

1990 No. 1656

ROAD TRAFFIC

**The Secretary of State's Traffic Orders (Procedure)
(England and Wales) Regulations 1990**

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| <i>Made - - - -</i> | <i>6th August 1990</i> |
| <i>Laid before Parliament</i> | <i>16th August 1990</i> |
| <i>Coming into force</i> | <i>6th September 1990</i> |

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The Secretary of State for Transport (as respects England) and the Secretary of State for Wales (as respects Wales) in exercise of their powers under section 124 of, and Part III of Schedule 9 to, the Road Traffic Regulation Act 1984(a), and of all other enabling powers, after consultation with representative organisations in accordance with section 134(2) of that Act, hereby make the following Regulations:

PART I

General

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations 1990 and shall come into force on 6th September 1990.

(2) The Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations 1986(b), are hereby revoked.

(a) 1984 c.27; Schedule 9 was amended by the Local Government Act 1985 (c.51), Schedule 5, paragraph 4(39).
(b) S.I. 1986/180.

Interpretation

2.—(1) In these Regulations—

“the 1984 Act” means the Road Traffic Regulation Act 1984;

“countryside road order” has the meaning given in regulation 3;

“fire authority” in relation to any road or other place, means the authority discharging in the area in which the road or other place is situated the functions of fire authority under the Fire Services Act 1947(a);

“relevant local authority” means—

(a) in relation to a reserve power order—

(i) where the order is made or proposed to be made by virtue of paragraph 3 of Schedule 9 to the 1984 Act, the Council of a London Borough, the Common Council of the City of London or other local authority to whom there has been given under paragraph 2 of the said Schedule 9 the direction, for the purpose of securing the object for which the order is made or proposed to be made,

(ii) where the order is made or proposed to be made under paragraph 7 of Schedule 9 to the 1984 Act the Council of a London Borough, the Common Council of the City of London or other local authority whose order is or is proposed to be varied or revoked by the reserve power order,

(b) in relation to a trunk road order—

(i) where the order applies or will apply to a road in Greater London, the Council of a London Borough or the Common Council of the City of London,

(ii) where the order applies or will apply to a road outside Greater London, the local authority who would have the power under the 1984 Act to make the order if the road were not a trunk road,

(c) in relation to a countryside road order, the local authority who have power under section 1 of the 1984 Act to make such an order as respects the road to which the countryside road order applies or will apply,

and where under the foregoing provisions of this definition there would in relation to any particular order be more than one relevant local authority, that expression shall in the case of that order include all of those authorities;

“reserve power order” and “trunk road order” have the meanings respectively given to those expressions in regulation 3; and

“road” includes any length of road and any part of the width of a road and, in relation to an order under section 6 of the 1984 Act, any length of a street as defined in section 6(6) of that Act and any part of the width of such a street.

(2) A reference in these Regulations to an order is a reference to an order or a proposed order as appropriate; and in the case of a proposed order any reference to the effect of the order (however expressed) is a reference to the effect that the proposed order would have were it to be made.

(3) Any reference in these Regulations to an order under any particular section of the 1984 Act includes—

(a) a reference to an order varying or revoking an order made, or having effect as if made, under that section, and

(b) a reference to an order under that section made by virtue of paragraph 3 of Schedule 9 to that Act.

(4) Any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in the Regulations except where otherwise expressly provided.

Application of Regulations

3. These Regulations apply to—

(a) orders made or proposed to be made by the Secretary of State by virtue of

(a) 1947 c.41; read with paragraph 2 of Schedule 11 to the Local Government Act 1985 (c.51).

paragraph 3 or under paragraph 7 of Schedule 9 to the 1984 Act (any such order being in these Regulations referred to as a "reserve power order");

- (b) orders made or proposed to be made by the Secretary of State with respect to trunk roads under any of the following provisions of the 1984 Act, that is to say, sections 1, 6, 9 and 84 (any such order being in these Regulations referred to as a "trunk road order"); and
- (c) orders made or proposed to be made by the Secretary of State with respect to roads which are not trunk roads under section 22 of the 1984 Act, including orders under that section made by virtue of section 132 of that Act (any such order being in these Regulations referred to as a "countryside road order").

PART II

Procedure before making an order

Preliminary

4. This Part of these Regulations has effect subject to Part IV of these Regulations (which contains provisions relating to particular orders).

Consultation

5.—(1) Before making any order to which these Regulations apply the Secretary of State shall consult with the chief officer of any police area in which any road or other place to which the order is to relate is situated.

(2) The consultation referred to in paragraph (1) of this regulation is additional to any consultation required by the 1984 Act.

Publication of proposals

6.—(1) Before making an order the Secretary of State shall—

- (a) publish once at least in a local newspaper circulating in the area in which any road or other place to which the order relates is situated a notice of proposals containing the particulars specified in Part I of Schedule 1;
- (b) publish a similar notice in the London Gazette;
- (c) send to the relevant local authority a copy of the notice and a copy of the order as drafted;
- (d) if it appears to the Secretary of State that it would be desirable in the interests of giving adequate publicity to the order, comply with the relevant requirements of Schedule 2 as to the notices to be displayed in each road to which the order relates;
- (e) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection.

