



Traffic Management Act 2004

2004 CHAPTER 18

PART 4

STREET WORKS

Enforcement

40 Increase in penalties for summary offences under 1991 Act

- (1) The maximum fine for each offence under a provision of the New Roads and Street Works Act 1991 (c. 22) (in this Part referred to as “the 1991 Act”) listed in column 1 of the table in Schedule 1 is increased from level 3 on the standard scale to the level specified for that provision in column 3 of the table.
- (2) Accordingly, in each provision so listed, for “level 3” there is substituted “ level 4 ” or “level 5” (as specified in column 3 of the table).
- (3) In section 70(6) of the 1991 Act, for the words from “to a” to the end there is substituted—
 - “(a) in the case of an offence consisting of a failure to comply with subsection (3) or (4A), to a fine not exceeding level 4 on the standard scale; and
 - (b) in any other case, to a fine not exceeding level 5 on that scale.”
- (4) In section 74(7B) and 74A(11) of the 1991 Act (maximum fine for offences in regulations in respect of failure to comply with notice requirement) for “level 3” there is substituted “ level 4 ”.
- (5) In section 88(6) of the 1991 Act (failure to comply with duties relating to street works affecting the structure of a bridge) for the words from “to a” to the end there is substituted—
 - “(a) in the case of an offence consisting of a failure to take all reasonably practicable steps to comply with subsection (5)(a), to a fine not exceeding level 4 on the standard scale; and

Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Section 40. (See end of Document for details)

(b) in any other case, to a fine not exceeding level 5 on that scale.”

Commencement Information

- I1** S. 40(1)(2) in force at 4.10.2004 for E. by S.I. 2004/2380, **art. 2(d)(i)** (with **art. 3**)
- I2** S. 40(1)(2)(4)(5) in force at 26.11.2007 for W. by S.I. 2007/3174, **art. 2, Sch.** (with **art. 4**)
- I3** S. 40(3) in force at 4.10.2004 for specified purposes for E. by S.I. 2004/2380, **art. 2(d)(ii)** (with **art. 3**)
- I4** S. 40(3) 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.** (with **art. 4**)
- I5** S. 40(3) in force at 1.4.2008 for E. in so far as not already in force by S.I. 2007/1890, **art. 2, Sch.**
- I6** S. 40(4)(5) in force at 4.10.2004 for E. by S.I. 2004/2380, **art. 2(d)(iii)** (with **art. 3**)

Changes to legislation:

There are currently no known outstanding effects for the Traffic Management Act 2004, Section 40.