

## SCHEDULE

### TRAFFIC MANAGEMENT ACT 2004 NETWORK MANAGEMENT DUTIES GUIDANCE ON INTERVENTION CRITERIA FOR ENGLAND

#### **CRITERION No.3 (Section 17 duties)**

**57.** The extent to which—

- (a) the evidence (see **paragraphs 34 to 46** above) that an authority have or have not—
  - (i) had regard for the *Network Management Duty Guidance* in performing their network management duties;
  - (ii) considered and where appropriate taken action as envisaged by section 16(2) of the Act;
  - (iii) exercised any power in support of that action;
  - (iv) adopted indicators;
  - (v) met targets to reduce congestion; and
  - (vi) been the subject of individual circumstances which account for an apparent failure of a duty;
- (b) any specified information obtained under section 19 of the Act;
- (c) where relevant, the outcome of the further consultation with the Mayor of London;
- (d) any representations or proposals made, and any specified information provided, in response to an intervention notice; and
- (e) any other relevant evidence available,

satisfy the Secretary of State that the authority have not complied with one or more of the requirements of section 17 of the Act, are, as a consequence, failing properly to perform any of their duties under that section and are unlikely to be able to rectify such failure within a reasonable time.