

2007 No. 2053 (C.78)

ROAD TRAFFIC, ENGLAND

**The Traffic Management Act 2004 (Commencement No. 5 and
Transitional Provisions) (England) Order 2007**

Made - - - -

17th July 2007

The Secretary of State for Transport makes the following Order, in exercise of the powers conferred by section 99(1), (2) and (4) of the Traffic Management Act 2004^(a).

Citation and interpretation

1.—(1) This Order may be cited as the Traffic Management Act 2004 (Commencement No. 5 and Transitional Provisions) (England) Order 2007.

(2) In this Order—

“the first appointed day” means 23rd July 2007; and

“the second appointed day” means 31st March 2008.

2.—(1) The provisions of the Traffic Management Act 2004 specified in paragraph (2) shall come into force as respects England on the first appointed day.

(2) The provisions are—

(a) section 72;

(b) section 73 and accordingly Schedule 7;

(c) section 76;

(d) sections 77 and accordingly Schedule 9;

(e) sections 78 to 83;

(f) sections 87 to 90;

(g) section 91 so far as it relates to the provision specified in subparagraph (j);

(h) sections 92 and 93;

(i) section 95; and

(j) in Schedule 11, paragraph 3 to the extent that it inserts section 101B into the Road Traffic Regulation Act 1984^(b).

3.—(1) The provisions of the Traffic Management Act 2004 specified in paragraph (2) shall come into force as respects England on the second appointed day.

(2) The provisions are—

(a) section 74 so far as it relates to the provisions specified in subparagraph (f);

^(a) 2004 c. 18.

^(b) c. 27.

- (b) section 75;
- (c) sections 84 (and accordingly Schedule 10), 85 and 86;
- (d) section 91 so far as it relates to the provisions specified in subparagraph (g);
- (e) section 98 so far as it relates to the provisions specified in subparagraph (h);
- (f) in Schedule 8, paragraphs 1 to 3 and 8;
- (g) in Schedule 11, paragraphs 1, 2, 3 (except so far as it has already been brought into force by paragraph 2(2)(j) above), 4, 5, 6 and 7;
- (h) the following repeals in Part 1 of Schedule 12—
 - (i) in the Road Traffic Regulation Act 1984—
 - section 8(1A) and (1B);
 - section 11(2) and (2A);
 - in section 47(1), the words “; but this subsection does not apply in relation to any designated parking place in Greater London”;
 - section 101(4) to (6); and
 - in section 102(8) the definition of “London authority” and the words “and” preceding it;
 - (ii) in the Road Traffic Act 1991(a)—
 - section 43;
 - sections 65 to 67;
 - sections 69 to 74A;
 - sections 76 to 79;
 - Schedule 3; and
 - Schedule 6;
 - (iii) in the Local Government Wales Act 1994(b), Schedule 7, paragraph 43(b);
 - (iv) in the London Local Authorities Act 1995(c) sections 4, 5, 7 and 8;
 - (v) in the Greater London Authority Act 1999(d) sections 283(2) and (4), 284 and 286;
 - (vi) in the London Local Authorities Act 2000(e), the definition of “special parking area” in section 3(1) and sections 4 to 14;
 - (vii) in the London Local Authorities Act 2003(f), sections 14 and 15.

Transitional provisions

4.—(1) None of the provisions of Part 6 of the Traffic Management Act 2004 or of any regulations or orders made thereunder shall have effect in relation to a parking contravention which occurred before the second appointed day and action may be taken, or if begun continued, by an enforcement authority, an adjudicator or a county court in relation to such a contravention as if none of the provisions of Part 6 had been brought into force.

(2) This article is without prejudice to section 16(1) of the Interpretation Act 1978(g).

(a) 1991 c. 52.
 (b) 1994 c. 40.
 (c) 1995 c. x.
 (d) 1999 c. 29.
 (e) 2000 c. 38.
 (f) 2003 c. iii.
 (g) 1978 c. 30.

Signed by authority of the Secretary of State

17th July 2007

Rosie Winterton
Minister of State,
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order commences, as respects England, provisions of Part 6 (civil enforcement of traffic contraventions) of the Traffic Management Act 2004 which relate to the enforcement of parking contraventions.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 12.	4th October 2004	2004/2380
Section 13, except subsection (2) of the inserted section 245A of the Highways Act 1980(a).	4th October 2004	2004/2380
Sections 14 and 15.	4th October 2004	2004/2380
Sections 16 to 31.	4th January 2005	2004/3110
Section 40(1) and (2) (and accordingly Schedule 1).	4th October 2004	2004/2380
Section 40(3), except the words “or (4A)” in the substituted paragraph (a) of section 70(6) of the New Roads and Street Works Act 1991(b).	4th October 2004	2004/2380
Section 40(3), remainder.	1st April 2008	2007/1890
Section 40(4) and (5).	4th October 2004	2004/2380
Section 41(1), (2) and (3) (and accordingly Schedule 3), for certain purposes	12th May 2008	2007/1890
Section 41(1) and (3) (and accordingly Schedules 2 and 3), for all other purposes		
Section 42, for certain purposes	29th June 2007	2007/1890
Section 43(3)	1st April 2008	2007/1890
Section 43(1), (2) and (4).	4th January 2005	2004/3110
Section 44, for certain purposes	29th June 2007	2007/1890
Section 44, for all other purposes	1st April 2008	2007/1890
Section 49, for certain purposes	29th June 2007	2007/1890
Section 51(1), (2), (3), (5), (7), (8) and (9), for certain purposes	29th June 2007	2007/1890

(a) 1980 c. 66.

(b) 1991 c. 22.

Section 51(1), (2), (3), (5), (7), (8) and (9), for all other purposes	1st April 2008	2007/1890
Section 51(4)	29th June 2007	2007/1890
Section 51(6)	1st April 2008	2007/1890
Section 52(1), (2), (4) and (5) (and accordingly Schedule 4), for certain purposes	29th June 2007	2007/1890
Section 52(1), (2), (4) and (5) (and accordingly Schedule 4), for all other purposes	1st April 2008	2007/1890
Section 52(3), (6) and (7)	1st April 2008	2007/1890
Section 54, for certain purposes	29th June 2007	2007/1890
Section 54, for all other purposes	1st April 2008	2007/1890
Sections 60 to 63.	4th October 2004	2004/2380
Section 94.	29th September 2006	2006/1736
Section 95.	4th October 2004	2004/2380
Section 96	29th June 2007	2007/1890
Section 97.	4th October 2004	2004/2380
Section 98, in so far as it relates to Part 2 of Schedule 12	4th October 2004	2004/2380
Schedule 12, Part 2	4th October 2004	2004/2380

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