WELSH STATUTORY INSTRUMENTS

2007 No. 3174 (W.279) (C.130)

HIGHWAYS, WALES

The Traffic Management Act 2004 (Commencement No. 2 and Transitional Provisions) (Wales) Order 2007

Made - - - - 7 November 2007

The Welsh Ministers, in exercise of the powers conferred upon the National Assembly for Wales by section 99 of the Traffic Management Act 2004(**1**) and now vested in them(**2**), make the following Order:

PART 1

GENERAL

Title and Interpretation

1.—(1) The title of this Order is the Traffic Management Act 2004 (Commencement No. 2 and Transitional Provisions) (Wales) Order 2007.

(1) In this Order —

"the 1991 Act" means the New Roads and Street Works Act 1991(**3**); and

"the 2004 Act" means the Traffic Management Act 2004.

Commencement of provisions

2. The provisions of the 2004 Act specified in column 1 of the Schedule come into force as respects Wales on the date specified in column 2 for the purpose specified in relation to that date in column 3.

(**1**) 2004 c. 18

(**2**) The functions of the National Assembly for Wales under the Traffic Management Act 2004 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32).

(**3**) 1991 c. 22

PART 2

TRANSITIONAL PROVISIONS

Fixed penalty offences

3. Section 95A(1) of, and Schedule 4A to, the 1991 Act (fixed penalties under Part 3) will not apply in relation to offences committed before 12th May 2008.

Increase in maximum fines for certain summary offences

4. The increase in penalties effected by the coming into force of section 40 of, and Schedule 1 to, the 2004 Act will not apply in relation to offences committed before 26th November 2007.

Directions as to timing of street works and placing of apparatus

5. Section 56(1A) of the 1991 Act (power to give directions as to timing of street works) and section 56A(1) of that Act (power to give directions as to placing of apparatus) do not apply to street works in respect of which notice has been given under section 54(1) (advance notice of certain works) or section 55(1) of that Act (notice of starting date of works) before 1st April 2008.

Notices of street works

6.—(1) The amendment to section 54(3) of the 1991 Act by section 49(1)(a) of the 2004 Act (notices of street works) does not apply to notices given under section 54(1) of the 1991 Act before 1st April 2008.

(2) Section 54(4A) of the 1991 Act does not apply in relation to street works in respect of which advance notice has been given under section 54(1) of that Act before 1st April 2008.

(3) Where an advance notice is given under section 54(1) of the 1991 Act specifying a starting date for the proposed works which is before 1st April 2008, section 54(4B) of that Act does not apply but, if those works are not substantially begun before 22nd April 2008, the notice will cease to have effect in relation to the proposed works so that section 54(1) applies again in relation to them.

(4) Section 55(8) and (9) of the 1991 Act do not apply in relation to street works in respect of which notice has been given under either section 54(1) or section 55(1) of that Act before 1st April 2008.

(5) If an advance notice under section 54(1) of the 1991 Act given before 1st April 2008 specifies a starting date which is later than 30th June 2008, that notice will cease to have effect on 1st April 2008 and section 54(1) will apply again in relation to the proposed works.

Restriction on works following substantial road works

7. The amendments to section 58 of the 1991 Act (restriction on works following substantial road works) by section 51 of the 2004 Act does not apply in relation to any notice given under section 58(1) of the 1991 Act before 1st April 2008.

Restriction on works following substantial street works

8. Section 58A of, and Schedule 3A to, the 1991 Act (restriction on works following substantial street works) will only apply where a street authority receive a notice under section 54 or 55 of that Act, on or after 1st April 2008, that an undertaker is proposing to execute substantial street works in a highway.

Duty to notify street authority of reinstatement

9. The amendments to section 70 of the 1991 Act (duty of undertaker to reinstate) by section 54 of the 2004 Act (duty to notify street authority of reinstatement) do not apply in relation to street works in respect of which notice has been given under section 54(1), 55(1) or 57 (notice of emergency works) of the 1991 Act before 1st April 2008.

Ieuan Wyn Jones
Minister for the Economy and Transport, one of
the Welsh Ministers

7 November 2007