

SCHEDULES

SCHEDULE 2

Section 32

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 1

AMENDMENTS AND REPEALS CONSEQUENTIAL ON PART 1

Civil Defence Act 1939 (c. 31)

1 The Civil Defence Act 1939 shall cease to have effect.

Civil Defence Act (Northern Ireland) 1939 (c. 15 (N.I.))

2 The Civil Defence Act (Northern Ireland) 1939 shall cease to have effect.

Civil Defence Act 1948 (c. 5)

3 The Civil Defence Act 1948 shall cease to have effect.

Civil Defence Act (Northern Ireland) 1950 (c. 11 (N.I.))

4 The Civil Defence Act (Northern Ireland) 1950 shall cease to have effect.

Defence Contracts Act 1958 (c. 38)

5 In section 6(1) of the Defence Contracts Act 1958 (interpretation, &c.), in the definition of “defence materials” omit paragraph (b).

Public Expenditure and Receipts Act 1968 (c. 14)

6 Section 4 of the Public Expenditure and Receipts Act 1968 (compensation to civil defence employees for loss of employment, &c.) shall cease to have effect.

Local Government Act 1972 (c. 70)

7 In section 138 of the Local Government Act 1972 (emergency powers)—
(a) subsection (1A) shall cease to have effect, and
(b) in subsection (3) for “subsections (1) and (1A) above” substitute “subsection (1) above”.

Civil Protection in Peacetime Act 1986 (c. 22)

8 The Civil Protection in Peacetime Act 1986 shall cease to have effect.

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Road Traffic Act 1988 (c. 52)

- 9 In section 65A(5) of the Road Traffic Act 1988 (light passenger vehicles and motor cycles not to be sold without EC certificate of conformity) omit paragraph (c).

Metropolitan County Fire and Rescue Authorities

- 10 (1) The bodies established by section 26 of the Local Government Act 1985 (c. 51) and known as metropolitan county fire and civil defence authorities shall be known instead as metropolitan county fire and rescue authorities.
- (2) So far as necessary or appropriate in consequence of sub-paragraph (1), a reference in an enactment, instrument, agreement or other document to a metropolitan county fire and civil defence authority shall be treated as a reference to a metropolitan county fire and rescue authority.
- (3) In the following provisions for “(fire services, civil defence and transport)” substitute “(fire and rescue services and transport)”—
- (a) paragraph 29 of Schedule 1A to the Race Relations Act 1976 (c. 74),
 - (b) sections 21(1)(i), 39(1)(g), 67(3)(k) and 152(2)(i) of the Local Government and Housing Act 1989 (c. 42),
 - (c) section 1(10)(d) of the Local Government (Overseas Assistance) Act 1993 (c. 25),
 - (d) paragraph 19 of Schedule 1 to the Freedom of Information Act 2000 (c. 36), and
 - (e) sections 23(1)(k) and 33(1)(j) of the Local Government Act 2003 (c. 26).

PART 2

AMENDMENTS AND REPEALS CONSEQUENTIAL ON PART 2

Emergency Powers Act 1920 (c. 55)

- 11 The Emergency Powers Act 1920 shall cease to have effect.

Emergency Powers Act (Northern Ireland) 1926 (c. 8)

- 12 The Emergency Powers Act (Northern Ireland) 1926 shall cease to have effect.

Northern Ireland Act 1998 (c. 47)

- 13 In paragraph 14 of Schedule 3 to the Northern Ireland Act 1998 (reserved matters) for “the Emergency Powers Act (Northern Ireland) 1926” substitute “Part 2 of the Civil Contingencies Act 2004”.

PART 3

MINOR AMENDMENTS

Energy Act 1976 (c. 76)

- 14 After sections 1 to 4 of the Energy Act 1976 (powers to control production and supply of fuel, &c.) insert—

“Sections 1 to 4: territorial application

- (1) A power under sections 1 to 4 may be exercised in relation to anything which is wholly or partly situated in, or to activity wholly or partly in—
- (a) the United Kingdom,
 - (b) the territorial sea of the United Kingdom, or
 - (c) an area designated under the Continental Shelf Act 1964 (c. 29).
- (2) Subsection (1) is without prejudice to section 2(2)(b).”

Highways Act 1980 (c. 66)

- 15 (1) At the end of section 90H(2) of the Highways Act 1980 (traffic calming works regulations) add—

“(d) provide that, in such cases or circumstances as the regulations may specify, works may be constructed or removed only with the consent of a police officer of such class as the regulations may specify.”

- (2) In section 329(1) of that Act (interpretation) for the definition of “traffic calming works” substitute—

““traffic calming works”, in relation to a highway, means works affecting the movement of vehicular or other traffic for the purpose of—

- (a) promoting safety (including avoiding or reducing, or reducing the likelihood of, danger connected with terrorism within the meaning of section 1 of the Terrorism Act 2000 (c. 11)), or
- (b) preserving or improving the environment through which the highway runs;”.

