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STATUTORY INSTRUMENTS

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**1993 No.1500**

**ROAD TRAFFIC**

**The Local Authorities' Traffic Orders (Procedure)  
(England and Wales) (Amendment) Regulations 1993**

<i>Made</i>	- - - -	<i>14th June 1993</i>
<i>Laid before Parliament</i>		<i>15th June 1993</i>
<i>Coming into force</i>	- -	<i>5th July 1993</i>

The Secretary of State for Transport as respects England and the Secretary of State for Wales as respects Wales, in exercise of their powers conferred by sections 35C, 46A and 124 of and Part III of Schedule 9 to the Road Traffic Regulation Act 1984(1) and of all other enabling powers, and after consultation with representative organisations in accordance with section 134(2) of that Act, hereby make the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Local Authorities' Traffic Orders (Procedure) (England and Wales) (Amendment) Regulations 1993 and shall come into force on 5th July 1993.

**Preliminary**

2. The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1989(2) (“the principal Regulations”) shall be amended in accordance with the provisions of these Regulations.

**Amendments of regulation 2 (interpretation)**

3.—(1) Regulation 2 shall be amended as follows.

(2) In paragraph (1),

(a) after the definition of “the 1985 Act” there shall be inserted the following definition—

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(1) 1984 c. 27. Section 30 was repealed by the New Roads and Street Works Act 1991 (c. 22) (“the 1991 Act”). Sections 35C and 46A are inserted into the Road Traffic Regulation Act 1984 by sections 41 and 42 of the Road Traffic Act 1991 (c. 40). Section 121A was inserted by the 1991 Act, Schedule 8 para. 70. Part III of Schedule 9 was amended by the Local Government Act 1985 (c. 51), Schedule 5 para. 4(39) and by the 1991 Act Schedule 8 para. 80 and Schedule 9. Numerous minor amendments were made by Schedules 8 and 9 to the 1991 Act (see

(2) S.I.1989/1120.

- “the 1991 Act” means the New Roads and Street Works Act 1991(3);”;
- (b) after the definition of “fire authority” there shall be inserted the following definition—
- ““highway authority” has the same meaning as in the Highways Act 1980(4);”;
- and
- (c) after the definition of “road” there shall be inserted the following definition—
- ““trolley vehicle” does not include a duobus as defined in the Tramcar and Trolley Vehicles (Modification of Enactments) Regulations 1992(5);”.
- (3) After paragraph (2), there shall be inserted the following paragraphs—
- “(2A) A reference in these Regulations to—
- (a) a concessionaire, or
- (b) a road subject to a concession,
- shall, in relation to England and Wales, be construed in accordance with section 1 of the 1991 Act.
- (2B) A reference in these Regulations to a concessionaire shall, in relation to Scotland, be construed in accordance with section 28 of the 1991 Act.”

#### **Amendment of regulation 3 (application)**

4. In regulation 3, in paragraph (1), “30,” shall be omitted and after that paragraph there shall be inserted the following paragraph—

“(1A) These Regulations also apply to notices given under section 35C and 46A of the 1984 Act.”

#### **Amendments of regulation 5 (consultation)**

5. In regulation 5, for paragraph (1) there shall be substituted the following paragraph—

- “(1) Before making an order, the order making authority shall—
- (a) where they are not the traffic authority for any road to which the order relates, consult the traffic authority for that road;
- (b) where they are not the highway authority for any highway to which the order relates, (if they are not required to consult the same authority under subparagraph (a)) consult the highway authority for that road;
- (c) where the order would be likely to have a direct effect on traffic or any class of traffic on any road for which another authority is the traffic authority and which is not a road to which the order relates, consult the traffic authority for that road;
- (d) where the order would be likely to have a direct effect on traffic or any class of traffic on a highway for which another authority is the highway authority and which is not a highway to which the order relates (if they are not required to consult the same authority under the foregoing provisions of this paragraph) consult the highway authority for that highway;
- (e) where it appears to them that the order would be likely to affect the operation of any tramcar or trolley vehicle, consult the operator of that vehicle;

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(3) 1991 c. 22.