(2) Where the order is one which relates to a road, or to roads, situated in more than one locality, it shall be sufficient for the purposes of this regulation if the notice published in each local newspaper states the general nature and effect of the order so far as it affects the road or roads situated in the locality in which that newspaper circulates and names or otherwise describes only the road or roads so affected in that locality, but the notice in the London Gazette shall state the general nature and effect of the entire order and name or otherwise describe the whole road, or all the roads, to which the order relates.

Objections

7.—(1) Any person desiring to object to an order shall send to the address specified in the notice of proposals published under regulation 6 a written statement of his objection and the grounds on which it is made.

(2) The statement shall be sent to that address on or before—

- (a) the date specified in the notice of proposals published under regulation 6, or

(b) the expiration of 21 days after the Secretary of State has complied with regulation 6(1)(a) and (b),
whichever is the later.

Notice of public inquiry

8.—(1) Where the Secretary of State decides, before publishing the notice of proposals under regulation 6, to hold a public inquiry, the notice of proposals shall contain, in addition to the particulars required by that regulation, the particulars specified in Part II of Schedule 1.

(2) In all other cases where, in connection with an order, a public inquiry is to be held the Secretary of State shall, after complying with the requirements of regulation 6—

- (a) publish once at least in a local newspaper circulating in the area in which any road or other place to which the order relates is situated a notice of the inquiry containing the particulars specified in Part III of Schedule 1;
- (b) publish a similar notice in the London Gazette;
- (c) not later than the date of the first publication of the notice required by sub-paragraph (a) of this paragraph, inform in writing any person who has objected to the order in accordance with regulation 7 and who has not withdrawn the objection, of the date, time and place of the inquiry;
- (d) send to the relevant local authority a copy of the notice;
- (e) if it appears to the Secretary of State that it would be desirable in the interests of giving adequate publicity to the inquiry, comply with the relevant requirements of Schedule 2 as to the notices to be displayed in each road to which the order relates;
- (f) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection.

(3) Paragraph (2) of regulation 6 shall apply in relation to the publication of a notice under paragraph (2) of this regulation as it applies in relation to the publication of a notice of proposals under regulation 6.

(4) Where the notice of proposals published under regulation 6 announces the holding of a public inquiry, there shall be at least 42 days between the date that the Secretary of State complies with paragraph (1)(a) and (b) of that regulation and the date when the public inquiry is due to begin.

(5) Where a notice of a public inquiry is published under sub-paragraphs (a) and (b) of paragraph (2), there shall be at least 42 days between whichever is the later of—

- (a) the last day on which an objection can be sent under regulation 7, or
 - (b) the date when the Secretary of State complies with those sub-paragraphs,
- and the date that the inquiry is due to begin.

Procedure at a public inquiry

9.—(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 other representative.

(2) Any person so interested may, whether or not he proposes to appear at the inquiry, send to the address given in the notice of proposals published under regulation 6(1) for the receipt of objections, such written representations as he may wish to make in relation to the subject matter of the inquiry with a view to their consideration by that person at the inquiry.

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

(4) Subject as aforesaid, the procedure at the inquiry shall be in the discretion of the person holding it.

Consideration of objections

10. Before making the order the Secretary of State shall consider all objections duly

made in accordance with regulation 7 and not withdrawn and also the report and recommendations (if any) of the person holding any public inquiry in connection with the order.

Modifications

11.—(1) The Secretary of State may make the order with modifications (whether in consequence of any objections or otherwise).

(2) Where the Secretary of State proposes to make an order with modifications which appear to him to make a substantial change in the order, he shall before making the order take such steps as appear to him to be appropriate for—

- (a) informing the persons likely to be affected by the modifications, and
- (b) giving to those persons an opportunity to make representations in connection with the modifications,

and shall consider any such representations which are made to him.

(3) In this regulation, “modifications” shall be construed as including additions, exceptions and other modifications of any description.

PART III

Making the order and subsequent procedure

Preliminary

12. This Part of these Regulations has effect subject to Part IV (which contains provisions relating to particular orders).

Commencement date of order

13. No date on which an order, or a provision of an order, comes into force shall be earlier than the date on which the Secretary of State intends the notice of the making of the order to be published in a local newspaper under regulation 14.

Notice of the making of the order

14.—(1) When an order has been made, the Secretary of State shall—

- (a) forthwith give notice in writing of the making of the order to the relevant local authority and to—
 - (i) the chief officer of police for the police area,
 - (ii) the fire authority for the area,in which any road or other place to which the order relates is situated;
- (b) except in a case specified in paragraph (3), notify in writing each person who has duly objected to the order in accordance with regulation 7 and has not withdrawn his objection, of the Secretary of State’s decision in relation to the objection and, where the objection has not been, or not wholly been, acceded to, of the Secretary of State’s reasons for his decision;
- (c) within 14 days of the making of the order publish in a local newspaper circulating in the area in which any road or other place to which the order relates is situated a notice of the making of the order containing the particulars specified in Part IV of Schedule 1;
- (d) within the same period publish in the London Gazette a notice of the making of the order containing the particulars specified in Part V of Schedule 1;
- (e) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection.

