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## SCHEDULES

### SCHEDULE 5

#### ROAD TRAFFIC

##### PART I

###### AMENDMENTS OF ENACTMENTS

###### *The Road Traffic Regulation Act 1984*

- 4 (1) The Road Traffic Regulation Act 1984 shall be amended as follows.
- <sup>F1</sup>(2) .....
- (3) In section 6—
- <sup>F1</sup>(a) .....
- (b) for subsection (3)(a) there shall be substituted—
- “(a) to the whole area of a local authority, or to particular parts of that area, or to particular places or streets or parts of streets in that area;”.
- (4) In section 9(5) for the words “the Greater London Council” there shall be substituted the words “a London borough council or the Common Council of the City of London”; and for the words “the Council” in each place where they occur there shall be substituted the words “the council”.
- (5) In section 10(5) for the words “the Greater London Council” there shall be substituted the words “a London borough council or the Common Council of the City of London”; and for the words “that Council” there shall be substituted the words “that council”.
- (6) In section 12—
- (a) in subsection (1) for the words “the Greater London Council” and “that Council” there shall be substituted the words “the local authority” and “that authority” respectively;
- <sup>F1</sup>(b) .....
- (c) in subsection (3) for the words “the Council’s” and “the Council” there shall be substituted the words “the local authority’s” and “the authority” respectively;
- (d) in subsection (6) for the words “the Greater London Council” there shall be substituted the words “the local authority”; and
- (e) for subsection (10) there shall be substituted—
- “(10) In this section—

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“the commissioner of police”, in relation to the metropolitan police district, means the commissioner of police of the metropolis and, in relation to the City of London, means the commissioner of police for the City of London; and  
“local authority” means the council of a London borough or the Common Council of the City of London.”

F2(7) .....

F1(8) .....

F1(9) .....

(10) In section 26—

- (a) in subsection (2)(a), after the word “county”, there shall be inserted the words “or metropolitan district”;
- (b) in subsection (4)(a), after the word “county” in the first place where it occurs there shall be inserted the words “or metropolitan district”, and for the words “or in the” there shall be substituted the words “, metropolitan district or”; and
- (c) in subsection (5)(a) for the words “as respects places in the county” there shall be substituted the words “or metropolitan district as respects places in the county or district”.

F1(11) .....

F1(12) .....

(13) In section 31(2) for the words after “confirmation” there shall be substituted the words “by the Secretary of State”.

(14) In section 36(3), before the word “district”, there shall be inserted the word “non-metropolitan”.

F1(15) .....

(16) In section 39—

- (a) in subsection (3), after the words “district council”, there shall be inserted the words “, other than a metropolitan district council,”;
- (b) in subsection (4)—
  - (i) after “32” there shall be inserted “or 35”;
  - (ii) before the word “district” in the second place where it occurs there shall be inserted the word “non-metropolitan”; and
  - (iii) the words “or Wales” shall be omitted; and
- (c) in subsection (6), after the words “district council” in the first place where they occur, there shall be inserted the words “, other than a metropolitan district council.”.

(17) In section 43—

- (a) in subsection (1) for the words “the Council”, in both places where they occur, there shall be substituted the words “the local authority”;
- (b) in subsection (6) for the words “the Council” there shall be substituted the words “a local authority”, and the words “comprised within the area of a

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particular local authority” in paragraph (a) and the words after paragraph (c) shall be omitted;

- (c) in subsection (13) for the words “the Council” there shall be substituted the words “the local authority”;
- (d) in subsection (14) the definitions of “the Common Council” and “the Council” shall be omitted, and for the definition of “local authority” there shall be substituted—

““local authority” means the council of a London borough or the Common Council of the City of London;”;

- (e) in subsection (15) for the words “the Council” there shall be substituted the words “a local authority”, and after the word “designated” there shall be inserted the words “by the local authority”.

(18) In section 44—

- (a) in subsection (1) for paragraph (a) there shall be substituted—
  - “(a) in English counties, by the county council or metropolitan district council, and in Welsh counties, by the county council; and”
- (b) in subsection (3) for paragraph (b) there shall be substituted—
  - “(b) may in relation to non-metropolitan counties in England and counties in Wales provide for certain functions of local authorities under the London provisions in respect of areas designated as controlled areas to be conferred on district councils or on both county councils and district councils, and may in consequence of any such distribution of functions make such incidental and supplementary provision as appears to Her Majesty to be necessary or expedient;”

(19) In section 45—

- <sup>F1</sup>(a) .....
- (b) in subsection (7)(a), after the word “county”, there shall be inserted the words “, metropolitan district”.

(20) ..... F3

(21) ..... F4

(22) In section 55(4)(c) for the words “any county council, to the Greater London Council” there shall be substituted the words “the council of any county, metropolitan district or London borough or to the Common Council of the City of London”.

(23) In section 58(1), in the second column of the Table, after the words “county council”, there shall be inserted the words “or metropolitan district council”.

