



# Traffic Management Act 2004

## 2004 CHAPTER 18

### PART 2

#### NETWORK MANAGEMENT BY LOCAL TRAFFIC AUTHORITIES [<sup>F1</sup>AND STRATEGIC HIGHWAYS COMPANIES]

##### *Enforcement of network management duties*

### 21 Intervention orders

- (1) If the appropriate national authority is satisfied that a [<sup>F1</sup>network management] authority are failing properly to perform any duty under sections 16 and 17 it may, by order made by statutory instrument (an “intervention order”), make provision for or in connection with the appointment of a traffic director.
- (2) In this Part “traffic director” means a person appointed by the national authority with such objectives as the national authority considers will secure that the duty in question is properly performed.
- (3) An intervention order providing for the appointment of a traffic director must (among other things)—
  - (a) state that the national authority is satisfied as mentioned in subsection (1);
  - (b) give brief particulars of the grounds for appointing a traffic director;
  - (c) set out the objectives of the traffic director; and
  - (d) confer such general powers on the traffic director as the national authority considers appropriate for achieving those objectives.
- (4) But such an order may not be made unless—
  - (a) reasonable notice of the grounds for appointing a traffic director has been given to the [<sup>F2</sup>network management] authority in an intervention notice; and
  - (b) the period specified in the notice under section 20(2)(b) has expired;

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but if that period has expired an order may be made whether or not the [<sup>F2</sup>network management] authority have complied with any requirements specified under section 20(3).

- (5) The general powers which may be conferred on the traffic director are powers authorising him—
- (a) to monitor any matter;
  - (b) to report on any matter;
  - (c) to intervene in activities of the [<sup>F3</sup>network management] authority; and
  - (d) to carry out functions of the [<sup>F3</sup>network management] authority.

The general powers are explained further in sections 23 to 25.

- (6) The order may require the traffic director to carry out functions of the [<sup>F4</sup>network management] authority.
- (7) The order may—
- (a) limit the scope of any general powers conferred on the traffic director or any duty imposed under subsection (6);
  - (b) confer ancillary powers on the traffic director;
  - (c) provide for the circumstances in which any general or ancillary power may (or may not) be exercised;
  - (d) impose conditions on the exercise of any general or ancillary power;
  - (e) make incidental or supplementary provision;
  - (f) make different provision for different circumstances.
- (8) For the purposes of subsection (7) “ancillary power” means a power to do anything calculated to facilitate (or to be conducive or incidental to)—
- (a) the exercise by the traffic director of his general powers; or
  - (b) the performance of any duty imposed on him under subsection (6),
- including, in particular, power to require the [<sup>F5</sup>network management] authority to provide him with information and assistance.
- (9) The appropriate national authority shall consult the [<sup>F6</sup>network management] authority before making an intervention order which makes further provision in connection with the appointment of a traffic director under an earlier intervention order.
- (10) The Secretary of State shall consult the Mayor before making an intervention order in relation to a London authority.

#### Textual Amendments

- F1** Words in s. 21(1) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 140; S.I. 2015/481, reg. 2\(a\)](#)
- F2** Words in s. 21(4) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 140; S.I. 2015/481, reg. 2\(a\)](#)
- F3** Words in s. 21(5) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 140; S.I. 2015/481, reg. 2\(a\)](#)
- F4** Words in s. 21(6) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 140; S.I. 2015/481, reg. 2\(a\)](#)
- F5** Words in s. 21(8) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 140; S.I. 2015/481, reg. 2\(a\)](#)

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- F6** Words in s. 21(9) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 140](#); [S.I. 2015/481](#), reg. 2(a)

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**Commencement Information**

- I1** S. 21 in force at 4.1.2005 for E. by [S.I. 2004/3110](#), [art. 2\(a\)](#)
- I2** S. 21 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), [art. 2\(1\)\(2\)\(b\)](#)

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