



# Road Traffic Regulation Act 1967

## 1967 CHAPTER 76

### *Special provisions with respect to certain orders*

#### **84A Reserve powers of appropriate Minister as to certain orders.**

- (1) Subject to subsection (5) below and to section 84C(7) of this Act—
- (a) the Minister may, after consultation with the Greater London Council, give to that Council with respect to any of the following provisions of this Act, namely, sections 6, 9, 31, 33, 35, 36, 37(2) and (3), 73(3) and 74, and
  - (b) in the case of any other local authority, being an authority who have power to make an order under or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 9, 15, 28, 31, 33, 35, 36, 37(2) and (3), 39, 73(3) and 74 (hereafter in this section referred to as an "authorised authority"), the appropriate Minister may, after consultation with the authorised authority, give to that authority with respect to any of those provisions,
- a direction—
- (i) requiring the Council or authority to make an order under or by virtue of the provision or provisions in question for a specified purpose and coming into operation before the expiration of a specified period; or
  - (ii) prohibiting the Council or authority (either generally or without that Minister's consent or for a specified period) from making or bringing into operation an order under or by virtue of the provision or provisions in question with respect to specified matters or a specified area.
- (2) Any power to make an order conferred on the Greater London Council by any of the provisions referred to in paragraph (a) or conferred on an authorised authority by any of the provisions referred to in paragraph (b) of subsection (1) above shall be exercisable by the appropriate Minister as well as by the Council or authority, and where that Minister has made an order by virtue of this subsection—
- (a) then, so far as appears to him necessary in order to make the order effective, he, or (except where the power is a power of the Greater London Council) any other local authority with whom he may make arrangements for the purpose, shall have power to do anything which the Council or, as the case may be,

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the authorised authority would have had power to do if the order had been made by them ; and

- (b) he may recover from the Council or, as the case may be, from the authorised authority summarily as a civil debt any expenses incurred by him by virtue of paragraph (a) above;

but no Minister shall make any order by virtue of this subsection except for the purpose of securing the object of a direction given to the Greater London Council or an authorised authority under subsection (1) above with which that Council or authority have failed to comply.

- (3) Where by virtue of subsection (2) above a parking place has been designated under section 35(1) or (5) of this Act by an order of the appropriate Minister, then—

- (a) if that Minister, with the consent of the Treasury, enters into an agreement with the local authority within the meaning of that section or, in the case of an order under the said section 35(5), with the local authority or the Greater London Council for the transfer to that authority or Council of the operation of that parking place, the operation thereof, and such apparatus or other things held by, and rights or liabilities of, that Minister in connection with the parking place as may be specified in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by that Minister) as may be so specified;
- (b) from the taking effect of any such transfer of the operation of the parking place the order designating the parking place shall have effect subject to such modifications (if any) as that Minister may direct, being modifications appearing to him requisite in consequence of the transfer, and the provisions of the said section 35 and sections 36, 37, 42 and 44 of this Act shall thereafter apply as if the parking place had been designated under the said section 35(1) by an order made by, or on the application of, the local authority or, where the transfer is to the Greater London Council, under the said section 35(5) by an order made by that Council.

- (4) Without prejudice to any power to make an order for the like purpose by virtue of subsection (2) above and section 84D of this Act, but subject to subsection (5) below, the appropriate Minister may, after giving notice to the Greater London Council or, as the case may be, the authorised authority concerned and holding, if he thinks fit, a public inquiry, by order vary or revoke any order made or having effect as if made under or by virtue of any of the provisions referred to in subsection (1)(a) or (b) above.

- (5) No Minister shall give any direction under subsection (1) above or, subject to subsection (6) below, make any order under subsection (4) above unless he is satisfied, having regard to any matters appearing to him to be relevant, that the duty under section 84(1) of this Act of the Greater London Council or, as the case may be, of the authorised authority concerned is not being satisfactorily discharged by that Council or authority and that the giving of the direction or, as the case may be, the making of the order is necessary in order to secure compliance with that duty.

- (6) The appropriate Minister may make an order under subsection (4) above notwithstanding that he is not satisfied as mentioned in subsection (5) above if he is satisfied, having regard to any matters appearing to him to be relevant, that there are special circumstances which make it expedient that the order should be made.

- (7) In relation to an order under section 15 or 33 of this Act, references in this section to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.

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- (8) In its application to Scotland, subsection (2)(b) above shall have effect as if the words " summarily as a civil debt " were omitted.