(24) In section 59—

- (a) in subsection (1), after the word “county” in the first place where it occurs there shall be inserted the words “or metropolitan district”, and after the words “county council” there shall be inserted the words “or metropolitan district council”.
- (b) in subsection (2)—

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- (i) in paragraph (a), after the words “the county council” in the first place where they occur, there shall be inserted the words “or metropolitan district council”, and for the words “the county council” in the second place where they occur there shall be substituted the words “that council”;
  - (ii) in paragraph (b) for the words “send a copy of that application” there shall be substituted the words “in the case of an application to a county council, send a copy of it”; and
  - (iii) before the words “the county council” in the third place where they occur there shall be inserted the words “, in that case,”;
  - (c) in subsection (4), after the words “county council” in both places where they occur, there shall be inserted the words “or metropolitan district council”;
  - (d) in subsection (5), after the words “county council”, there shall be inserted the words “or metropolitan district council”;
  - (e) in subsection (6), after the words “county council” in each place where they occur, there shall be inserted the words “or metropolitan district council”; and
  - (f) in subsection (7), after the words “county council”, there shall be inserted the words “or metropolitan district council”.
- (25) In section 61(1) for the words “a county council or the Greater London Council” there shall be substituted the words “the council of a county, metropolitan district or London borough or the Common Council of the City of London”.
- (26) In section 73—
- (a) for subsection (1) there shall be substituted—
    - “(1) In connection with any order under section 6 or 9 of this Act made or proposed by them, the council of a London borough and the Common Council of the City of London may, as respects any road in their area which is not a trunk road affix any traffic sign to any lamp-post or other structure in the highway, whether or not belonging to the council.”; and
    - (b) in subsection (2) for the words from “Greater London” to “Council” there shall be substituted the words “their area which is required in connection with an order under section 6 or 9 of this Act, it shall be the duty of the council of a London borough and of the Common Council of the City of London”.
- (27) In section 74(1) for the words “Greater London” there shall be substituted the words “their area”, and the words “the Greater London Council or” and “, as the case may be,” shall be omitted.
- (28) In section 78(2), after the word “county” in the first place where it occurs, there shall be inserted the words “or metropolitan district”.
- <sup>F1</sup>(29) .....
- (30) For section 94 there shall be substituted—

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#### **“94 Bollards and other obstructions in Greater London.**

- (1) Where an order under section 6 or 9 of this Act is made or proposed to be made by the Secretary of State, he may, to such extent as he considers necessary in connection with the order, authorise or require any person who is responsible for the maintenance of any road in Greater London which is not a trunk road—
  - (a) to place on the carriageway such bollards or other obstructions as the Secretary of State may consider appropriate for preventing the passage of vehicles, or vehicles of any class, at any point at which their passage (whether in any direction or in one direction only) is prohibited by any such order, and to maintain and light those obstructions; or
  - (b) to remove any obstruction placed by that person in pursuance of an authorisation or a requirement under this subsection.
- (2) Where an order under section 6 or 9 of this Act is made or proposed to be made by the council of a London borough, they may, to such extent as they consider necessary in connection with the order, authorise or require any person who is responsible for the maintenance of any road in their area which is not a trunk road and for which they are not the highway authority—
  - (a) to place on the carriageway such bollards or other obstructions as they may consider appropriate for preventing the passage of vehicles, or vehicles of any class, at any point at which their passage (whether in any direction or in one direction only) is prohibited by any such order, and to maintain and light those obstructions; or
  - (b) to remove any obstruction placed by that person in pursuance of an authorisation or a requirement under this subsection.
- (3) Subsections (2) and (3) of section 92 of this Act shall apply in relation to the placing of bollards or other obstructions under subsection (1) or (2) above, as if for any reference in them to subsection (1) of that section there were substituted a reference to subsection (1) or (2) above.
- (4) To such extent as the Secretary of State or, as the case may be, the council of a London borough may consider necessary in connection with an order under section 6 or 9 of this Act, whether made or proposed to be made by the Secretary of State or that council—
  - (a) the Secretary of State may do with respect to any trunk road anything which he might under subsection (1)(a) above require to be done with respect to any other road; and
  - (b) the council of the London borough may do with respect to any road in their area which is not a trunk road and for which they are the highway authority anything which they might under subsection (2) (a) above require to be done with respect to a road for which they are not the highway authority.
- (5) If a person fails to comply with a requirement to carry out any work under subsection (1) or (2), above, the Secretary of State or, as the case may be, the council of the London borough may carry out the work, and the expenses incurred by the Secretary of State or that council in doing so shall be recoverable summarily as a civil debt from that person.

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(6) Section 79 of this Act shall apply in relation to any such obstruction as is mentioned in subsection (1) or (2) above as it applies in relation to traffic signs; and the power of the Secretary of State under that section to make advances towards expenses incurred in relation to traffic signs shall be exercisable with respect to any expenses incurred by the council of a London borough by virtue of subsection (4) above.

