
STATUTORY INSTRUMENTS

2015 No. 958

HIGHWAYS, ENGLAND

**The Traffic Management Permit Scheme
(England) (Amendment) Regulations 2015**

<i>Made</i>	- - - -	<i>26th March 2015</i>
<i>Laid before Parliament</i>		<i>27th March 2015</i>
<i>Coming into force</i>	- -	<i>30th June 2015</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 37(1) to (4), (7), (8) and (12) of the Traffic Management Act 2004⁽¹⁾.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015 and shall come into force on 30th June 2015.

(2) These Regulations apply to England only.

Amendment to the Traffic Management Permit Scheme (England) Regulations 2007

2. The Traffic Management Permit Scheme (England) Regulations 2007⁽²⁾ are amended as set out in regulations 3 to 13.

Amendment to regulation 2 (interpretation)

3.—(1) In regulation 2, after the definition of “emergency services”, insert—

““Guidance” means the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions dated March 2015 issued by the Secretary of State pursuant to section 33(5) (b) of the 2004 Act;”.

(2) In regulation 2, after the definition of “local authority”, insert—

““order” means “a document signed by a person authorised by the Permit Authority to give effect to, vary or revoke a permit scheme;”.

(1) [2004 c.18](#). Part 3 of the Traffic Management Act 2004 (“the 2004 Act”) has been amended by the Deregulation Act [2015 \(c.20\)](#) (“the 2015 Act”), section 51(b), Schedule 10, Part 2, paragraphs 4 to 10. Section 37(1) has been amended and paragraphs (1A) and (3A) inserted by Schedule 10, part 2, paragraph 9 of the 2015 Act. In addition, the Infrastructure Act [2015 \(c.7\)](#), has made amendments to the 2004 Act which are not relevant.

(2) [S.I. 2007/3372](#).

- (3) In regulation 2, for the definition of “Permit Authority”, substitute—
 ““Permit Authority”, in relation to a permit scheme, means the relevant local highway authority or strategic highways company which has prepared a permit scheme under section 33(1) or (2) of the 2004 Act;”.
- (4) In regulation 2, after the definition of “street authority”, insert—
 ““traffic-sensitive street” means a street designated as traffic-sensitive under section 64 of the New Roads and Street Works Act 1991(3);
 “traffic-sensitive time”, in relation to a traffic-sensitive street, means—
 (a) the times or dates specified in the case of a limited designation; and
 (b) any time in any other case;”.

Amendment to the Part 2 heading

4. In the heading for Part 2, for “Application for scheme” substitute “Preparation of permit scheme”.

Amendment to regulation 3 (consultation for new permit schemes)

5.—(1) For regulation 3(1) up to “the permit authority shall consult—”, substitute—

“Consultation for permit schemes

3.—(1) Where a Permit Authority has prepared a permit scheme under section 33 of the 2004 Act and before giving effect to that scheme, the Permit Authority shall consult—”.

(2) After sub-paragraph (f) of regulation 3(1), insert—

“(g) any other persons specified in the Guidance as being persons to be consulted prior to giving effect to a permit scheme;”.

Amendment to regulation 4 (Procedural requirements for submitting new permit schemes)

6. In regulation 4—

(a) for up to “with the following information—”, substitute—

“Procedural requirements for commencing permit schemes

4.—(1) Prior to giving effect to a permit scheme by order in accordance with section 33A of the 2004 Act, the Permit Authority shall have considered the following—”;

- (b) in sub-paragraph (d), omit “and when”;
- (c) in sub-paragraph (e), after “permit scheme”, insert “and how such costs and benefits will be demonstrated when the permit scheme is evaluated in accordance with regulation 16A;”;
- (d) in sub-paragraph (i), omit “a summary of” and “and of the changes made to the permit scheme following that consultation.”; and
- (e) after sub-paragraph (i) insert—

(3) 1991, c.22. Section 64 is amended by the Road Traffic Act 1991 (c.40), section 81 and Schedule 7, paragraph 12 and by the Traffic Management Act 2004 (c.18), section 52(4).

“(2) The Permit Authority shall confirm in the permit scheme that the scheme has been prepared in accordance with these Regulations and that it had regard to the Guidance.”.

Amendment to regulation 5 (varying and revoking schemes at the permit authority’s request)

7. For regulation 5, substitute—

“Varying and revoking permit schemes

5. Before varying or revoking a permit scheme, the Permit Authority shall consult the persons referred to in regulation 3(1).”.

Amendment to regulation 9 (permits)

8.—(1) For regulation 9(1), substitute—

“Permit scheme provision

9.—(1) Subject to paragraph (2), a permit scheme shall include provision requiring a permit to be obtained by electronic communication from the Permit Authority before specified works are carried out in a specified street.”.

(2) After paragraph (9) of regulation 9, insert—

“(10) A permit scheme shall set out the grounds on which a permit can be refused.

(11) Where an application for a permit meets the relevant requirements of the permit scheme, the Permit Authority shall grant the permit.”.

Amendment to regulation 10 (conditions attached to permits)

9. In regulation 10—

(a) in paragraph (2), for “under that paragraph include” substitute “are those”; and

(b) after paragraph (5) insert—

“(6) Where a condition is to be specified in a permit the Permit Authority shall use the wording and numbering for that type of condition set out in the Guidance.”.

New regulation 16A (evaluation of permit scheme)

10. After regulation 16, insert—

“Evaluation of permit schemes

16A.—(1) A permit scheme shall contain information on how the Permit Authority must evaluate that scheme.

(2) The Permit Authority shall evaluate each permit scheme following—

(a) the first, second and third anniversary respectively of the date on which the permit scheme came into effect; and

(b) every third anniversary thereafter.

(3) In carrying out the evaluation, the Permit Authority shall include consideration of—

(a) whether the fee structure needs to be changed in light of any surplus or deficit;