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STATUTORY INSTRUMENTS

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1986 No. 259

## ROAD TRAFFIC

**The London Authorities' Traffic Orders (Procedure)  
Regulations 1986**

*Made* - - - 17th February 1986

*Laid before Parliament* 19th February 1986

*Coming into Operation* 1st April 1986

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The Secretary of State for Transport, in exercise of his powers under section 124 of, and Part III of Schedule 9 to, the Road Traffic Regulation Act 1984(a) and of all other enabling powers, after consultation with representative organisations in accordance with section 134(2) of that Act, and after consultation in accordance with paragraph 23 of Schedule 9 to the Act, hereby makes the following Regulations:—

## PART I

## GENERAL

*Citation, commencement and revocation*

1.—(1) These Regulations may be cited as the London Authorities' Traffic Orders (Procedure) Regulations 1986 and shall come into operation on 1st April 1986.

(2) The London Authorities' Traffic Orders (Procedure) Regulations 1972(b), the London Authorities' Traffic Orders (Procedure) (Amendment) Regulations 1975(c), the London Authorities' Traffic Orders (Procedure) (Amendment) Regulations 1978(d) and the London Authorities' Traffic Orders (Procedure) (Amendment) Regulations 1982(e) are hereby revoked.

(a) 1984 c.27; Schedule 9 was amended by the Local Government Act 1985 (c.51), Schedule 5, paragraph 4(39).

(b) S.I. 1972/729.

(c) S.I. 1975/2031.

(d) S.I. 1978/707.

(e) S.I. 1982/293.

*Interpretation*

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

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

“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:—

- (a) the inclusion in the order (by way of an addition to the provisions of any existing order or orders) of an exemption required by the Local Authorities’ Traffic Orders (Exemption for Disabled Persons) (England and Wales) Regulations 1986(a) in respect of a disabled person’s vehicle, or
- (b) 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 16(3)(a) or (b).

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

“local newspaper” includes any newspaper published in Greater London and circulating throughout the whole of Greater London (whether or not that newspaper also circulates outside Greater London).

“the notice of proposals” means the notice to be published under regulation 5(1);

“the notice of making”, in relation to any order to which these Regulations apply, means the notice required to be published under regulation 15;

“the objection period” means the period within which objections to an order may be made in accordance with regulation 6;

“the order” means:—

- (a) in relation to anything occurring or falling to be done before the making of any order to which these Regulations apply the order as proposed to be made by the order making authority, and
- (b) in relation to anything occurring or falling to be done on or after the making of any such order, the order as made;

“order making authority” means, in relation to any order to which these Regulations apply, whichever authority are the authority having power to make the order and are making or proposing to make it;

“road” includes any length of road and any part of the width of a road and, in relation to an order under section 6 of the Act, any length of a street as defined in section 6(6) of the Act and any part of the width of such a street.

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(a) S.I. 1986/178.

(2) Any reference in these Regulations to an order under any particular section of the Act or under section 36B(5) of the Road Traffic Act 1972<sup>(a)</sup> includes —

- (a) a reference to an order varying or revoking an order made, or having effect as if made, under that section, and
- (b) in relation to the variation or revocation of an order, or to the application of the provisions of an order, a reference to an order having effect as if made under that section.

(3) Any reference in these Regulations to an order under section 45 of the Act includes a reference to an order under that section containing provisions having, or to have, effect under section 46 or 49 of the Act or under both of those sections.

(4) Without prejudice to paragraph (2) or (3) of this regulation, any reference in these Regulations to the variation or revocation of an order under section 46 or 49 of the Act, or to the application of the provisions of an order under either of those sections, shall include a reference to the variation or revocation, or (as the case may be) to the application of the provisions, of an order which has been continued in operation by virtue of paragraph 11(1) of Schedule 10 to the Act.

(5) In relation to an order under section 36B(5) of the Road Traffic Act 1972 any reference in these Regulations to Part I or III of Schedule 9 to the Act shall be construed as a reference to that section as applied by section 36B(7) of the said Act of 1972.

(6) Any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in the Regulations except where otherwise expressly provided.

#### *Application of Regulations*

3.—(1) These Regulations apply to orders made or proposed to be made by a local authority under or by virtue of any of the following provisions of the Act, that is to say, section 6, 9, 35, 38, 45, 46, 49(2) and (4), 83(2) and 84, or under section 36B(5) of the Road Traffic Act 1972.

(2) Except where otherwise stated, each regulation applies to every such order.

(3) Except where otherwise stated, these Regulations apply to an order under any of the above-mentioned provisions of the Act or of the said Act of 1972 made or proposed to be made by a local authority in pursuance of a direction of the Secretary of State under Part I of Schedule 9 to the Act in the same way as they apply to an order in relation to which no such direction has been given.

