



# Traffic Management Act 2004

## 2004 CHAPTER 18

### PART 4

#### STREET WORKS

##### *Records and information*

#### **45 The street works register**

- (1) Section 53 of the 1991 Act (the street works register) is amended as follows.
- (2) In subsection (1)—
  - (a) after “respect to” (in the second place they appear) there is inserted “(a)”; and
  - (b) at the end there is added “; and
  - (b) such descriptions of—
    - (i) apparatus placed, or proposed to be placed, in the street,
    - (ii) builder's skips (within the meaning of section 139 of the Highways Act 1980 (c. 66)), or of building materials, rubbish or other things deposited, or proposed to be deposited, in the street; or
    - (iii) scaffolding or other structures which are erected, or proposed to be erected, in the street,as may be prescribed.”
- (3) After subsection (4) there is inserted—

“(4A) In subsection (4) “central register” means a register covering the areas of two or more street authorities.”
- (4) After subsection (5) there is inserted—

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Cross Heading: Records and information. (See end of Document for details)*

“(5A) In particular the Secretary of State may require a street authority to share information in their possession with a person appointed to keep a central register which discharges the duties of that authority under this section.”

#### Commencement Information

**II** S. 45(1)(3)(4) in force at 29.6.2020 for E. by [S.I. 2020/659](#), **art. 2**

PROSPECTIVE

#### 46 Records of location of apparatus

(1) Section 79 of the 1991 Act (records of location of apparatus) is amended as follows.

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

“(1A) An undertaker may, except in such cases as may be prescribed, include in his records under subsection (1) a record of the location of any item of apparatus belonging to him which is not required to be so included, stating the nature of the apparatus and (if known) whether it is for the time being in use.”

(3) After subsection (2) there is inserted—

“(2A) Regulations under subsection (2) which alter the form or manner in which the records are to be kept may apply to records made before (as well as records made after) the alterations take effect.”

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

“(3A) In subsections (2) to (3) the references to an undertaker's records are to the records kept by him under subsection (1) (including anything included in those records by virtue of any provision of this Act or any other enactment).”

PROSPECTIVE

#### 47 Duties relating to the location of unexpected apparatus

(1) Section 80 of the 1991 Act (duties where person finds unidentified apparatus) is amended as follows.

(2) In subsection (1) for “made available by the undertaker” there is substituted “ kept by the undertaker under section 79(1) and made available by him ”.

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

“(1A) Subsection (1) has effect subject to such exceptions as may be prescribed.”

(4) For subsections (2) and (3) there is substituted—

“(2) Where a person executing works of any description in the street finds apparatus which does not belong to him and is unable, after taking such steps as are reasonably practicable, to ascertain to whom the apparatus belongs, he

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Cross Heading: Records and information. (See end of Document for details)*

shall comply with such requirements (if any) as may be prescribed for the purpose of securing that he—

- (a) makes and keeps a record of the location of the apparatus and (so far as appears from external inspection) its nature and whether it is in use; and
- (b) informs the street authority or any other person of those matters.

(2A) Regulations under subsection (2) may make provision—

- (a) as to the form and manner in which records are to be kept;
- (b) as to the form and manner in which, or the time at or by which, information is to be given; and
- (c) for records which are to be kept by undertakers to be included in the records kept by them under section 79(1).”

(5) In subsection (4) for “(2)” there is substituted “ any requirement imposed on him by regulations under subsection (2) ”.

(6) After subsection (4) there is added—

“(5) The Secretary of State may by regulations make provision for and in connection with the keeping (whether by the Secretary of State or a person with whom he has made appropriate arrangements) of a register of information recorded by undertakers in pursuance of a requirement imposed under subsection (2).

(6) Regulations under subsection (5) may make provision about the inspection of the register by any person having authority to execute works of any description in the street or otherwise appearing to the person responsible for keeping the register to have a sufficient interest.”

PROSPECTIVE

## 48 Duty to inspect records

After section 53 of the 1991 Act (the street works register) there is inserted—

### “53A Duty to inspect records

- (1) The Secretary of State may make provision by regulations requiring an undertaker proposing to execute street works of a prescribed description to inspect prescribed statutory records before commencing the street works.
- (2) The regulations may provide for the manner in which an inspection of any statutory records is to be carried out.
- (3) The regulations may prescribe evidence which may be relied on by the undertaker to demonstrate that he has carried out an inspection required by the regulations.
- (4) The regulations may in particular require the undertaker—
  - (a) to be in possession of prescribed evidence before commencing the street works; and

---

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Cross Heading: Records and information. (See end of Document for details)*

---

- (b) to produce, in such manner as may be prescribed, prescribed evidence to the street authority either at the request of the authority or at or by such time as may be prescribed.
- (5) The regulations may provide for the cases or circumstances in which a requirement under subsection (1) or (4) does or does not apply.
- (6) The regulations may create a summary offence, punishable with a fine not exceeding level 5 on the standard scale, in respect of any contravention by an undertaker of a requirement of the regulations.
- (7) In this section “statutory record” means any register or other record kept in pursuance of a requirement imposed by—
  - (a) an enactment; or
  - (b) a licence or other instrument having effect under or by virtue of an enactment.”

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Traffic Management Act 2004, Cross Heading: Records and information.