

1962 No. 2340

ROAD TRAFFIC

The Control of Dogs on Roads Orders (Procedure) (England and Wales) Regulations 1962

Made - - - - - 19th October 1962
Laid before Parliament 30th October 1962
Coming into Operation 1st November 1962

The Minister of Transport (hereinafter referred to as "the Minister") in exercise of his powers under section 37 of the Road Traffic Act 1962(a) and of all other powers him enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of sub-section (2) of section 260 of the Road Traffic Act 1960(b), hereby makes the following Regulations:—

General

1. These Regulations shall come into operation on 1st November 1962 and may be cited as the Control of Dogs on Roads Orders (Procedure) (England and Wales) Regulations 1962.

2.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them:—

"the Act of 1960" means the Road Traffic Act 1960;

"local authority" means the council of a county borough or county district, the Common Council of the City of London or the council of a metropolitan borough;

"Order" means an Order by a local authority under section 220 of the Act of 1960.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. Before making an Order, a local authority shall—

(a) as well as consulting with the chief officer of police as required by subsection (4) of section 220 of the Act of 1960, also consult with such representative organisations as they think fit; and

(b) except as provided in paragraph (a) of Regulation 7 of these Regulations, publish a notice of their proposal to make the Order once at least in a newspaper circulating in the district in which are situated the roads to which the proposed Order relates.

4. Every notice published in accordance with the preceding Regulation shall be in the form and contain the particulars specified in Part I of the Schedule to these Regulations.

5. During the period commencing on the date on which the notice mentioned in Regulation 3 of these Regulations is first published in the news-

(a) 10 & 11 Eliz. 2. c. 59.

(b) 8 & 9 Eliz. 2. c. 16.

(c) 52 & 53 Vict. c. 63.

paper in accordance with the provisions of that Regulation and ending immediately after the date by which objections to a proposed Order may be sent in writing in accordance with the said notice, a local authority shall cause—

- (a) a copy of the said notice to be displayed in a prominent position on or near the roads to which the proposed Order relates, and in such other positions as the local authority think requisite for the purpose of securing that adequate information is given to persons using the said roads ; and
- (b) a copy of the proposed Order and a map clearly indicating in distinguishing colours or markings the said roads to be available for inspection at the offices of the local authority during the normal office hours of the authority.

6. When objections to a proposed Order are made in accordance with the notice mentioned in Regulation 3 of these Regulations, such objections and, if a public inquiry into the proposed Order is held, the report and recommendations of the person holding such inquiry, shall be considered by the local authority.

7. A local authority may cause a public inquiry to be held—

- (a) after carrying out such consultations as are required by subsection (4) of section 220 and by paragraph (a) of Regulation 3 of these Regulations in which case the local authority may dispense with publication of the notice mentioned in that Regulation ; or
- (b) after complying with the provisions of the said Regulation 3.

8. When a public inquiry is to be held in pursuance of the foregoing Regulation, the local authority shall—

- (a) publish a notice of the inquiry in the form and containing the particulars specified in Part II of the Schedule to these Regulations once at least in a newspaper circulating in the district in which the roads to which the proposed Order relates are situated ;
- (b) during the period commencing on the date on which the notice is first published in the newspaper in accordance with the preceding paragraph and ending immediately before the date on which the inquiry is to be held cause—
 - (i) a copy of the said notice to be displayed in a prominent position on or near the roads to which the proposed Order relates, and in such other positions as the local authority think requisite for the purpose of securing that adequate information is given to persons using the said roads, and
 - (ii) a copy of the proposed Order and a map clearly indicating in distinguishing colours or markings the said roads to be available for inspection at the offices of the local authority during the normal office hours of the authority ; and
- (c) if the inquiry is to be held in the circumstances mentioned in paragraph (b) of Regulation 7 of these Regulations, inform any person, who has objected to the proposed Order in accordance with the notice thereof mentioned in Regulation 3 of these Regulations and not withdrawn his objection, of the holding of the inquiry.

