



Road Traffic (Temporary Restrictions) Act 1991

1991 CHAPTER 26

An Act to make new provision in place of sections 14 and 15 of the Road Traffic Regulation Act 1984; and for connected purposes. [27th June 1991]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Temporary prohibitions and restrictions on traffic

(1) For sections 14 and 15 of the Road Traffic Regulation Act 1984 there shall be substituted the sections set out in Schedule 1 to this Act.

(2) For subsection (2) of section 16 of that Act there shall be substituted—

“(2) The Secretary of State may make regulations with respect to the procedure to be followed in connection with the making of orders and the issue of notices under section 14 of this Act including provision for notifying the public of the exercise, or proposed exercise, of the powers conferred by that section and of the effect of orders and notices made or issued in the exercise of those powers.

(2A) Without prejudice to the generality of subsection (2) above, the Secretary of State may by regulations under that subsection make, in relation to such orders as he thinks appropriate, provision—

- (a) for the making and consideration of objections to a proposed order; and
- (b) for any of the matters mentioned in paragraph 22(1) of Schedule 9 to this Act;

and paragraph 25 of that Schedule shall apply to regulations under that subsection as it applies to regulations under Part III of that Schedule, taking references to orders as including both orders and notices.”

- (3) In section 68(2) of that Act (placing of traffic signs in connection with orders)—
- (a) after the words “subsection (1) above” there shall be inserted the words “or, in the case of a traffic authority having power to make an order under section 14 of this Act, as the authority may consider necessary in connection with any order made or notice issued by them under that section”;
 - (b) after the words “the order is made” (in both places) there shall be inserted the words “or, as the case may be, the notice is issued”.
- (4) In paragraph 27(1) of Schedule 9 to that Act (power to vary or revoke orders) after “9” there shall be inserted “14”.

2 Short title, consequential repeals and amendments, commencement and extent

- (1) This Act may be cited as the Road Traffic (Temporary Restrictions) Act 1991.
- (2) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The Secretary of State may by order made by statutory instrument repeal or amend any local enactment so far as he considers it to have become unnecessary in consequence of the provisions of this Act.
- (4) Before making an order under subsection (3) above the Secretary of State shall consult any traffic authority appearing to him to be concerned; and any order under that subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In subsection (4) above “traffic authority” has the same meaning as in the Road Traffic Regulation Act 1984.
- (6) In section 24(1) and (2) of the Dartford-Thurrock Crossing Act 1988 for the words “subsection (3)” there shall be substituted the words “subsection (2)”; and in section 89(6) of the Environmental Protection Act 1990 for the words “section 14(1) or (3)” there shall be substituted the words “section 14(1) or (2)”.
- (7) This Act shall come into force on such day as the Secretary of State may appoint by an order made by statutory instrument and the order may contain such transitional provisions as he thinks necessary or expedient.
- (8) This Act does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 1(1).

SECTIONS SUBSTITUTED FOR SECTIONS 14 AND 15 OF THE ROAD TRAFFIC REGULATION ACT 1984

“14 Temporary prohibition or restriction on roads

- (1) If the traffic authority for a road are satisfied that traffic on the road should be restricted or prohibited—
 - (a) because works are being or are proposed to be executed on or near the road; or
 - (b) because of the likelihood of danger to the public, or of serious damage to the road, which is not attributable to such works; or
 - (c) for the purpose of enabling the duty imposed by section 89(1)(a) or (2) of the Environmental Protection Act 1990 (litter clearing and cleaning) to be discharged,the authority may by order restrict or prohibit temporarily the use of that road, or of any part of it, by vehicles, or vehicles of any class, or by pedestrians, to such extent and subject to such conditions or exceptions as they may consider necessary.
- (2) The traffic authority for a road may at any time by notice restrict or prohibit temporarily the use of the road, or of any part of it, by vehicles, or vehicles of any class, or by pedestrians, where it appears to them that it is—
 - (a) necessary or expedient for the reason mentioned in paragraph (a) or the purpose mentioned in paragraph (c) of subsection (1) above; or
 - (b) necessary for the reason mentioned in paragraph (b) of that subsection,that the restriction or prohibition should come into force without delay.
- (3) When considering the making of an order or the issue of a notice under the foregoing provisions an authority shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order or notice.
- (4) The provision that may be made by an order or notice under the foregoing provisions is—
 - (a) any such provision as is mentioned in section 2(1), (2) or (3) or 4(1) of this Act; or
 - (b) any provision restricting the speed of vehicles;but no such order or notice shall be made or issued with respect to any road which would have the effect of preventing at any time access for pedestrians to any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians from, and only from, the road.
- (5) Where any such order or notice is made or issued by an authority (in this subsection referred to as the “initiating authority”) any such provision as is mentioned in subsection (4) above may be made as respects any alternative road—

