
STATUTORY INSTRUMENTS

1999 No. 614 (S. 38)

ROAD TRAFFIC

**The Local Authorities' Traffic Orders
(Procedure) (Scotland) Regulations 1999**

<i>Made</i>	- - - -	<i>1st March 1999</i>
<i>Laid before Parliament</i>		<i>9th March 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

The Secretary of State, in exercise of the powers conferred on him by section 124 of, and Part III of Schedule 9 to, the Road Traffic Regulation Act 1984(1), and of all other powers enabling him in that behalf, after consultation with representative organisations in accordance with section 134(2) of the said Act of 1984, hereby makes the following Regulations:

**PART I
GENERAL**

Citation, commencement and extent

1. These Regulations may be cited as the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, shall come into force on 1st April 1999 and shall apply in Scotland only.

Interpretation

2.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them:—

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

“authority”, in relation to an order, to which these Regulations apply means the local traffic authority making, or proposing to make, the order under the Act;

“concessionaire” means the person to whom rights under a toll order to charge and to collect tolls have been assigned under Part II of the New Roads and Street Works Act 1991(2);

(1) 1984 c. 27; there are amendments to section 124 not relevant to these Regulations. Part III of Schedule 9 was amended by the Local Government Act 1985 (c. 51), Schedule 5, paragraph 39 and the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraph 80 and Schedule 9.

(2) 1991 c. 22.

“consolidation order” means an order which revokes provisions of one or more existing orders, reproduces those provisions without any change in substance and makes no other provision, but so, however, that for the purpose of this definition the following shall not be regarded as a change in substance, namely, the inclusion in the order (by way of an addition to the provisions of any existing order or orders) of an exemption required by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 1971⁽³⁾, in respect of a disabled person's vehicle, or of a provision conferring on a traffic warden functions similar to those conferred by the existing order or orders on a police constable in uniform or of both such exemption and such provision;

“Crown road” and “the appropriate Crown Authority” have the same meanings as in section 131(7) of the Act⁽⁴⁾;

“fire authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽⁵⁾ or, where the area of the fire authority forms part of a combined area for fire-fighting purposes, the joint board for fire services for that combined area;

“notice of proposals” and “notice of making”, in relation to an order, mean respectively the notices required to be published under regulations 5 and 17;

“NHS Trust” has the same meaning as in section 108(1) of the National Health Service (Scotland) Act 1978⁽⁶⁾;

“order” means, in relation to anything occurring or falling to be done before its making, an order as proposed to be made, and in relation to anything occurring or falling to be done on or after its making, that order as made;

“public passenger transport services” has the same meaning as in section 63(10)(a) of the Transport Act 1985⁽⁷⁾;

“relevant map”, in relation to an order, means the map required by regulation 15 to be prepared and kept in connection with that order; and

“toll order” has the same meaning as in Part II of the New Roads and Street Works Act 1991.

(2) Any reference in these Regulations to an order under any section of the Act includes a reference to an order varying or revoking an order made, or having effect as if made, under that section.

(3) Except where otherwise expressly provided, any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations and a reference in a regulation or Schedule to a numbered paragraph is a reference to the paragraph bearing that number in that regulation or Schedule.

Application of Regulations

3.—(1) Subject to regulation 21, these Regulations apply to orders made or proposed to be made by an authority under any of the following provisions of the Act, that is to say, sections 1, 9, 19, 29, 32, 35, 37, 38, 45, 46, 49(2) and (4), 83(2) and 84.

(2) Except where otherwise stated, each regulation applies to every such order.

(3) Except where otherwise stated, these Regulations apply to an order under any of the provisions of the Act mentioned in paragraph (1) made or proposed to be made by an authority in pursuance of

(3) S.I.1971/1521, amended by S.I. 1975/881 and 1975/1586.

(4) Section 131(7) was amended by the Roads (Scotland) Act 1984 (c. 54), Schedule 9, paragraph 93(41)(b) and the New Roads and Street Works Act 1991, Schedule 8, paragraph 75.

(5) 1994 c. 39.

(6) 1978 c. 29; section 108(1) was amended by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19.

(7) 1985 c. 67.

a direction of the Secretary of State under paragraphs 1 and 2 of Schedule 9 to the Act in the same way as it applies to an order in relation to which no such direction has been given.

