



Traffic Management Act 2004

2004 CHAPTER 18

PART 5

HIGHWAYS AND ROADS

PROSPECTIVE

Enforcement of certain offences under the Highways Act 1980

64 Fixed penalty offences under the Highways Act 1980

(1) After section 314 of the 1980 Act (offences by body corporate) there is inserted—

“314A Fixed penalties for certain offences under Part 9

- (1) A fixed penalty offence is any offence under Part 9 which—
 - (a) is listed in the first column in Schedule 22A (and described in general terms in the second column), and
 - (b) is prescribed in regulations made by the Secretary of State.
- (2) Offences listed in that Schedule which are committed by virtue of section 314 (offences committed by bodies corporate, etc.) are not fixed penalty offences.
- (3) Schedule 22B (which makes provision about fixed penalties for fixed penalty offences) has effect.
- (4) Regulations under subsection (1)(b) may—
 - (a) make provision for Greater London different from that made for the rest of England;
 - (b) make consequential provision (including provision disapplying sections 8 to 11 of, and Schedule 2 to, the London Local Authorities and Transport for London Act 2003 in relation to any offence prescribed in such regulations);

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: Enforcement of certain offences under the Highways Act 1980. (See end of Document for details)

(c) make transitional provision.”

(2) In section 322(5) of that Act (service of notices etc.), after paragraph (a) there is inserted—

“(ab) a notice under Schedule 22B to this Act;”.

(3) After Schedule 22 to that Act there is inserted Schedules 22A and 22B as set out in Schedules 5 and 6 to this Act.

(4) In the New Roads and Street Works Act 1991 (c. 22), in section 97 (service of notices etc.) after subsection (2) there is inserted—

“(3) References in this section to notices authorised to be given or served for the purposes of this Part include a reference to notices under Schedule 22B to the Highways Act 1980 (fixed penalties for certain offences under that Act).”

(5) In the London Local Authorities and Transport for London Act 2003 (c. iii), in section 11 (fixed penalties: reserve powers of Secretary of State) after subsection (6) there is inserted—

“(7) The Secretary of State may make regulations increasing the level of fixed penalty under this Act in respect of an offence listed in Schedule 22A to the Highways Act 1980 (as well as Schedule 4 to this Act).

(8) While regulations under subsection (7) are in force in respect of an offence, the borough councils and Transport for London may not set the level of fixed penalty in respect of that offence below that set by the regulations.”

Status:

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

Changes to legislation:

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