

GLASGOW COMMONWEALTH GAMES ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Transport

Section 37: Transport plan

81. This section clarifies that the Organising Committee is responsible for producing a Games Transport Plan. Subsection (2) requires the Organising Committee to consult the Scottish Ministers, every council in whose area a Games location is situated, every chief constable of a police force maintained for an area in which a Games location is situated and any other person the Organising Committee considers appropriate before making such a plan.

Section 38: Games traffic regulation orders

82. This section allows a traffic authority for a road to make a temporary traffic regulation order for the purposes of implementing the Games transport plan, facilitating transport services in connection with the Games, facilitating travel by any person for a purpose connected to the Games or carrying out an experimental scheme of traffic control for a purpose connected to the Games. These are to be known as “Games traffic regulation orders”. Such orders will be used, for example, to deliver the Games Lanes described in the Candidate City File.
83. Subsection (2) provides that a Games traffic regulation order may be made irrespective of whether the traffic authority is satisfied as to any of the matters set out in section 14(1) (a) (road works), (b) (danger or damage) or (c) (litter clearing and cleaning) of the Road Traffic Regulation Act 1984.
84. Subsection (3) enables a Games traffic regulation order to suspend any statutory provision mentioned in section 14(7) of the 1984 Act without imposing any prohibition or restriction in relation to the road. This means, for example, that a traffic authority may suspend parking in designated parking spaces on a road without also having to close any part of that road to traffic.
85. Subsection (4) removes the decriminalisation of waiting, loading or unloading vehicles in special parking areas in contravention of a Games traffic regulation order. Waiting, loading or unloading vehicles in such circumstances will be a criminal offence.

Section 39: Urgent traffic regulation measures

86. This section allows a traffic authority for a road to restrict or prohibit temporarily the use of the road, or any part of it, by vehicles or pedestrians where they believe such restrictions should come into force without delay. Such restrictions or prohibitions may be imposed by notice. This could be used for example if emergency road works are

*These notes relate to the Glasgow Commonwealth Games Act
2008 (asp 4) which received Royal Assent on 10 June 2008*

required on a section of the Games Route Network and time is not available to make a Games traffic regulation order to create an alternative route.

87. Subsection (2) provides that the requirements and restrictions of the 1984 Act in relation to notices under section 14(2) of that Act apply also to notices under this section. These requirements and restrictions include such matters as having regard to the existence of alternative routes for traffic that will be affected by the notice and not making such a notice if the effect would be to prevent pedestrian access to premises on or adjacent to the road.

Section 40: Power to direct councils to regulate road use for Games purposes

88. This section allows the Scottish Ministers to direct a council to make, vary or revoke a traffic regulation instrument where they consider such action to be necessary for any purposes mentioned in section 38. A traffic regulation instrument is defined in subsection (6).
89. The Scottish Ministers may make such a direction only if they have been notified by the Organising Committee that it considers that the council should take such action and the council has failed to take that action within 7 days of being asked by the Scottish Ministers to do so (subsection (2)). The Scottish Ministers are, however, not bound by these conditions if they consider that action must be taken without delay in order to ensure that the Games Transport Plan is implemented properly (subsection (3)). If the council fails to comply with a direction, the Scottish Ministers may take action in place of the council and may recover from the council the costs of so acting (subsections (4) and (5)).