PART II

PROCEDURE BEFORE MAKING THE ORDER

Consultation

4.—(1) Before making an order in a case specified in column (2) of an item in the table below, the authority shall consult the persons specified in column (3) of the item.

TABLE

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Case</i>	<i>(3)</i> <i>Consultee</i>
1.	Where the order relates to, or appears to the authority to be likely to affect traffic on, a road for which another authority is the local traffic authority	The other authority
2.	Where the order relates to, or appears to the authority to be likely to affect traffic on a Crown road	The appropriate Crown authority
3.	Where the order relates to, or appears to the authority to be likely to affect traffic on a road subject to a toll order	The concessionaire
4.	Where the order relates to, or appears to the authority to be likely to affect traffic on a road on which public passenger transport services are provided	The operator of the service and the appropriate Passenger Transport Authority
5.	Where it appears to the authority that the order is likely to affect the passage on any road or place of— (a) ambulances; or (b) fire-fighting vehicles	In case (a) the chief officer of the appropriate NHS trust In case (b) the fire authority
6.	All cases	(a) The Freight Transport Association (b) The Road Haulage Association

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<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Case</i>	<i>(3)</i> <i>Consultee</i>
		(c) Such other organisations (if any) representing persons likely to be affected by any provision in the order as the authority thinks appropriate

(2) The consultation referred to in paragraph (1) is additional to the consultation with the chief officer of police required by paragraph 20 of Schedule 9 to the Act and any other consultation required by the Act.

(3) This regulation has effect subject to regulations 19 and 21.

Publication of proposals

5.—(1) After the consultations referred to in regulation 4 but before making the order the authority shall—

- (a) publish at least once 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) take such other steps as they may consider appropriate for ensuring that adequate publicity about the order is given to persons likely to be affected by its provisions and, without prejudice to the generality of this sub-paragraph, such other steps may include—
 - (i) publication of a notice in the Edinburgh Gazette;
 - (ii) the display of notices in accordance with Schedule 2 in roads or other places affected by the order; or
 - (iii) the delivery of notices or letters to premises, or premises occupied by persons, appearing to the authority to be likely to be affected by any provision in the order;
- (c) make available for inspection in accordance with Schedule 3 the documents mentioned in that Schedule.

(2) This regulation has effect subject to regulations 19, 20 and 21.

Notice of proposals

6. Not later than the date on which all the provisions in regulation 5 have been complied with, the authority shall send a copy of the notice of proposals to each person whom it is required to consult under regulation 4(1) or under any of the provisions referred to in regulation 4(2).

Objections

7.—(1) Before the end of the objection period mentioned in paragraph (3), any person may object to the making of an order.

(2) Any objection made under paragraph (1) shall contain a written statement of the grounds of the objection and shall be sent to the address specified in a notice published under regulation 5.

(3) The objection period shall be—

- (a) a period of not less than 21 days between the date on which a notice is published under regulation 5 and the date specified in that notice as the date by which any objection to the order must be made; or
 - (b) if later, a period of 21 days or such longer period as the authority may specify beginning with the date on which the authority has complied with all the provisions of regulation 5.
- (4) This regulation has effect subject to regulations 19, 20 and 21.

Hearing

8.—(1) Before making any order to which these Regulations apply the authority may hold a hearing in connection with that order and the authority shall hold such a hearing before making an order in the following cases:—

- (a) where the order is—
 - (i) an order under section 1, 37 or 45 of the Act which contains a provision which prohibits, or has the effect of prohibiting, the loading or unloading of vehicles in any road either at all times or for any period of time unless such period falls wholly between 0700 hours and 1000 hours or between 1600 hours and 1900 hours in any day, or
 - (ii) an order under section 9 of the Act which contains a provision such as is mentioned in head (i) of this sub-paragraph and which is proposed to be made within 6 months of the date on which a previous order under section 9 of the Act containing a similar provision as respects that road ceased to be in force,

and an objection to that provision in the order is made by any person in accordance with regulation 7 above and is not withdrawn;