(2) Paragraph (2) of regulation 6 shall apply in relation to the publication of a notice under paragraph (1)(c) of this regulation as they apply in relation to the publication of a notice of proposals under regulation 6.

(3) The case referred to in paragraph (1)(b) above is the case where the Secretary of State has, before making the order, notified in writing the person in question—

- (a) of his decision in relation to his objection, and
- (b) where the objection has not been, or not wholly been, acceded to, of the reasons for his decision.

Traffic signs

15.—(1) Where an order relating to any road has been made, the Secretary of State shall take such steps as are necessary to secure—

- (a) before the order comes into force, the placing on or near the road of such traffic signs in such positions as the Secretary of State may consider requisite for the purposes of securing that adequate information as to the effect of the order is made available to persons using the road,
 - (b) the maintenance of such signs for so long as the order remains in force, and
 - (c) in a case where the order contains provisions for revoking, or altering the application of, a previous order, such removal or replacement of existing traffic signs as the Secretary of State may consider requisite for the purpose of avoiding confusion to users of the road or the continuance of traffic signs in incorrect positions.
- (2) This regulation is without prejudice to section 85 of the 1984 Act.

PART IV

Special procedural provisions for certain orders

Special provisions for consolidation orders

16.—(1) Regulations 5, 6 and 7 shall not apply to a consolidation order, and regulation 14 shall have effect in relation to such an order with the following modifications, namely, that the particulars to be contained in the notice of the making of the order need consist only of—

- (a) the title of the order;
- (b) a statement of the titles of the orders the provisions of which are reproduced in the consolidation order;
- (c) in a case where a consolidation order re-enacts a provision with a variation described in paragraphs 4 to 8 of Schedule 4, a statement explaining the effect of the variation;
- (d) the commencement date or dates of the order;
- (e) the items numbered 7 and (so far as appropriate) 8 in Part IV of Schedule 1.

(2) In this regulation “consolidation order” means an order which revokes provisions of one or more existing orders, reproduces those provisions without any changes in substance and makes no other provision, but so however that for the purpose of this definition the inclusion in the order of a provision having one or more of the effects described in Part I of Schedule 4 shall not be regarded as a change of substance.

Minor orders

17.—(1) This regulation applies to an order having one or more of the effects described in—

- (a) Part I of Schedule 4 (minor variations not described in Parts II and III),
- (b) Part II of that Schedule (parking, stopping, waiting and turning),
- (c) Part III of that Schedule (the riding of cycles and mopeds on footbridges and subways and driving in boxed areas),

and no other effect.

(2) Parts IV and V of Schedule 4 shall have effect for the purpose of interpreting Parts I, II and III of that Schedule.

(3) Any regulation specified in column 1 of the Table below shall not apply to an order having one or more of the effects described in the Parts of Schedule 4 shown in column 2 against that regulation and no other effect.

TABLE

| <i>Regulation</i> | <i>Parts of Schedule 4</i> |
|-------------------|----------------------------|
| 5 | Parts I, II and III |
| 6 and 7 | Parts I and III |

Special provisions for experimental traffic orders

18. Regulations 6 and 7 shall not apply to any order under section 9 of the 1984 Act, but every such order shall be framed so as to come into force on a date not less than 7 days after the date that the Secretary of State intends the order to be published in a local newspaper under regulation 14.

Special provisions for orders giving permanent effect to experimental orders

19.—(1) In this regulation “permanent order” means an order under any provision of the 1984 Act other than section 9 the sole effect of which would be to reproduce and continue in force indefinitely an order under section 9 (whether or not that order has been varied, or has been modified or suspended under section 10(2) of that Act).

- (2) Regulations 5, 6 and 7 shall not apply to a permanent order where—
- (a) the provisions to be continued in force have been in continuous operation for a period of not less than 6 months, and
 - (b) the requirements mentioned in paragraph (3) have been complied with in relation to the order under section 9 of the 1984 Act, or if more than one such order is involved, to each such order (an order under that section containing provisions to be so continued in force being in this regulation referred to as a “relevant section 9 order”).
- (3) Those requirements are that—
- (a) the notice of the making of the relevant section 9 order published under regulation 14(1)(c) and (d), or if more than one such order is involved, of each such order, has contained the following statements—
 - (i) that the Secretary of State would be considering in due course whether the provisions of that order should be continued in force indefinitely; and
 - (ii) that within a period of 6 months from the coming into force of that order, or if that order is subsequently varied by another order under that section or modified pursuant to subsection (2) of section 10 of the 1984 Act, from the coming into force of that variation or modification (whichever is latest), any person may object to the making of an order for the purposes of such indefinite continuation; and
 - (iii) that any such objection must be in writing, must give the grounds on which it is made and must be made to an address specified in the statement;
 - (b) the documents which the Secretary of State is required by regulation 14(1)(e) to make available for inspection in connection with the making of the relevant section 9 order, or of each such order, if more than one, have been accompanied by a statement setting out his reasons for making that section 9 order;
 - (c) those documents and that statement have continued to be available for inspection in accordance with Schedule 3 during the whole of the period within which objections can be made in accordance with sub-paragraph (a)(ii) above; and
 - (d) in a case where a relevant section 9 order has been modified pursuant to subsection (2) of the said section 10, a document stating the effect of each such modification has been made available for inspection along with the documents

and statement referred to in sub-paragraph (c) above and for the period mentioned in that sub-paragraph.

