

STATUTORY INSTRUMENTS

1982 No. 292

ROAD TRAFFIC

**The Secretary of State's Traffic Orders
(Procedure) (England and Wales)
(Amendment) Regulations 1982**

<i>Made - - - -</i>	<i>3rd March 1982</i>
<i>Laid before Parliament</i>	<i>16th March 1982</i>
<i>Coming into Operation</i>	<i>6th April 1982</i>

The Secretary of State for Transport (as respects England) and the Secretary of State for Wales (as respects Wales) in exercise of the powers conferred by section 84C(5) and (6) of the Road Traffic Regulation Act 1967^(a) and now vested in them ^(b) and of all other enabling powers, after consultation with representative organisations in accordance with the provisions of section 107(2) of that Act, hereby make the following Regulations:—

1. These Regulations may be cited as the Secretary of State's Traffic Orders (Procedure) (England and Wales) (Amendment) Regulations 1982 and shall come into operation on 6th April 1982.

2. The Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations 1973^(c) (hereinafter referred to as "the 1973 Regulations") shall be further amended so as to have effect in accordance with the provisions of these Regulations.

3. In Regulation 2(1) the following definition shall be substituted for the definition of "consolidation order":—

“ “consolidation order” means an order which revokes provisions of one or more existing orders, reproduces those provisions without any change in substance and makes no other provision, but so however that for the purpose of this definition the following shall not be regarded as a change in substance:—

- (i) the inclusion in the order (by way of an addition to the provisions of any existing order or orders) of an exemption of the same kind as is mentioned in the Local Authorities' Traffic Orders (Exemption

(a) 1967 c.76, as amended by Part IX of the Transport Act 1968 (c.73) and as read with section 32 of the Countryside Act 1968 (c.41).

(b) As respects the Secretary of State for Transport, S.I. 1970/1681, 1979/571, and 1981/238.

(c) S.I. 1973/1028, as amended by S.I. 1975/2029.

for Disabled Persons) (England and Wales) Regulations 1971 (a) in respect of a disabled person's vehicle, or of a provision conferring on a traffic warden functions similar to those conferred by the existing order or orders on a police constable in uniform or of both such exemption and such provision, or

- (ii) the substitution in the order, in place of a prohibition or restriction in any existing order or orders, of a prohibition or restriction of the type specified in Regulation 13(3)(c), or (d)."

4. In Regulation 13:—

- (1) the following sub-paragraph shall be inserted after sub-paragraph (1)(ii):—

"(iiA) in a case where a consolidation order contains a substitution of the type specified in paragraph (3) (c) or (d) a statement of the prohibitions or restrictions which have been replaced by the consolidation order;"

- (2) the word "or" at the end of sub-paragraph 3(a) shall be deleted and the full stop at the end of sub-paragraph 3(b) shall be replaced by a semi-colon;

- (3) the following sub-paragraphs shall be inserted after sub-paragraph 3(b):—

"(c) to vary an order under section 1, 6 or 9 of the Act so as to substitute for a prohibition or restriction on the use of vehicles the weight of which (however described) exceeds a weight expressed in imperial units an identical prohibition or restriction on the use of vehicles the weight of which exceeds the metric equivalent to that weight; or

(d) to vary an order made under section 1, 6 or 9 of the Act so as to substitute for a prohibition or restriction on the use of vehicles the weight of which exceeds a specified unladen weight an identical prohibition or restriction on the use of vehicles the weight of which exceeds the corresponding maximum gross weight;" and

- (4) the following paragraphs shall be inserted after paragraph (3):—

"(4) For the purpose of this Regulation a metric weight is equivalent to any weight expressed in imperial units where it is the metric equivalent of that weight (calculated by reference to the approximate values shown in Part I of Schedule 3 to the Units of Measurement Regulations 1980(a)) but expressed in tonnes either to the nearest tonne or to the nearest 0.5 tonne.

- (5) In this Regulation:—

"the corresponding maximum gross weight" means the maximum gross weight expressed in metric units specified in Column 2 of Schedule 4 to these Regulations opposite the corresponding specific unladen weight;

"maximum gross weight" has the same meaning as in the Traffic Signs Regulations and General Directions 1981(a); and

"a specified unladen weight" means one of the weights specified in Column 1 of Schedule 4 to these Regulations expressed in imperial units or the metric equivalent to any of those weights."

(a) S.I. 1971/1493, as amended by S.I. 1975/267.

(b) S.I. 1980/1070.

(c) S.I. 1981/859.

5. In part IV of Schedule 1 to the 1973 Regulations the following item shall be inserted after item 2:—

“2A In the case of an Order to which Regulation 13(3)(c) or (d) applies, a statement of the prohibitions or restrictions which have been replaced”.

6. After Schedule 3 to the 1973 Regulations there shall be inserted the following new Schedule:—

“SCHEDULE 4

Regulation 13(5)

Column 1	Column 2
Specified unladen weight (in tons)	Corresponding maximum gross weight (in tonnes)
2	5
2.5	5
3	7.5
5	16.5
10	30

”

2nd March 1982.

David Howell,
Secretary of State for Transport.

3rd March 1982.

Nicholas Edwards,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations 1973 by providing that consultation and publication of traffic orders is not necessary where an order varies an existing order:—

- (1) so as to substitute for a prohibition or restriction on the use of vehicles whose weight exceeds any weight in imperial units an identical prohibition or restriction on vehicles whose weight exceeds the equivalent metric weight expressed either to the nearest tonne or to the nearest 0.5 tonne;
- (2) So as to substitute for a prohibition or restriction on vehicles whose weight exceeds certain unladen weights an identical prohibition or restriction on vehicles whose weight exceeds the equivalent maximum gross weight. The unladen weights to which this provision applies and their equivalent maximum gross weights are shown in the new Schedule 4.

The definition of consolidation order is amended so that the special procedure for consolidation orders is available where the consolidation order includes variations of the type specified above. Where a variation order of the type specified above, or a consolidation order which includes such variation, is made, the authority when publishing a notice of making the order is required to include details of the prohibitions or restrictions which have been replaced.

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