Road Traffic Regulation Act 1984 (c. 27)

- 16 (1) The Road Traffic Regulation Act 1984 shall be amended as follows.
(2) In Part 2 (traffic regulation: special cases) after section 22B insert—

“Terrorism

- (1) An order may be made under section 1(1)(a) for the purpose of avoiding or reducing, or reducing the likelihood of, danger connected with terrorism (for which purpose the reference to persons or other traffic using the road shall be treated as including a reference to persons or property on or near the road).
- (2) An order may be made under section 1(1)(b) for the purpose of preventing or reducing damage connected with terrorism.

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- (3) An order under section 6 made for a purpose mentioned in section 1(1)(a) or (b) may be made for that purpose as qualified by subsection (1) or (2) above.
- (4) An order may be made under section 14(1)(b) for a purpose relating to danger or damage connected with terrorism.
- (5) A notice may be issued under section 14(2)(b) for a purpose relating to danger or damage connected with terrorism.
- (6) In this section “terrorism” has the meaning given by section 1 of the Terrorism Act 2000 (c. 11).
- (7) In Scotland an order made, or notice issued, by virtue of this section is to be made or issued not by the traffic authority, if the traffic authority is the Scottish Ministers, but by the Secretary of State.
- (8) In Wales an order made, or notice issued, by virtue of this section may be made or issued only with the consent of the Secretary of State if the traffic authority is the National Assembly for Wales.

Section 22C: supplemental

- (1) An order may be made by virtue of section 22C only on the recommendation of the chief officer of police for the area to which the order relates.
 - (2) The following shall not apply in relation to an order made by virtue of section 22C—
 - (a) section 3,
 - (b) section 6(5),
 - (c) the words in section 14(4) from “but” to the end,
 - (d) section 121B, and
 - (e) paragraph 13(1)(a) of Schedule 9.
 - (3) Sections 92 and 94 shall apply in relation to an order under section 14 made by virtue of section 22C as they apply in relation to an order under section 1 or 6.
 - (4) An order made by virtue of section 22C, or an authorisation or requirement by virtue of subsection (3) above, may authorise the undertaking of works for the purpose of, or for a purpose ancillary to, another provision of the order, authorisation or requirement.
 - (5) An order made by virtue of section 22C may—
 - (a) enable a constable to direct that a provision of the order shall (to such extent as the constable may specify) be commenced, suspended or revived;
 - (b) confer a discretion on a constable;
 - (c) make provision conferring a power on a constable in relation to the placing of structures or signs (which may, in particular, apply a provision of this Act with or without modifications).”
- (3) In section 67 (traffic signs: emergencies &c.) after subsection (1) insert—
- “(1A) In subsection (1)—

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- (a) “extraordinary circumstances” includes terrorism or the prospect of terrorism within the meaning of section 1 of the Terrorism Act 2000 (c. 11), and
- (b) the reference to 7 days shall, in the application of the subsection in connection with terrorism or the prospect of terrorism, be taken as a reference to 28 days;

but this subsection does not apply to a power under subsection (1) in so far as exercisable by a traffic officer by virtue of section 7 of the Traffic Management Act 2004 (c. 18).”

(4) In Schedule 9 (reserve powers of Secretary of State, Scottish Ministers and National Assembly for Wales)—

- (a) in paragraph 1, after “sections 1, 6, 9,” insert “14 (in so far as the power under that section is exercisable by virtue of section 22C),” and—
- (b) after paragraph 12 insert—

“12A Article 2 of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (SI 1999/1750) shall not apply to a provision of this Schedule in so far as it relates to the exercise of a power under this Act by virtue of section 22C.

12B A power conferred upon the Secretary of State by this Schedule shall, in so far as it relates to the exercise of a power under this Act by virtue of section 22C, be exercisable in relation to Wales by the National Assembly for Wales with the consent of the Secretary of State.”.

Roads (Scotland) Act 1984 (c. 54)

- 17 (1) After section 39B of the Roads (Scotland) Act 1984 (traffic calming works regulations) insert—

“Prescribing of works for anti-terrorism purposes

- (1) Where—
 - (a) the construction of any traffic calming works is for the purpose of avoiding or reducing, or reducing the likelihood of, danger connected with terrorism within the meaning of section 1 of the Terrorism Act 2000, and
 - (b) the function of constructing those works would, but for this section, be exercisable by the Scottish Ministers,that function shall instead be exercisable by the Secretary of State.
- (2) The power to make regulations under section 39B of this Act—
 - (a) for the purpose of, or in connection with, avoiding or reducing, or reducing the likelihood of, danger connected with terrorism within the meaning of section 1 of the Terrorism Act 2000, and
 - (b) which would, but for this section, be exercisable by the Scottish Ministers,shall instead be exercisable by the Secretary of State.
- (3) Regulations under section 39B of this Act may, if they are made by virtue of subsection (2) above, provide that, in such circumstances as the regulations

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may specify, works may be constructed or removed only with the consent of a police officer of such class as the regulations may specify.”

- (2) In section 40 of that Act (interpretation of sections 36 to 39C) for the definition of “traffic calming works” substitute—

““traffic calming works”, in relation to a road, means works affecting the movement of vehicular or other traffic for the purpose of—

- (a) promoting safety (including avoiding or reducing, or reducing the likelihood of, danger connected with terrorism within the meaning of section 1 of the Terrorism Act 2000 (c. 11)), or
- (b) preserving or improving the environment through which the road runs.”