(4) Where, in connection with an order to which these Regulations apply, procedural steps which accord substantially with the relevant requirements of these Regulations have been taken before the coming into operation of these

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<sup>(a)</sup> 1972 c.20; section 36B was inserted by the Road Traffic Act 1974 (c.50), section 7.

Regulations or are in the course of being taken when these Regulations come into operation (whether or not they were taken or are being taken in the sequence required by these Regulations), but the order has not been made before these Regulations come into operation, then those steps need not be repeated and for the purpose of these Regulations they shall be deemed to have been taken under and in accordance with these Regulations, and any remaining procedural steps in connection with the order shall be determined by, and carried out or completed in accordance with, these Regulations as nearly as may be.

(5) Nothing in these Regulations shall apply to any order made before the coming into operation of these Regulations.

## PART II

### PROCEDURE BEFORE MAKING THE ORDER

#### *Consultation*

4.—(1) Before making any order to which these Regulations apply the order making authority shall in all cases consult with organisations representing persons who use any road to which the order relates or are likely to be otherwise affected by any provisions of the order, unless it appears to the order making authority that there is no such organisation which can appropriately be consulted.

(2) The consultations referred to in paragraph (1) of this regulation are additional to the consultation with the chief officer of police required by paragraph 20 of Schedule 9 to the Act, any other consultation required by the Act, and the consultation required by paragraph 6(3)(c) of Schedule 5 to the Local Government Act 1985(a).

(3) This regulation has effect subject to regulations 16, 17 and 18.

#### *Publication of proposals*

5.—(1) Before making any order to which these Regulations apply, the order making authority shall:—

- (a) publish once at least in a local newspaper circulating in the area in which any road or other place to which the order relates is situated a notice of proposals containing the particulars specified in Part I of Schedule 1;
- (b) publish a similar notice in the London Gazette;
- (c) except where the order is an order under section 6 of the Act, or an order mentioned in paragraph 2 below, comply with the relevant requirements of Schedule 2 as to the notices to be displayed in each road or other place to which the order relates;
- (d) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection.

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(a) 1985 c.51.

(2) The order referred to in paragraph (1)(c) above is an order which provides only for the variation of the provisions of an order under section 45 of the Act, but which does not provide for any variation of any charge, time limit or class of vehicle entitled on payment of a charge to use a parking place.

(3) At the same time as they comply with the requirements of paragraph (1) of this regulation, the authority shall send copies of the particulars mentioned in sub-paragraph (a) of that paragraph to each person whom they are required to consult under paragraph 6(3)(c) of Schedule 5 to the Local Government Act 1985.

(4) This regulation has effect subject to regulations 16, 17 and 18.

#### *Objections*

6.—(1) The period during which objections can be made to any order to which these Regulations apply shall begin not earlier than the date on which the order making authority have complied with the requirements of regulation 5(3), and of paragraph (1)(a) and (b), and (where such display is required) have begun to display the notices required by paragraph (1)(c), of regulation 5, and shall continue, in the case of orders under section 83(2) or 84(1) of the Act, for not less than 28 days, and, in the case of all other orders, for not less than 21 days.

(2) Any person desiring to object to the order shall send within the period, and to the address, specified in the proposals published as required by regulation 5 a written statement of his objection and of the grounds thereof.

(3) The requirements of paragraph (2) of this regulation are additional to the requirements of paragraph 7(2) of Schedule 5 to the Local Government Act 1985.

(4) This regulation has effect subject to regulations 16, 17 and 18.

#### *Public inquiries*

7.—(1) Before making any order to which these Regulations apply the order making authority may cause a public inquiry to be held in connection with that order.

(2) The order making authority shall appoint as the person to hold the public inquiry a person selected by them from a panel of persons chosen by the Secretary of State for the purpose of holding public inquiries under these Regulations.

(3) This regulation has effect subject to regulation 16.

#### *Notice of public inquiry*

8.—(1) Where the order making authority decide, before publishing the notice of proposals under regulation 5, that a public inquiry shall be held, that notice shall contain, in addition to the particulars required by that regulation, the particulars specified in Part II of Schedule 1.

(2) In all other cases where, in connection with an order to which these Regulations apply, the order making authority decide that a public inquiry shall be held, that authority shall, after the requirements of regulation 5 (where applicable) have been complied with:—

- (a) publish once at least in a local newspaper circulating in the area in which any road or other place to which the order relates is situated a notice of the inquiry containing the particulars specified in Part III of Schedule 1;
  - (b) publish a similar notice in the London Gazette;
  - (c) except where the order is an order under section 6 or 9 of the Act, or an order under section 36B(5) of the Road Traffic Act 1972, or an order mentioned in regulation 5(2) above, comply with the relevant requirements of Schedule 2 as to the notices to be displayed in each road or other place to which the order relates;
  - (d) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection;
  - (e) not later than the date of the first publication of the notice required by sub-paragraph (a) of this paragraph, inform in writing any person who has objected to the order in accordance with regulation 6 and who has not withdrawn the objection, of the date, time and place of the inquiry.
- (3) Where the notice of proposals announces the holding of a public inquiry, there shall be at least 42 days between the date on which the publication of that notice in the local newspaper and the London Gazette under the foregoing provisions of these Regulations is completed and the date on which the inquiry is due to begin, and in all other cases there shall be at least 21 days between the date on which the publication as aforesaid of the notice announcing the holding of the public inquiry is completed or the date of the expiration of the objection period (whichever is later) and the date on which the inquiry is due to begin.

