

SCHEDULE 1

Regulations 11, 12 and 13

Procedures for Designations and Withdrawal of Designations

Part I

Designation of protected streets

1. Before making a designation of a protected street the street authority shall publish a notice of its intention to make the designation and specifying a time, not less than one month, within which objections may be made, in one or more newspapers circulating in the locality in which the street to which the proposed designation relates is situated. The notice shall include a statement that all objections must be in writing and must specify the grounds on which they are made.

2. The street authority shall not later than the date on which the publication required by paragraph 1 is made serve a copy of that notice on—

- (a) every undertaker who the authority knows to have apparatus in any street to which the proposed designation refers or who has given notice under Article 14 of the Order of his intention to execute street works in any such street;
- (b) every local authority (other than the street authority) in whose area any street to which the proposed designation relates is situated;
- (c) the owner or reputed owners, and the occupiers or reputed occupiers of any land which is adjacent to the street;
- (d) any person who has requested the street authority in writing to be given notice of a proposed designation.

3. If within the specified period no objection is received by the street authority, or if all objections have been withdrawn, the street authority may make the designation.

4. If within that period an objection is received by the street authority from any person on whom a copy of a notice is required to be served under paragraph 2 or from any other person appearing to the street authority to be affected by the proposed designation and the objection is not withdrawn the street authority shall before making the designation cause a local inquiry to be held.

5. Where a local inquiry has been held the street authority shall consider the objections and the report of the person who held the inquiry and may make the designation with or without modifications, or may decide not to make the designation, as it thinks fit.

Part II

Designation of streets with special engineering difficulties and traffic-sensitive streets

6. Before making a designation of a street either as a street with special engineering difficulties or as a traffic-sensitive street the street authority shall give notice of its proposal specifying a time, not less than one month, within which objections may be made, to—

- (a) every undertaker who the authority knows to have apparatus in any street to which the proposed designation refers or who has given notice under Article 14 of the Order of his intention to execute street works in any such street;
- (b) every local authority (other than the street authority) in whose area any street to which the proposed designation relates is situated; and

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- (c) any person who has requested the street authority in writing to be given notice of a proposed designation.

The notice shall include a statement that all objections must be in writing and must specify the grounds on which they are made.

7. If within the specified period no objection is received by the street authority, or if all objections have been withdrawn, the street authority may make the designation.

8. If within that period an objection is received by the street authority from any person on whom notice is required to be served under paragraph 6 or from any other person appearing to the street authority to be affected by the proposed designation and the objection is not withdrawn the street authority shall before making the designation consider the objection and may make the designation with or without modifications or may decide not to make the designation as it thinks fit.

Part IIA

9. A street authority shall give written notice of its decision whether to designate any street as one that is to be subject to special controls, in accordance with Articles 21, 23 or 24 of the Order, to any undertaker on whom they served a copy of a notice under paragraph 2(a), or a notice under paragraph 6(a).

Part III

10. The street authority may at any time withdraw—

- (a) the designation of a street as a protected street;
- (b) the designation of a street as traffic-sensitive.

11. Subject to the provisions of paragraph 12, the street authority may at any time withdraw the designation of a street as a street with special engineering difficulties.

12. No withdrawal as mentioned in paragraph 11 shall occur without prior consultation with the transport authority or undertaker at whose request the designation was made.

13. If the street authority withdraws such a designation it shall publish a notice in one or more newspapers circulating in the locality in which the street to which the withdrawn designation related.

14.—(1) When a street manager makes or withdraws a designation he shall notify the Department.

(2) When the Department makes or withdraws a designation, or receives notification from a street manager in accordance with paragraph (1), it shall record such decisions on the register on the next following quarter day, except where that day is a public holiday, in which case it shall do so on the following working day.

Part IV

15. In this Schedule—

“designation” means a designation of a street as a protected street within Article 21, as a street having special engineering difficulties within Article 23, or as traffic-sensitive within Article 24, of the Order; and

“quarter day” means 2nd January, 1st April, 1st July and 1st October.