
Changes to legislation: Deregulation Act 2015, PART 2 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 10

REGULATION OF THE USE OF ROADS AND RAILWAYS

PART 2

PERMIT SCHEMES: REMOVAL OF REQUIREMENT FOR SECRETARY OF STATE APPROVAL

4 Part 3 of the Traffic Management Act 2004 (permit schemes) is amended as follows.

Commencement Information

- I1** Sch. 10 para. 4 in force for certain purposes at Royal Assent and at 26.5.2015 in so far as not already in force
- I2** Sch. 10 para. 4 in force at 30.6.2015 in so far as not already in force by S.I. 2015/994, art. 9(b)

5 (1) Section 33 (preparation of permit schemes) is amended as follows.

(2) For subsection (1) substitute—

“(1) A permit scheme may be prepared by—

- (a) a strategic highways company,
- (b) a local highway authority in England, or
- (c) such a company or authority acting together with one or more other such companies or authorities.

(1A) A local highway authority in Wales, or two or more such authorities acting together, may prepare and submit to the Welsh Ministers a permit scheme.”

(3) For subsection (2) substitute—

“(2) The Secretary of State may direct—

- (a) a strategic highways company,
- (b) a local highway authority in England, or
- (c) such a company or authority acting together with one or more other such companies or authorities,

to prepare and give effect to a permit scheme which takes such form as the Secretary of State may direct.

(2A) The Welsh Ministers may direct a local highway authority in Wales, or two or more such authorities acting together, to prepare and submit to them a permit scheme which takes such form as the Welsh Ministers may direct.”

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Commencement Information

- I3** Sch. 10 para. 5 in force for certain purposes at Royal Assent and at 26.5.2015 in so far as not already in force
- I4** Sch. 10 para. 5 in force at 30.6.2015 in so far as not already in force by S.I. 2015/994, art. 9(b)

6 After section 33 insert—

“33A Implementation of permit schemes of strategic highway companies and local highway authorities in England

- (1) This section applies to a permit scheme prepared in accordance with section 33(1) or (2) by—
- (a) a strategic highways company,
 - (b) a local highway authority in England, or
 - (c) such a company or authority acting together with one or more other such companies or authorities.
- (2) The scheme shall not have effect in the area of a participating authority unless the authority gives effect to it by order.
- (3) For the purposes of subsection (2) a local highway authority or a strategic highways company is a “participating authority” in relation to a permit scheme if it is the highway authority for any of the streets in which the scheme is to control the carrying out of works.
- (4) An order under subsection (2)—
- (a) must set out the scheme and specify the date on which the scheme is to come into effect, and
 - (b) may (in accordance with permit regulations) include provisions which disapply or modify enactments to the extent specified in the order.”

Commencement Information

- I5** Sch. 10 para. 6 in force at 30.6.2015 in so far as not already in force by S.I. 2015/994, art. 9(b)

7 (1) Section 34 (implementation of local highway authority permit schemes) is amended as follows.

- (2) In subsection (1)—
- (a) after “prepared” insert “ by a local highway authority in Wales ”;
 - (b) for “appropriate national authority (“the authority”)” substitute “ Welsh Ministers ”;
 - (c) for “33(1) or (2)” substitute “ 33(1A) or (2A) ”.
- (3) In subsection (2), for “authority” substitute “ Welsh Ministers ”.
- (4) In subsection (3), for “it approves” substitute “ the Welsh Ministers approve ”.
- (5) In subsection (4), for “the authority by order gives” substitute “ the Welsh Ministers by order give ”.

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(6) In the heading, at the end insert “ : Wales ”.