(4) In the application of regulations 8(2), 9, 10 and 14 and of Part III of Schedule 1 to a permanent order to which regulations 5, 6 and 7 do not apply by virtue of paragraph (2) above—

- (a) the notice of the making of the relevant section 9 order published under regulation 14(1)(c) shall be treated as the notice of proposals published under regulation 6(1)(a) in respect of the permanent order;
- (b) the notice of the making of the relevant section 9 order published under regulation 14(1)(d) shall be treated as the notice of proposals published under regulation 6(1)(b) in respect of the permanent order; and
- (c) any objection made in accordance with the statement contained in a notice of the making of the relevant section 9 order referred to in paragraph (a) or (b) above shall be treated as an objection duly made under regulation 7 above to the permanent order.

Reserve power orders

20.—(1) This regulation applies to the following orders, that is to say—

- (a) a reserve power order under paragraph 7 of Schedule 9 to the 1984 Act which provides only for one or more of the following matters—
 - (i) the revocation of an order made, or having effect as if made, under section 9(1) of that Act;
 - (ii) the variation of an order made, or having effect as if made, under the said section 9(1) so as to reduce the extent of its application or the stringency of any prohibition or restriction imposed by it;
- (b) a reserve power order under section 9(4) of the 1984 Act by virtue of paragraph 3 of Schedule 9 to that Act.

(2) Regulations 5 and 6 shall not apply to any order to which this regulation applies, but the Secretary of State shall, not less than 14 days before making the order, send to the relevant local authority a notice of his proposal to make the order, a copy of the order as drafted and a statement of his reasons for proposing to make the order.

Making of orders in part

21.—(1) Subject to the provisions of this regulation, where the Secretary of State has, in relation to an order (“the order as originally proposed”)—

- (a) complied with the requirements of regulations 5 and 6,
- (b) decided to make an order by virtue of this paragraph giving effect to some of the provisions of the order as originally proposed, and
- (c) decided to defer making a decision on whether to make an order under this regulation giving effect to the remaining provisions of the original order,

he may make an order giving effect to the provisions referred to in sub-paragraph (b).

(2) Subject to the provisions of this regulation, where the Secretary of State has—

- (a) made one or more orders by virtue of paragraph (1), or of that paragraph and this paragraph, giving effect to some of the provisions of the order as originally proposed,
- (b) decided to make an order by virtue of this paragraph giving effect to some other provisions of the order as originally proposed, and
- (c) decided to defer making a decision as to whether to give effect to the remaining provisions of the order as originally proposed,

he may make an order giving effect to the provisions referred to in sub-paragraph (b) and, so far as may appear to him to be necessary or expedient for the purposes of those provisions, giving further effect to the provisions referred to in sub-paragraph (a).

(3) Subject to the provisions of this regulation, where the Secretary of State has made one or more orders by virtue of this regulation giving effect to some provisions of the order as originally proposed, he may make an order giving effect to the remaining provisions and, so far as may appear to him to be necessary or expedient for the purposes

of those provisions, giving further effect to the provisions to which effect has been given by the previous order or orders.

(4) Subject to paragraph (6), Parts II and III of these Regulations shall apply to an order made or proposed to be made by virtue of this regulation as if the procedural steps previously taken under these Regulations, and any notices published or instruments prepared under them, in connection with the order as originally proposed had related only to the provisions of the order made or proposed to be made by virtue of this regulation (whether or not any previous order has been made by virtue of this regulation).

(5) No order may be made by virtue of paragraphs (2) or (3) after the expiration of 12 months from the date of an order made by virtue of paragraph (1) relating to the same original order unless the order made by virtue of paragraphs (2) or (3) is made in consequence of a public inquiry which begins before the expiration of that period.

(6) The notices given and published under regulation 14 of the making of any order made by virtue of this regulation shall—

- (a) state that the order in question has been made by virtue of this regulation,
- (b) indicate briefly the provisions (if any) of the order as originally proposed in relation to which the decision of the Secretary of State has been deferred, and
- (c) where the order is made by virtue of paragraph (2) or (3), give particulars of the title and date of every previous order made by virtue of this regulation in relation to the same order as originally proposed.

(7) Regulation 11(2) shall apply to an order made by virtue of paragraph (1) or (2) of this regulation and for this purpose such an order shall be regarded as an order with modifications.

Revocation or revocation and re-enactment where due to exceptional circumstances notices of the making of orders are not published

22.—(1) For the purposes of this regulation—

- (a) “replacement order” means an order which revokes and re-enacts another order, but has no other effect,
- (b) “revocation order” means an order which revokes another order, but has no other effect,
- (c) “previous order”, in relation to a revocation order or replacement order, means the order revoked by the revocation order or replacement order (as the case may be).

