
STATUTORY INSTRUMENTS

1996 No. 2489

The Local Authorities' Traffic Orders (Procedure)
(England and Wales) Regulations 1996

PART II

PROCEDURE BEFORE MAKING AN ORDER

Preliminary

5. This Part of these Regulations has effect subject to the provisions of Part IV.

Consultation

6.—(1) An order making authority shall, before making an order in a case specified in column (2) of an item in the table below, consult the persons specified in column (3) of the item.

TABLE

(1) <i>Item</i>	(2) <i>Case</i>	(3) <i>Consultee</i>
1.	Where the order relates to, or appears to the order making authority to be likely to affect traffic on, a road for which another authority is the highway authority or the traffic authority	The other authority
2.	Where the order relates to, or appears to the order making authority to be likely to affect traffic on, a Crown road	The appropriate Crown authority
3.	Where the order relates to, or appears to the order making authority to be likely to affect traffic on, a road subject to a concession	The concessionaire
4.	Where the order relates to, or appears to the order making authority to be likely to affect traffic on, a road on which a tramcar or trolley vehicle service is provided	The operator of the service

(1) <i>Item</i>	(2) <i>Case</i>	(3) <i>Consultee</i>
<p>5. Where the order relates to, or appears to the order making authority to be likely to affect traffic on,—</p> <p>(a) a road outside Greater London which is included in the route of a local service; or</p> <p>(b) (b) a road in Greater London which is included in the route of a London bus service</p>	<p>In case (a) the operator of the service</p> <p>In case (b) the operator of the service and London Regional Transport</p>	
<p>6. Where it appears to the authority that the order is likely to affect the passage on any road of—</p> <p>(a) ambulances; or</p> <p>(b) (b) fire-fighting vehicles</p>	<p>In case (a) the chief officer of the appropriate NHS trust</p> <p>In case (b) the chief officer of the fire brigade of the fire authority</p>	
<p>7.</p>	<p>All cases</p>	<p>(a) (a) The Freight Transport Association</p> <p>(b) The Road Haulage Association</p> <p>(c) Such other organisations (if any) representing persons likely to be affected by any provision in the order as the order making authority thinks it appropriate to consult</p>

(2) In paragraph (1)—

“appropriate NHS trust” in relation to a road or place means the National Health Service trust providing an emergency ambulance service in the area in which the road or place is situated and “National Health Service trust” has the meaning given by section 128(1) of the National Health Service Act 1977(1);

“concessionaire” has the meaning given by section 1(1) of the 1991 Act;

(1) 1977 c. 49. The definition of “National Health Service trust” in section 128(1) was inserted by section 26(2)(d) of the National Health Service and Community Care Act 1990 (c. 19).

“fire authority” in relation to a road or place means the authority exercising the functions of a fire authority under the Fire Services Act 1947(2) in the area in which the road or place is situated;

“highway authority” has the same meaning as in the Highways Act 1980(3);

“road subject to a concession” has the meaning given by section 1(2) of the 1991 Act; and

“trolley vehicle” does not include a duobus as defined in the Tramcar and Trolley Vehicles (Modification of Enactments) Regulations 1992(4).

- (3) The requirements of this regulation are without prejudice to the provisions of—
- (a) paragraph 20 of Schedule 9 to the 1984 Act (consultation with the chief officer of police);
 - (b) paragraph 6(3)(c) of Schedule 5 to the 1985 Act (consultation required of London authorities and metropolitan district councils); and
 - (c) any other provision of the 1984 Act requiring consultation.

Publication of proposals

7.—(1) An order making authority shall, before making an order,—

- (a) publish at least once a notice (in these Regulations called a “notice of proposals”) containing the particulars specified in Parts I and II of Schedule 1 in a newspaper circulating in the area in which any road or other place to which the order relates is situated;
- (b) in the case of an order under section 6 of the 1984 Act, publish a similar notice in the London Gazette;
- (c) take such other steps as it may consider appropriate for ensuring that adequate publicity about the order is given to persons likely to be affected by its provisions and, without prejudice to the generality of this sub-paragraph, such other steps may include—
 - (i) in the case of an order to which sub-paragraph (b) does not apply, publication of a notice in the London Gazette;
 - (ii) the display of notices in roads or other places affected by the order; or
 - (iii) the delivery of notices or letters to premises, or premises occupied by persons, appearing to the authority to be likely to be affected by any provision in the order.

