
STATUTORY INSTRUMENTS

1996 No. 2489

**The Local Authorities' Traffic Orders (Procedure)
(England and Wales) Regulations 1996**

PART IV

SPECIAL PROCEDURAL PROVISIONS FOR CERTAIN ORDERS

Making an order in part

19.—(1) Subject to the provisions of this regulation and of regulation 24, where an order making authority has, in relation to an order, complied with regulations 6 (consultation), 7 (publication of proposals) and 13 (consideration of objections and inspector's report), they may make the order in part by making an order giving effect to some of the proposals to which the order relates whilst deferring a decision on the remainder.

(2) Where an order has been made in part in accordance with paragraph (1), the order making authority may subsequently deal with the remaining proposals to which the order relates in any, or any combination, of the following ways—

- (a) abandon them;
- (b) defer a decision on them;
- (c) make an order or orders giving effect to them in whole or in part.

(3) Where, pursuant to paragraph (2), an authority has deferred a decision on any proposals, it may subsequently deal with those proposals in any way permitted by that paragraph.

(4) Where an order is made or proposed to be made in part by virtue of this regulation, Parts II and III of these Regulations shall apply to it 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 as made or proposed to be made in part.

(5) The notice of making published, or any notification under regulation 17(3) given, on the making of an order by virtue of this regulation shall—

- (a) indicate briefly the proposals (if any) to be given effect in the order as originally proposed which have been abandoned or in relation to which the decision of the order making authority has been deferred; and
- (b) where the order is made by virtue of paragraph (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.

(6) In the application of regulation 14 to an order made by virtue of paragraph (1), (2) or (3) of this regulation, such an order shall be regarded for the purposes of regulation 14(3) as an order made with modifications.

Revocation and re-enactment of an order not published on making

20.—(1) This regulation applies where—

- (a) an order (“the previous order”) has been made in circumstances where the order making authority is required to publish a notice of making;
- (b) the authority has failed to comply with regulation 17(2) or is satisfied that it will be unable to do so; and
- (c) no provision of the order has come into force.

(2) Where this regulation applies the order making authority which made the previous order may, subject to the following provisions of this regulation and the provisions of regulation 24, make—

- (a) an order (“a revocation order”) the sole effect of which is to revoke the previous order in whole;
- (b) an order (“a replacement order”) the sole effect of which is to revoke the previous order in whole and to re-enact it with a different commencement date; or
- (c) in a case where a revocation order has been made in relation to the previous order, an order (“a delayed re-enactment order”) the sole effect of which is to re-enact the previous order with a different commencement date.

(3) A revocation order shall come into force on the day on which it is made.

(4) If, in relation to a revocation order, it is not practicable for the order making authority to comply with the requirements of paragraphs (2) and (3) of regulation 17 within the time specified in those paragraphs but the authority complies with those requirements as soon as reasonably practicable thereafter, it shall be taken to have complied with those paragraphs.

(5) A replacement order—

- (a) so far as it revokes the previous order must come into force on the day on which it is made;
- (b) so far as it re-enacts the provisions of the previous order—
 - (i) apart from the differing commencement dates, must have the same effect as the previous order, and
 - (ii) must not come into force before the date allowed by regulation 16(3); and
- (c) shall not be made unless the requirements of these Regulations (except those of regulations 17(2) to (4) and 18) and of the 1984 Act had been complied with in relation to the previous order.

(6) A delayed re-enactment order shall not be made more than six months after the date on which the previous order was made and sub-paragraphs (b) and (c) of paragraph (5) shall apply to a delayed re-enactment order as they apply to a replacement order.

(7) Regulations 6, 7 and 8 shall not apply to the making of a revocation order, replacement order or delayed re-enactment order.

Consolidation and minor orders

21.—(1) In this regulation—

- (a) “consolidation order” means an order which—
 - (i) revokes provisions of one or more existing orders;
 - (ii) re-enacts those provisions without any change of substance, other than changes having one or more of the effects described in Part I of Schedule 4, and
 - (iii) has no other effect;
- (b) “minor order” means—

