

Background

The Traffic Management Act 2004 introduced civil enforcement of traffic offences in England and Wales.

Part 6 of the Act allows councils outside of London to enforce moving traffic offences, making banned turns, exceeding weight limits and stopping in yellow box junctions.

Despite the 2004 Act now being 18 years old this secondary legislation has never been introduced to parliament and moving traffic offences can only be enforced by the police under criminal law.

The Government announced their intention to enact Part 6 of the 2004 Traffic Management Act in the “Gear Change: A bold vision for walking and cycling” strategy. The government will lay the necessary legislation in Parliament early 2022.

The Department for Transport (DfT) expects to allow applications to be submitted by Local Highway Authorities from February, and following approval (in tranches), will lay the 1st designation orders in parliament during the Summer of 2022. This is all subject to Parliamentary timetable.

The DfT have confirmed that the Minster has approved a prescribed list of Traffic Signs (restrictions), and that the powers, when designated, will permit civil enforcement, using certified camera devices. These powers do not replace those already held by the Police, who would also be able to carry out enforcement. Attached is a copy of the prescribed list of signs that can potentially be enforced for reference.

DfT

The DfT announced in September 2020 that they would be fully enacting the remaining elements of Part 6 of the Traffic Management Act (TMA), permitting local authorities outside of London to use approved camera devices to enforce moving traffic contraventions.

By introducing the enforcement of moving traffic contraventions and utilising the latest ANPR camera technology, authorities will be in a far better position to manage and improve their local road network and deliver key objectives outlined in their local transport plans.

KCC Proposal

Implementation and operation of moving traffic enforcement will be managed on a countywide approach undertaken by KCC which will strengthen the Local Highway Authorities statutory duty in meeting the requirements placed upon it under the Traffic Management Act 2004: to reduce traffic congestion in towns and cities and manage the road network.

This will deliver the DfT's requirement for Local Highway Authorities to provide a consistent, controlled enforcement of the highway network, that is in line with the general principles of good regulation. Enforcement under these powers will be carried out in a way which is transparent, accountable, proportionate, and consistent; and will only target locations where action is needed.

KCC are in the process of submitting an application for the designation order of the Traffic Management Act P6 amendments to the Secretary of State. With the aim to secure these powers as soon as practical.

Traffic Management Act 2004

Part 6 Amendments

JTB Briefing



Kent Network Benefits of moving traffic enforcement:

KCC will use the enforcement of moving traffic contraventions to:

1. Improve road safety
2. Reduce network congestion
3. Increase public transport reliability
4. Improve Air Quality
5. Increase the lifespan of highway assets

Moving traffic enforcement will only be applied where action is needed to meet one of these objectives.

Key Dates

Activity	Timeframe
Consultation on 1 st tranche sites	15 March to 9 May 2022
KCC submits application to DfT	May 2022
Feedback provided to the consultation	Summer 2022
Regulations come into effect	June 2022
KCC begins enforcement	Late 2022/Early 2023