*Procedure at public inquiry*

9.—(1) Any person interested in the subject matter of a public inquiry may appear at the inquiry either in person or by counsel, solicitor or other representative.

(2) Any person so interested may, whether or not he proposes to appear at the inquiry, send to the address given in the notice of proposals for the receipt of objections, such written representations as he may wish to make in relation to the subject matter of the inquiry with a view to their transmission to and consideration by the person appointed to hold the inquiry.

(3) The person holding the inquiry may refuse to hear any person, or to consider any objection or representation made by any person, if he is satisfied that the views of that person or the objection or representation are frivolous or that such views have already been adequately stated by some other person at the inquiry.

(4) Subject as aforesaid, the procedure at the inquiry shall be in the discretion of the person holding it.

*Consent of the Secretary of State*

10. Where the order is one which under Part II of Schedule 9 to the Act requires the consent of the Secretary of State, the order making authority's application to the Secretary of State for such consent shall be accompanied by copies of such of the documents specified in Schedule 4 as may be applicable.

*Consideration of objections*

11.—(1) Before making the order the order making authority shall consider all objections duly made in accordance with regulation 6 and not withdrawn and also the report and recommendations (if any) of the person holding any public inquiry in connection with the order.

(2) The requirements of paragraph (1) of this regulation are additional to the requirements of paragraph 7(2) of Schedule 5 to the Local Government Act 1985.

*Modifications*

12.—(1) The order making authority shall not make the order with modifications where:—

- (a) any of the modifications would involve a departure from the order in the form to which the Secretary of State has given his consent, or
- (b) in a case where under paragraph 2 of Schedule 9 to the Act the Secretary of State has directed the authority to make the order, any of the modifications would involve a departure from the form in which the Secretary of State has directed the order to be made,

but subject as aforesaid the order making authority may make the order with modifications (whether in consequence of any objections or otherwise) and such modifications may include additions, exceptions or other modifications of any description.

(2) Where the order making authority propose to make, or the Secretary of State proposes to consent to, the order with modifications which appear to that authority or, as the case may be, to the Secretary of State substantially to affect the character of the order, the order making authority shall, before making the order, take such steps as appear to them to be appropriate or, in a case involving the Secretary of State's consent, as the Secretary of State may require, for informing the persons likely to be concerned of the effect of the modifications, for giving to those persons an opportunity to make representations in connection therewith and for ensuring that any such representations are duly considered by that authority and, where the Secretary of State so requests, by the Secretary of State.

### PART III

#### THE FORM OF THE ORDER

*The map*

13.—(1) Subject to the provisions of this regulation there shall be prepared in connection with an order under section 9 or 45 of the Act which designates parking places on highways where charges can be made a map on a scale of not less than 1:1250 which clearly indicates by distinctive markings each length of highway to which the order relates.

(2) The said map shall be prepared by the order making authority.

(3) There may be prepared in connection with any order to which these Regulations apply (not being an order in connection with which a map is required to be prepared under the foregoing provisions of this regulation) a map which



indicates by such markings and in such manner as the order making authority may determine such matters in connection with the order as that authority may consider appropriate, and such map may be prepared by the order making authority or, with the concurrence of the order making authority, by a local authority in whose area the order will have effect.

(4) Where a map is prepared under the provisions of this regulation, the map shall be for purposes of illustration only and the matter indicated on it shall not prevail over the actual text of the order in the event of any discrepancy between the map and the text.

(5) Paragraphs (1) and (2) of this regulation shall not apply to a consolidation order.

*Operative date of the order*

14.—(1) The order shall specify the date on which it comes into operation or, in a case where different operative dates are provided for different provisions of the order, each of the dates on which a provision of the order comes into operation.

(2) No date on which an order, or a provision of an order, comes into operation shall be earlier than the date on which the notice of the making of the order is published in the local newspaper under regulation 15.

