

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 10: Regulation of the use of roads and railways

Part 2: Permit schemes: removal of requirement for Secretary of State approval

688. In the Traffic Management Act 2004, Chapter 18 of Part 3 introduced the ability for local highway authorities to develop permit schemes. Local highway authorities do not have to introduce permit schemes, but schemes provide greater control over works in their area, and enable the authorities to promote better working practices, for example, working outside peak hours where appropriate. A permit scheme also enables improved co-ordination of works, so minimising inconvenience and disruption to all road users.
689. Currently, the Act requires, in relation to a permit scheme designed and developed by a local highway authority in either England or Wales, that before the permit scheme can be brought into operation it must be submitted to the relevant national authority for approval.
690. Following the examination of several permit schemes operating in the areas of both urban and rural local transport authorities in England, which had been subject to approval by the Secretary of State, the government has decided that there is no longer a need for the Secretary of State to approve future permit schemes. Instead permit schemes, developed by English local highway authorities for their communities, are to be approved by that council's own order.
691. The approval process for permit schemes developed by local authorities in Wales is to remain unchanged. Therefore the amendments in Part 2 of Schedule 9 relate only to England and leave the existing position unchanged as regards Wales.
692. The government consulted on the proposal to remove the requirement for local highway authority permit schemes in England to be approved by the Secretary of State for twelve weeks between January and April 2012. The results of that consultation were placed on the Department for Transport's website. On 23rd January 2013 the government announced, in the House of Commons by written ministerial statement, that the requirement for the Secretary of State to approve permit schemes prepared by English local highway authorities would cease by 2015.
693. Section 37 of the Traffic Management Act 2003 (permit regulations) is amended to reflect the changes made to Part 3 of the Act to remove the Secretary of State's approval for future permit schemes. However, the Secretary of State will retain powers to make regulations with respect to permit schemes, including the power to make regulations covering the fee structure for permits. Consequential changes will be made to regulations made under section 37.
694. **Part 2** forms part of the law of England and Wales. However, the amendments will only affect permit schemes in England. Part 2 comes into force on the day on which the Act is passed so far as is necessary for enabling subordinate legislation to be made. It comes

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

into force for remaining purposes on a day to be appointed by the Secretary of State
in a commencement order.