- (b) where the order is—
 - (i) an order under section 1, 37 or 45 of the Act which contains a provision for requiring vehicular traffic generally, or vehicular traffic of any class, to proceed on a road in a specified direction, or for prohibiting such traffic from so proceeding, or
 - (ii) an order under section 9 of the Act which contains a provision for requiring vehicular traffic generally, or vehicular traffic of any class, to proceed on a road in a specified direction, or for prohibiting such traffic from so proceeding, and which is proposed to be made within 6 months of the date on which a previous order under section 9 of the Act containing a similar provision as respects that road ceased to be in force, or
 - (iii) an order under section 19 of the Act which provides that any road shall not be used either at all times or for a limited period or periods in the year by public service vehicles or such vehicles of a specified class,

and an objection to that provision in the order is made in accordance with regulation 7 by a person who provides a relevant service on any road to which the order relates, and is not withdrawn; and

- (c) where the order is one which requires the consent of the Secretary of State under paragraph 13 of Schedule 9 to the Act, and he has notified the authority that he will not be willing to consider giving his consent to the making of the order until a hearing has been held by the authority in connection with it.

(2) Hearings shall be conducted by an independent person (referred to as “the reporter”) appointed by the authority from a list of persons compiled by the Secretary of State for that purpose.

(3) A hearing shall be held in public.

(4) For the purposes of paragraph (1)(b) “a relevant service” means—

- (a) a service which is a local service within the meaning of the Transport Act 1985⁽⁸⁾; or
- (b) a service for the carriage of passengers for hire or reward at separate fares which is not—
 - (i) a local service (within the meaning aforesaid); or
 - (ii) a service in relation to which the conditions set out in Part III of Schedule 1 to the Public Passenger Vehicles Act 1981⁽⁹⁾ are met in respect of each journey made by the vehicles used in providing the service.

Notice of hearing

9.—(1) Where a hearing is to be held the authority shall forthwith give notice in writing to any person who has objected to the making of the order informing him that, if within such period, not being less than 14 days, as is specified in the notice, he intimates that he so desires, an opportunity will be afforded him of being heard in support of his objection.

(2) If any objector given such notice intimates his desire to be heard the authority shall notify him in writing of the arrangements for the hearing not less than 21 days before the date on which the hearing is to take place.

(3) Where a hearing is to take place the authority shall, in addition, not less than 21 days before the date on which the hearing is due to begin, publish at least once 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 hearing containing the particulars specified in Part II of Schedule 1.

- (4) The date of the hearing shall not be earlier than 21 days, from the later of—
- (a) the day after the end of the objection period mentioned in regulation 7(3), or
 - (b) the date when the notice of the hearing is first published under paragraph (3).

Procedure at hearing

10.—(1) Subject to paragraphs (2) to (4), the procedure at the hearing shall be determined by the reporter.

(2) Any person interested in the subject matter of the hearing may be heard in person or be represented by counsel, a solicitor or other representative.

(3) Any person so interested may, whether or not he proposes to appear at the hearing, send written representations for the consideration of the reporter at the hearing.

(4) The reporter may refuse to hear any person, or allow to be put forward for consideration at the hearing any representations made by any person, if he is satisfied that such representations are frivolous or vexatious or that such views have already been adequately stated by some other person at the hearing.

Consent of the Secretary of State

11. Where the order is one which under paragraph 13 of Schedule 9 to the Act requires the consent of the Secretary of State, the authority's application to him for such consent shall be accompanied by copies of such of the documents specified in Schedule 4 as may be applicable.

⁽⁸⁾ 1985 c. 67.

⁽⁹⁾ 1981 c. 14.

Consideration of objections and report

12. Before making the order the authority shall consider all objections made in accordance with regulation 7 and not withdrawn or, where a hearing has taken place the report and recommendation made by the reporter.

Modifications

13.—(1) The authority shall not make the order with modifications where—

- (a) any of the modifications would involve a departure from the order in the form to which the Secretary of State or Crown authority has given his or its consent, or
- (b) in a case where under paragraph 1 and 2 of Schedule 9 to the Act the Secretary of State has directed the authority to make the order, any of the modifications would involve a departure from the form in which he has directed the order to be made, or
- (c) in a case where the consent of the Secretary of State is not required by or under paragraph 13 of Schedule 9 to the Act, any of the modifications would extend the application of the order or increase the stringency of any prohibition or restriction contained in it,

but subject as aforesaid the authority may make the order with modifications, whether in consequence of any objections or otherwise.

