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STATUTORY INSTRUMENTS

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**1987 No. 2244**

**The Secretary of State's Traffic Orders  
(Procedure) (Scotland) Regulations 1987**

**PART I  
GENERAL**

**Citation, commencement and revocation**

**1.—**(1) These Regulations may be cited as the Secretary of State's Traffic Orders (Procedure) (Scotland) Regulations 1987 and shall come into force on 3rd February 1988 and shall apply in Scotland only.

(2) The Secretary of State's Traffic Orders (Procedure) (Scotland) Regulations 1973<sup>(1)</sup>, the Secretary of State's Traffic Orders (Procedure) (Scotland) Amendment Regulations 1979<sup>(2)</sup> and the Secretary of State's Traffic Orders (Procedure) (Scotland) Amendment Regulations 1982<sup>(3)</sup> are hereby revoked.

**Interpretation**

**2.—**(1) In these Regulations 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:—

- (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 (Exemptions for Disabled Persons) (Scotland) Regulations 1971<sup>(4)</sup>, 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);

“the local roads authority” has the meaning given by paragraph (a) of the definition of “roads authority” in section 151(1) of the Roads (Scotland) Act 1984<sup>(5)</sup>;

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(1) S.I.1973/1121

(2) S.I. 1979/214

(3) S.I. 1982/614

(4) S.I. 1971/1521, amended by S.I. 1975/881 and 1975/1586

(5) 1984 c. 54

“the notice of proposals” and “the notice of making”, in relation to an order, mean respectively the notices required to be published under regulations 5 and 12;

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

“the order” means, in relation to anything occurring or falling to be done before its making, the order as proposed to be made, and in relation to anything occurring or falling to be done on or after its making, the order as made;

“the relevant authority” means—

- (a) in relation to a reserve power order—
  - (i) where the order is made or proposed to be made by virtue of paragraph 3 of Schedule 9 to the Act, the local roads authority to whom there has been given under paragraph 2 of the said Schedule 9 the direction, for the purpose of securing the object for which the order is made or proposed to be made,
  - (ii) where the order is made or proposed to be made under paragraph 7 of Schedule 9 to the Act, the local roads authority whose order is or is proposed to be varied or revoked by the reserve power order;
- (b) in relation to a trunk road order, the local roads authority who would have had the power under the Act to make the order if the road were not a trunk road;
- (c) in relation to an order made or proposed to be made by the Secretary of State under sections 22 and 132 of the Act with respect to roads which are not trunk roads, the local roads authority who have power under section 1 of the Act to make such an order as respects the road to which the order applies or will apply; and where under the foregoing provisions of this definition there would in relation to any particular order be more than one relevant authority, that expression shall in the case of that order include all of those authorities;

“reserve power order” and “trunk road order” have the meanings respectively given to those expressions in regulation 3; and

“road” includes any length of road and any part of the width of a road.

(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>(6)</sup> includes—

- (a) a reference to an order (whether made by virtue of paragraph 27 of Schedule 9, or under paragraph 7 of the said Schedule, to the Act) varying or revoking an order made, or having effect as if made, under the section in question, and
- (b) a reference to an order under the section in question made or proposed to be made by virtue of paragraph 3 of Schedule 9 to the Act.

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

(4) Except where otherwise expressly provided, any reference in these Regulations to a numbered regulation or schedule is a reference to the regulation or schedule bearing that number in these Regulations and a reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

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<sup>(6)</sup> 1972 c. 20; section 36B was inserted by the Road Traffic Act 1974 (c. 50), section 7; section 36B(5) was amended by the Road Traffic Regulation Act 1984, Schedule 13, paragraph 15(a).

<sup>(7)</sup> Section 36B(7) was amended by the Road Traffic Regulation Act 1984, Schedule 13, paragraph 15(b).

### **Application of Regulations**

3.—(1) These Regulations apply to—

- (a) orders made or proposed to be made by the Secretary of State by virtue of paragraph 3 or under paragraph 7 of Schedule 9 to the Act (any such order being in these Regulations referred to as a “reserve power order”);
- (b) orders made or proposed to be made by the Secretary of State with respect to trunk roads under any of the following provisions of the Act, that is to say, sections 1 to 3, 9, 83 and 84, or under section 36B(5) of the Road Traffic Act 1972 (any such order being in these Regulations referred to as a “trunk road order”); and
- (c) orders made or proposed to be made by the Secretary of State with respect to roads which are not trunk roads under sections 22 and 132 of the Act.

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

(3) 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 force of these Regulations or are in the course of being taken when these Regulations come into force (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 force, 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.

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