(2) Regulations 5, 6, 7 and (save as provided in paragraph (4)) 13 shall not apply to a revocation order or replacement order if—

- (a) at the date that the revocation order or replacement order is made, no provision in the previous order has come into force;
- (b) in relation to the previous order, the Secretary of State, at that date—
 - (i) has failed to comply with the requirements set out in sub-paragraphs (c) or (d) of regulation 14(1), or
 - (ii) is satisfied that he would not be able to comply with the requirements set out in either of those sub-paragraphs,within the time limits specified therein and the revocation order or replacement order (as the case may be) states that he has so failed or is so satisfied;
- (c) the Secretary of State at that date is satisfied that such failure or inability to comply was or is due to exceptional circumstances and the revocation order or replacement order (as the case may be) states that he is so satisfied;
- (d) the Secretary of State made the previous order;
- (e) in the case of a revocation order, the order comes into force on the date it is made;
- (f) in the case of a replacement order—
 - (i) in so far as the order revokes the previous order it comes into force on the date that it is made,

- (ii) apart from the different commencement dates and the revocation of the previous order, the previous order and the replacement order have the same effect, and
- (iii) the Secretary of State had, in relation to the previous order, complied with—
 - (i) all the requirements of these Regulations other than regulations 14 and 15, and
 - (ii) all the requirements of the 1984 Act, with respect to the making of such an order.

(3) Where by virtue of this regulation the Secretary of State makes a revocation order which comes into force on the date it is made he shall, if it is practicable, comply with the requirements set out in paragraphs (c) and (d) of regulation 14(1) within the time limits specified therein, but if such compliance is not practicable and he complies with each of the requirements as soon as practicable thereafter he shall be deemed to have complied with those paragraphs.

(4) Where by virtue of this regulation a replacement order comes into force on the day it is made in so far as it revokes a previous order, regulation 13 shall nevertheless apply to the replacement order in so far as it has any other effect.

Re-enactment of orders which in exceptional circumstances have been revoked before publication

23.—(1) In this regulation, “revocation order” and “previous order” have the same meaning as in regulation 22.

(2) Regulations 5, 6 and 7 shall not apply to an order which re-enacts a previous order that has been revoked pursuant to regulation 22 by a revocation order if—

- (a) the revocation order came into force on the date it was made;
- (b) the order which re-enacts the previous order is made within 6 months after the date that the previous order was made;
- (c) apart from the different commencement dates, the previous order and the order which re-enacts it have the same effect;
- (d) the Secretary of State made the previous order; and
- (e) the Secretary of State had, in relation to the previous order, complied with—
 - (i) all the requirements of these Regulations other than regulations 14 and 15, and
 - (ii) all the requirements of the 1984 Act, with respect to the making of such an order.

PART V

Transitional provisions

24.—(1) In this Part of the Regulations, “the old Regulations” means the Regulations referred to in regulation 1(2) (“revocations”).

(2) Where a notice of a proposal to make an order has, pursuant to the requirements of the old Regulations been published in the London Gazette before the coming into force of these Regulations, the old Regulations shall continue to apply to the order as if these Regulations had not been made and these Regulations shall not apply to the order.

(3) Nothing in these Regulations shall be taken as prejudicing the operation of sections 16 and 17 of the Interpretation Act 1978(a) (which relate to the effect of repeals).

6th August 1990

Cecil Parkinson
Secretary of State for Transport

1st August 1990

David Hunt
Secretary of State for Wales

(a) 1978 c.30.

SCHEDULE 1

Regulations 6(1)(a), 8(1)
and (2), and 14(1)(c) and (d)

PARTICULARS TO BE INCLUDED IN PUBLIC NOTICES

PART I – PARTICULARS TO BE INCLUDED IN THE NOTICE OF PROPOSALS PUBLISHED UNDER REGULATION 6

1. The title of the order.
2. A brief statement of the general nature and effect of the order.
3. Where the order relates to any road, the name or other brief description of the road and, in a case where the order is an order under section 84(1) of the 1984 Act, a statement of the approximate length of that road to which the order will apply.
4. Where the order does not relate to a road, a brief description of the place to which it does relate and of its location.
5. Where the order is a reserve power order to be made under paragraph 7 of Schedule 9 to the 1984 Act a statement of the title, date and general nature of the order proposed to be varied or revoked and the name of the authority who made that order.
6. A statement of all the documents required by regulation 6(1)(e) to be available for inspection, of each address at which those documents can be inspected and of the times when inspection can take place at each such address.
7. The date by which, and the address to which, objections and other representations relating to the order can be made.
8. A statement that all objections and other representations must be made in writing and that all objections must specify the grounds on which they are made.

PART II – ADDITIONAL PARTICULARS TO BE INCLUDED IN THE NOTICE OF PROPOSALS WHICH ANNOUNCES THE HOLDING OF A PUBLIC INQUIRY

1. A statement that a public inquiry will be held in connection with the order.
2. The date, time and place of the inquiry.

PART III – PARTICULARS TO BE INCLUDED IN THE SEPARATE NOTICE OF A PUBLIC INQUIRY

1. The title of the order.
2. A statement which refers to the published notice of proposals for the order and which indicates that a public inquiry will be held in connection with the order.
3. A brief statement of the general nature and effect of the order and of the name or other brief description of any road or other place to which the order will apply.
4. The date, time and place of the inquiry.
5. A statement of all the documents required by regulation 8(2)(f) to be available for inspection, of each address at which those documents can be inspected and of the times when inspection can take place at each such address.