#### **84B Consents of appropriate Minister to certain orders.**

- (1) Where in the case of any order proposed to be made by a local authority other than the Greater London Council under or by virtue of any of the following provisions of this Act, namely, sections 1, 5, 9, 15, 26, 28, 31, 33, 35, 36, 37, 73(3) and 74, it is proposed to include in the order any provision—
- (a) so prohibiting or restricting the use of a road as to prevent for more than eight hours in any period of twenty-four hours access for vehicles of any class to any premises situated on or adjacent to that road or any other premises accessible for vehicles of that class from, and only from, that road ; or
  - (b) applying to a trunk road ; or
  - (c) directing that a principal road shall be, or cease to be, a restricted road for the purposes of section 71 of this Act; or
  - (d) in the case of an order for the purposes of section 74(1) of this Act—
    - (i) applying to a principal road ; or
    - (ii) applying to any road a speed limit of less than 30 miles an hour ; or
  - (e) varying or revoking within twelve months of its making any order made by, or made in pursuance of a direction given by, the appropriate Minister; or
  - (f) making provision as respects any length of road for any purpose within twelve months after the date when a previous order made as respects that length of road for a similar purpose was varied or revoked by an order made by, or made in pursuance of a direction given by, the appropriate Minister; or
  - (g) varying or revoking an order under section 1 of this Act as respects a road which is not a trunk road made by the appropriate Minister on the application of the governing body of a university,
- then, except where the provision is to be included in pursuance of a direction under section 84A(1) of this Act, the order shall not be made except with the consent of the appropriate Minister.
- (2) Where in the case of any order proposed to be made by the Greater London Council under or by virtue of any of the following provisions of this Act, namely, sections 6, 9, 31, 33, 35, 36, 37, 73(3) and 74, it is proposed to include in the order any provision such as is mentioned in paragraphs (b) to (f) of subsection (1) above, then, except where the provision is to be included in pursuance of a direction under section 84A(1) of this Act, the order shall not be made except with the consent of the Minister.
- (3) The appropriate Minister may by order add to or remove from the orders for which his consent is required by the foregoing provisions of this section such orders made by such local authorities for such purposes or in such circumstances as he may see fit to specify in his order; but—
- (a) no order under this subsection removing any order from the orders for which the Minister's consent is for the time being required under this section shall be made unless a draft of the order has been approved by resolution of each House of Parliament; and
  - (b) any other order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (4) The appropriate Minister may, in consenting to any order submitted to him for his consent under this section, consent to that order either in the form in which it was submitted to him or with such modifications as he thinks fit, which may include additions, exceptions or other modifications of any description; but where he proposes to consent to the order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the local authority in question and other persons likely to be concerned.
- (5) The appropriate Minister may by order grant a general consent to the making of orders requiring his consent under this section—
  - (a) of such descriptions, or
  - (b) with respect to such matters only, or
  - (c) made by such local authorities or by authorities of such classes or descriptions, or
  - (d) made in such circumstances, or
  - (e) complying with such requirements,
 as may be specified in the order; but any order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The power to make an order conferred by subsection (3) or (5) above shall be exercisable by statutory instrument and shall include power to make an order under that subsection varying or revoking any previous order made thereunder.
- (7) In relation to an order under section 15 or 33 of this Act, references in this section to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.
- (8) In subsection (1)(c) and (d) above, the expression " principal road " means a road for the time being classified as a principal road—
  - (a) by the Minister under section 27(2) of the Local Government Act 1966 for the purposes of advances under section 235 of the Highways Act 1959; or
  - (b) by the Secretary of State under section 28(2) of the Local Government (Scotland) Act 1966 for the purposes of advances under section 8 of the Development and Road Improvement Funds Act 1909.

#### **84C Procedure as respects certain orders and consents.**

- (1) Without prejudice to any further requirements contained in any regulations made under the subsequent provisions of this section, and except where the order is made in pursuance of a direction given by the appropriate Minister under section 84A(1) of this Act, before the Greater London Council or any other local authority make an order under or by virtue of any of the following provisions of this Act, namely, sections 1, 5, 6, 9, 15, 26, 26A, 28, 31, 33, 35, 36, 37, 73(3) and 74, they shall consult with the chief officer of police of any police area in which any road or other place to which the order is to relate is situated; and if the order in question falls to be submitted to the appropriate Minister for his consent under section 84B of this Act, the authority shall so consult before so submitting the order.
- (2) The appropriate Minister may make regulations as respects orders of a local authority other than the Greater London Council under any of the provisions referred to in subsection (1) above other than section 26A for providing the procedure to be followed

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in connection with the making of such orders, the submission of such orders for the consent of the appropriate Minister, where such submission is required, and the consideration by that Minister of any such order submitted to him; and the appropriate Minister shall by regulations under this subsection make such, if any, provision as he considers appropriate with respect to—