Commencement Information

I6 Sch. 10 para. 7 in force at 30.6.2015 in so far as not already in force by S.I. 2015/994, art. 9(b)

8 For section 36 (variation and revocation of permit schemes) substitute—

“36 Variation and revocation of permit schemes

- (1) A local highway authority in England may by order vary or revoke a permit scheme to the extent that it has effect in the area of the authority by virtue of an order made by the authority under section 33A(2).
- (2) The Secretary of State may direct a local highway authority in England to vary or revoke a permit scheme by an order under subsection (1).
- (3) An order made by a local highway authority under subsection (1) may vary or revoke an order made by the authority under section 33A(2), or an order previously made by the authority under subsection (1).
- (4) A strategic highways company may by order vary or revoke a permit scheme to the extent that it has effect, by virtue of an order made by the company under section 33A(2), in the area in respect of which the company is appointed.
- (5) The Secretary of State may direct a strategic highways company to vary or revoke a permit scheme by an order under subsection (4).
- (6) An order made by a strategic highways company under subsection (4) may vary or revoke an order made by the company under section 33A(2), or an order previously made by the company under subsection (4).
- (7) The Welsh Ministers may by order vary or revoke any permit scheme which for the time being has effect by virtue of an order made by them under section 34(4) or 35(2).
- (8) An order under subsection (7) may vary or revoke an order made by the Welsh Ministers under section 34(4) or 35(2), or an order previously made under subsection (7).
- (9) The Secretary of State may by order vary or revoke any permit scheme which for the time being has effect by virtue of an order made by the Secretary of State under section 35(2).
- (10) An order under subsection (9) may vary or revoke an order made by the Secretary of State under section 35(2), or an order previously made under subsection (9).
- (11) An order under subsection (7) or (9) may relate to one or more permit schemes.
- (12) An order under this section may (in accordance with permit regulations) include provisions which disapply or modify enactments to the extent specified in the order.”

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Commencement Information

I7 Sch. 10 para. 8 in force at 30.6.2015 in so far as not already in force by S.I. 2015/994, art. 9(b)

- 9 (1) Section 37 (permit regulations) is amended as follows.
- (2) In subsection (1)—
- (a) for “appropriate national authority” substitute “ Secretary of State ”;
 - (b) omit “submission, approval,”;
 - (c) at the end insert “ prepared by local highway authorities in England or strategic highways companies under section 33(1) or (2) or by the Secretary of State under section 33(3) or (4) ”.
- (3) After subsection (1) insert—
- “(1A) The Welsh Ministers may by regulations (“permit regulations”) make provision with respect to the content, preparation, submission, approval, operation, variation or revocation of permit schemes prepared by local highway authorities in Wales under section 33(1A) or (2A) or by the Welsh Ministers under section 33(3).”
- (4) After subsection (3) insert—
- “(3A) Permit regulations made by the Secretary of State may impose requirements for the purpose of securing that permit schemes are kept under review.”

Commencement Information

I8 Sch. 10 para. 9 in force at 30.6.2015 in so far as not already in force by S.I. 2015/994, art. 9(b)

- 10 (1) Section 39 (interpretation of Part 3) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b) of the definition of “the appropriate national authority”, for “National Assembly for Wales” substitute “ Welsh Ministers ”;
 - (b) at the appropriate place insert—

““strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015;”.
- (3) In subsection (3), after “power” insert “ of the Secretary of State or the Welsh Ministers ”.
- (4) After subsection (5) insert—
- “(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.”

Commencement Information

I9 Sch. 10 para. 10 in force at 30.6.2015 in so far as not already in force by S.I. 2015/994, art. 9(b)

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- 11 (1) This paragraph applies to a permit scheme prepared by a local highway authority in England or a strategic highways company which, by virtue of an order made by the Secretary of State under section 34(4) of the Traffic Management Act 2004, has effect immediately before the date on which paragraphs 4 to 10 come into force.
- (2) On and after that date, the scheme is to be treated as if it had effect by virtue of an order made by the local highway authority or a strategic highways company under section 33A(2) of that Act.

Commencement Information

I10 Sch. 10 para. 11 in force at 30.6.2015 in so far as not already in force by [S.I. 2015/994](#), [art. 9\(b\)](#)

- 12 In consequence of the amendments made by paragraph 5, in the Infrastructure Act 2015, in Schedule 1, omit paragraph 148.

Commencement Information

I11 Sch. 10 para. 12 in force at 30.6.2015 in so far as not already in force by [S.I. 2015/994](#), [art. 9\(b\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2015/994 art. 13 Sch. by [S.I. 2015/1405 art. 2\(3\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 110A inserted by [2016 c. 12 s. 16\(1\)](#)