(2) Not later than the date on which paragraph (1) has been complied with, the order making authority shall send a copy of the notice of proposals to each body or person whom it is required to consult under regulation 6(1) or under any of the provisions referred to in regulation 6(2).

(3) The order making authority shall comply with the requirements of Schedule 2 as to the making of deposited documents available for public inspection.

(4) Deposited documents shall be made so available at the times and at the places specified in the notice of proposals throughout the period beginning with the date on which the notice of proposals is first published and ending with the last day of the period of 6 weeks which begins with the date on which the order is made or, as the case may be, the authority decides not to make the order.

Objections

8.—(1) Any person may object to the making of an order by the date specified in the notice of proposals or, if later, the end of the period of 21 days beginning with the date on which the order making authority has complied with all the requirements of regulation 7(1) to (3).

(2) 1947 c. 41; read with paragraph 2 of Schedule 11 to the Local Government Act 1985.

(3) 1980 c. 66.

(4) S.I.1992/1217.

(2) Without prejudice to its right to object under paragraph (1), an authority required to be consulted under paragraph 6(3)(c) of Part II of Schedule 5 to the 1985 Act may object to the making of an order by the end of the period of 21 days beginning with the date on which the notice of proposals was sent to that authority.

(3) An objection under paragraph (1) or (2) shall—

- (a) be made in writing;
- (b) state the grounds on which it is made; and
- (c) be sent to the address specified in the notice of proposals,

and an objection under paragraph (2) shall in addition state whether or not it is alleged that the order would have any direct effect on traffic on any road, other than a trunk road, in the area of the authority making the objection.

Holding a public inquiry

9.—(1) The order making authority shall cause a public inquiry to be held before making an order to which paragraph (3) applies and may cause such an inquiry to be held before making any other order.

(2) A public inquiry shall be held by an inspector appointed by the order making authority and selected from a panel of persons chosen by the Secretary of State to hold such inquiries.

(3) Subject to paragraphs (4) and (5), this paragraph applies to an order if—

- (a) its effect is to prohibit the loading or unloading of vehicles or vehicles of any class in a road on any day of the week—
 - (i) at all times;
 - (ii) before 07.00 hours;
 - (iii) between 10.00 and 16.00 hours; or
 - (iv) after 19.00 hours,

and an objection has been made to the order (other than one which the order making authority is satisfied is frivolous or irrelevant) and not withdrawn; or

- (b) its effect is to prohibit or restrict the passage of public service vehicles along a road and an objection has been made to the order in accordance with regulation 8—
 - (i) in the case of a road outside Greater London, by the operator of a local service the route of which includes that road; or
 - (ii) in the case of a road in Greater London, by the operator of a London bus service the route of which includes that road or by London Regional Transport.

(4) For the purposes of paragraph (3)(a), an order shall not be taken to have the effect of prohibiting loading at any time to the extent that it—

- (a) authorises the use of part of a road as a parking place, or designates a parking place on a road, for the use of a disabled person's vehicle as defined by section 142(1) of the 1984 Act;
- (b) relates to a length of the side of a road extending 15 metres in either direction from the point where one road joins the side of another road,

unless the effect of the order taken with prohibitions already imposed is to prohibit loading and unloading by vehicles of any class at the time in question for a total distance of more than 30 metres out of 50 metres on one side of any length of road.

(5) Paragraph (3) does not apply to an order—

- (a) if it is an experimental order;

(b) made under section 84 of the 1984 Act (speed limits on roads other than restricted roads);
or

(c) to the extent that it relates to a road which forms part of a priority route designated by the Secretary of State pursuant to section 50 of the Road Traffic Act 1991 (designation of priority routes in London).

(6) In this regulation “public service vehicle” has the meaning given by section 1 of the Public Passenger Vehicles Act 1981(5).

Notice of a public inquiry

10.—(1) If the order making authority decides, before publishing a notice of proposals, that a public inquiry should be held in connection with an order, it shall include in that notice a statement that an inquiry will be so held together with the particulars specified in paragraphs 5, 6 and 7 of Schedule 3.

(2) Where the holding of a public inquiry is announced in accordance with paragraph (1) the inquiry shall not begin less than 42 days after the first publication of the notice of proposals.

