

Background

The Traffic Management Act (TMA) 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, secondary legislation has never been introduced to parliament and moving traffic offences can only be enforced by the police under criminal law. New legislation has now been laid before parliament and is due to come into force from 1st June 2022.

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 Department for Transport (DfT) is allowing applications to be submitted by Local Highway Authorities for the first tranche until 20th May 2022 and following approval will lay the 1st designation orders in parliament during the Summer of 2022. This is all subject to the Parliamentary timetable. Kent County Council (KCC) are on track to apply for these powers during the first tranche. Applications for latter tranches are expected to be invited later in the year.

The DfT have confirmed that the Minister 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.

DfT

The DfT announced in September 2020 that they would be fully enacting the remaining elements of Part 6 of the 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 Authority’s 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.

As part of the KCC application, a public consultation exercise took place between 15th March and 9th May 2022 in line with DfT guidance. KCC are now categorising and reviewing all feedback either positive, negative or neutral. Initial indications show support for the Local Highway Authority to take on the enforcement powers. KCC will then consider any objections and identify if there are any

reasonable actions that can be taken to resolve those objections. Following the review of the feedback, KCC will present the findings to KCC's Environment & Transport Committee, with the finalised report to be published on the KCC website.

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
Public engagement on 1 st tranche sites	15 March to 9 May 2022
KCC to submit application to DfT	May 2022
Feedback provided to the public engagement	Summer 2022
Legislation passes through Parliament	Summer / Autumn 2022
KCC gains powers to begin enforcement	Late 2022

Feedback

For further information on KCC's proposal, the prescribed list of Traffic Signs (restrictions) allowed under civil enforcement, and the first tranche of sites, please see KCC's public engagement website:

www.kent.gov.uk/trafficmanagementact