTLAND) ACT 1984

" Other traffic calming works

Powers to carry out traffic calming works.

39A (1) A roads authority may, in a road maintainable by them, construct traffic calming works which—

(a) are of a description prescribed by regulations under section 39B of this Act, or

(b) are authorised,

and may remove such works (whenever constructed).

(2) A roads authority shall not exercise the powers conferred by subsection (1) above except in accordance with any requirements imposed by the regulations or authorisation concerned.

(3) Requirements imposed by an authorisation given under this section may relate to any matter with respect to which regulations may be made under section 39B of this Act.

(4) Nothing in this section shall prejudice any power of a roads authority to construct or remove traffic calming works which are neither of a description prescribed by regulations under section 39B of this Act nor authorised.

Prescribing of works.

39B (1) The Secretary of State may make regulations—

(a) prescribing any description of traffic calming works for the purposes of section 39A of this Act, and

(b) making such provision (if any) as appears to him necessary or expedient in relation to the construction, maintenance and removal of works of a prescribed description.

(2) Regulations under this section may in particular—

(a) provide that works of a prescribed description shall be constructed only in roads of such descriptions and in such circumstances as may be prescribed by the regulations;

(b) impose requirements as to—

(i) the dimensions and location of works;

(ii) the placing of signs;

(iii) the carrying out and maintenance of ancillary or consequential works;

(c) impose requirements as to consultation and publicity in respect of proposed works.Status of works authorised by section 39A.

39C Works (whenever constructed) of a description prescribed by regulations under section 39B, or authorised under section 39A, of this Act, which conform to any requirements imposed by the regulations or authorisation shall not be treated as constituting an obstruction to the road but as part of the road, so that in particular—

(a) the obligation of any person to maintain the road, and

(b) the obligation of any person having power to break open the road to make good any damage or otherwise reinstate the road,

extend to maintaining or, as the case may be, making good any damage to or otherwise reinstating the works.

Interpretation: Road humps and other traffic calming works.”

Changes to legislation:
There are currently no known outstanding effects for the Traffic Calming Act 1992.