PART IV – PARTICULARS TO BE INCLUDED IN THE NOTICE OF MAKING THE ORDER PUBLISHED IN A LOCAL NEWSPAPER

1. The title of the order, and the date on which it was made.
2. A brief statement of the general nature and effect of the order and of the date or dates of its coming in force.

3. In the case of an order to which regulation 17 applies, a statement of any provisions which have been the subject of a variation described in paragraphs 4 to 8 of Schedule 4.

4. Where the order relates to any road, the name or other brief description of the road.

5. Where the order does not relate to a road, a brief description of the place to which it does relate and of the location of that place.

6. Where the order is a reserve power order made under paragraph 7 of Schedule 9 to the 1984 Act a statement of the title, date and general nature of the order varied or revoked and of the name of the authority who made that order.

7. A statement of all the documents required by regulation 14(1)(e) to be available for inspection, of each address at which those documents can be inspected and of the times when inspection can take place at each such address.

8. In the case of an order under section 1, 6, 9, 19, 32, 37, 38 or 45 of the 1984 Act, a statement that any person wishing to question the validity of the order or of any of its provisions on the ground that it is not within the powers of the relevant enabling Act or that a requirement of any such enabling Act or of any relevant regulations made thereunder has not been complied with, may, within 6 weeks of the date on which the order was made, make application for the purpose to the High Court.

PART V – PARTICULARS TO BE INCLUDED IN THE NOTICE OF MAKING OF THE ORDER PUBLISHED IN THE LONDON GAZETTE

1. The title of the order.

2. The date of making of the order and the date or dates of its coming into force.

3. Except in the case of an order to which regulation 6 does not apply by virtue of regulations 17, 18 or 19, the issue number and date of issue of the London Gazette containing the relevant notice of proposals previously published pursuant to regulation 6(1)(b), the reference number of that notice therein, and a statement that the effect of the order is as described in that notice, save for such modifications (if any) as are described in the statement.

4. In the case of an order to which regulation 6 does not apply by virtue of regulation 17, a statement of the general nature and effect of the order.

5. In the case where an order under section 9 of the 1984 Act applies—

(a) a brief statement of the general nature and effect of the order; and

(b) where the order relates to any road, the name or other brief description of the road and (in any case where the order makes the same or similar provision to that made by an order under section 84(1) of the Act) a statement of the approximate length of that road to which the order will apply; or

(c) where the order relates to a parking place and prescribes charges for its use, or time limits or classes of vehicle for which it will be available, a statement of all such charges, time limits or classes, as the case may be.

6. A statement of all the documents required by regulation 14(1)(e) to be available for inspection, each address at which a copy of the order, as made, and a copy of the relevant map can be inspected, and the times when inspection can take place at each such address.

7. In the case of an order under section 1, 6, 9, 19, 32, 37, 38 or 45 of the 1984 Act, a statement that any person wishing to question the validity of the order or of any of its provisions on the ground that it is not within the powers of the relevant enabling Act or that a requirement of any such enabling Act or of any relevant regulations made thereunder has not been complied with may, within 6 weeks from the date on which the order was made, make application for the purpose to the High Court.

REQUIREMENTS AS TO NOTICES TO BE DISPLAYED IN A ROAD OR OTHER PLACE

PART I – PARTICULARS TO BE INCLUDED IN THE NOTICE

1. The title of the order.
2. A brief statement of the effect of the order in relation to the road or other place where it is displayed.
3. A description of all the documents required by regulation 6(1)(e) and 8(2)(f), to be available for inspection.
4. An address at which those documents can be inspected and the times when such inspection can take place.
5. Where the notice is displayed pursuant to regulation 6(1) (publication of proposals), the address to which, and the date by which, objections to the order can be made, and a statement that all objections must be made in writing and must specify the grounds on which they are made.
6. Where the notice is displayed pursuant to regulation 8(2) (notice of public inquiry), the date, time and place of the inquiry.

PART II – OTHER REQUIREMENTS AS TO THE DISPLAY OF THE NOTICE

1. Where the order relates to any road, the notice shall be displayed in a prominent position at or near each end of the road and in such other positions (if any) as the Secretary of State thinks requisite for securing that adequate information about the subject matter of the notice is made available to persons using the road.
2. Where the order does not apply to a road, the notice shall be displayed in one or more prominent positions in the road or roads giving access to the place to which it does relate, and, where that place is in public use, in that place itself.
3. The notice shall first be displayed as aforesaid not later than the first publication of the corresponding notice in the local newspaper and the Secretary of State shall take all steps which it is reasonably practicable for him to take to ensure that it remains in a legible condition and continues to be so displayed—
 - (a) in the case of a notice of proposals not announcing the holding of a public inquiry, until the end of the objection period;
 - (b) in the case of a notice announcing the holding of a public inquiry, until the date on which the inquiry begins.

