



Traffic Management Act 2004

2004 CHAPTER 18

PART 7

MISCELLANEOUS AND GENERAL

94 Power to inspect blue badges

(1) Section 21 of the Chronically Sick and Disabled Persons Act 1970 (c. 44) (badges for display on motor vehicles used by disabled persons) is amended as follows.

(2) In subsection (4B) after “a badge” there is inserted “purporting to be”.

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

“(4BA) Where it appears to a constable or enforcement officer that there is displayed on any motor vehicle a badge purporting to be of a form prescribed under this section, he may require any person who—

(a) is in the vehicle, or

(b) appears to have been in, or to be about to get into, the vehicle,

to produce the badge for inspection.

(4BB) In subsection (4BA) “enforcement officer” means—

(a) a traffic warden;

(b) a civil enforcement officer (within the meaning of section 76 of the Traffic Management Act 2004);

(c) a parking attendant (within the meaning of section 63A of the Road Traffic Regulation Act 1984).

(4BC) The power conferred on an enforcement officer by subsection (4BA) is exercisable only for purposes connected with the discharge of his functions in relation to a stationary vehicle.

(4BD) A person who without reasonable excuse fails to produce a badge when required to do so under subsection (4BA) shall be guilty of an offence.”

Status: This is the original version (as it was originally enacted).

- (4) In subsection (4C) after “(4B)” there is inserted “or (4BD)”.
- (5) In section 117 of the Road Traffic Regulation Act 1984 (c. 27) (wrongful use of disabled person’s badge), in subsection (1)(a) after “badge” there is inserted “purporting to be”.

95 Application of surplus income from parking places

- (1) Section 55 of the Road Traffic Regulation Act 1984 (financial provisions relating to income and expenditure of local authority in connection with parking places) is amended as follows.
- (2) In subsection (4), for paragraph (d) (purposes for which surplus may be applied if further off-street parking not needed) substitute—
 - “(d) if it appears to the local authority that the provision in their area of further off-street parking accommodation is unnecessary or undesirable, the following purposes—
 - (i) meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services,
 - (ii) the purposes of a highway or road improvement project in the local authority’s area,
 - (iii) in the case of a London authority, meeting costs incurred by the authority in respect of the maintenance of roads maintained at the public expense by them,
 - (iv) the purposes of environmental improvement in the local authority’s area,
 - (v) in the case of such local authorities as may be prescribed, any other purposes for which the authority may lawfully incur expenditure;”
- (3) After subsection (4A) insert—
 - “(4B) For the purposes of subsection (4)(d)(iv) “environmental improvement” includes—
 - (a) the reduction of environmental pollution (as defined in the Pollution Prevention and Control Act 1999 (c. 24); see section 1(2) and (3) of that Act);
 - (b) improving or maintaining the appearance or amenity of—
 - (i) a road or land in the vicinity of a road, or
 - (ii) open land or water to which the general public has access; and
 - (c) the provision of outdoor recreational facilities available to the general public without charge.
 - (4C) Regulations for the purposes of subsection (4)(d)(v) above—
 - (a) may prescribe all local authorities, particular authorities or particular descriptions of authority,
 - (b) may make provision by reference to whether the authority or authorities in question have been classified for the purposes of any other enactment as falling or not falling within a particular category, and

- (c) may make provision for the continued application of that provision, in prescribed cases and to such extent as may be prescribed, where an authority that is prescribed or of a prescribed description ceases to be so.”
- (4) In section 100(2) of the Local Government Act 2003 (c. 26) (powers exercisable by reference to performance categories under that Act), before paragraph (a) insert—
- “(za) to make regulations for the purposes of section 55(4)(d)(v) of the Road Traffic Regulation Act 1984;”.

96 Wales

References in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) to—

- (a) the Highways Act 1980 (c. 66),
- (b) the Road Traffic Regulation Act 1984 (c. 27), and
- (c) the New Roads and Street Works Act 1991 (c. 22),

are to be treated as references to those Acts as amended by this Act.

97 Financial provision

- (1) There shall be paid out of money provided by Parliament—
- (a) any expenditure incurred by the Secretary of State in respect of—
 - (i) traffic officers designated under Part 1 (including expenditure relating to the provision of financial assistance under section 14 or other expenditure relating to the provision of equipment, accommodation or other facilities);
 - (ii) the establishment and operation of regional centres for the management of traffic on his road network;
 - (iii) the provision, for purposes connected with the management of traffic on his road network, of information or advice to the public;
 - (iv) other activities carried out for purposes connected with the management of traffic on his road network;
 - (b) any other expenditure incurred by the Secretary of State in consequence or by virtue of this Act;
 - (c) any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act.
- (2) In this section references to the Secretary of State’s road network are to the network of roads in England for which he is the traffic authority (within the meaning of the Road Traffic Regulation Act 1984).

98 Repeals

Schedule 12 contains repeals.

99 Commencement, transitionals and savings

- (1) The preceding provisions of this Act shall come into force on such day as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may appoint by order made by statutory instrument.

Status: This is the original version (as it was originally enacted).

- (2) Different days may be appointed for different purposes.
- (3) For the purposes of Part 6 (civil enforcement of road traffic contraventions), and related repeals, different days may be appointed for different areas.
- (4) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order made by statutory instrument make transitional provision or savings in connection with the coming into force of any provision of this Act.

100 Short title and extent

- (1) This Act may be cited as the Traffic Management Act 2004.
- (2) This Act extends to England and Wales only.