

2022 No. 66 (C. 3)

ROAD TRAFFIC, ENGLAND

The Traffic Management Act 2004 (Commencement No. 10 and Savings and Transitional Provisions) (England) Order 2022

Made - - - - *22nd January 2022*

The Secretary of State makes this Order in exercise of the powers conferred by section 99(1) and (4) of the Traffic Management Act 2004^(a).

Citation and interpretation

1.—(1) This Order may be cited as the Traffic Management Act 2004 (Commencement No. 10 and Savings and Transitional Provisions) (England) Order 2022.

(2) In this Order “the commencement date” means 31st May 2022.

Commencement of provisions

2.—(1) The provisions of the Traffic Management Act 2004 specified in paragraph (2) come into force in relation to England on the commencement date.

(2) The provisions mentioned in paragraph (1) are—

- (a) section 74 so far as it relates to the provisions specified in sub-paragraph (c);
- (b) section 98 so far as it relates to the provision specified in sub-paragraph (d);
- (c) in Part 2 of Schedule 8, paragraphs 9 and 10;
- (d) in Part 1 of Schedule 12, the repeal of section 144 of the Transport Act 2000^(b).

Savings and transitional provisions

3.—(1) None of the provisions of Part 6 of the Traffic Management Act 2004 (civil enforcement of road traffic contraventions) brought into force by this Order, or of any regulations or orders made under that Part of that Act, have effect in relation to a road traffic contravention^(c) which occurred before the commencement date (an “existing contravention”).

(2) Action may be taken, or, if begun before the commencement date, continued by a relevant person in relation to an existing contravention as if none of the provisions mentioned in paragraph (1) had been brought into force.

(3) For the purposes of paragraph (2) “relevant person” means—

- (a) an enforcement authority,
- (b) an adjudicator, or

^(a) 2004 c. 18.

^(b) 2000 c. 38.

^(c) “Road traffic contravention” is defined in section 93 of and Schedule 7 to the Traffic Management Act 2004.

(c) a county court.

(4) The register established and maintained under regulation 31 of Bus Lanes Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005(a) (“the 2005 Regulations”) immediately before the commencement date is to be treated on and after that date as forming part of the register required to be established and maintained under regulation 17 of the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022(b).

(5) Regulation 36(1), (2) and (3) of the 2005 Regulations continues to have effect in relation to any financial year ending before the commencement date.

(6) As soon as practicable after the final financial year, an approved local authority must forward to the Secretary of State a copy of the account kept under regulation 36(1) of the 2005 Regulations for the final accounting period.

(7) Paragraph (8) applies where, at the end of the final accounting period, there is a deficit in the account kept by an approved local authority in accordance with regulation 36(1) of the 2005 Regulations (an “existing deficit”).

(8) Where this paragraph applies, the existing deficit is to be made good out of the relevant authority’s general fund.

(9) For the purposes of this article, the final accounting period, in relation to an approved local authority, is the period which—

- (a) begins with the first day of the final financial year, and
- (b) ends immediately before the commencement date.

(10) In this article—

“approved local authority” means a local authority which, immediately before the commencement date, is an approved local authority for the purposes of section 144 of the Transport Act 2000;

“final financial year” means the financial year which—

- (a) began before the commencement date, and
- (b) had not ended immediately before that date.

(11) This article is without prejudice to section 16(1) of the Interpretation Act 1978(c).

Amendment of the Traffic Management Act 2004 (Commencement No. 5 and Transitional Provisions) (England) Order 2007

4.—(1) The Traffic Management Act 2004 (Commencement No. 5 and Transitional Provisions) (England) Order 2007(d) is amended as follows.

(2) In article 5 (transitional modifications of the London Local Authorities Act 1996), in paragraph (3)(c), in the substituted section 6(3)—

- (a) for the words from “19” to “2005” substitute “regulation 16 (recovery of sums payable) of, and paragraph 5 (power to require attendance of witnesses and production of documents) of Schedule 1 to, the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 (“the Appeals Regulations”)”;
- (b) in the words following paragraph (b), for “25 of those Regulations” substitute “16 of the Appeals Regulations”.

(3) In article 8 (transitional modifications of the London Local Authorities and Transport for London Act 2003), in paragraph (4)(b)(ii), in the substituted paragraph 10(3) of Schedule 1—

(a) S.I. 2005/2757. The Regulations lapse on the commencement of the repeal of section 144 of the Transport Act 2000.
(b) S.I. 2022/XXXX.
(c) 1978 c. 15.
(d) S.I. 2007/2053, as amended by S.I. 2008/757 and 2011/2938.

- (a) for the words from “19” to “2005” substitute “regulation 16 (recovery of sums payable) of, and paragraph 5 (power to require attendance of witnesses and production of documents) of Schedule 1 to, the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 (“the Appeals Regulations”);
- (b) in the words following paragraph (b), for “25 of those Regulations” substitute “16 of the Appeals Regulations”.

Signed by authority of the Secretary of State for Transport

22nd January 2022

Vere
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into effect the following provisions of the Traffic Management Act 2004 (“the Act”) in England:

- the power to designate areas outside Greater London where there will be civil enforcement for bus lane and moving traffic contraventions (section 74 of, and Schedule 8, paragraphs 9 and 10, to the Act), and
- the repeal of section 144 of the Transport Act 2000 (section 98 of, and Part 1 of Schedule 12 to, the Act).

