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STATUTORY INSTRUMENTS

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**2016 No. 1035**

**The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016**

**PART 4**

**OPERATION OF TRANSIT SYSTEM**

**Traffic regulation**

**42.**—(1) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the undertaker may, for the purposes of the authorised transit system—

- (a) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles in the manner specified in paragraph 3 of Part 1 of Schedule 7 (traffic regulation) on those roads specified in column (2) and along the lengths and between the points specified in column (3) of that Part of that Schedule;
- (b) make provision as to the direction of vehicular traffic in the manner specified in paragraph 4 of Part 2 of Schedule 7 on the roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule;
- (c) permit or prohibit vehicular access in the manner specified in paragraph 5 of Part 3 of Schedule 7 to those roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule;
- (d) make provision for vehicular speed limits in the manner specified in paragraph 6 of Part 4 of Schedule 7 to those roads specified in column (2) to the extent specified in column (3) of that Part of that Schedule; and
- (e) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act in so far as it is inconsistent with any prohibition, restriction or other provision made by the undertaker under this paragraph.

(2) Without limitation on the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, but such consent must not be unreasonably withheld, the undertaker may, in so far as may be necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance or operation of the authorised transit system—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road;

- (e) make provision for vehicular speed limits on any road; and
  - (f) permit or prohibit vehicular access to any road,
- either at all times or at times, on days or during such periods as may be specified by the undertaker.
- (3) The powers conferred by paragraphs (1) and (2) may be exercised at any time prior to the expiry of 12 months from the opening of the authorised transit system for public use but subject to paragraph (6) any prohibition, restriction or other provision made under paragraph (1) or (2) may have effect both before and after the expiry of that period.
- (4) The undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the provisions of paragraph (5).
- (5) The undertaker must not exercise the powers conferred by paragraph (1) or (2) unless it has—
- (a) given not less than—
    - (i) 12 weeks' notice in writing of its intention to do so in the case of a prohibition, restriction or other provision intended to have effect permanently; or
    - (ii) 4 weeks' notice in writing of its intention to do so in the case of a prohibition, restriction or other provision intended to have effect temporarily,
 to the chief officer of police and to the traffic authority in whose area the road is situated; and
  - (b) advertised its intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(ii).
- (6) Any prohibition, restriction or other provision made by the undertaker under paragraph (1) or (2)—
- (a) has effect as if duly made by, as the case may be—
    - (i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act or, in the case of provision for vehicle speed limits, as an order under section 84(1) (speed limits on roads other than restricted roads) of that Act; or
    - (ii) the local authority in whose area the road is situated, as an order under section 32(2) (power of local authorities to provide parking places) or section 45(3) (designation of paying parking places on highways) of the 1984 Act,
 and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 7) to which the prohibition, restriction or other provision is subject; and
  - (b) except in the case of provision for vehicle speed limits, is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the Traffic Management Act 2004(4).
- (7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred

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(1) As amended by section 168(1) of, and paragraph 61 of Part 2 of Schedule 8 to, the 1991 Act; section 45 of the Road Traffic Act 1991 (c. 40) and section 1(6) of, and paragraphs 70 and 88 of Part 2 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(2) As amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51). There are other amendments to section 32 that are not relevant to this Order.

(3) As amended by sections 8 and 102 of, and paragraph 4(19)(b) of Schedule 5 and Schedule 17 to, the Local Government Act 1985 (c. 51); section 1 of the Road Traffic Regulation (Parking) Act 1986 (c. 27); section 168(1) of, and paragraph 44 of Part 2 of Schedule 8 to, the 1991 Act and section 281 of, and Part 6 of Schedule 34 to, the Greater London Authority Act 1999 (s. 29). There are other amendments to section 45 that are not relevant to this Order.

(4) 2004 c. 18.

by paragraph (2) within a period of 24 months from the opening of the authorised transit system for public use.

(8) Before exercising the powers conferred by paragraph (2) the undertaker must consult such persons as it considers necessary and appropriate and must take into consideration any representations made to it by any such person.

(9) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(10) The powers conferred on the undertaker by this article with respect to any road have effect subject to any agreement entered into by the undertaker with any person with an interest in (or who undertakes activities in relation to) premises served by the road.