
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, in relation to Wales, provisions of Part 3 (permit schemes) and Part 4 (street works) of the Traffic Management Act 2004 (“the 2004 Act”) which amend the New Roads and Street Works Act 1991 (“the 1991 Act”) and makes transitional provisions as a consequence of those amendments. It also commences certain repeals in relation to civil enforcement of parking contraventions

Article 2 and the Schedule list the provisions of the 2004 Act to be enacted and the various dates upon which they will come into force in Wales. The Schedule also explains the reasons for their enactment.

Articles 3 to 9 contain transitional provisions necessary as a consequence of the amendments to the 1991 Act by the 2004 Act. Article 3 provides that when the new fixed penalty notice scheme for certain street works offences under Part 3 of the 1991 Act comes into force on the 12th May 2008, that scheme will not apply in relation to offences committed before that date.

Article 4 provides that the increase in penalties effected by the coming into force date of section 40 of, and Schedule 1 to, the 2004 Act will not apply to offences committed before 26th November 2007.

Article 5 provides that the new powers to give directions under sections 56(1A) (power to give directions as to timing of street works) and 56A (power to give directions as to placing of apparatus) of the 1991 Act do not apply where notice of proposed works has been given under section 54(1) (advance notice of certain works) or 55(1) (notice of starting date of works) of that Act before 1st April 2008.

Article 6 contains transitional provisions relating to the giving of notice in respect of street works.

Article 7 ensures that the amendments to section 58 of the 1991 Act (restriction on works following substantial road works) do not apply where notice of a restriction has been given under section 58(1) of that Act before 1st April 2008.

Article 8 provides that the new power inserted into the 1991 Act by section 52 of the 2004 Act, for a street authority to impose a restriction on street works following substantial street works, only applies where notice of the latter was received by the authority on or after 1st April 2008.

Article 9 provides that the amendments to section 70 of the 1991 Act (duty of undertaker to reinstate) do not apply in relation to street works in respect of which notice has been given under section 54(1), 55(1) or 57 (notice of emergency works) of that Act before 1st April 2008.