(2) Where the Secretary of State proposes to consent to the order with modifications which appear to him substantially to affect the character of the order as submitted to him, the authority shall, before making the order, take such steps as the Secretary of State may require for informing the persons likely to be concerned of the effect of the modifications, for giving to those persons an opportunity to make representations in connection therewith and for ensuring that any such representations are considered by the authority and (if he so requests) by the Secretary of State.

Special provisions for transmission of documents to Secretary of State in certain cases

14. Where the order is one in connection with which a hearing has been held by virtue of regulation 8(1)(a) or (b) and the authority decide to make the order in a form which includes any provision at variance with the recommendations of the reporter, they shall—

- (a) before making the order, send to the Secretary of State a copy of the order as proposed to be made, a copy of the relevant map, a copy of the report and recommendations made following the hearing and a statement of the authority's reasons for not accepting the relevant recommendations;
- (b) at the same time as they send to the Secretary of State the documents specified above, give written notification of this fact to each person who objected to the order in accordance with regulation 7 and has not withdrawn his objection;
- (c) not make the order before the expiration of one month from the date on which the said documents were sent to the Secretary of State, unless he gives the authority earlier notification that he has no observations to make about the order.

PART III

THE FORM OF THE ORDER

The relevant map

15. The authority shall prepare and keep in connection with the order a map in accordance with the requirements set out in Schedule 5.

Date of order

16.—(1) The order shall specify—

- (a) the date on which it is made;
- (b) the date on which it comes into force or, in a case where different operative dates are provided for different provisions of the order, each of the dates on which a provision of the order comes into force.

(2) No date on which an order, or a provision of an order, comes into force shall be earlier than the date on which the notice of the making of the order is published in the local newspaper under regulation 17.

(3) No order shall be made after the expiry of two years beginning with the date on which a notice of proposals is first published under regulation 5.

PART IV

NOTICE OF MAKING THE ORDER AND SUBSEQUENT PROCEDURE

Notice of making the order

17.—(1) When the authority have made the order they shall—

- (a) forthwith give notice in writing of the making of the order to the chief constable of the police area in which any road or other place to which the order relates is situated;
- (b) notify in writing each person, who has objected to the order in accordance with regulation 7 and has not withdrawn his objection, of the authority's reasons for making the order in spite of the objection;
- (c) within 14 days of the making of the order publish once 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 III of Schedule 1;
- (d) if considered necessary within the same period publish a similar notice in the Edinburgh Gazette;
- (e) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection;
- (f) where the order relates to any road, forthwith take such steps as are necessary to secure—
 - (i) the erection on or near the road of such traffic signs in such positions as the authority may consider requisite for the purpose of securing that adequate information as to the effect of the order is given to persons using the road;
 - (ii) the maintenance of such signs for so long as the order remains in force; and
 - (iii) 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 authority may consider requisite for the purpose of avoiding confusion to users of the road or the continuance of traffic signs in incorrect positions;
- (g) where the road is a Crown road, consult with the appropriate Crown authority before carrying out any of the requirements at sub-paragraph (f) of this paragraph.

(2) This regulation has effect subject to regulation 19.

PART V

SPECIAL PROCEDURAL PROVISIONS FOR CERTAIN ORDERS

Making an order in part

18.—(1) Subject to the provisions of this regulation, where the authority have complied with regulations 4 (consultation), 5 and 6 (publication of proposals) and 12 (consideration of objections and 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 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 paragraph (1), (2) or (3) of this regulation, Parts II, III and IV of these Regulations shall apply to it as if the procedural steps previously taken under these Regulations, and any notices published 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(1)(c) 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 13 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 13(2) as an order made with modifications.

Special provisions for consolidation orders, certain variation and other orders

19.—(1) Regulations 4, 5, 6 and 7 shall not apply to a consolidation order or any of the orders set out in Schedule 6, and regulation 17 where appropriate shall have effect in relation to any such order with the following modifications, namely, that the particulars to be contained in the notice of the making of the order shall consist only of—

- (a) the name of the authority;
- (b) the title of the order;
- (c) if appropriate, a statement of the titles of the orders the provisions of which are reproduced in the consolidation order;
- (d) the operative date or dates of the order; and
- (e) the items numbered 5 and (if appropriate) 6 in Part III of Schedule 1.