(4) 1980 c. 66; sections 1, 2 and 4 were amended by Schedule 4 paras. 1, 2 and 3 and Schedule 17 to the Local Government Act 1985 (c. 51) and by section 21 of the New Roads and Street Works Act 1991 (c. 22).

(5) S.I. 1992/1217.

- (f) where the order would be likely to have a direct effect on traffic or any class of traffic on—
  - (i) a road which is subject to a concession, or
  - (ii) a road in respect of which an assignment has been granted under section 28(1) of the 1991 Act,consult the concessionaire;
- (g) where the order relates to a Crown road, consult the appropriate Crown authority for that road;
- (h) in all cases, consult such representative organisations (if any) as appear to the order making authority to be appropriate;

and for the purposes of sub-paragraph (h), a representative organisation is an organisation representing persons who use any road to which the order relates or are likely to be affected by any provisions of the order.”

#### **Amendment of regulation 6 (publication of proposals)**

6. In regulation 6(1)(c), after the word “if” there shall be inserted the words “and to the extent that”.

#### **Amendment of regulation 7 (objections)**

7. In regulation 7(3) for the words “other than a trunk road” there shall be substituted the words “other than a road for which the Secretary of State is the traffic authority”.

#### **Amendment of regulation 9 (notice of public inquiry)**

8. In regulation 9(2)(d), after the word “if” there shall be inserted the words “and to the extent that”.

#### **Amendment of regulation 16 (notice of the making of the order)**

9. In regulation 16(1), for sub-paragraph (b) there shall be substituted the following sub-paragraph—

- “(b) where the order making authority is not the fire authority for the area in which any road or other place to which the order relates is situated, forthwith give notice in writing of the making of the order to the chief officer of the fire authority for that area;”.

#### **Amendment of regulation 19 (consolidation orders)**

10. In regulation 19(1)(f) the words “and 10” shall be omitted.

#### **Revocation of regulation 23 (playgrounds in London)**

11. Regulation 23 shall be omitted.

#### **Amendments to regulation 27 (Re-enactment of orders which in exceptional circumstances have been revoked before publication)**

12. In regulation 27(1) for the words “regulation 25” there shall be substituted the words “regulation 26”.

### Variation of charges at parking places

13. After Part V, there shall be inserted the following Part—

#### “PART VA

##### PROCEDURE IN RELATION TO NOTICES UNDER SECTIONS 35C AND 46A OF THE ROAD TRAFFIC REGULATION ACT 1984

**29A.**—(1) This regulation makes provision for the procedure to be followed by a local authority when giving a notice under section 35C or 46A of the 1984 Act (“a notice of variation”).

(2) Where a local authority proposes to give a notice of variation which would be likely to have a direct effect on traffic or any class of traffic on a road for which it is not the traffic authority, the authority shall, before giving the notice, send a draft of the notice to the traffic authority for that road.

(3) A local authority shall give a notice of variation by publishing it in one or more newspapers circulating in the area in which the parking places to which the notice relates are situated at least 21 days before it is due to come into force.

(4) A notice of variation shall—

- (a) specify the date upon which it is to come into force;
- (b) identify every parking place to which the notice relates; and
- (c) specify, in respect of each such parking place,—
  - (i) all the charges payable as at the date the notice is given, and
  - (ii) all charges that are to be payable when the notice comes into force.

(5) Where a notice of variation relates to an off-street parking place, the local authority shall cause a copy of the notice to be displayed in one or more prominent positions in the parking place not later than the date of the giving of the notice and take all reasonable steps to ensure that it remains in a legible condition and continues to be so displayed until the date it comes into force.