REQUIREMENTS AS TO THE AVAILABILITY OF DOCUMENTS FOR INSPECTION

1. There shall be available for inspection at such address or addresses, and during such times, as may be specified in the notice in connection with which they are required to be made available (one such address being, so far as practicable, an address in the area in which any road or other place to which the order relates is situated) the following documents—
 - (a) a copy of the order as drafted or made (as the case may be);
 - (b) a map which clearly indicates the location and effect of the order as drafted or made (as the case may be) and, where appropriate, alternative routes available for diverted traffic;
 - (c) in the case of an order which varies, revokes, applies or suspends a previous order or which modifies, suspends or revokes regulations made or having effect as if made under section 12 of the 1984 Act, a copy of that order or, as the case may be, of those regulations;

- (d) in the case of a reserve power order made or proposed to be made by virtue of paragraph 3 of Schedule 9 to the 1984 Act, a copy of the direction for the purpose of securing the object for which the order is made or proposed to be made;
- (e) in the case of a proposed order, a copy of a statement setting out the Secretary of State's reasons for proposing to make the order; and,
- (f) in the case of an experimental order under section 9 of the 1984 Act, a statement setting out the Secretary of State's reasons for proceeding by way of experiment and whether he intends to consider making a permanent order in like terms; and
- (g) in the case of an order made after the holding of a public inquiry, a copy of the report and the recommendations (if any) of the person appointed to hold the inquiry.

2. Paragraph 1(b) shall not apply to—

- (a) an order which revokes a previous order and has no other effect, or
- (b) an order which relates only to a parking place and provides only for the variation of any one or more of the following matters, namely—
 - (i) the charges for the use of the parking place,
 - (ii) the time limits applicable to such use,
 - (iii) the classes of vehicle which may use the parking place,
 - (iv) the conditions applicable to the use of the parking place by vehicles.

3. The documents shall be made available as aforesaid not later than the first publication in the local newspaper of the notice in connection with which they are required to be made available, and they shall continue to be so available—

- (a) where the notice is a notice of proposals not announcing the holding of a public inquiry, until the end of the objection period;
- (b) where the notice is one announcing the holding of a public inquiry, until the date on which the inquiry begins; and
- (c) where the notice is a notice of making the order, until the end of 6 weeks from the date on which the order is made.

SCHEDULE 4

Regulations 16 and 17

MINOR ORDERS

PART I – MINOR VARIATIONS NOT DESCRIBED IN PARTS II AND III

1. The postponement for a period of not more than 6 months of the coming into force of any provision of an existing order.
2. The variation of an order so as to include an exemption in respect of a disabled person's vehicle of the same kind as mentioned in regulation 4 of the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England and Wales) Regulations 1986(a).
3. The variation of an order so as to confer on a traffic warden functions similar to those conferred by the order on a police constable.
4. The variation of an order so as to substitute for a prohibition or restriction on the use of vehicles the weight of which (however described) exceeds a weight expressed in imperial units an identical prohibition or restriction on the use of vehicles the weight of which exceeds the metric equivalent of that weight, expressed in tonnes to the nearest tonne or half tonne.
5. The variation of an order so as to substitute for a prohibition or restriction on the use of vehicles the weight of which exceeds a specified unladen weight an identical prohibition or restriction on the use of vehicles the weight of which exceeds the corresponding maximum gross weight.
6. The variation of an order so as to substitute a prohibition or restriction on the use of vehicles with a maximum gross weight of 17 tonnes for an identical prohibition or restriction on the use of vehicles with a maximum gross weight of 16.5 tonnes.

(a) S.I. 1986/178.

7. The variation of an order by substituting for any reference—
 - (a) to a vehicle adapted to carry 12 passengers or to a vehicle adapted to carry more than 12 passengers, a reference to a vehicle adapted to carry more than 8 passengers;
 - (b) to a public service vehicle being used under a road service licence, a reference to a public service vehicle used in the provision of a local service.
8. The variation of a provision—
 - (a) prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles, or
 - (b) authorising the use as a parking place of any part of a road
 in so far as such variation is necessary to make the order compatible with any regulations made under section 25 of the 1984 Act.

PART II – PARKING, STOPPING, WAITING AND TURNING

9. The variation of an order where the variation relates solely to an area designated as a parking place under sections 6, 32(1)(b) or 45 of the 1984 Act and does not involve—
 - (a) a change in any boundary of the area, or
 - (b) an increase in any excess charge payable under the order.
10. The variation of an order under section 35(1) of the 1984 Act where the variation does not involve an increase in any excess charge or any sum payable as a result of a person contravening or failing to comply with such an order.
11. The revocation of a provision designating an area of road as a parking place under sections 6, 32(1)(b) or 45 of the 1984 Act.
12. The prescription of places where vehicles, or vehicles of any class, may not turn so to face in the opposite direction to that in which they were proceeding.
13. The imposition of a restriction on or the prohibition of the stopping or waiting of vehicles, or vehicles of any class, in any area of any road, being an area the whole of which lies within 150 feet of any means of entrance to, or egress from, a school.
14. The imposition of a restriction on or the prohibition of the stopping or waiting of vehicles, or vehicles of any class, in any area of any road, being an area marked or to be marked on the carriageway of the road by a traffic sign for indicating that the area in question is a place where a relevant vehicle may stop to pick up or set down passengers or where hackney carriages may stand.

