



# Traffic Management Act 2004

## 2004 CHAPTER 18

### PART 1

#### TRAFFIC OFFICERS

##### *Jurisdiction and powers of traffic officers*

### 3 Jurisdiction of traffic officers

- (1) A traffic officer has jurisdiction—
- (a) over any relevant road in England (if he was designated by, or under an authorisation given by, the Secretary of State); or
  - (b) over any relevant road in Wales (if he was designated by, or under an authorisation given by, the Assembly),
- unless his designation provides that this subsection does not apply to him.
- (2) If subsection (1) does not apply to a traffic officer, he has jurisdiction only over such relevant roads, or relevant roads of such descriptions, as may be specified in his designation.

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#### Commencement Information

- I1** S. 3 in force at 4.10.2004 for E. by [S.I. 2004/2380](#), [art. 2\(a\)](#)  
**I2** S. 3 in force at 1.5.2009 for W. by [S.I. 2009/1095](#), [art. 2\(a\)](#)

### 4 Powers to direct traffic officers

- (1) A traffic officer shall, when carrying out his duties, comply with any direction of a constable.
- (2) Subject to that, a traffic officer designated by an authorised person shall, when carrying out his duties, comply with any direction of the appropriate national authority.

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

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#### Commencement Information

- I3** S. 4 in force at 4.10.2004 for E. by [S.I. 2004/2380, art. 2\(a\)](#)  
**I4** S. 4 in force at 1.5.2009 for W. by [S.I. 2009/1095, art. 2\(a\)](#)

## 5 The special powers of a traffic officer

- (1) For the purposes of this Part the special powers of a traffic officer are the following—
  - (a) powers conferred by sections 6 and 7;
  - (b) powers conferred by orders under section 8; and
  - (c) powers conferred by or under any other Act which are expressed to be special powers for the purposes of this section.
- (2) The exercise of those powers is subject to the following restrictions.
- (3) Those powers may only be exercised for one or more of the following purposes—
  - (a) maintaining or improving the movement of traffic on a relevant road over which the traffic officer has jurisdiction by virtue of section 3;
  - (b) preventing or reducing the effect of anything causing (or which has the potential to cause) congestion or other disruption to the movement of traffic on such a road;
  - (c) avoiding danger to persons or other traffic using such a road (or preventing risks of any such danger arising);
  - (d) preventing damage to, or to anything on or near, such a road;
 or for a purpose incidental to any of those purposes.
- (4) Subject to that, those powers may be exercised—
  - (a) on or in relation to any relevant road over which the traffic officer has jurisdiction to act by virtue of section 3; or
  - (b) if the condition specified in subsection (5) is met, on or in relation to any other road in England and Wales.
- (5) The condition is that the traffic officer is acting—
  - (a) at the direction of the chief officer of police for the area in which the road is situated; or
  - (b) with the consent of the traffic authority for the road.
- (6) A traffic officer may not exercise his special powers on a road unless he is in uniform.

#### Commencement Information

- I5** S. 5 in force at 4.10.2004 for E. by [S.I. 2004/2380, art. 2\(a\)](#)  
**I6** S. 5(1)-(3) (6) in force at 1.5.2009 for W. by [S.I. 2009/1095, art. 2\(a\)](#)  
**I7** S. 5(4)(5) in force at 26.10.2006 for W. by [S.I. 2006/2826, art. 2\(1\)\(2\)\(a\)](#)

## 6 Powers to stop or direct traffic

- (1) This section confers the following powers on a traffic officer—
  - (a) a power, when the traffic officer is engaged in the regulation of traffic in a road, to direct a person driving or propelling a vehicle—