(3) In any other case where a public inquiry is held in connection with an order, the order making authority shall—

(a) publish at least 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 containing the particulars specified in Schedule 3;

(b) give notice in writing containing the particulars specified in Schedule 3 to each person who has objected in accordance with regulation 8 and not withdrawn the objection; and

(c) take such other steps as it may consider appropriate for ensuring that adequate publicity about the inquiry is given to persons likely to be affected by the provisions of the order to which it relates and, without prejudice to the generality of this sub-paragraph, such other steps may include—

(i) an advertisement in the London Gazette;

(ii) the display of notices in roads or other places affected by the order; or

(iii) the delivery of notices or letters to premises, or premises occupied by persons, appearing to the authority to be likely to be affected by any provision in the order.

(4) An inquiry to which paragraph (3) applies shall not begin less than 21 days after whichever is the later of—

(a) the last day for objecting in accordance with regulation 8; or

(b) the date on which paragraph (3) was complied with.

Procedure at a public inquiry

11.—(1) Subject to paragraphs (2) to (4), the procedure at a public inquiry shall be determined by the inspector.

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

(3) Any person so interested may, whether or not he proposes to appear at the inquiry, send written representations for the consideration of the inspector to the address given in accordance

(5) Section 85 was amended by the New Roads and Street Works Act 1991, Schedule 8, paragraph 62 and by the Road Traffic Act 1991, Schedule 4, paragraph 30 and Schedule 8.

with paragraph 7 of Schedule 3 in the notice of proposals or the notice published pursuant to regulation 10(3)(a).

(4) The inspector may refuse to hear any person, or to consider any objection or representation, if he considers that the views of that person or the objection or representation are irrelevant or have already been adequately stated at the inquiry.

Consent of the Secretary of State

12.—(1) Where an order is one which, by virtue of Part II of Schedule 9 to the 1984 Act, may not be made without the consent of the Secretary of State, the order making authority's application for consent shall be accompanied by copies of the deposited documents and the documents referred to in paragraph (2).

(2) The documents are—

- (a) a statement of the views on the order of the chief officer of police;
- (b) a list of persons and organisations consulted under regulation 6 and a statement of any views expressed or, if no views were expressed, a statement to that effect;
- (c) a statement of the publicity measures undertaken under regulation 7(1)(c);
- (d) copies of all objections which have not been withdrawn and of any correspondence with the objectors or a statement that there are no such objections;
- (e) if a public inquiry has been held, a copy of the inspector's report and of any recommendations he made; and
- (f) in a case where the order relates to a Crown road, a copy of the consent of the appropriate Crown authority and particulars of those Crown authorities whose persons and vehicles will be affected by the making of the order.

Consideration of objections and inspector's report

13. Before making an order, the order making authority shall consider—

- (a) all objections duly made under regulation 8 and not withdrawn; and
- (b) if a public inquiry was held, the inspector's report and any recommendations he made.

Modifications

14.—(1) Subject to the provisions of this regulation, an order making authority may modify an order, whether in consequence of any objections or otherwise, before it is made.

(2) An order making authority shall not modify an order—

- (a) so as to alter the form of the order from the form in which the Secretary of State or any appropriate Crown authority has consented to its being made or the Secretary of State has, under paragraph 2 of Schedule 9 to the 1984 Act⁽⁶⁾, directed that it should be made; or
- (b) so that its form would be inconsistent with a determination of the Secretary of State under paragraph 7 of Schedule 5 to the 1985 Act.

(3) Before an order is made with modifications which appear to the order making authority or, in a consent case, to the Secretary of State to make a substantial change in the order, the order making authority shall take the steps required by paragraph (4).

(4) The steps are such steps as appear to the order making authority appropriate or (in a consent case) as the Secretary of State may require for—

(6) S.I. 1986/178, amended by S.I. 1991/2709.

- (a) informing persons likely to be affected by the modifications;
 - (b) giving those persons an opportunity of making representations; and
 - (c) ensuring that any such representations are duly considered by the authority and, in a consent case where he so requests, by the Secretary of State.
- (5) In this regulation—
- (a) “consent case” means a case where the Secretary of State’s consent is required to the making of an order; and
 - (b) “modifications” has, in the case of an order made by a London authority, the meaning given by paragraph 23(2) of Schedule 9 to the 1984 Act and in any other case the same meaning as in paragraph 22 of that Schedule and “modify” shall be construed accordingly.