
STATUTORY INSTRUMENTS

1987 No. 2245

**The Local Roads Authorities' Traffic Orders
(Procedure) (Scotland) Regulations 1987**

**PART I
GENERAL**

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Local Roads Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1987 and shall come into force on 3rd February 1988 and shall apply in Scotland only.

(2) The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1969(1), the Local Authorities' Traffic Orders (Procedure) (Scotland) Amendment Regulations 1979(2) and the Local Authorities' Traffic Orders (Procedure) (Scotland) Amendment Regulations 1982(3) 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;

“the authority” and “the council”, in relation to any order, means the local roads authority making, or proposing to make, the order under the Act or under section 36B(5) of the Road Traffic Act 1972(4) (as the case may be);

“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 (Exemptions for Disabled Persons) (Scotland) Regulations 1971(5), 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

(1) S.I.1969/487

(2) S.I. 1979/213

(3) S.I. 1982/615

(4) 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).

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

(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 19(1)(b) or (c); “Crown road” and “the appropriate Crown Authority” have the same meanings as in section 131(7) of the Act⁽⁶⁾;

“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⁽⁷⁾;

“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 16;

“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; and “relevant map”, in relation to an order, means the map required to be prepared and kept in connection with that order by regulation 14.

(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 includes a reference to an order varying or revoking an order made, or having effect as if made, under that section.

(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 III of Schedule 9 to the Act shall be construed as a reference to that Part as applied by section 36B(7)(c) of the said Act of 1972⁽⁸⁾.

(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.

Application of Regulations

3.—(1) These Regulations apply to orders made or proposed to be made by a local roads authority under any of the following provisions of the Act, that that is to say, sections 1 to 3, 9, 19, 29, 32, 35, 37, 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 such a local roads authority in pursuance of a direction of the Secretary of State under paragraphs 1 and 2 of Schedule 9 to the Act in the same way as it applies to an order in relation to which no such direction has been given.

(4) Where in connection with any order to which these Regulations apply some, but not all, of the necessary procedural steps have been taken before the coming into force of these Regulations, then the remaining procedural steps in connection with that order shall be determined by, and carried out in accordance with, these Regulations, as nearly as may be.

⁽⁶⁾ Section 131(7) was amended by the Roads (Scotland) Act 1984 (c. 54), Schedule 9, paragraph 93(41)(b).

⁽⁷⁾ 1984 c. 54

⁽⁸⁾ Section 36B(7)(c) was amended by the Road Traffic Regulation Act 1984, Schedule 13, paragraph 15(b)(iv).