- (i) an order which has one or more of the effects described in Part I of Schedule 4 and no other effect;
 - (ii) an order which is made under section 61 of the 1984 Act and under no other provision; or
 - (iii) an order which relates solely to one or more parking places provided by means of stands or racks for bicycles pursuant to section 63 of the 1984 Act; and
- (c) “publication date” in relation to an order means the date on which a notice under paragraph (4)(a) was published in respect of the order.
- (2) Part II of Schedule 4 shall have effect for the purpose of interpreting that Schedule.
- (3) The provisions of Parts II and III (except regulation 18 where appropriate) of these Regulations shall not apply to a consolidation order or to a minor order.
- (4) The order making authority shall—
 - (a) within 14 days of making a consolidation order or a minor order, publish in a newspaper circulating in the area in which any road or place to which the order relates is situated a notice containing the following particulars—
 - (i) the name of the order making authority;
 - (ii) the title of the order;
 - (iii) if the order is a minor order, a brief statement of the general nature and effect of the order;
 - (iv) if the order is a consolidation order, a list of the orders consolidated by the order and, so far as the order has one or more of the effects described in Part I of Schedule 4, a brief statement of those effects; and
 - (v) a statement that documents giving more detailed particulars of the order are available for inspection and a statement of the places at which they are so available and of the times when they may be inspected at each place; and
 - (b) comply with the requirements of Schedule 2 as to the making of deposited documents available for public inspection at the places specified in the notice under sub-paragraph (a) for a period of 6 weeks beginning with the publication date.
- (5) No provision of a consolidation order shall come into force before the publication date.
- (6) No provision of a minor order shall come into force before the end of the period of 14 days beginning with the publication date.
- (7) The provisions of this regulation are subject to those of regulation 24.

Experimental orders

- 22.**—(1) The provisions of regulations 7 (publication of proposals) and 8 (objections) shall not apply to an experimental order.
- (2) No provision of an experimental order shall come into force before the expiration of the period of seven days beginning with the day on which a notice of making in relation to the order is published.
- (3) The order making authority shall comply with the requirements of Schedule 2 as to the making of deposited documents relating to an experimental order available for public inspection.
- (4) Deposited documents shall be so made available, at the times and at the places specified in the notice of making in relation to the experimental order, for a period beginning with the date on which that advertisement is first published and ending when the order ceases to have effect.

Orders giving permanent effect to experimental orders

23.—(1) This regulation applies where the sole effect of an order (“a permanent order”), which is not an order made under section 9 of the 1984 Act, is to reproduce an continued in force indefinitely the provisions of an experimental order or of more than one such order (“a relevant experimental order”), whether or not that order has been varied or suspended under section 10(2) of the 1984 Act.

(2) Regulations 6 (consultation), 7 (notice of proposals) and 8 (objections) shall not apply to a permanent order where the requirements specified in paragraph (3) have been complied with in relation to each relevant experimental order.

(3) The requirements are that—

- (a) the notice of making contained the statements specified in Schedule 5;
- (b) deposited documents (including the documents referred to in sub-paragraphs (c) and (e)) were kept available for inspection in accordance with Schedule 2 throughout the whole of the period specified in regulation 22(4);
- (c) the deposited documents included a statement of the order making authority’s reasons for making the experimental order;
- (d) no variation or modification of the experimental order was made more than 12 months after the order was made; and
- (e) where the experimental order has been modified in accordance with section 10(2) of the 1984 Act, a statement of the effect of each such modification has been included with the deposited documents.

(4) In the application of regulations 10, 11 and 13 and Schedule 3 to a permanent order to which regulations 6, 7 and 8 do not apply by virtue of paragraph (2)—

- (a) the notices of making published in respect of each relevant experimental order shall be treated as the notice of proposals published under regulation 7(1)(a) in respect of the permanent order;
- (b) any objection made in accordance with the statement included by virtue of paragraph (3)
 - (a) in the notice of making published in respect of a relevant experimental order shall be treated as an objection duly made under regulation 8 to the permanent order.

Objections to Part IV orders under Schedule 5 to the Local Government Act 1985

24.—(1) This regulation applies where the order making authority is a London authority or a metropolitan district council and another such authority (“the other authority”) is required to be consulted by virtue of paragraph 6(3)(c) of Part II of Schedule 5 to the 1985 Act in connection with an order.

(2) Where, by virtue of the provisions of this Part of these Regulations, regulation 7 does not apply to an order, the order making authority shall nevertheless, before making the order, send to the other authority a notice containing the particulars specified in Parts I and II of Schedule 1 and the other authority may object to the order during the period beginning with the date on which that notice is sent and ending 21 days later.

(3) Any objection under paragraph (2) must be made in accordance with regulation 8(3) as if an objection had been made in accordance with regulation 8(2).