



Traffic Management Act 2004

2004 CHAPTER 18

PART 4

STREET WORKS

Direction-making powers

43 Directions relating to timing of street works

(1) Section 56 of the 1991 Act (power to give directions as to timing of street works) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (b), after “at certain times” there is inserted “ or on certain days (or at certain times on certain days) ”;
- (b) after “the times” there is inserted “ or days (or both) ”.

(3) After subsection (1) there is inserted—

“(1A) Where it appears to a street authority—

- (a) that subsisting street works are causing or are likely to cause serious disruption to traffic, and
- (b) that the disruption would be avoided or reduced if the works were to continue to be carried out only at certain times or on certain days (or at certain times on certain days),

the authority may give the undertaker such directions as may be appropriate as to the times or days (or both) when the works may or may not continue to be carried out.”

(4) After subsection (3) there is inserted—

“(3A) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, his failure is attributable to a direction under this section.”

Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Cross Heading: Direction-making powers. (See end of Document for details)

Commencement Information

- I1** S. 43(1)(2)(4) in force at 4.1.2005 for E. by S.I. 2004/3110, art. 2(b)
- I2** S. 43(1) in force at 26.11.2007 for W. by S.I. 2007/3174, art. 2, Sch.
- I3** S. 43(2)-(4) in force at 1.4.2008 for W. by S.I. 2007/3174, art. 2, Sch. (with art. 5)
- I4** S. 43(3) in force at 1.4.2008 for E. by S.I. 2007/1890, art. 2, Sch. (with art. 4)

44 Directions as to placing of apparatus

In the 1991 Act, after section 56 there is inserted—

“56A Power to give directions as to placing of apparatus

- (1) Where—
 - (a) an undertaker is proposing to execute street works consisting of the placing of apparatus in a street (“street A”),
 - (b) placing the apparatus in street A is likely to cause disruption to traffic, and
 - (c) it appears to the street authority that—
 - (i) there is another street (“street B”) in which the apparatus could be placed, and
 - (ii) the conditions in subsection (2) are satisfied,
 the authority may by direction require the undertaker not to place the apparatus in street A (but may not require him to place the apparatus in street B).
- (2) The conditions referred to in subsection (1)(c) are that—
 - (a) disruption to traffic would be avoided or reduced if the apparatus were to be placed in street B;
 - (b) placing the apparatus in street B would be a reasonable way of achieving the purpose for which the apparatus is to be placed; and
 - (c) it is reasonable to require the undertaker not to place the apparatus in street A.
- (3) A direction under this section may be varied or revoked by a further such direction.
- (4) The procedure for giving a direction under this section shall be prescribed by the Secretary of State.
- (5) The Secretary of State may by regulations make provision for appeals against directions under this section, including provision as to the persons who may determine appeals and the procedure to be followed on an appeal.
- (6) An undertaker who executes works in contravention of a direction under this section commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7) An undertaker shall be taken not to have failed to fulfil any statutory duty to afford a supply or service if, or to the extent that, his failure is attributable to a direction under this section.

Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Cross Heading: Direction-making powers. (See end of Document for details)

- (8) The Secretary of State may issue or approve for the purposes of this section a code of practice giving practical guidance as to the exercise by street authorities of the power conferred by this section; and in exercising that power a street authority shall have regard to the code of practice.”

Commencement Information

- I5** S. 44 in force at 29.6.2007 for specified purposes for E. and 1.4.2008 for E. in so far as not already in force by [S.I. 2007/1890](#), [art. 2](#), [Sch.](#) (with [art. 4](#))
- I6** S. 44 in force at 26.11.2007 for specified purposes for W. and 1.4.2008 for W. in so far as not already in force by [S.I. 2007/3174](#), [art. 2](#), [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Traffic Management Act 2004, Cross
Heading: Direction-making powers.