PART IV

THE DECISION TO MAKE THE ORDER AND SUBSEQUENT PROCEDURE

*Notice of the making of the order*

15.—(1) When the order has been made, the order making authority shall:—

- (a) forthwith give notice in writing of the making of the order to the appropriate commissioner of police;
- (b) except in the case specified in paragraph (2) of this regulation, notify in writing each person who has duly objected to the order in accordance with regulation 6 and has not withdrawn his objection, of the order making authority's decision in relation to the objection and, where the objection has not been, or not wholly been, acceded to, of the authority's reasons therefor;
- (c) within 14 days of the making of the order publish once in a local newspaper circulating in the area in which any road or other place to which the order relates is situated a notice of the making of the order containing the particulars specified in Part IV of Schedule 1;
- (d) within the same period publish in the London Gazette a notice of the making of the order containing the particulars specified in Part V of Schedule 1;
- (e) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection;

- (f) where the order relates to any road, take such steps as are necessary to secure, before the order comes into operation —
  - (i) the placing on or near the road of such traffic signs in such positions as the authority may consider requisite for the purpose of securing that adequate information as to the effect of the order is made available to persons using the road, and
  - (ii) in a case where the order contains provisions for revoking, or altering the application of, a previous order, such removal or replacement of existing traffic signs as the authority may consider requisite for the purpose of avoiding confusion to users of the road or the continuance of traffic signs in incorrect positions.
- (2) The case referred to in paragraph (1)(b) above is the case where the order making authority have, before making the order, notified in writing the person in question of their decision in relation to his objection and, where the objection has not been, or not wholly been, acceded to, of their reasons therefor.
- (3) The provisions of paragraph (1)(f) above are without prejudice to section 85 of the Act.
- (4) This regulation has effect subject to regulation 16.

#### PART V

##### SPECIAL PROCEDURAL PROVISIONS FOR CERTAIN ORDERS

###### *Special provisions for consolidation orders and for certain variation orders*

16.—(1) Regulations 4(1), 5, 6 and 7 shall not apply to a consolidation order, and regulation 15 shall have effect in relation to such an order with the following modifications, namely, that the particulars to be contained in the notice of the making of the order may consist only of:—

- (a) the name of the authority making the order;
  - (b) the title of the order;
  - (c) a statement of the titles of the orders the provisions of which are reproduced in the consolidation order;
  - (d) in a case where a consolidation order contains a substitution of the type specified in paragraph 3(a) or (b) a statement of the prohibitions or restrictions which have been replaced by the consolidation order;
  - (e) the operative date or dates of the order;
  - (f) the items numbered 8 and (so far as appropriate) 9 and 10 in Part IV of Schedule 1.
- (2) Regulations 4(1), 5 and 6 shall not apply to an order the sole effect of which would be:—
- (a) to postpone for a period of not more than six months the coming into operation of any provision of an existing order; or

- (b) to vary an order under section 6, 9, 45 or 46 of the Act so as to include in the order being varied an exemption in respect of a disabled person's vehicle of the same kind as is mentioned in regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986.
- (3) Regulations 4(1), 5 and 6 shall not apply:—
- (a) to an order the sole effect of which is to vary an order under section 6 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 weight equivalent to that weight; or
- (b) to an order the sole effect of which is to vary an order made under section 6 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.
- (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 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 5 opposite the corresponding specified unladen weight;
- “maximum gross weight” has the same meaning as in the Traffic Signs Regulations and General Directions 1981(b); and
- “a specified unladen weight” means one of the weights specified in Column 1 of Schedule 5 expressed in imperial units or the metric equivalent to any of those weights.

*Special provisions for experimental traffic orders and for orders giving permanent effect to such orders*

17.—(1) Regulations 4(1), 5 and 6 shall not apply to any order under section 9 of the Act, but every such order shall be framed so as to come into operation on a date not less than 7 days after the publication in the local newspaper of the notice of the making of the order.

(2) Regulations 4(1), 5 and 6 shall not apply to an order under any of the following provisions of the Act, that is to say, sections 6, 45, 46, 49, 83(2) and 84, where the sole effect of the order would be to reproduce and continue in force

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(a) S.I. 1980/1070.

(b) S.I. 1981/859.

indefinitely provisions of one or more orders under section 9 of the Act in a case where the provisions to be continued in force have been in continuous operation for a period of not less than 6 months and where the following requirements have been complied with in relation to the order under section 9 of the Act, or if more than one such order is involved, to each such order (an order under the said section 9 containing provisions to be continued in force as aforesaid being in this paragraph referred to as a “relevant section 9 order”) —