- (a) if that authority is the traffic authority for the alternative road, by an order made by the initiating authority or by that notice;
 - (b) if the initiating authority is not the traffic authority for the alternative road, by an order made by the initiating authority with the consent of the traffic authority for the alternative road.
- (6) Section 3(1) and (2) of this Act shall apply to the provisions that may be made under subsection (5) above as they apply to the provisions of a traffic regulation order.
- (7) An order or notice made or issued under this section may—
- (a) suspend any statutory provision to which this subsection applies; or
 - (b) for either of the reasons or for the purpose mentioned in subsection (1) above suspend any such provision without imposing any such restriction or prohibition as is mentioned in subsection (1) or (2) above.
- (8) Subsection (7) above applies to—
- (a) any statutory provision of a description which could have been contained in an order or notice under this section;
 - (b) an order under section 32(1)(b), 35, 45, 46 or 49 of this Act or any such order as is mentioned in paragraph 11(1) of Schedule 10 to this Act; and
 - (c) an order under section 6 of this Act so far as it designates any parking places in Greater London.
- (9) In this section “alternative road”, in relation to a road as respects which an order is made under subsection (1) or a notice is issued under subsection (2) above, means a road which—
- (a) provides an alternative route for traffic diverted from the first-mentioned road or from any other alternative road; or
 - (b) is capable of providing such an alternative route apart from any statutory provision authorised by subsection (7) above to be suspended by an order made or notice issued by virtue of subsection (5) above.

15 Duration of orders and notices under s.14

- (1) Subject to subsections (2), (3) and (5) below, an order under section 14 of this Act shall not continue in force—
- (a) if it is in respect of a footpath, bridleway, cycle track or byway open to all traffic, for more than six months; and
 - (b) in any other case, for more than eighteen months,
- from the date on which it comes into force.
- (2) The time-limit of eighteen months in subsection (1) above shall not apply to an order made for the reason mentioned in section 14(1)(a) of this Act if the authority making it are satisfied, and it is stated in the order that they are satisfied, that the execution of the works in question will take longer; but in any such case the authority shall revoke the order as soon as the works are completed.
- (3) Where an order subject to the time-limit of eighteen months in subsection (1) above (in this subsection referred to as “the temporary order”) has not ceased to be in force and the Secretary of State is satisfied that—
- (a) an order which the authority that made the temporary order proposes to make under any other provision of this Act has the sole effect of reproducing the provisions of the temporary order and continuing them in force; and

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- (b) in consequence of the procedure required to be followed in connection with the making of the proposed order that authority would be unable to make it so that it would come into operation before the temporary order ceases to be in force, the Secretary of State may, subject to subsection (4) below, from time to time direct that the temporary order shall continue in force for a further period not exceeding six months from the date on which it would otherwise cease to be in force.
- (4) Where the Secretary of State is not himself the authority that made the temporary order he shall not give a direction under subsection (3) above except at the request of that authority.
- (5) The Secretary of State may, at the request of an authority that has made an order subject to the time-limit of six months in subsection (1) above, from time to time direct that the order shall continue in force for a further period from the date on which it would otherwise cease to be in force.
- (6) Where the Secretary of State refuses a request under subsection (5) above in respect of an order no further order to which that subsection applies shall be made in respect of any length of road to which the previous order related unless the Secretary of State has consented to the making of the further order or at least three months have expired since the date on which the previous order ceased to be in force.
- (7) A notice under section 14 of this Act shall not continue in force—
- (a) if issued for the reason mentioned in paragraph (a) or the purpose mentioned in paragraph (c) of subsection (1) of that section, for more than five days from the date of the notice;
 - (b) if issued for the reason mentioned in paragraph (b) of that subsection, for more than twenty-one days from that date;
- but the Secretary of State may by regulations alter the number of days for the time being specified in this subsection.
- (8) Provided that no restriction or prohibition imposed under section 14 of this Act in respect of any length of road remains in force for more than the period applicable to an order in respect of the road under subsection (1) above (except by virtue of subsection (2), (3) or (5) above and subject to subsection (6) above)—
- (a) a restriction or prohibition imposed by an order under that section may be continued by a further order or further orders under that section; and
 - (b) a restriction or prohibition imposed by a notice under that section may be continued—
 - (i) by an order under that section; or
 - (ii) if the notice was issued for the reason mentioned in subsection (1)(b) of that section, by one (but not more than one) further notice under that section.
- (9) In the application of this section to England and Wales—
- (a) “footpath” does not include a highway over which the public have a right of way on foot only which is at the side of a public road;
 - (b) “cycle track” has the same meaning as in the Highways Act 1980; and
 - (c) “byway open to all traffic” means a highway over which the public have a right of way for vehicular and all other kinds of traffic but which is used by the public mainly for the purpose for which footpaths and bridleways are used.

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(10) In the application of this section to Scotland “footpath” and “cycle track” have the same meaning as in the Roads (Scotland) Act 1984.”

SCHEDULE 2

Section 2(2).

REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1984 c. 27.	The Road Traffic Regulation Act 1984.	Schedule 3.
1985 c. 51.	The Local Government Act 1985.	In Schedule 5, paragraph 4(7).
1990 c. 43.	The Environmental Protection Act 1990.	In Schedule 15, paragraph 23.
1991 c. 22.	The New Roads and Street Works Act 1991.	In Schedule 8, paragraphs 26 and 79.