



Traffic Management Act 2004

2004 CHAPTER 18

PART 3

PERMIT SCHEMES

39 Interpretation of Part 3

(1) In this Part—

“the appropriate national authority” means—

- (a) the Secretary of State, as respects England, and
- (b) the [^{F1}Welsh Ministers], as respects Wales;

“condition” is to be construed in accordance with section 32(2);

“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30));

“fixed penalty notice” means a notice offering a person the opportunity of discharging any liability to conviction for an offence by payment of a penalty;

“highway authority” and “local highway authority” have the same meaning as in the Highways Act 1980 (c. 66);

“maintainable highway” has the same meaning as in Part 3 of the New Roads and Street Works Act 1991 (c. 22);

“permit” is to be construed in accordance with section 32(2);

“permit scheme” is to be construed in accordance with section 32;

“permit regulations” is to be construed in accordance with section 37;

“prescribed” means prescribed, or of a description prescribed, by regulations made by the appropriate national authority;

“Royal Park” means any park to which the Parks Regulation Act 1872 (c. 15) applies (see sections 1 and 3 of the Parks Regulation (Amendment) Act 1926 (c. 36));

“street” means a street (within the meaning of Part 3 of the New Roads and Street Works Act 1991)—

- (a) which is a maintainable highway, or

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(b) which is situated in a Royal Park;

“street works” has the meaning given by section 48(3) of the New Roads and Street Works Act 1991;

[^{F2}“strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015;]

“undertaker” has the same meaning as in Part 3 of that Act;

“works” means—

(a) prescribed street works, and

(b) such other works or activities as may be prescribed,

but activities may not be prescribed under paragraph (b) unless they are, or correspond to, activities which are regulated or controlled by the Highways Act 1980.

(2) An order or regulations under this Part—

(a) may make different provision for different cases or different areas,

(b) may include incidental, supplemental, consequential or transitional provision or savings.

(3) A power[^{F3} of the Secretary of State or the Welsh Ministers] to make an order or regulations under this Part is exercisable by statutory instrument.

(4) The first permit regulations may not be made by the Secretary of State unless a draft of them has been laid before and approved by a resolution of each House of Parliament.

(5) Subject to that, a statutory instrument containing regulations under this Part made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.

[^{F4}(6) A statutory instrument containing regulations under this Part made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

Textual Amendments

F1 Words in s. 39(1) substituted (26.3.2015 for specified purposes, 30.6.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), [Sch. 10 para. 10\(2\)\(a\)](#); S.I. 2015/994, art. 9(b)

F2 Words in s. 39(1) inserted (26.3.2015 for specified purposes, 30.6.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), [Sch. 10 para. 10\(2\)\(b\)](#); S.I. 2015/994, art. 9(b)

F3 Words in s. 39(3) inserted (26.3.2015 for specified purposes, 30.6.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), [Sch. 10 para. 10\(3\)](#); S.I. 2015/994, art. 9(b)

F4 S. 39(6) inserted (26.3.2015 for specified purposes, 30.6.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), [Sch. 10 para. 10\(4\)](#); S.I. 2015/994, art. 9(b)

Modifications etc. (not altering text)

C1 Pt. 3 applied (with modifications) (8.5.2017) by [The West Midlands Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/510\)](#), arts. 1(2), 8(4), [Sch. 2](#)

C2 Pt. 3 applied (with modifications) (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), 23(4)(7), [Sch. 4](#)

C3 Pt. 3 applied (with modifications) (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), 20(4), [Sch. 4](#)

C4 Pt. 3 applied (with modifications) (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), 20(4), [Sch. 4](#)

Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Section 39. (See end of Document for details)

- C5** Ss. 32-39 applied by SI 2014/2384, arts. 10(4A), 11(5A), 16(2A) (as inserted (17.3.2015) by [The Thames Water Utilities Limited \(Thames Tideway Tunnel\) \(Correction\) Order 2015 \(S.I. 2015/723\)](#), art. 1, **Sch.** Table 2)

Commencement Information

- I1** S. 39 in force at 1.12.2007 for E. by [S.I. 2007/3184](#), **art. 2**
- I2** S. 39 in force at 31.3.2008 for W. by [S.I. 2007/3174](#), art. 2, **Sch.**

Changes to legislation:

There are currently no known outstanding effects for the Traffic Management Act 2004, Section 39.