

SCHEDULE 2

Regulations 10(2), 11(2) and 12(3)

PROCEDURES FOR DESIGNATIONS AND WITHDRAWAL OF DESIGNATIONS

PART I

Designations of protected roads

1. Before making a designation of a protected road the road works authority shall publish a notice of their intention to make the designation specifying a time, not less than one month, within which objections may be made, in one or more newspapers circulating in the locality in which the road to which the proposed designation relates is situated.

2. The road works authority shall not later than the date on which the publication required by paragraph 1 is made serve a copy of that notice on—

- (a) every undertaker which the authority know to have apparatus in any road to which the proposed designation refers or which has given notice under section 113 of their intention to execute road works in the road;
- (b) every local authority (other than the road works authority) in whose area any road to which the proposed designation relates is situated;
- (c) the owners or reputed owners, and the occupiers or reputed occupiers of any land which is adjacent to the road; and
- (d) any person who has requested the road works authority in writing to be given notice of a proposed designation.

3. If within the specified period no objection is received by the road works authority, or if all objections have been withdrawn, that authority may make the designation.

4. If within that period an objection is received by the road works authority from any person on whom a copy of a notice is required to be served under paragraph 2 or from any other person appearing to the road works authority to be affected by the proposed designation and the objection is not withdrawn the road works authority shall before making the designation cause a local inquiry to be held.

5. Where a local inquiry has been held the road works authority shall consider the objections and the report of the person who held the inquiry and may make the designation, with or without modifications, or may decide not to make the designation, as they think fit.

PART II

Designation of roads with special engineering difficulties and traffic sensitive roads

6. Before making a designation of a road either as a road with special engineering difficulties or as a traffic sensitive road the road works authority shall give notice of its proposal specifying a time, not less than one month, within which objections may be made, to—

- (a) every undertaker which the authority know to have apparatus in any road to which the proposed designation refers or which has given notice under section 113 of their intention to execute road works in the road;
- (b) every local authority (other than the road works authority) in whose area any road to which the proposed designation relates is situated; and

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(c) any person who has requested the road works authority in writing to be given notice of a proposed designation.

7. If within the specified period no objection is received by the road works authority, or if all objections have been withdrawn, that authority may make the designation.

8. If within that period an objection is received by the road works authority from any person on whom notice is required to be served under paragraph 6 or from any other person appearing to the road works authority to be affected by the proposed designation and the objection is not withdrawn the road works authority shall before making the designation consider the objection and may make the designation, with or without modifications, or may decide not to make the designation, as they think fit.

PART III

Withdrawal of designations

9. A road works authority may at any time withdraw–

- (a) the designation of a road as a protected road; and
- (b) the designation of a road as traffic sensitive.

10. Subject to the provisions of paragraph 11, a road works authority may at any time withdraw the designation of a road as a road with special engineering difficulties.

11. No withdrawal as mentioned in paragraph 10 shall occur without prior consultation with the transport authority or undertaker at whose request the designation was made, or without the consent of the Scottish Ministers where the designation was made in pursuance of a direction by them.

12. If a road works authority withdraws a designation of a road as a protected road they shall publish a notice in one or more newspapers circulating in the locality in which the road to which the withdrawn designation related.

PART IV

Interpretation

13. In this Schedule “designation” means a designation of a road as a protected road within section 120, as a road having special engineering difficulties within section 122, or as a traffic sensitive road.