



**ADRODDIAD GAN Y
PWYLLGOR DEDDFAU**

**LEGISLATION COMMITTEE
REPORT**

The Traffic Management Act 2004 (Commencement No. 1) (Wales) Order 2006

The Traffic Management Act 2004 (c.18) ("the Act") received Royal Assent on 22nd July 2004. This Order will commence sections 5(4), 5(5) (special powers of a traffic officer) and section 10 (offences) of Part 1, Part 2 in its entirety (network management by local traffic authorities), Part 6 in its entirety (civil enforcement of traffic contraventions) and sections 94 (power to inspect blue badges), 95 (application or surplus income from parking places), 96 (specific provisions in relation to Wales) and 98 (repeals).

Standing Order 11.7

No points have been identified for reporting under Standing Order 11.7.

Observations

The commencement of paragraphs (4) and (5) of section 5 of the Act, which relate to the exercise of powers referred to earlier in the section in paragraphs that are not themselves being commenced appears strange. However, the commencement of those earlier paragraphs in relation to England will permit English traffic officers to exercise those powers on any road in England and Wales at the direction of the local Chief officer of police or with the consent of the road traffic authority. Whilst the commencement of paragraphs (4) and (5) in relation to Wales may not therefore be strictly necessary, it does confirm the position. It will enable English traffic officers to direct traffic and place

temporary traffic signs in Wales at the direction of the Welsh Chief Constable or the relevant highway authority. This could be important in the case of an accident or other congestion near the border.

A number of minor formatting and typographical errors have been identified and notified to the drafting lawyer for correction on publication.

David Melding AM

Chair, Legislation Committee

17 October 2006