- (a) the notice of the making of the relevant section 9 order, or if more than one such order is involved, of each such order, has contained the following statements —
    - (i) that the order making authority will consider in due course whether the provisions of that section 9 order should be continued in force indefinitely by means of an order under the appropriate section of the Act;
    - (ii) that within a period of 6 months from the coming into operation of that section 9 order, or if that order is subsequently varied by another order under that section or modified pursuant to subsection (2) of section 10 of the Act, from the coming into operation of that variation or modification (whichever is latest), any person may object to the making of an order under the appropriate section of the Act for the purposes of such indefinite continuation in force; and
    - (iii) that any such objection must be in writing, must give the grounds thereof and must be made to an address of the order making authority specified in the statement;
  - (b) the documents which the order making authority are required by regulation 15(1)(e) to make available for inspection in connection with the making of the relevant section 9 order, or of each such order, if more than one, have been accompanied by a statement setting out the authority's reasons for making that section 9 order;
  - (c) the said documents and statement have continued to be available for inspection in accordance with Schedule 3 during the whole of the period within which objections can be made in accordance with sub-paragraph (a)(ii) above; and
  - (d) in a case where a relevant section 9 order has been modified pursuant to subsection (2) of the said section 10, a document stating the effect of each such modification has been made available for inspection along with the documents and statement referred to in sub-paragraph (c) above and for the period mentioned in that sub-paragraph.
- (3) In the application of regulations 8(2), 9, 11 and 15 and of Part III of Schedule 1 and Schedule 4 to an order under the appropriate section of the Act in a case where the provisions of paragraph (2) of this regulation have effect —
- (a) the notice of the making of the order under section 9 of the Act shall be treated as the notice of proposals for the order under the appropriate section of the Act, and

- (b) any objection made in accordance with the statement contained in the notice of the making of the order under section 9 of the Act shall be treated as an objection duly made under regulation 6 above to the order under the appropriate section of the Act.

*Special provisions for certain other orders*

**18.—(1)** Regulation 4(1) shall not apply to —

- (a) an order under section 45 of the Act where the sole effect of the order would be to provide for either or both of the following matters —
  - (i) revoking the designation of any area of a highway as a parking place for vehicles, and
  - (ii) designating any area of a highway as a parking place for vehicles in a case where the area to be so designated includes the whole or a part of an area of that highway which is already so designated, and applying to the area to be designated by the order provisions contained in an order under section 46 or 49 of the Act which apply to the area of that highway already so designated; or
- (b) an order under section 45, 46 or 49 of the Act where the sole effect of the order would be to vary provisions of a previous order under any of those sections, in a case where the variation does not involve any increase in the charges for leaving a vehicle in a parking place or in the charges in connection with the issue or use of a permit.

(2) Regulation 4(1) shall not apply to an order under section 6 of the Act where the sole effect of the order would be to provide for any one or more of the following matters:—

- (a) revoking the designation of any area of a road as a parking place for vehicles,
- (b) designating any area of a road as a parking place for vehicles in a case where the area to be so designated includes the whole or a part of an area of that road which is already so designated, and applying to the area to be designated by the order provisions contained in an order under section 6 of the Act which apply to the area of that road already so designated,
- (c) varying the provisions of a previous order under section 6 of the Act which relate to the use of a parking place,
- (d) prescribing or prohibiting, either generally or between specified times, the driving of vehicles, or vehicles of any class, in a particular direction in or into or from any road,
- (e) prescribing streets which are not to be used by vehicles exceeding specified weights,
- (f) prescribing places where vehicles, or vehicles of any class, may not turn so as to face in the opposite direction to that in which they were proceeding,

- (g) restricting or prohibiting the stopping or waiting of vehicles, or vehicles of any class, in any area of any road, being an area the whole of which lies within 150 feet of any means of entrance to, or egress from, a school, and
  - (h) restricting or prohibiting the stopping or waiting of vehicles, or vehicles of any class, in any area of any road, being an area marked or to be marked on the carriageway of the road by a traffic sign for indicating that the area in question is a place where a relevant vehicle may stop to pick up or set down passengers or where hackney carriages may stand.
- (3) Regulations 4(1), 5 and 6 shall not apply to any order under section 6 of the Act where the sole effect of the order would be to:—
- (a) prohibit the riding of cycles or mopeds on a footbridge or in a pedestrian subway or in the approaches to such bridge or subway, or
  - (b) restrict the driving of vehicles into a boxed area, or
  - (c) revoke or vary the provision of an order, being a provision the sole effect of which is as mentioned in sub-paragraph (a) or (b) of this paragraph.
- (4) In paragraph (2)(h) of this regulation “a relevant vehicle” means —
- (a) a public service vehicle being used in the provision of a service which is a local service within the meaning of the Transport Act 1985(a);
  - or
  - (b) a public service vehicle being used to carry passengers for hire or reward at separate fares other than one being used in the provision of a local service,
- and, in this paragraph, “public service vehicle” has the same meaning as in section 1 of the Public Passenger Vehicles Act 1981(b).
- (5) In paragraph (3) of this regulation —
- “boxed area” means an area of the carriageway of a road, at or near its junction with another road, marked or to be marked by a traffic sign consisting of cross hatched yellow lines, bounded by a yellow line, placed on the carriageway to indicate that a vehicle must not be driven into the area at a time when, by reason of the presence of one or more other vehicles in or near to that area, it cannot be driven out of that area without stopping;
- “cycle” means a pedal cycle which is not a motor vehicle; and
- “moped” has the same meaning as in regulation 46 of the Motor Vehicles (Construction and Use) Regulations 1978(c).
- (6) Regulations 5 and 6 shall not apply to an order under section 36B(5) of the Road Traffic Act 1972.
- (7) Nothing in this regulation shall apply to any order which by reason of the inclusion therein of any provision such as is mentioned in paragraph 13(1)(e) or (f) of Schedule 9 to the Act requires the consent of the Secretary of State before it can be made.