(2) Any order to which this regulation applies shall be framed so as to come into force on a date not less than 14 days after the publication in the local newspaper of the notice of the making of the order.

Special provisions for certain experimental traffic orders

20.—(1) This regulation applies to the following orders:—

- (a) an order under section 9(1) of the 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 the said section 9(1);
 - (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) an order under section 9(4) of the Act.

(2) Regulations 5, 6 and 7 shall not apply to any order to which this regulation applies.

Saving

21. Where in connection with any order, consultation in accordance with regulation 4 is commenced before the date of coming into force of these Regulations, then the remaining procedural steps in connection with that order shall be determined by the Local Roads Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1987, notwithstanding their revocation by regulation 1(2).

Revocation

22. The Local Roads Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1987(10) are hereby revoked.

St Andrew's House,
Edinburgh
1st March 1999

Calum MacDonald
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Regulations 5(1)(a), 9(3), 17(1)(c) and
19(1)(e)

PARTICULARS TO BE INCLUDED IN PRESS NOTICES

PART I

PARTICULARS TO BE INCLUDED IN THE NOTICE OF PROPOSALS

1. The name of the authority.
2. The title of the order.
3. A statement of the general nature and effect of the order.
4. 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 83(2) or 84(1) of the Act, a statement of the approximate length of that road to which the order will apply.
5. Where the order relates to an off-street parking place, a brief description of that place and of its location.
6. Where the order relates to a parking place, a statement of all the charges (if any) proposed to be made for the use of the parking place and of the time limits and the classes of vehicle for which the parking place will be available.
7. Each address at which a copy of the order, as drafted, a copy of the relevant map, and a copy of the authority's statement of reasons for proposing to make the order can be inspected, and the times when inspection can take place at each such address.
8. The date of the end of the objection period calculated in accordance with regulation 7(3), the address at which objections to the order can be lodged, and a statement that all objections must be made in writing and must specify the grounds thereof.

PART II

PARTICULARS TO BE INCLUDED IN THE NOTICE OF A
PUBLIC HEARING BEFORE AN INDEPENDENT PERSON

1. The name of the authority.
2. The title of the order.
3. A statement which refers to the published notice of proposals for the order and which indicates that a public hearing will be held in connection with the order.
4. 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.
5. The date, time and place of the hearing and the name of the person appointed to hold the hearing.
6. Each address at which a copy of the order, as drafted, a copy of the relevant map, and a copy of the authority's statement of reasons for proposing to make the order can be inspected, and the time when inspection can take place at each such address.

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PART III

PARTICULARS TO BE INCLUDED IN THE NOTICE OF MAKING THE ORDER

1. The name of the authority.
2. The title of the order.
3. The date of the making of the order and its operative date or dates.
4. The issue number, if any, and date of issue of the newspaper or if applicable of the Edinburgh Gazette containing the relevant notice of proposals previously published pursuant to regulation 5(1) (a) and (b), the reference number of that notice therein (if any) 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.
5. 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.
6. In the case of an order under section 1, 9, 19, 32, 37, 38 or 45 of the Act a statement that any person wishing to question the validity of the order or of any of its provisions on the grounds 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 Court of Session.

SCHEDULE 2

Regulation 5(1)(b)(ii)

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

PART I

PARTICULARS TO BE INCLUDED IN THE NOTICE

1. The name of the authority.
2. The title of the order.
3. A brief statement of the effect of the order in relation to the road or other place where it is displayed.
4. An address at which a copy of the order, a copy of the relevant map and a copy of the authority's statement of reasons for proposing to make the order can be inspected, and the times when such inspection can take place.
5. Where the notice is a notice of proposals, the address to which, and the date on or before which objections to the order can be made, such date being the date of the end of the objection period mentioned in regulation 7(3), and a statement that all objections must be made in writing and must specify the grounds thereof.
6. Where the notice announces the holding of a public hearing by an independent person, the date, time and place of the hearing and the name of the person appointed to hold the hearing.

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 as the authority think requisite for securing that adequate information about the subject matter of the notice is given to persons using the road.

2. Where the order relates to an off-street parking place, the notice shall be displayed in one or more prominent positions in the road or roads giving access to the parking place, and, where the parking place is in public use, in the parking place itself.