(6) Where a notice of variation relates to an off-street parking place, if and to the extent that it appears to the local authority that it would be desirable in the interests of giving adequate publicity to the notice so to do, the authority shall cause a copy of the notice to be displayed in one or more prominent positions in the road or roads giving access to the parking place.

(7) Where a notice of variation relates to an on-street parking place, if and to the extent that it appears to the local authority that it would be desirable in the interests of giving adequate publicity to the notice so to do, the authority shall cause a copy of the notice to be displayed in one or more prominent positions in the road in which the parking place is situated.”

### Schedule 5 (minor orders)

14. In Schedule 5 Part I, after paragraph 8 there shall be inserted the following paragraphs—

“**8A.** The variation of an order to the extent appearing to the order making authority to be necessary or expedient as a consequence of the coming into force of—

- (a) sections 64(1) and 65 to 72 of the Road Traffic Act 1991 in respect of any area;

- (b) a designation order made under section 76(1) of that Act (special parking areas in London); or
- (c) a designation order made under Schedule 3 to that Act (permitted and special parking areas outside London).

**8B.** The variation of an order so as to abrogate or qualify a provision under section 35(1)(iv), 46(2)(e) or 53(3) of the 1984 Act authorising a person to remove or arrange for the removal of a vehicle from a parking place.”

### **Transitional**

**15.**—(1) This regulation applies where an order making authority has, in relation to an order, complied with the requirements of regulation 5 of the principal Regulations before the coming into force of these Regulations.

(2) In those circumstances, the order making authority shall, upon the coming into force of these Regulations and in relation to that order, be deemed to have complied with regulation 5 of the principal Regulations as amended by these Regulations.

(3) In this regulation, “order” and “order making authority” have the same meanings as in the principal Regulations.

Signed by authority of the Secretary of State for Transport

10th June 1993

*Robert Key*  
Parliamentary Under Secretary of State,  
Department of Transport

14th June 1993

*John Redwood*  
Secretary of State for Wales

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations amend the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1989.

2. Sections 41 and 42 of the Road Traffic Act 1991 amend the Road Traffic Regulation Act 1984 by making provision for local authorities to vary parking charges by giving notice as an alternative to making an amending order. These Regulations prescribe the procedure for varying charges by giving notice.

3. Schedule 8 to the New Roads and Street Works Act 1991 extensively amended the Road Traffic Regulation Act 1984, and in particular introduced the concept of the “traffic authority” (as defined in a new section 121A) and vested most of the order making powers under that Act in that authority. These Regulations make consequential amendments to the 1989 Regulations.

4. Regulation 5 of the 1989 Regulations, as originally made, imposed a general requirement on local authorities to consult certain bodies before making an order. The consultation requirements are amended as follows:—

- (a) Previously an order making authority, before making an order relating to or which was likely to affect the traffic on the road of another highway authority, had to consult the other highway authority. The requirement will now be that any local authority making an order which is likely to affect the traffic on a road for which it is not the traffic authority will have to consult the traffic authority for that road. There is a similar provision for cases where a local authority is not the highway authority for a road to which the order relates or is likely to be so affected.
- (b) Where an order is likely to affect the operation of a tramcar or trolley vehicle, the order making authority will have to consult the operator of the vehicle.
- (c) When an order is likely to affect the traffic on a road which is subject to a concession under a concession agreement under the New Roads and Street Works Act 1991, the order making authority will have to consult the concessionaire. There is a similar requirement where an order relating to a road in England is likely to affect the traffic on a road in Scotland in respect of which rights under a toll order have been assigned under section 28 of that Act.

5. The consultation requirements of the 1989 Regulations are subject to exceptions. These Regulations add further exceptions in relation to:

- (a) orders made as a consequence of the coming into force of certain provisions of the Road Traffic Act 1991 and orders made under that Act; and
- (b) orders that remove or qualify an existing power to remove vehicles from a parking place.

6. There are also amendments of a minor or drafting nature.