This Order also makes related savings and transitional provisions, and consequential amendments to the transitional provisions in the Traffic Management Act 2004 (Commencement No. 5 and Transitional Provisions) (England) Order 2007 (S.I. 2007/2053).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Traffic Management Act 2004 have been brought into force in England by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 12.	4th October 2004	2004/2380
Section 13, except subsection (2) of the inserted section 245A of the Highways Act 1980.	4th October 2004	2004/2380
Sections 14 and 15.	4th October 2004	2004/2380
Sections 16 to 31.	4th January 2005	2004/3110
Section 32.	1st December 2007	2007/3184
Sections 33 to 36.	1st April 2008	2007/3184
Section 37.	1st December 2007	2007/3184
Section 38.	1st April 2008	2007/3184
Section 39.	1st December 2007	2007/3184
Section 40(1) and (2) (and accordingly Schedule 1).	4th October 2004	2004/2380
Section 40(3), except the words “or 4A” in the substituted paragraph (a) of section 70(6) of the New Roads and Street Works Act	4th October 2004	2004/2380

1991.		
Section 40(3), for the purpose of inserting the words “or (4A)” into the substituted paragraph (a) of section 70(6) of the New Roads and Street Works Act 1991.	1st April 2008	2007/1890
Section 40(4) and (5).	4th October 2004	2004/2380
Section 41(1) and (3) (and accordingly Schedule 3) for certain purposes.	29th June 2007	2007/1890
Section 41(1), (2) and (3) (and accordingly Schedules 2 and 3) for all other purposes.	12th May 2008	2007/1890
Section 42 for certain purposes.	29th June 2007	2007/1890
Section 43(1), (2) and (4).	4th January 2005	2004/3110
Section 43(3).	1st April 2008	2007/1890
Section 44 for certain purposes.	29th June 2007	2007/1890
Section 44 for all other purposes.	1st April 2008	2007/1890
Section 45(1), (3) and (4).	29th June 2020	2020/659
Section 49 for certain purposes.	29th June 2007	2007/1890
Section 49 for all other purposes.	1st April 2008	2007/1890
Section 51(1), (2), (3), (5), (7), (8), and (9) for certain purposes.	29th June 2007	2007/1890
Section 51(1), (2), (3), (5), (7), (8), and (9) for all other purposes.	1st April 2008	2007/1890
Section 51(4).	29th June 2007	2007/1890
Section 51(6).	1st April 2008	2007/1890
Section 52(1), (2), (4), and (5) (and accordingly Schedule 4) for certain purposes.	29th June 2007	2007/1890
Section 52(1), (2), (4), and (5) (and accordingly Schedule 4) for all other purposes.	1st April 2008	2007/1890
Section 52(3), (6) and (7).	1st April 2008	2007/1890
Section 54 for certain purposes.	29th June 2007	2007/1890
Section 54 for all other purposes.	1st April 2008	2007/1890
Section 59.	6th April 2015	2015/199
Sections 60 to 63.	4th October 2004	2004/2380
Section 71.	1st October 2013	2013/2408
Section 72.	23rd July 2007	2007/2053
Section 73 and accordingly Schedule 7.	23rd July 2007	2007/2053
Section 74 so far as it relates to Schedule 8, paragraphs 1 to 3 and 8.	31st March 2008	2007/2053
Section 75.	31st March 2008	2007/2053
Section 76.	23rd July 2007	2007/2053
Section 77 and accordingly Schedule 9.	23rd July 2007	2007/2053
Sections 78 to 83.	23rd July 2007	2007/2053
Sections 84 (and accordingly Schedule 10), 85 and 86.	31st March 2008	2007/2053
Sections 87 to 90.	23rd July 2007	2007/2053
Section 91 so far as it relates to Schedule 11, paragraph 3 to the extent that it inserts section 101B into the Road Traffic Regulation Act 1984.	23rd July 2007	2007/2053
Section 91 so far as it relates to Schedule 11, paragraphs 1, 2, 3 (except so far as it has not already been brought into force), 4, 5, 6, and 7.	31st March 2008	2007/2053

Sections 92 and 93.	23rd July 2007	2007/2053
Section 94.	29th September 2006	2006/1736
Section 95.	4th October 2004	2004/2380
Section 96.	29th June 2007	2007/1890
Section 97.	4th October 2004	2004/2380
Section 98 so far as it relates to Part 2 of Schedule 12 and accordingly Part 2 of Schedule 12.	4th October 2004	2004/2380
Section 98 so far as it relates to the repeals of certain enactments specified in Part 1 of Schedule 12.	31st March 2008	2007/2053
In Schedule 8, paragraphs 1 to 3 and 8.	31st March 2008	2007/2053
In Schedule 11, paragraph 3 to the extent that it inserts section 101B into the Road Traffic Regulation Act 1984.	23rd July 2007	2007/2053
In Schedule 11, paragraphs 1, 2, 3 (except so far as it has not already been brought into force), 4, 5, 6 and 7.	31st March 2008	2007/2053
In Schedule 12, Part 1 so far as it relates to the repeal of certain enactments.	31st March 2008	2007/2053

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