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(a) 1985 c.67.

(b) 1981 c.14.

(c) S.I. 1978/1017, to which there are no relevant amending instruments.

*Making of orders in part*

**19.—**(1) Where, after the relevant provisions of regulations 4 to 6 have been complied with in relation to an order to which these Regulations apply (such order as proposed to be made being hereafter in this regulation referred to as “the original order”), the order making authority decide that they wish to make an order embodying part only of the provisions contained in the original order but to defer a decision with respect to the remainder of those provisions, they may, in reliance on the steps which have already been taken under these Regulations with respect to the original order, and after considering all objections duly made in accordance with regulation 6 to that part of those provisions, and not withdrawn, proceed to embody that part of those provisions in a separate order (such order being hereafter in this regulation referred to as “the first made order”) and in that event paragraphs (2) to (8) of this regulation shall apply.

(2) The provisions of regulations 10 and 12 to 15 shall have effect in relation to the first made order as if the procedural steps previously taken under these Regulations, and any notices published or instruments prepared thereunder, in connection with the original order had related only to the provisions embodied in the first made order.

(3) The making of the first made order shall not prejudice the continuing validity of the procedural steps previously taken under these Regulations, and any notices published or instruments prepared thereunder, in connection with the original order insofar as they relate to the provisions of that order which have not been embodied in the first made order, but subject thereto such steps, notices and instruments shall, after the making of the first made order, have effect as if they related only to those provisions.

(4) Subject to paragraph (8) below, the order making authority may make one or more further orders (any such order being hereafter in this regulation referred to as a “further order”) embodying provisions which were contained in the original order but which were not embodied in the first made order or, if more than one further order is made, in the first made order and any further order previously made, and the provisions of paragraph (2) above shall apply in relation to a further order as if it were the first made order and the provisions of paragraph (3) above shall apply in relation to a further order as if the first reference therein to the first made order were a reference to the further order in question and as if the second and third references therein to the first made order included references to the further order in question and, where more than one further order is made, any further order previously made.

(5) Any order made in pursuance of the provisions of this regulation shall be made under the section of the Act under which the original order was proposed to be made.

(6) The notice of the making of the first made order and any further order shall state that the order in question has been made pursuant to this regulation, shall indicate briefly the provisions (if any) of the original order in relation to which the decision of the order making authority has been deferred and shall, where the notice relates to a further order, give particulars of the title and date of making of the first made order and any previous further order.

(7) Where, after the making of the first made order, or the first made order and one or more further orders, the order making authority (not having previously caused a public inquiry to be held in connection with the original order) decide that a public inquiry should be held in connection with those provisions of the original order which have not been embodied in any made order, the provisions of regulations 7 to 9 shall apply in relation to such inquiry as if the procedural steps previously taken under these Regulations, and any notices published or instruments prepared thereunder, in connection with the original order had related only to those provisions.

(8) No further order may be made in pursuance of this regulation after the end of 12 months from the date of the making of the first made order unless it is an order which is made consequent on a public inquiry held in the circumstances mentioned in paragraph (7) above in a case where the holding of the inquiry has begun before the end of that period.

*Nicholas Ridley,*  
Secretary of State for Transport.

17th February 1986.



## SCHEDULE 1

## PARTICULARS TO BE INCLUDED IN PRESS NOTICES

## PART I

## Regulation 5(1)

## PARTICULARS TO BE INCLUDED IN THE NOTICE OF PROPOSALS

1. The name of the order making authority.
2. The title of the order.
3. A brief statement of the general nature and effect of the order.
4. Where the order relates to any road, the name or other brief description of the road and, in a case where the order is an order under section 83(2) and 84(1) of the Act, a statement of the approximate length of that road to which the order will apply.
5. Where the order relates to an off street parking place, a brief description of that place and of its location.
6. Where the order relates to a parking place and prescribes charges for its use, or time limits or classes of vehicle for which it will be available, a statement of all such charges, time limits or classes, as the case may be.
7. A statement of all the documents required by regulation 5(1)(d) to be available for inspection, of each address at which those documents can be inspected and of the times when inspection can take place at each such address.
8. The period during which, and the address to which, objections to the order can be made, and a statement that all objections must be made in writing and must specify the grounds thereof.

## PART II

## Regulation 8(1)

ADDITIONAL PARTICULARS TO BE INCLUDED IN THE NOTICE OF PROPOSALS WHICH  
ANNOUNCES THE HOLDING OF A PUBLIC INQUIRY

1. A statement that a public inquiry will be held in connection with the order.
2. The date, time and place of the inquiry.

