

*Status:* This version of this part contains provisions that are prospective.

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## SCHEDULES

### SCHEDULE 10

#### REGULATION OF THE USE OF ROADS AND RAILWAYS

PROSPECTIVE

### PART 3

#### ROAD HUMPS

- 13 The Highways Act 1980 is amended as follows.
- 14 In section 90A (construction of road humps by highway authority), in subsection (1)(b), for “the Secretary of State” substitute “ the appropriate national authority ”.
- 15 (1) Section 90B (additional powers of Secretary of State and Welsh Ministers) is amended as follows.
- (2) In subsection (1)—
- (a) in the opening words, for “Secretary of State” substitute “ Welsh Ministers ”;
  - (b) in the opening words, for “he is” substitute “ they are ”;
  - (c) in paragraph (b), for “him” substitute “ them ”;
  - (d) in the closing words, for “him” substitute “ them ”.
- (3) After subsection (1) insert—
- “(1A) Subsection (1) does not apply in relation to the following parts of Wales—
- (a) the part of road to which section 329(5) applies;
  - (b) the part of the M4 Motorway in Wales that comprises “the new toll plaza area” and “the new bridge”, as defined in section 39(1) of the Severn Bridges Act 1992.”
- (4) In subsection (3)—
- (a) for “Secretary of State”, in the first place those words occur, substitute “ Welsh Ministers ”;
  - (b) for “Secretary of State has” substitute “ Welsh Ministers have ”.
- (5) In subsection (4), for “Secretary of State” substitute “ Welsh Ministers ”.
- (6) In subsection (5), for “Secretary of State so directs” substitute “ Welsh Ministers so direct ”.
- (7) In subsection (6)—
- (a) for “Secretary of State” substitute “ Welsh Ministers ”;
  - (b) for “his” substitute “ their ”.

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- (8) In the heading, for “Secretary of State” substitute “ Welsh Ministers ”.
- 16 (1) Section 90C (road humps: consultation and local inquiries) is amended as follows.
- (2) In subsection (1)—
- (a) for the words from “Where the Secretary of State” to “he, it or they” substitute “ Where a highway authority proposes to construct a road hump under section 90A, or the Welsh Ministers propose to construct a road hump under section 90B, the highway authority or the Welsh Ministers (as the case may be) ”;
- (b) omit paragraph (a) and the “and” following it;
- (c) in paragraph (b)—
- (i) omit “other”;
- (ii) for “the Secretary of State” substitute “ the appropriate national authority ”.
- (3) For subsection (2) substitute—
- “(2) The highway authority or the Welsh Ministers (as the case may be) shall also comply with such requirements as may be specified in regulations made by the appropriate national authority in relation to—
- (a) the publication of—
- (i) details of proposals to construct road humps, and
- (ii) procedures for making objections to such proposals, and
- (b) procedures for dealing with such objections.
- (2A) Regulations under subsection (2)(b) may, in particular, contain provision about—
- (a) local inquiries in relation to proposals to construct road humps, and
- (b) the application of subsections (2) to (5) of section 250 of the Local Government Act 1972 in relation to such inquiries, subject to such modifications as may be specified in the regulations.”
- (4) Omit subsections (3) to (5).
- (5) In subsection (6)—
- (a) for “the Secretary of State” substitute “ the appropriate national authority ”;
- (b) for “he” substitute “ it ”.
- 17 (1) Section 90D (regulations concerning construction and maintenance of road humps) is amended as follows.
- (2) In subsection (1)—
- (a) for “The Secretary of State” substitute “ The appropriate national authority ”;
- (b) for “him” substitute “ the appropriate national authority ”.
- (3) In subsection (3)—
- (a) for “the Secretary of State” substitute “ the appropriate national authority ”;
- (b) for “he” substitute “ it ”.
- (4) In subsection (4)—
- (a) for “the Secretary of State” substitute “ the appropriate national authority ”;
- (b) for “him” substitute “ the appropriate national authority ”.

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- 18 (1) Section 90E (status of road humps) is amended as follows.
- (2) In subsection (1B)(a), for “the Secretary of State” substitute “ the appropriate national authority ”.
- (3) In subsection (2), in paragraph (a), for “the Secretary of State” substitute “ the appropriate national authority ”.
- 19 In section 90F (meaning of “road hump” and interpretation of sections 90A to 90E), in subsection (2), after “In sections 90A to 90E above—” insert—
- ““the appropriate national authority” means—
- (a) the Secretary of State, in relation to England and in relation to the following parts of Wales—
- (i) the part of road to which section 329(5) applies;
- (ii) the part of the M4 Motorway in Wales that comprises “the new toll plaza area” and “the new bridge”, as defined in section 39(1) of the Severn Bridges Act 1992;
- (b) the Welsh Ministers, in relation to Wales other than the parts mentioned in paragraph (a)(i) and (ii);”.
- 20 After section 90F insert—
- “90FA Regulations under sections 90C and 90D**
- (1) Regulations under section 90C or 90D are to be made by statutory instrument.
- (2) Regulations under section 90C or 90D may—
- (a) include incidental, supplementary, consequential or transitional provision or savings;
- (b) make different provision for different purposes.
- (3) A statutory instrument containing regulations made by the Secretary of State under section 90C or 90D is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument containing regulations made by the Welsh Ministers under section 90C or 90D is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- 21 In section 325 (provisions as to regulations, schemes and orders), after subsection (2A) insert—
- “(2B) This section does not apply to regulations under section 90C or 90D (see section 90FA for provision about such regulations).”
- 22 In consequence of the amendments made by paragraph 16, in the Infrastructure Act 2015, in Schedule 1, omit paragraph 26.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2015/994 art. 13 Sch. by [S.I. 2015/1405 art. 2\(3\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 110A inserted by [2016 c. 12 s. 16\(1\)](#)