
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1989.
2. Sections 41 and 42 of the Road Traffic Act 1991 amend the Road Traffic Regulation Act 1984 by making provision for local authorities to vary parking charges by giving notice as an alternative to making an amending order. These Regulations prescribe the procedure for varying charges by giving notice.
3. Schedule 8 to the New Roads and Street Works Act 1991 extensively amended the Road Traffic Regulation Act 1984, and in particular introduced the concept of the “traffic authority” (as defined in a new section 121A) and vested most of the order making powers under that Act in that authority. These Regulations make consequential amendments to the 1989 Regulations.
4. Regulation 5 of the 1989 Regulations, as originally made, imposed a general requirement on local authorities to consult certain bodies before making an order. The consultation requirements are amended as follows:—
 - (a) Previously an order making authority, before making an order relating to or which was likely to affect the traffic on the road of another highway authority, had to consult the other highway authority. The requirement will now be that any local authority making an order which is likely to affect the traffic on a road for which it is not the traffic authority will have to consult the traffic authority for that road. There is a similar provision for cases where a local authority is not the highway authority for a road to which the order relates or is likely to be so affected.
 - (b) Where an order is likely to affect the operation of a tramcar or trolley vehicle, the order making authority will have to consult the operator of the vehicle.
 - (c) When an order is likely to affect the traffic on a road which is subject to a concession under a concession agreement under the New Roads and Street Works Act 1991, the order making authority will have to consult the concessionaire. There is a similar requirement where an order relating to a road in England is likely to affect the traffic on a road in Scotland in respect of which rights under a toll order have been assigned under section 28 of that Act.
5. The consultation requirements of the 1989 Regulations are subject to exceptions. These Regulations add further exceptions in relation to:
 - (a) orders made as a consequence of the coming into force of certain provisions of the Road Traffic Act 1991 and orders made under that Act; and
 - (b) orders that remove or qualify an existing power to remove vehicles from a parking place.
6. There are also amendments of a minor or drafting nature.