3. The notice shall first be displayed as aforesaid at the same time as the corresponding notice is first published in the local newspaper and the authority shall take all reasonable steps to ensure that it remains in a legible condition and continues to be so displayed—

- (a) in the case of a notice of proposals, until the end of the objection period;
- (b) in the case of a notice announcing the holding of a public hearing before an independent person, until the date on which the hearing begins.

SCHEDULE 3

Regulations 5(1)(c) and 17(1)(e)

REQUIREMENTS AS TO THE AVAILABILITY OF DOCUMENTS FOR INSPECTION

1. There shall be available for inspection at the authority's offices during normal office hours, and (if the authority think fit) at such other places within the authority's area and during such times respectively at those places as the authority may determine, the following documents:—

- (a) a copy of the order as drafted or made, as the case may be;
- (b) a copy of the relevant map;
- (c) in the case of an order which varies or revokes a previous order, a copy of that order and of its relevant map;
- (d) in the case of a proposed order, a copy of a statement setting out the authority's reasons for proposing to make the order, and if it be an experimental order under section 9 of the Act, setting out the authority's reasons for proceeding by way of experiment; and
- (e) in the case of an order made after the holding of a hearing, a copy of the report and the recommendations (if any) of the reporter.

2. The said documents shall be made available as aforesaid not later than the date of 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, until the end of the objection period;
- (b) where the notice is one announcing the holding of a hearing, until the date on which the hearing 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.

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SCHEDULE 4

Regulation 11

DOCUMENTS TO ACCOMPANY THE APPLICATION FOR THE SECRETARY OF STATE'S CONSENT

1. The order as proposed to be made.
2. The relevant map.
3. The statement of the authority's reasons for proposing to make the order.
4. The issues of each local newspaper and, if applicable, of the Edinburgh Gazette containing the notice of proposals.
5. Each unwithdrawn objection or, in a case where there are no objections or no unwithdrawn objections, a statement to this effect.
6. Copies of the reply or replies sent to each objector.
7. A list of the persons and organisations consulted by the authority and a statement of the views (if any) expressed by each such person or organisation.
8. In a case where a hearing has been held, a copy of the report and recommendations (if any) made by the reporter.
9. In a case where the order relates to a Crown road, the consent of the appropriate Crown authority.
10. In a case where the order relates to a Crown road and will apply to persons or vehicles in the service of the Crown, particulars of the Crown authority or authorities whose persons and vehicles are known to be involved.

SCHEDULE 5

Regulation 15

REQUIREMENTS AS TO THE MAP

- 1.—(1) The map shall clearly indicate by distinctive colours, symbols or markings—
 - (a) each road to which the order relates;
 - (b) in a case where any provision of the order prohibits the use of a road by all vehicles, or by all vehicles of a particular class, the alternative route available for the vehicles to which the provision applies; and
 - (c) in a case where the order does not relate to a road, the location of the site or other place to which the order applies and the relationship of that site or place to adjacent roads and premises.
- (2) Except in the case of an order under section 38 of the Act, it shall not be obligatory for the text of the order to make any specific reference to the relevant map or for that map to be made a part of the order.
- (3) Where the relevant map is neither specifically referred to in the text of the order nor made a part of the order, the map shall be for purposes of illustration only and the matter indicated on it shall not prevail over the actual text of the order in the event of any discrepancy between the map and the text.
- (4) None of the foregoing paragraphs applies to—
 - (a) an order which provides only for the revocation of the provisions of any previous order; 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.

SCHEDULE 6

Regulation 19

PART I

CONSOLIDATION ORDERS, CERTAIN VARIATION AND OTHER ORDERS SUBJECT TO SIMPLIFIED PROCEDURE

1.—(1) An order the sole effect of which is to vary an order under section 1, 9, 35, 45 or 46 of the Act so as to include in the order being varied an exemption in respect of a disabled person's vehicle of the same kind as is mentioned in regulation 4 of the Local Authorities Traffic Orders (Exemption for Disabled Persons) (Scotland) Regulations 1971 or a provision conferring on a traffic warden functions similar to those conferred by the order on a police constable in uniform, or both such exemption and such provision.