9.—(1) After a local authority have decided to make an Order, their decision to make the Order shall be notified in writing to the chief officer

of police and, where any objection has been made to the Order in accordance with the notice mentioned in Regulation 3 or Regulation 8 of these Regulations and not withdrawn, to the person making such objection.

(2) Where any such objection has been made as aforesaid and not withdrawn, the local authority shall also notify in writing the person making the objection of their reasons for the decision to make the Order.

10. Subject to the foregoing provisions of these Regulations, a local authority may make an Order and every Order so made shall bear the seal of the local authority duly authenticated in accordance with the Standing Orders made by the authority.

11. After an Order has been made by a local authority, the local authority shall—

- (a) not later than fourteen days after the date of the making of the Order publish a notice thereof in the form and containing the particulars specified in Part III of the Schedule to these Regulations once at least in a newspaper circulating in the district in which are situated the roads to which the Order relates ;
- (b) forthwith keep available for inspection at the offices of the local authority during the normal office hours of the authority a copy of the Order and a map showing the roads to which the Order relates ; and
- (c) forthwith take all such steps as are reasonably practicable to cause to be erected on or near to the said roads signs in such positions as the local authority may consider to be requisite for the purpose of securing that adequate information as to the effect of the Order is given to persons using the said roads :

Provided that nothing in this paragraph shall apply in the case of an Order containing no provision other than provision revoking any other Order.

12. Where a local authority causes a public inquiry to be held in pursuance of these Regulations, the person to hold the inquiry shall be selected by the local authority from a panel of persons appointed by the Minister for the purpose of holding public inquiries under these Regulations.

13.—(1) Any person interested in the subject matter of a public inquiry may appear at the inquiry either in person or by counsel, solicitor or agent.

(2) Any person so interested whether he proposes to appear at the inquiry or not may forward in accordance with the appropriate notice specified in Part II of the Schedule to these Regulations to the person holding the inquiry for consideration at the inquiry any objection which he may wish to make in relation to the subject matter of the inquiry.

(3) The person holding a public inquiry may refuse to hear any person or to consider at the inquiry any such objection, if he is satisfied that the views of that person are or the objection is frivolous or that such views have been adequately stated at the inquiry by some other person.

Given under the Official Seal of the Minister of Transport the 19th October 1962.

(L.S.)

Ernest Marples,
The Minister of Transport.

SCHEDULE

FORMS OF NOTICE RELATING TO ORDERS

PART I

Form of Notice of Proposal to Make an Order

The (a)

The (b) Council propose to make an Order under section 220 of the Road Traffic Act 1960 the effect of which will be to (c)

Objections to the proposals must be sent in writing to the undersigned by (d)

(Name and address of Clerk to order-making Authority.)

PART II

Form of Notice of Public Inquiry

The (a)

A Public Inquiry will be held by (e) at (f)

to consider the proposal of the (b) Council to make an Order under section 220 of the Road Traffic Act 1960 the effect of which will be to (c)

Any person interested is entitled to be heard in person or by counsel, solicitor or agent and any person whether he intends to appear at the inquiry or not may forward any objection to the proposal to (e) at the under-mentioned address.

(Name and address of Clerk to order-making Authority.)

PART III

Form of Notice of Making of an Order

The (a)

On the (g) Council made an Order under section 220 of the Road Traffic Act 1960 the effect of which is to (c) the (h)

(Name and address of Clerk to order-making Authority.)

NOTES

- (a) Here insert title of the Order ;
- (b) Here insert name of Council proposing to make the Order ;
- (c) Here insert brief but accurate description of the effect of the Order ;
- (d) Here insert date not less than 21 days from the date of the first publication of this notice in the local newspaper ;
- (e) Here insert name of person holding inquiry ;
- (f) Here insert place, date and time at which public inquiry will be held, the said date being not less than 14 days from the date of the first publication of this notice in the local newspaper ;
- (g) Here insert date of making of the Order ;
- (h) Here insert name of Council making the Order.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations, applying to England and Wales, prescribe the procedure to be followed in connection with the making by local authorities of orders under section 220 of the Road Traffic Act 1960 being orders which specify roads on which dogs must be held on a lead.

STATUTORY INSTRUMENTS

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