- (a) the publication of any proposal for the making of such an order;
  - (b) the making and consideration of objections to any such proposal; and
  - (c) the publication of notice of the making of the order and of its effect.
- (3) Without prejudice to the generality of subsection (2) above, regulations under that subsection may include provision—
  - (a) as to the form of any such order as is mentioned in that subsection;
  - (b) for the holding of inquiries for the purposes of any such order, and as to the appointment of the person by whom any such inquiry is to be held ;
  - (c) for the making of modifications in any such order, whether in consequence of any objections or otherwise, before the order is made ;
  - (d) requiring any such order to include such exemptions for such purposes and subject to such exceptions as may be provided for by the regulations;
  - (e) requiring the authority by whom any such order is made to place and maintain, or cause to be placed and maintained, such traffic signs in connection with that order as may be so provided for.
- (4) The Minister, after consultation with the Greater London Council, may make regulations—
  - (a) as respects orders made by that Council under any of the provisions referred to in subsection (1) above other than section 26A, for any of the like purposes as those for which regulations are required or authorised to be made under subsection (2) above;
  - (b) with respect to any other order the making of which by that Council requires the consent of the Minister, for providing the procedure to be followed in connection with the obtaining of that consent.
- (5) The appropriate Minister may make regulations with respect to the procedure in connection with the making by him—
  - (a) of any order made by virtue of subsection (2) or made under subsection (4) of section 84A of this Act;
  - (b) of any order which he is authorised to make with respect to trunk roads under any of the provisions referred to in subsection (1) above.
- (6) Any regulations under this section may make different provision for different orders or for different circumstances; and where any such regulations require an authority to post any notice in a highway the authority may, whether or not they are the highway authority, take such steps for that purpose as they think fit, including the use for that purpose of any lamppost, traffic sign or other structure whatsoever in the highway, whether or not belonging to that authority.
- (7) Before giving any authority a direction under section 84A(1) of this Act to make with or without modifications an order under any of the provisions referred to in subsection (1) above in connection with which steps have already been taken in pursuance of regulations under this section, the appropriate Minister—
  - (a) shall consider any objections made to that order; and,

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- (b) if the order is directed to be made with modifications which appear to him to affect substantially the character of the order, shall take such steps as appear to him to be sufficient and reasonably practicable for informing any local authority concerned and any other person likely to be concerned.
- (8) In relation to an order under section 15 or 33 of this Act, references in this section to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.

**84D Provisions as to Variation or revocation, and as to making by Ministers, of certain orders.**

- (1) Subject to subsection (3) below, and without prejudice to section 35(6) of this Act, any power to make an order as respects any road or parking place conferred by or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 6, 9, 15, 26, 26A, 28, 31, 33, 35, 36, 37(2) and (3), 39, 73, 74 and 84A(4), shall include power for the authority for the time being having power to make such an order as respects that road or parking place to make such an order varying or revoking any previous order as respects that road or parking place made, or having effect as if made, under or by virtue of the provision in question, whether that previous order was made by that or some other authority and notwithstanding that the previous order was, and the order varying or revoking it is not, made in pursuance of a power exercisable by statutory instrument.
- (2) For the avoidance of doubt it is hereby declared that, subject to section 84B of this Act, the power to vary or revoke an order made under or by virtue of any of the provisions referred to in subsection (1) above extends to the variation or revocation of any such order in connection with the provision in question as is hereinafter mentioned, notwithstanding that it was made by, or by direction of, a Minister, namely—
  - (a) an order under or by virtue of the provision in question made in pursuance of a direction under section 84A(1) of this Act;
  - (b) an order under or by virtue of the provision in question (not being section 35, 36, 37 or 39 of this Act) made by virtue of section 84A(2) of this Act;
  - (c) an order under or by virtue of the provision in question (being the said section 35, 36, 37 or 39) made by virtue of the said section 84A(2) if that order relates to a parking place for the time being controlled by the local authority within the meaning of the said section 35 or by the Greater London Council;
  - (d) an order under section 26(5) or 84A(4) of this Act.
- (3) Where a Minister proposes to make an order varying or revoking an order made by him by virtue of section 1(2) of this Act upon the application of the governing body of a university, he shall before making the order give notice to that body and, if he thinks fit, hold a public inquiry.
- (4) Nothing in subsection (5) of section 84A of this Act shall prevent the exercise by a Minister of the power to revoke any order made by that Minister under subsection (4) of that section.
- (5) Any power of a Minister to make an order under or by virtue of any of the provisions referred to in subsection (1) above shall be exercisable by statutory instrument.

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**84E      Limitation of right to challenge certain orders in legal proceedings.**

- (1) If in the case of an order made under or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 6, 9, 15, 28 and 33, any person desires to question the validity of, or of any provision contained in, the order on the ground that it is not within the powers with respect to such an order conferred by this Act, or on the ground that any requirement with respect to such an order of, or of any instrument made under, any provision of this Act has not been complied with in relation to the order, he may, within six weeks from the date on which the order is made, make an application for the purpose to the High Court or, in Scotland, to the Court of Session.
- (2) Subsections (2) and (3) of section 41 of this Act shall apply in relation to an application under subsection (1) above and to such an order as is mentioned in the said subsection (1) as they apply in relation to an application under subsection (1) of the said section 41 and to a designation order.