



# Birmingham Commonwealth Games Act 2020

## 2020 CHAPTER 10

### PART 4

#### TRANSPORT

#### 25 Games transport plan

- (1) The Secretary of State may direct a local authority in England or a combined authority to prepare a Games transport plan.
- (2) A “Games transport plan” means a plan that relates to one or more areas in England and addresses transport matters relating to the Games.
- (3) An authority directed under subsection (1) must—
  - (a) comply with the direction;
  - (b) keep the Games transport plan under review;
  - (c) if the authority consider it appropriate, revise the plan;
  - (d) except in so far as the authority consider it undesirable for reasons of security, publish the plan and any revision.
- (4) Before preparing or revising the plan, the authority directed under subsection (1) must consult the persons referred to in subsection (5).
- (5) The persons are—
  - (a) the Secretary of State;
  - (b) the Organising Committee;
  - (c) in relation to any road likely to be affected by the plan or revision—
    - (i) the local traffic authority for the road, and
    - (ii) if different, the local authority in whose area the road is situated;
  - (d) any chief officer of police whom the authority directed under subsection (1) consider it appropriate to consult;

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- (e) any transport operator which the authority directed under subsection (1) consider it appropriate to consult;
  - (f) any other person whom the Secretary of State or the authority directed under subsection (1) consider it appropriate to consult.
- (6) Each local traffic authority for a road affected by the plan must exercise their functions with a view to securing the implementation of the plan.
- (7) The requirement in subsection (4) may be satisfied by consultation undertaken before the coming into force of this section.
- (8) A direction under subsection (1)—
- (a) must be in writing, and
  - (b) may be revoked.

## **26 Temporary prohibition or restriction on roads**

- (1) Section 14 of the RTRA 1984 has effect in relation to a traffic authority for a road in England as if subsection (1)(c) of that section included the following purposes—
- (a) implementing a Games transport plan,
  - (b) facilitating transport services in connection with the Games, and
  - (c) facilitating travel by any person for a purpose connected to the Games.
- (2) The following do not apply in relation to an order made or notice issued by virtue of this section—
- (a) section 15 of the RTRA 1984;
  - (b) regulations 6 and 8(3) of the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 (S.I. 1992/1215).
- (3) An order made or notice issued by virtue of this section may not come into force before the beginning of the period of 21 days ending immediately before the day on which the Games begin.
- (4) An order made by virtue of this section must cease to have effect no later than the end of the period of 5 days beginning with the day after the day on which the Games end.
- (5) A notice issued by virtue of this section must cease to have effect no later than—
- (a) the end of the period of 21 days beginning with the day after the day on which the notice comes into force, or
  - (b) the end of the period of 5 days beginning with the day after the day on which the Games end,
- whichever is earlier.

## **27 Concurrent exercise of powers of a local traffic authority**

- (1) An authority directed under section 25(1) may make an order or issue a notice by virtue of section 26 as if the authority were the local traffic authority for the road in respect of which the order is made or notice issued.

Accordingly, any such order made or notice issued by an authority directed under section 25(1) is to be treated as though it were an order made or notice issued by the local traffic authority.

- (2) Subsection (1) applies in respect of a road only if the local traffic authority for the road are specified in regulations made by the Secretary of State.
- (3) The Secretary of State may specify a local traffic authority under subsection (2) only with the authority's consent.
- (4) An authority directed under section 25(1) may make an order or issue a notice in respect of a road by virtue of section 26 only with the consent of the local traffic authority for the road.
- (5) The duty in section 122 of the RTRA 1984 applies to a local traffic authority as though the consenting function conferred on the local traffic authority by subsection (4) were conferred by the RTRA 1984.

## **28 Power to direct a local traffic authority**

- (1) The Secretary of State may direct a local traffic authority to make an order or issue a notice by virtue of section 26 if—
  - (a) the Secretary of State is satisfied that the making of the order, or issue of the notice, is necessary for a purpose specified in section 26(1),
  - (b) the Secretary of State has requested that the authority take the action to be directed, and
  - (c) the authority have failed to take the action before the end of the period of 7 days beginning with the day on which the Secretary of State made the request.
- (2) Before making a request under subsection (1)(b), the Secretary of State must consult—
  - (a) the local traffic authority to which the request would be made,
  - (b) if different, an authority directed under section 25(1),
  - (c) the Organising Committee, and
  - (d) any other person whom the Secretary of State considers it appropriate to consult.
- (3) Subsections (1)(b) and (c) and (2) do not apply if the Secretary of State is satisfied that, for reasons of urgency, the direction must be given without delay.
- (4) If the local traffic authority do not comply with the direction before the end of the period specified in the direction, the Secretary of State may—
  - (a) make the order or issue the notice in place of the authority, and
  - (b) recover from the authority any expenses incurred by the Secretary of State in connection with the making of the order or the issuing of the notice as if they were a debt.
- (5) An order made or notice issued by the Secretary of State under subsection (4)(a) is to be treated as though it were an order made or notice issued by the local traffic authority by virtue of section 26.
- (6) An authority directed under section 25(1) may not be directed under this section to exercise any power conferred on that authority by section 27(1).
- (7) A direction under subsection (1)—
  - (a) must be in writing, and
  - (b) may be revoked.

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## 29 Interpretation of Part 4

In this Part—

“chief officer of police” means—

- (a) the chief constable of a police force maintained under section 2 of the Police Act 1996;
- (b) the Commissioner of Police of the Metropolis;
- (c) the Commissioner of Police for the City of London;
- (d) the Chief Constable of the British Transport Police Force;

“combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;

“Games transport plan” has the meaning given by section 25(2);

“local authority” means—

- (a) a county council,
- (b) a district council,
- (c) a London borough council, or
- (d) the Common Council of the City of London;

“local traffic authority” has the meaning given by section 121A of the RTRA 1984;

“road” means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

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

“traffic authority” has the meaning given by section 121A of the RTRA 1984.

**Changes to legislation:**

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