## PART III

Regulations 8(2)  
and 17(3)

## PARTICULARS TO BE INCLUDED IN THE SEPARATE NOTICE OF A PUBLIC INQUIRY

1. The name of the order making authority.
2. The title of the order.
3. A statement which refers to the published notice of proposals (if any) for the order and which indicates that a public inquiry will be held in connection with the order.

4. A brief statement of the general nature and effect of the order and of the name or other brief description of any road or other place to which the order will apply.
5. The date, time and place of the inquiry.
6. A statement of all the documents required by regulation 8(2)(d) to be available for inspection, of each address at which those documents can be inspected and of the times when inspection can take place at each such address.

Regulations 15(1)(c)  
and 16(3)

PART IV

PARTICULARS TO BE INCLUDED IN THE NOTICE OF MAKING THE ORDER PUBLISHED IN A  
LOCAL NEWSPAPER

1. The name of the order making authority.
2. The title of the order, and the date on which it was made.
3. A statement of the general nature and effect of the order and of its operative date or dates.
4. In the case of an order to which regulation 16(3)(a) or (b) applies, a statement of the prohibitions or restrictions which have been replaced.
5. Where the order relates to any road, the name or other brief description of the road.
6. Where the order relates to an off street parking place, a brief description of that place and of its location.
7. Where the order relates to a parking place and prescribes charges for its use, or time limits or classes of vehicle for which it will be available, a statement of such charges, time limits or classes, as the case may be.
8. A statement of all the documents required by regulation 15(1)(e) to be available for inspection, of each address at which those documents can be inspected and of the times when inspection can take place at each such address.
9. Where the order making authority propose to make copies of the order available for purchase by members of the public, a statement of this fact and of each address at which copies can be purchased.
10. In the case of an order under section 6, 9, 38, 45, 46 or 49 of the Act or under section 36B(5) of the Road Traffic Act 1972, a statement that any person wishing to question the validity of the order or of any of its provisions on the ground that it is not within the powers of the relevant enabling Act or that any requirement of any such enabling Act or of any relevant regulations made thereunder has not been complied with, may, within six weeks of the date on which the order was made, make application for the purpose to the High Court.

## PART V

Regulations 15(1)(d), 16,  
17 and 18PARTICULARS TO BE INCLUDED IN THE NOTICE OF MAKING THE ORDER PUBLISHED IN THE  
LONDON GAZETTE

1. The name of the authority.
2. The title of the order.
3. The date of making of the order and its operative date or dates.
4. Except in the case of an order to which regulation 16, 17 or 18(3) or (6) applies, the issue number and date of issue of the London Gazette containing the relevant notice of proposals previously published pursuant to regulation 5(1)(b), the reference number of that notice therein, and a statement that the effect of the order is as described in that notice, save for such modifications (if any) as are described in the statement.
5. In the case of an order to which regulation 16 or 18 applies, a statement of the general nature and effect of the order.
6. In the case of an order to which regulation 17 applies —
  - (a) a statement of the general nature and effect of the order; and
  - (b) where the order relates to any road, the name or other brief description of the road and (in any case where the order makes the same or similar provision to that made by an order under section 83(2) and 84(1) of the Act) a statement of the approximate length of that road to which the order will apply; or
  - (c) where the order relates to a parking place and prescribes charges for its use, or time limits or classes of vehicle for which it will be available, a statement of all such charges, time limits or classes, as the case may be.
7. Each address at which a copy of the order, as made, and a copy of the relevant map can be inspected, and the times when inspection can take place at each such address.
8. In the case of an order under section 6, 9, 38, 45, 46 or 49 of the Act or under section 36B(5) of the Road Traffic Act 1972, a statement that any person wishing to question the validity of the order or of any of its provisions on the ground that it is not within the powers of the relevant enabling Act or that a requirement of any such enabling Act or of any relevant regulations made thereunder has not been complied with may, within 6 weeks from the date on which the order was made, make application for the purpose to the High Court.

## Regulations 5 and 8

## SCHEDULE 2

## REQUIREMENTS AS TO NOTICES TO BE DISPLAYED IN A ROAD OR OTHER PLACE

## PART I

## PARTICULARS TO BE INCLUDED IN THE NOTICE

1. The name of the order making authority.
2. The title of the order.
3. A brief statement of the effect of the order in relation to the road or other place where it is displayed.
4. A statement of all the documents required by regulation 5(1)(d) or 8(2)(d) to be available for inspection, of each address at which those documents can be inspected and of the times when inspection can take place at each such address.
5. Where the notice is a notice of proposals, the address to which, and the period during which, objections can be made, and a statement that all objections must be made in writing and must specify the grounds thereof.
6. Where the notice announces the holding of a public inquiry, the date, time and place of the inquiry.

