

SCHEDULES

SCHEDULE 26

Section 36

LORRIES

Lorry ban orders

- 1 (1) In this Schedule “lorry ban order” means—
- (a) the Greater London (Restriction of Goods Vehicles) Traffic Order 1985, or
 - (b) any other order made at any time under section 1, 6, 9 or 14 of the Road Traffic Regulation Act 1984 which to any extent imposes—
 - (i) a prohibition or restriction on the use of heavy commercial vehicles, or any class of such vehicles, in an area, zone or place, or on a road, specified in the order, or
 - (ii) a requirement that heavy commercial vehicles, or any class of such vehicles, use a specified through route.
- (2) The reference in sub-paragraph (1)(b)(i) to a prohibition or restriction on the use of heavy commercial vehicles on a road does not include a prohibition or restriction on their use on part of the width of a road.
- (3) It is immaterial for the purposes of sub-paragraph (1)(b) whether the prohibition, restriction or requirement is subject to exceptions.
- (4) This paragraph applies in relation to a lorry ban order made by the Secretary of State or a strategic highways company only if the Secretary of State or the strategic highways company consents (and consent may be subject to conditions).

Required provision in lorry ban orders

- 2 (1) If a lorry ban order referred to in paragraph 1(1)(b) does not contain the required provision, it is to be treated as if it did.
- (2) The required provision is provision to the effect that—
- (a) a person proposing to use heavy commercial vehicles in connection with authorised works in a way which would otherwise constitute a breach of the prohibition, restriction or requirement referred to in paragraph 1(1)(b) may apply for the issue of a permit in respect of that use, and
 - (b) the use authorised by such a permit does not constitute a breach of the prohibition, restriction or requirement.

Issue of emergency permits

- 3 (1) This paragraph applies where a person proposes to undertake a journey before the end of the next complete eight working days, being a journey—
- (a) proposed to be undertaken in connection with the carrying out of authorised works, and

Status: This is the original version (as it was originally enacted).

- (b) for which a permit under a lorry ban order is required if the prohibition, restriction or requirement is not to be breached.
- (2) The person may apply for a permit under the lorry ban order for the journey by giving the details mentioned in sub-paragraph (3), by telephone or by electronic means, to the authority responsible for dealing with permits under the order.
- (3) The details referred to above are—
- (a) the identity of the applicant,
 - (b) how the applicant may be contacted by telephone or by electronic means,
 - (c) the registration number of the vehicle to which the application relates,
 - (d) the authorised works in connection with which the journey is to be undertaken,
 - (e) whether any approved arrangements are relevant to the application and, if so, what they are,
 - (f) the date when the journey is proposed to be undertaken,
 - (g) in the case of an order made otherwise than by the Secretary of State or a strategic highways company, whether it is proposed to stop in the relevant area for delivery or collection purposes and, if so, the place or places and time or times at which it is proposed to do so, and
 - (h) in the case of an order made by the Secretary of State or a strategic highways company, such details of the place or places and time or times at which it is proposed to stop for delivery or collection purposes as may be set out in conditions attaching to consent given under paragraph 1(4).
- (4) In sub-paragraph (3)(g) “relevant area” means—
- (a) Greater London, if the area, zone, place or road specified in the order is in Greater London, and
 - (b) the area of the traffic authority, in any other case.
- 4 (1) An authority responsible for dealing with permits under a lorry ban order must make arrangements enabling applications under paragraph 3 to be made at any time.
- (2) Once an application for a permit has been made under paragraph 3, then, for the purpose of any relevant journey, the application is to be treated as granted subject to such conditions as the Secretary of State may by order specify.
- (3) A journey is a relevant journey for the purposes of sub-paragraph (2) if it is begun before the authority to which the application is made has communicated its decision on the application to the applicant by the means specified by the application under paragraph 3(3)(b).
- (4) The power to make an order under sub-paragraph (2) includes—
- (a) power to make different provision for different cases, and
 - (b) power to make an order varying or revoking any order previously made under that provision.

Grant of applications for permit

- 5 (1) This paragraph applies where an application for the issue of a permit under a lorry ban order—
- (a) is made under paragraph 3, or

Status: This is the original version (as it was originally enacted).

- (b) is otherwise expressed to be made in connection with the carrying out of authorised works.
- (2) The application must be granted if the issue of a permit is reasonably required—
 - (a) for the purpose of enabling authorised works to be carried out in a timely and efficient manner, or
 - (b) for the purpose of enabling authorised works to be carried out in accordance with approved arrangements.
- (3) If the application is granted, no condition may be imposed which is likely to obstruct the carrying out of authorised works—
 - (a) in a timely and efficient manner, or
 - (b) in accordance with approved arrangements.
- (4) An applicant aggrieved by a decision under sub-paragraph (2) or (3) may appeal to the Secretary of State by giving notice of the appeal to—
 - (a) the Secretary of State, and
 - (b) the authority whose decision is appealed against,within 28 days of notification of the decision.
- (5) On an appeal under sub-paragraph (4), the Secretary of State may allow or dismiss the appeal or vary the decision of the authority whose decision is appealed against.
- (6) If, on an appeal under sub-paragraph (4) against a decision under sub-paragraph (3), the Secretary of State varies the decision, the variation has effect from and including the date on which the appeal was constituted or such later date as the Secretary of State may specify.
- (7) The applicant may not challenge a decision under sub-paragraph (3) otherwise than by an appeal under sub-paragraph (4).

Supplementary interpretation

- 6 (1) In this Schedule—
- “approved arrangements” means arrangements approved for the purposes of paragraph 6 of Schedule 17;
 - “authorised works” means works authorised by this Act;
 - “electronic means” includes email and the internet;
 - “heavy commercial vehicle” has the same meaning as in the Road Traffic Regulation Act 1984 (see section 138 of that Act);
 - “traffic authority” has the same meaning as in the Road Traffic Regulation Act 1984 (see section 121A of that Act);
 - “working day” means any day which is not a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.
- (2) In this Schedule references to the issuing of a permit include the giving of any consent.