PART III – RIDING OF CYCLES AND MOPEDS ON FOOTBRIDGES AND SUBWAYS, AND DRIVING IN BOXED AREAS

15. The prohibition of the riding of cycles or mopeds on a footbridge or in a pedestrian subway or in the approaches to such bridge or subway.
16. The imposition of a restriction on the driving of vehicles into a boxed area.
17. The revocation or variation of a provision of an order, being a provision that has no effect other than is as mentioned in paragraph 15 or 16.

PART IV – INTERPRETATION

18. In this Schedule—
 - “boxed area” means an area of carriageway of a road marked in the manner indicated in diagrams 1043 and 1044 of the Traffic Signs Regulations and General Directions 1981(a) ;
 - “the corresponding maximum gross weight” means the maximum gross weight expressed in metric units specified in Column 2 of the table in Part V of this Schedule opposite the corresponding specified unladen weight;
 - “cycle” means a pedal cycle which is not a motor vehicle;
 - “excess charge” in relation to on-street parking has the same meaning as in section 45 of the 1984 Act and in relation to off-street parking means any sum payable as a result of a vehicle

(a) S.I. 1981/859; to which there are amendments not relevant to these Regulations.

remaining parked beyond the period for which payment has been made;
 "maximum gross weight" has the same meaning as in the Traffic Signs Regulations and General Directions 1981;
 "moped" has the same meaning as in paragraph 5 of Schedule 9 to the Road Vehicles (Construction and Use) Regulations 1986(a);
 "relevant vehicle" means—
 (a) a public service vehicle being used in the provision of a service which is a local service; or
 (b) a public service vehicle being used to carry passengers for hire or reward at separate fares other than one being used in the provision of a local service;
 "specified unladen weight" means one of the weights specified in Column 1 of the table in Part V of this Schedule expressed in imperial units or the metric equivalent to any of those weights;
 "unladen weight" has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986.

PART V – TABLE REFERRED TO IN PARAGRAPH 18 IN PART IV

| Column 1 <i>Specified unladen weight (in tons)</i> | Column 2 <i>Corresponding maximum gross weight (in tonnes)</i> |
|---|---|
| 2 | 5 |
| 2.5 | 5 |
| 3 | 7.5 |
| 5 | 17 |
| 10 | 30 |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations lay down the procedure to be followed by the Secretary of State for Transport and the Secretary of State for Wales in connection with the making by them of the main types of traffic and parking place orders under the Road Traffic Regulation Act 1984. The Regulations restate with modifications the procedures formerly set out in the Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations 1986 (S.I. 1986/180). Apart from some changes of substance, referred to below, the drafting has been modified to reflect the provisions of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1989 (S.I. 1989/1120).

Regulation 3 specifies the orders to which the Regulations apply. These include traffic regulation orders, experimental traffic orders, speed limit orders in respect of trunk roads, and orders being made in respect of non-trunk roads whether under section 22, as read with section 132, of the 1984 Act, (countryside road orders) or under the reserve powers of the Secretaries of State by virtue of paragraph 3 or under paragraph 7 of Schedule 9 to that Act.

Regulations 4 to 11 lay down the procedure to be followed before the order is made. They provide for preliminary consultation (regulation 5), publication of the proposals (regulation 6), objections to the order (regulations 7 and 10), public inquiries (regulations 8 and 9) and the modification of proposals (regulation 11).

Regulations 12 to 14 contain requirements about the commencement date of the order and notification thereof.

Regulation 15 makes provision for the erection of traffic signs to convey information as to the effect of the order.

(a) S.I. 1986/1078; to which there are amendments not relevant to these Regulations.

Regulations 16 to 21 deal with the procedures for consolidation orders (regulation 16), minor orders (regulation 17), experimental traffic orders (regulations 18 and 19), reserve power orders (regulation 20) and making of orders in part (regulation 21).

Regulations 22 and 23 contain requirements for the revocation and re-enactment of orders in exceptional circumstances.

Regulation 24 makes transitional provision for orders published before the coming into force of these Regulations.

Schedules 1 to 3 contain particulars of the details to be included in the press notice of an order, of the requirements as to display of notices of an order in the road itself, and of the requirements about making documents relating to an order available for public inspection.

Schedule 4 Parts I–IV list the minor variations to an order to which regulations 16 and 17 apply. These waive the Secretary of State's obligations for consultation, publication and consideration of objections in certain cases. Part V relates specified unladen weights to corresponding maximum gross weights of vehicles for the purposes of Part I.

The main modifications made by these Regulations are as follows—

- (i) a relaxation of the requirement in respect of street notices — obligatory only where the Secretary of State considers it desirable for publicity purposes (regulation 6(1)(d) and regulation 8(2)(e));
- (ii) provision for a minimum period of 21 days for objections (regulation 7(2)(b));
- (iii) a new requirement to notify the fire authority of a made order (regulation 14(1)(a));
- (iv) a new requirement to maintain traffic signs for the duration of the order (regulation 15(1)(b));
- (v) new provisions for the making of orders in part (regulation 21) and for the revocation and re-enactment of orders where, in exceptional cases, the publication requirements of regulation 14 cannot be met (regulations 22 and 23);
- (vi) a new requirement to include a suitable map among the documents to be made available for public inspection (Schedule 3).

