



Road Traffic Regulation Act 1967

1967 CHAPTER 76

Special provisions with respect to certain orders

84A Reserve powers of appropriate Minister as to certain orders.

- (1) Subject to subsection (5) below and to section 84C(7) of this Act—
- (a) the Minister may, after consultation with the Greater London Council, give to that Council with respect to any of the following provisions of this Act, namely, sections 6, 9, 31, 33, 35, 36, 37(2) and (3), 73(3) and 74, and
 - (b) in the case of any other local authority, being an authority who have power to make an order under or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 9, 15, 28, 31, 33, 35, 36, 37(2) and (3), 39, 73(3) and 74 (hereafter in this section referred to as an "authorised authority"), the appropriate Minister may, after consultation with the authorised authority, give to that authority with respect to any of those provisions,
- a direction—
- (i) requiring the Council or authority to make an order under or by virtue of the provision or provisions in question for a specified purpose and coming into operation before the expiration of a specified period; or
 - (ii) prohibiting the Council or authority (either generally or without that Minister's consent or for a specified period) from making or bringing into operation an order under or by virtue of the provision or provisions in question with respect to specified matters or a specified area.
- (2) Any power to make an order conferred on the Greater London Council by any of the provisions referred to in paragraph (a) or conferred on an authorised authority by any of the provisions referred to in paragraph (b) of subsection (1) above shall be exercisable by the appropriate Minister as well as by the Council or authority, and where that Minister has made an order by virtue of this subsection—
- (a) then, so far as appears to him necessary in order to make the order effective, he, or (except where the power is a power of the Greater London Council) any other local authority with whom he may make arrangements for the purpose, shall have power to do anything which the Council or, as the case may be,

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the authorised authority would have had power to do if the order had been made by them ; and

- (b) he may recover from the Council or, as the case may be, from the authorised authority summarily as a civil debt any expenses incurred by him by virtue of paragraph (a) above;

but no Minister shall make any order by virtue of this subsection except for the purpose of securing the object of a direction given to the Greater London Council or an authorised authority under subsection (1) above with which that Council or authority have failed to comply.

- (3) Where by virtue of subsection (2) above a parking place has been designated under section 35(1) or (5) of this Act by an order of the appropriate Minister, then—
 - (a) if that Minister, with the consent of the Treasury, enters into an agreement with the local authority within the meaning of that section or, in the case of an order under the said section 35(5), with the local authority or the Greater London Council for the transfer to that authority or Council of the operation of that parking place, the operation thereof, and such apparatus or other things held by, and rights or liabilities of, that Minister in connection with the parking place as may be specified in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by that Minister) as may be so specified;
 - (b) from the taking effect of any such transfer of the operation of the parking place the order designating the parking place shall have effect subject to such modifications (if any) as that Minister may direct, being modifications appearing to him requisite in consequence of the transfer, and the provisions of the said section 35 and sections 36, 37, 42 and 44 of this Act shall thereafter apply as if the parking place had been designated under the said section 35(1) by an order made by, or on the application of, the local authority or, where the transfer is to the Greater London Council, under the said section 35(5) by an order made by that Council.
- (4) Without prejudice to any power to make an order for the like purpose by virtue of subsection (2) above and section 84D of this Act, but subject to subsection (5) below, the appropriate Minister may, after giving notice to the Greater London Council or, as the case may be, the authorised authority concerned and holding, if he thinks fit, a public inquiry, by order vary or revoke any order made or having effect as if made under or by virtue of any of the provisions referred to in subsection (1)(a) or (b) above.
- (5) No Minister shall give any direction under subsection (1) above or, subject to subsection (6) below, make any order under subsection (4) above unless he is satisfied, having regard to any matters appearing to him to be relevant, that the duty under section 84(1) of this Act of the Greater London Council or, as the case may be, of the authorised authority concerned is not being satisfactorily discharged by that Council or authority and that the giving of the direction or, as the case may be, the making of the order is necessary in order to secure compliance with that duty.
- (6) The appropriate Minister may make an order under subsection (4) above notwithstanding that he is not satisfied as mentioned in subsection (5) above if he is satisfied, having regard to any matters appearing to him to be relevant, that there are special circumstances which make it expedient that the order should be made.
- (7) In relation to an order under section 15 or 33 of this Act, references in this section to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.

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- (8) In its application to Scotland, subsection (2)(b) above shall have effect as if the words " summarily as a civil debt " were omitted.