(7) In this section references to the council of a London borough include references to the Common Council of the City of London.”

(31) In section 100—

- (a) in subsection (2), before the word “district” in the first place where it occurs, there shall be inserted the word “non-metropolitan”; and
- (b) in subsection (5)(a) for the words “the Greater London Council or the council of a county” there shall be substituted the words “the council of a county, metropolitan district or London borough or the Common Council of the City of London”.

(32) In section 102(6) for the words from “by” in the first place where it occurs to “district” in the first place where it occurs there shall be substituted the words “by the council of a non-metropolitan district”.

<sup>F1</sup>(33) .....

(34) In section 122(1) for the words “the Greater London Council and of every other” there shall be substituted the word “every”.

(35) In section 125(4), after the word “county”, there shall be inserted the words “metropolitan district,”.

<sup>F5</sup>(36) .....

<sup>F1</sup>(37) .....

(38) In Schedule 4—

- (a) in paragraph 1—
  - (i) for the words “the Council” in each place where they occur there shall be substituted the words “the local authority”; and
  - (ii) the words from “and to each” to “controlled area” shall be omitted;
- (b) in paragraphs 2 to 6 for the words “the Council” in each place where they occur there shall be substituted the words “the local authority”;
- (c) in paragraph 8 for the words “Greater London” there shall be substituted the words “their area”;
- (d) in paragraphs 15, 19 and 20(a) for the words “the Council” there shall be substituted the words “the local authority”.

(39) In Schedule 9—

- (a) for paragraph 1 there shall be substituted—
 

“1 Subject to paragraphs 8 and 26 of this Schedule, the Secretary of State, after consultation with a local authority having power to make an order under or by virtue of any of the following provisions of this Act, namely, sections 1, 6, 9, 19, 32, 35, 37, 38, 45, 46, 49(2) and (4), 53, 83(2) and 84 (in this Part of this Schedule referred to as an

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- “authorised authority”) may give to that authority a direction under paragraph 2 below with respect to any of those provisions.”
- (b) in paragraph 4, for the words “the Greater London Council” in sub-paragraph (a) there shall be substituted the words “the council of a London borough or the Common Council of the City of London under section 6, 9, 45, 46, 49(2) or (4), 83(2) or 84 of this Act”, and the words “the Council or, as the case may be,” in that sub-paragraph and the words “Council or” in sub-paragraph (b) shall be omitted;
  - (c) in paragraph 5(1) for the words “the Greater London Council” there shall be substituted the words “the council of a London borough or the Common Council of the City of London”, and for the words “Greater London” in both places where they occur there shall be substituted the words “their area”;
  - (d) in paragraph 6(1)(c) for the number “50” in the first place where it occurs there shall be substituted the number “49”, and the words “, or on the application of,” and the words after “authority” shall be omitted.
  - (e) in paragraph 12(a), after the words “county council”, there shall be inserted the words “or metropolitan district council”;
  - (f) in paragraph 13(1) for the words “the Greater London Council” there shall be substituted the words “the council of a London borough and the Common Council of the City of London”;
  - (g) in paragraph 14 for the words “the Greater London Council” there shall be substituted the words “the council of a London borough or the Common Council of the City of London”, and the number “50,” shall be omitted;
  - (h) in paragraph 20(1) for the words “the Greater London Council or any other” there shall be substituted the word “a”, and the number “50,” shall be omitted;
  - (i) in paragraph 21 for the words “the Greater London Council” there shall be substituted the words “the council of a London borough and the Common Council of the City of London”; and
  - (j) in paragraph 23(1) for the words “the Greater London Council” there shall be substituted the words “the council of a London borough or the Common Council of the City of London”, and for the words “that Council” in both places where they occur there shall be substituted the words “that council”.

#### Textual Amendments

- F1** Sch. 5 para. 4(2)(3)(a)(6)(b)(8)(9)(11)(12)(15)(19)(a)(29)(33)(37) repealed (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), **Sch. 9**; S.I. 1991/2288, art. 3, **Sch.**
- F2** Sch. 5 para. 4(7) repealed (1.7.1992) by [Road Traffic \(Temporary Restrictions\) Act 1991 \(c. 26\)](#), s. 2(2), **Sch. 2**; S.I. 1992/1218, **art. 2**
- F3** Sch. 5 para. 4(20) repealed by [Road Traffic Regulations \(Parking\) Act 1986 \(c.27, SIF 107:1\)](#), s. **3(2)(3)(4)**
- F4** Sch. 5 para. 4(21) repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c.54, SIF 107:1\)](#), **ss. 3(1) 5**, Sch. 1 Pt. I, Sch. 4 paras. 1, 2
- F5** [Sch. 5 para. 4\(36\)](#) repealed (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), **Sch. 3** (with **ss. 44, 50**); S.I. 2005/1432, **art. 2**

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