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- (i) to stop the vehicle, or
    - (ii) to make it proceed in, or keep to, a particular line of traffic;
  - (b) a power, for the purposes of a traffic survey of any description which is being carried out on or in the vicinity of a road, to direct a person driving or propelling a vehicle—
    - (i) to stop the vehicle, or
    - (ii) to make it proceed in, or keep to, a particular line of traffic, or
    - (iii) to proceed to a particular point on or near the road on which the vehicle is being driven or propelled;(subject to the restriction in section 35(3) of the Road Traffic Act 1988 (c. 52));
  - (c) a power, when the traffic officer is engaged in the regulation of vehicular traffic in a road, to direct persons on foot (or such persons and other traffic) to stop;
  - (d) a power to direct a person driving a mechanically propelled vehicle, or riding a cycle, on a road to stop the vehicle or cycle.
- (2) In section 35 of the Road Traffic Act 1988 (drivers to comply with traffic directions)—
- (a) in subsection (1)—
    - (i) after “a constable” there is inserted “ or traffic officer ”;
    - (ii) after “duty” there is inserted “ or the traffic officer (as the case may be) ”;
  - (b) in subsection (2)(b) after “constable” there is inserted “ or traffic officer ”.
- (3) In section 37 of that Act (directions to pedestrians)—
- (a) after “uniform” there is inserted “ or traffic officer ”;
  - (b) after “duty” there is inserted “ or the traffic officer (as the case may be) ”.
- (4) In section 163 of that Act (power of police to stop vehicles), in subsections (1) and (2) after “uniform” there is inserted “ or a traffic officer ”.
- (5) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (c. 53) (prosecution and punishment of offences under the Traffic Acts), in column 5 of the entry relating to section 35 of the Road Traffic Act 1988 after “constable” there is inserted “ , traffic officer ”.

#### Commencement Information

- I8** S. 6 in force at 4.10.2004 for E. by [S.I. 2004/2380](#), [art. 2\(a\)](#)
- I9** S. 6 in force at 1.5.2009 for W. by [S.I. 2009/1095](#), [art. 2\(a\)](#)

## 7 Powers to place temporary traffic signs

- (1) A traffic officer has the powers of a constable under section 67(1) of the Road Traffic Regulation Act 1984 (c. 27) (power in the case of emergencies and temporary obstructions etc. to place and temporarily maintain traffic signs on a road or on any structure on a road).
- (2) The references in section 67(1) and (2) to powers conferred by subsection (1) of that section include a reference to the corresponding powers of a traffic officer by virtue of this section.

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#### Commencement Information

**I10** S. 7 in force at 4.10.2004 for E. by [S.I. 2004/2380](#), [art. 2\(a\)](#)

**I11** S. 7 in force at 1.5.2009 for W. by [S.I. 2009/1095](#), [art. 2\(a\)](#)

## 8 Power to confer further special powers on traffic officers

- (1) The appropriate national authority may by order made by statutory instrument confer further special powers on traffic officers.
- (2) The national authority may not confer a further special power on traffic officers unless it is satisfied that the power is necessary for the purpose of facilitating the performance of any duties which may be assigned to traffic officers.
- (3) The order may—
  - (a) provide for the enforcement of any special power conferred by the order (whether by the creation of a summary offence or otherwise);
  - (b) make supplemental, incidental, transitional or consequential provision (including provision amending any Act or subordinate legislation).
- (4) An order under this section may not be made by the Secretary of State unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

#### Commencement Information

**I12** S. 8 in force at 4.10.2004 for E. by [S.I. 2004/2380](#), [art. 2\(a\)](#)

**I13** S. 8 in force at 1.5.2009 for W. by [S.I. 2009/1095](#), [art. 2\(a\)](#)

## 9 Removal of certain vehicles by traffic officers

- (1) The power to make regulations under section 99 of the Road Traffic Regulation Act 1984 (c. 27) includes, in relation to the removal of vehicles by traffic officers, power to make consequential provision.
- (2) The provision which may be made by virtue of subsection (1) includes in particular provision—
  - (a) amending, or
  - (b) applying in relation to vehicles removed by traffic officers (with or without modifications),
 any provision of sections 100 to 102 of that Act (disposal of vehicles removed under section 99).

#### Commencement Information

**I14** S. 9 in force at 4.10.2004 for E. by [S.I. 2004/2380](#), [art. 2\(a\)](#)

**I15** S. 9 in force at 1.5.2009 for W. by [S.I. 2009/1095](#), [art. 2\(a\)](#)

**Changes to legislation:**

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