
STATUTORY INSTRUMENTS

2022 No. 66

The Traffic Management Act 2004 (Commencement No. 10 and Savings and Transitional Provisions) (England) Order 2022

Savings and transitional provisions

3.—(1) None of the provisions of Part 6 of the Traffic Management Act 2004 (civil enforcement of road traffic contraventions) brought into force by this Order, or of any regulations or orders made under that Part of that Act, have effect in relation to a road traffic contravention⁽¹⁾ which occurred before the commencement date (an “existing contravention”).

(2) Action may be taken, or, if begun before the commencement date, continued by a relevant person in relation to an existing contravention as if none of the provisions mentioned in paragraph (1) had been brought into force.

(3) For the purposes of paragraph (2) “relevant person” means—

- (a) an enforcement authority,
- (b) an adjudicator, or
- (c) a county court.

(4) The register established and maintained under regulation 31 of Bus Lanes Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005⁽²⁾ (“the 2005 Regulations”) immediately before the commencement date is to be treated on and after that date as forming part of the register required to be established and maintained under regulation 17 of the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022⁽³⁾.

(5) Regulation 36(1), (2) and (3) of the 2005 Regulations continues to have effect in relation to any financial year ending before the commencement date.

(6) As soon as practicable after the final financial year, an approved local authority must forward to the Secretary of State a copy of the account kept under regulation 36(1) of the 2005 Regulations for the final accounting period.

(7) Paragraph (8) applies where, at the end of the final accounting period, there is a deficit in the account kept by an approved local authority in accordance with regulation 36(1) of the 2005 Regulations (an “existing deficit”).

(8) Where this paragraph applies, the existing deficit is to be made good out of the relevant authority’s general fund.

(9) For the purposes of this article, the final accounting period, in relation to an approved local authority, is the period which—

- (a) begins with the first day of the final financial year, and
- (b) ends immediately before the commencement date.

(10) In this article—

⁽¹⁾ “Road traffic contravention” is defined in section 93 of and Schedule 7 to the Traffic Management Act 2004.

⁽²⁾ *S.I. 2005/2757*. The Regulations lapse on the commencement of the repeal of section 144 of the Transport Act 2000.

⁽³⁾ *S.I. 2022/XXXX*.

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

“approved local authority” means a local authority which, immediately before the commencement date, is an approved local authority for the purposes of section 144 of the Transport Act 2000;

“final financial year” means the financial year which—

- (a) began before the commencement date, and
- (b) had not ended immediately before that date.

(11) This article is without prejudice to section 16(1) of the Interpretation Act 1978⁽⁴⁾.

⁽⁴⁾ 1978 c. 15.