(2) An order the sole effect of which is to substitute a prohibition or restriction on the use of vehicles having a maximum gross weight of 16.5 or 17 tonnes for an identical prohibition or restriction on the use of vehicles having a maximum gross weight of 18 tonnes.

(3) An order the sole effect of which is to substitute, for any reference 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.

(4) An order the sole effect of which is—

- (a) to prohibit or restrict the waiting or the loading or unloading of vehicles, or
- (b) to authorise the use of any part of a road as a parking place,

in so far as the variation is necessary to make the order compatible with any regulations under section 25 of the Act.

(5) An order the effect of which appears necessary or expedient to the order making authority as a consequence of the coming into force of a designation order under Schedule 3 to the Road Traffic Act 1991⁽¹¹⁾ (permitted or special parking areas).

(6) An order the sole effect of which is the variation or revocation of an order under section 35(1)(b)(iv) or 46(2)(e) of the Act authorising a person to remove or arrange for the removal of a vehicle from a parking place.

(7) An order the sole effect of which is the variation of an order under section 35 or 46(2) of the Act regulating the method, or requiring the use of apparatus, by which any charges for the use of a parking place are to be paid.

(8) An order the sole effect of which is the prohibition of, or the revocation or variation of a provision in an order whose sole effect is to prohibit, the riding of cycles or mopeds on a footbridge, in a pedestrian subway or on the approaches to such a bridge or subway.

⁽¹¹⁾ 1991 c. 40; schedule 3 was amended by the [Local Government etc. \(Scotland\) Act \(c.39\)](#), Schedule 13, paragraph 171.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(9) An order which relates solely to one or more parking places provided by means of stands and racks for bicycles pursuant to section 63 of the Act.

(10) An order the sole effect of which is to postpone for a period of not more than 6 months the coming into force of any provision of an existing order.

(11) An order combining the effects of two or more of any of the foregoing orders.

PART II

INTERPRETATION

2. In this Schedule—

“cycle” means a pedal cycle which is not a motor vehicle;

“maximum gross weight” has the same meaning as in the Traffic Signs Regulations 1994⁽¹²⁾; and

“moped” has the meaning given by paragraph 5 of Schedule 9 to the Road Vehicles (Construction and Use) Regulations 1986⁽¹³⁾.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the procedure to be followed by local traffic authorities in Scotland for making the main types of traffic and parking orders under the Road Traffic Regulation Act 1984. The Regulations replace with significant modifications the Local Roads Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1987. The main changes are referred to below.

Regulation 4 (consultation) now sets out in tabular form those organisations which the local traffic authority are required to consult with and in what circumstances. These organisations include the operators on local bus services, the chief officer of the appropriate NHS trust, the Freight Transport Association, the Road Haulage Association and any other organisation likely to be affected by any provision of the order as the local traffic authority thinks appropriate.

Regulation 5 (publication of proposals) lays down the requirement for publishing proposals. Publicity in the Edinburgh Gazette in addition to an advert in a local newspaper is now at the discretion of the local traffic authority.

The circumstances in which an authority must hold a public hearing for orders which restrict loading have been modified (regulation 8) and a public hearing no longer needs to be advertised in the Edinburgh Gazette, neither is there a requirement to display notice of the hearing in affected roads (regulation 9).

Regulation 16 (date of order) places a time limit on the making of an order of 2 years from the date on which the notice of proposals was first published. Regulation 17 (notice of making the order) drops the requirement to advertise the notice of making of the order in the Edinburgh Gazette unless the local traffic authority consider it necessary to do so.

⁽¹²⁾ Part I of S.I. 1994/1519 to which there are amendments not relevant to these Regulations.

⁽¹³⁾ S.I. 1986/1078, to which there are amendments not relevant to these Regulations.

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Regulation 18 (making an order in part) allows a local traffic authority to make an order in part and makes provision as to how the remainder of the order may be dealt with. Regulations 19 and 20 make provision for certain orders which are subject to a shortened procedure. Schedule 6 details certain of the orders which are subject to this shortened procedure.

Schedules 1 to 3 contain particulars of the details to be included in the press notices of an order, of the requirements as to the display of an order in the road itself and of the requirements about making documents relating to an order available for public inspection. Schedule 4 lists the documents which must accompany an application for the Secretary of State's consent. Schedule 5 details the requirements for the relevant map.