



Deregulation and Contracting Out Act 1994

1994 CHAPTER 40

PART I

DEREGULATION

CHAPTER II

MISCELLANEOUS DEREGULATORY PROVISIONS

34 Controls on London lorries: replacement of discretionary exceptions.

- (1) Subsection (3) below applies to any order having effect under or by virtue of section 6 (orders similar to traffic regulation orders) or 9 (experimental traffic orders) of the Road Traffic Regulation Act ^{M1}1984 (“the 1984 Act”) which provides for a relevant traffic control to be subject to a relevant exception, being an order in relation to which the appropriate authority is a London borough council or the Common Council of the City of London.
- (2) For the purposes of this section—
 - (a) a relevant traffic control is a prohibition or restriction on the use of a road for traffic which does not apply to motor vehicles generally but applies to some or all heavy commercial vehicles, and
 - (b) a relevant exception is an exception whose application, in the case of any heavy commercial vehicles, depends to any extent on the exercise of a delegated discretion.
- (3) The Secretary of State may, for the purpose of replacing a relevant exception to a relevant traffic control with such other exception as he thinks fit, by order make any such variation of an order to which this subsection applies as the appropriate authority may make.

Changes to legislation: There are currently no known outstanding effects for the Deregulation and Contracting Out Act 1994, Section 34. (See end of Document for details)

- (4) The Secretary of State shall only exercise the power conferred by subsection (3) above if he is satisfied that doing so—
 - (a) will have the effect that less of a burden is imposed on the carrying on of business, and
 - (b) will not have the effect of removing any necessary protection.
- (5) The Secretary of State may, for the purpose of amending as he thinks fit an exception introduced under subsection (3) above (including such an exception as amended), by order make any such variation of the order varied under that subsection as the appropriate authority may make.
- (6) The Secretary of State may, for the purpose of amending as he thinks fit a provision of an order having effect under or by virtue of section 6 or 9 of the 1984 Act which re-enacts (with or without modification) an exception introduced under subsection (3) above (including such an exception as amended) (“a re-enactment order”), by order make any such variation of the order as the appropriate authority may make.
- (7) The Secretary of State shall only exercise the power conferred by subsection (5) or (6) above if he is satisfied—
 - (a) that, if he does so, it will still be the case that less of a burden is imposed on the carrying on of business than was imposed before the replacement under subsection (3) above, and
 - (b) that doing so will not have the effect of removing any necessary protection.
- (8) Paragraphs 35 to 37 of Part VI of Schedule 9 to the 1984 Act (validity of certain orders) shall apply to an order under this section as they apply to an order to which that Part applies; and in those paragraphs, in their application by virtue of this subsection—
 - (a) “the relevant powers” means the powers conferred by this section with respect to the order in question, and
 - (b) “the relevant requirements” means the requirements of this section with respect to that order.
- (9) Before making any order under this section, the Secretary of State shall consult with such representative organisations as he thinks fit; and any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) Where in the case of any order proposed to be made by the council of a London borough or the Common Council of the City of London under or by virtue of section 6 or 9 of the 1984 Act, it is proposed to include in the order any provision—
 - (a) varying or revoking an order under this section,
 - (b) varying or revoking an order having effect under or by virtue of section 6 or 9 of that Act which is varied by an order under this section, or
 - (c) varying or revoking a re-enactment order,
 the order shall not be made except with the consent of the Secretary of State.
- (11) Where, in the case of any order proposed to be made by the council of a London borough or the Common Council of the City of London under or by virtue of section 9 of the 1984 Act, it is proposed to include in the order provision under section 10(1)
 - (a) of that Act relating to—
 - (a) an order under this section,

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(b) an order having effect under or by virtue of section 6 or 9 of that Act which is varied by an order under this section, or

(c) a re-enactment order,

the order shall not be made except with the consent of the Secretary of State.

(12) In this section—

“appropriate authority”, in relation to an order having effect under or by virtue of section 6 or 9 of the 1984 Act, means the authority by which the order is, or is deemed to be, made;

“heavy commercial vehicle” and “road” have the same meanings as in the 1984 Act;

“motor vehicle” means a vehicle treated as a motor vehicle for the purposes of the 1984 Act;

“re-enactment order” has the meaning given by subsection (6) above; and

“the 1984 Act” has the meaning given by subsection (1) above.

Marginal Citations

M1 1984 c. 27.

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