## PART II

## OTHER REQUIREMENTS AS TO THE DISPLAY OF THE NOTICE

1. Where the order relates to any road, the notice shall be displayed in a prominent position at or near each end of the road and in any other position which the authority who display the notice think requisite for securing that adequate information about the subject matter of the notice is made available to users of the road.
2. Where the order relates to an off street parking place, the notice shall be displayed in one or more prominent positions in the road or roads giving access to the parking place, and, where the parking place is in public use, in the parking place itself.
3. The notice shall first be displayed as aforesaid not later than the first publication of the corresponding notice in the local newspaper and the authority who display the notice shall take all reasonable steps to ensure that it remains in a legible condition and continues to be so displayed:—
  - (a) in the case of a notice of proposals not announcing the holding of a public inquiry, until the end of the objection period;
  - (b) in the case of a notice announcing the holding of a public inquiry, until the date on which the inquiry begins.

## SCHEDULE 3 Regulations 5, 8, 13 and 15

## REQUIREMENTS AS TO THE AVAILABILITY OF DOCUMENTS FOR INSPECTION

1. There shall be available for inspection in the case of any order to which these Regulations apply, at the offices of the order making authority, during normal office hours, and (if the authority in question think fit) at such other places within that authority's area and during such times respectively at those places as the authority may determine, the following documents:—

- (a) a copy of the order as proposed to be made or made (as the case may be);
- (b) a copy of any map prepared under regulation 13;
- (c) in the case of an order which varies, revokes, applies or suspends a previous order or which modifies, suspends or revokes regulations made or having effect as if made under section 12 of the Act, a copy of that order or, as the case may be, of those regulations;
- (d) in the case of any proposed order to which these Regulations apply a copy of a statement setting out the order making authority's reasons for proposing to make the order and, if it be an experimental order under section 9, setting out the authority's reasons for proceeding by way of experiment; and
- (e) in the case of an order made after the holding of a public inquiry, a copy of the report and recommendations (if any) of the person appointed to hold the inquiry.

2. The said documents shall be made available as aforesaid not later than the first publication in the local newspaper of the notice in connection with which they are required to be made available, and they shall continue to be so available:—

- (a) where the notice is a notice of proposals not announcing the holding of a public inquiry, until the end of the objection period;
- (b) where the notice is one announcing the holding of a public inquiry, until the date on which the inquiry begins; and
- (c) where the notice is a notice of making the order, until the end of six weeks from the date on which the order is made.

## Regulations 10, 13 and 17(3) SCHEDULE 4

## DOCUMENTS TO ACCOMPANY THE APPLICATION FOR THE SECRETARY OF STATE'S CONSENT

1. The order as proposed to be made.
2. A copy of any map prepared under regulation 13.
3. The statement of the order making authority's reasons for proposing to make the order.
4. The issues of each local newspaper and of the London Gazette containing the notice of proposals (if any).
5. Each unwithdrawn objection or, in a case where there are no objections or no unwithdrawn objections, a statement to this effect.
6. Copies of any reply or replies sent to each objector.
7. A list of any persons and organisations consulted by the order making authority and a statement of the views (if any) expressed by each such person or organisation or where no such persons or organisations have been consulted, a statement to this effect.
8. In a case where a public inquiry has been held, the report and recommendations (if any) of the person holding the inquiry.

## Regulation 16(5)

## SCHEDULE 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
10.0	30.0

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations lay down the procedure to be followed by the London Borough Councils and the Common Council of the City of London in connection with the making of the main types of traffic regulation, parking place and speed limit orders under the Road Traffic Regulation Act 1984 and under section 36B of the Road Traffic Act 1972.

Regulation 3 specifies the orders to which the Regulations apply. These include traffic regulation orders, experimental traffic orders, orders relating to parking places both on and off the highway (including bus station and parking meter orders) and orders relating to speed limits.

Regulations 4 to 12 lay down the procedure to be followed before the order is made. They provide for preliminary consultations (regulation 4), publication of the proposals (regulation 5), objections to the order (regulations 6 and 11), public inquiries (regulations 7 to 9), the modification of the proposals (regulation 12) and for certain cases where the consent of the Secretary of State is required (regulation 10).

Regulations 13 and 14 contain certain requirements about the order itself, in particular about the use of a map to illustrate the order and about the operative date of the order.

Regulation 15 contains provision as to the giving of notice of the making of an order by the order-making authority.

Certain of the above mentioned requirements are modified in relation to certain classes of order by virtue of regulations 16 to 18.

Regulation 19 contains provisions relating to the making of orders in part.

Schedules 1 to 3 contain particulars of the details to be included in the press notices of an order, of the requirements as to the display of notices of an order in the road itself, and of the requirements about making documents relating to an order available for public inspection. Schedule 4 specifies the documents which must accompany an application for the Secretary of State's consent to an order for which such consent is required. Schedule 5 contains a weight conversion chart.

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