



Traffic Management Act 2004

2004 CHAPTER 18

PART 6

CIVIL ENFORCEMENT OF TRAFFIC CONTRAVENTIONS

Notification, adjudication and enforcement

81 Adjudicators

- (1) The Lord Chancellor may make provision by regulations for and in connection with the appointment of adjudicators for the purposes of this Part.
- (2) The following provisions apply in relation to the office of adjudicator—
 - (a) to be qualified for appointment as an adjudicator, a person must [^{F1}satisfy the judicial-appointment eligibility condition on a 5-year basis;]
 - (b) an adjudicator is appointed for a term, not exceeding five years, specified in his instrument of appointment;
 - (c) on the expiry of a term of appointment an adjudicator is eligible for re-appointment;
 - (d) an adjudicator may be removed from office only for misconduct or on the ground that he is unable or unfit to discharge his functions, but otherwise holds and vacates office in accordance with the terms of his appointment.
- (3) The regulations shall provide—
 - (a) for adjudicators to be appointed by the relevant enforcement authorities on such terms as those authorities may decide, and
 - [^{F2}(b) for the consent of the Lord Chancellor to be required for any decision by those authorities to appoint a person as an adjudicator;
 - (c) for the consent of the Lord Chancellor and the Lord Chief Justice to be required for any decision by those authorities—
 - (i) not to re-appoint a person as an adjudicator, or
 - (ii) to remove a person from his office as an adjudicator.]

Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, Section 81. (See end of Document for details)

- [^{F3}(3A) The regulations may provide for the Lord Chief Justice to nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise any of his functions under the regulations.]
- (4) The relevant enforcement authorities shall—
- (a) provide, or make arrangements for the provision of, accommodation and administrative staff and facilities for adjudicators, and
 - (b) determine the places where adjudicators are to sit,
- and shall defray all the expenses of the adjudication process and, in particular, expenses in relation to the remuneration of adjudicators.
- (5) The regulations shall provide—
- (a) for each adjudicator to make an annual report to the relevant enforcement authorities in accordance with such requirements as may be imposed by those authorities, and
 - (b) for those authorities to make and publish an annual report to the appropriate national authority on the discharge by the adjudicators of their functions.
- (6) In this section “the relevant enforcement authorities” means the authorities who are enforcement authorities for the purposes of this Part in relation to road traffic contraventions (of any description).
- (7) The regulations may provide for the functions of the relevant enforcement authorities under this section—
- (a) to be discharged separately for Greater London, England (outside Greater London) and Wales;
 - (b) to be discharged by means of arrangements under section 101 of the Local Government Act 1972 (c. 70) (arrangements for discharge of functions by local authorities) or in such other way as the regulations may provide.
- (8) The regulations may make provision—
- (a) for treating adjudicators appointed before the commencement of this Part under section 73 of the Road Traffic Act 1991 (c. 40), or under regulations made under section 144 of the Transport Act 2000 (c. 38), as if they had been appointed under this section;
 - (b) for continuing in force for the purposes of this section any arrangements in force immediately before the commencement of this Part for the discharge of functions corresponding to the functions of relevant enforcement authorities under this section.
- (9) The expenses of the relevant enforcement authorities under this section shall be defrayed by them in such proportions—
- (a) as they may decide, or
 - (b) in default of a decision by them, as may be determined in accordance with regulations made—
 - (i) by the Secretary of State, or
 - (ii) if the functions of those authorities are discharged separately for Wales, by the appropriate national authority.
- (10) Regulations under subsection (9)(b) may, in particular, provide—
- (a) for the matter to be determined by an arbitrator appointed by a body specified in the regulations, and

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- (b) for the giving of directions by the Secretary of State or, as the case may be, the appropriate national authority in order to secure that the matter is referred to arbitration.

Textual Amendments

- F1** Words in s. 81(2)(a) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 10 para. 39**; [S.I. 2008/1653](#), art. 2(d) (with arts. 34)
- F2** S. 81(3)(b)(c) substituted for s. 81(3)(b) (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), art. 1, **Sch. 1 para. 19**
- F3** S. 81(3A) inserted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), art. 1, **Sch. 1 para. 20**
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Commencement Information

- I1** S. 81 in force at 26.10.2006 for W. by [S.I. 2006/2826](#), **art. 2(1)(2)(c)**
- I2** S. 81 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1)(2)(e)** (with art. 4) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

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