



Traffic Management Act 2004

2004 CHAPTER 18

PART 4

STREET WORKS

Miscellaneous

PROSPECTIVE

56 Re-surfacing: regulations and guidance

After section 73C of the 1991 Act there is inserted—

“73D Re-surfacing: regulations

- (1) The Secretary of State may make regulations supplementing sections 73A to 73C.
- (2) The regulations may in particular—
 - (a) make provision about the information to be contained in a re-surfacing notice (including the way in which re-surfacing works are to be described);
 - (b) prescribe, for cases where a re-surfacing notice may be given to more than one undertaker, the matters that a street authority shall take into account when selecting the undertaker to whom the notice is to be given;
 - (c) impose a requirement on an undertaker, in prescribed circumstances, to give notice to the street authority of a prescribed event;
 - (d) prescribe circumstances in which an undertaker may elect to make a payment to the street authority instead of executing the works specified in a re-surfacing notice, and make provision about the calculation of the amount of such payments;

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Section 56. (See end of Document for details)

- (e) confer a right of review or appeal against a re-surfacing notice or any requirement contained in it, and may make provision about the period within which and manner in which any such right may be exercised and about the determination of appeals and the persons who may determine them;
 - (f) require disputes of a prescribed description (including disputes as to the existence of circumstances prescribed under section 73A(1)) to be determined in such manner and by such persons as may be prescribed;
 - (g) apply any provisions of this Part or the Highways Act 1980 (c. 66), with or without modifications, in relation to works specified in a re-surfacing notice (and provide that for those purposes the works are to be treated as street works or works of any other description).
- (3) The regulations may provide that where a re-surfacing notice has been served on an undertaker, the street authority may (in such circumstances and to such extent as may be prescribed) by notice relieve any other undertaker within section 73A(2) of his duty under section 70 to reinstate the surface of the street.
- (4) The regulations may create in respect of any breach of a requirement imposed by a re-surfacing notice or of the duty imposed by section 73C, or any contravention of the regulations, an offence punishable on summary conviction—
- (a) where the offence consists of a failure to give a notice in accordance with the regulations, with a fine not exceeding level 4 on the standard scale;
 - (b) in any other case, with a fine not exceeding level 5 on the standard scale.
- (5) The first regulations under this section or any of sections 73A to 73C shall not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament; subsequent regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

73E Re-surfacing: guidance

- (1) The Secretary of State may, for the purposes of sections 73A to 73D (including regulations under those sections), issue or approve a code of practice giving practical guidance as to the exercise of powers and the discharge of duties under those sections.
- (2) In exercising those powers and in discharging those duties, street authorities and undertakers shall have regard to the code of practice.”

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Traffic Management Act 2004, Section 56.