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STATUTORY INSTRUMENTS

1996 No. 2489

ROAD TRAFFIC

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

Made - - - - - *26th September 1996*
Laid before Parliament *9th October 1996*
Coming into force - - - *1st December 1996*

The Secretary of State for Transport as respects England and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred by sections 35C(3) and (4), 46A(3) and (4) and 124(1) of, and Part III of Schedule 9 to, the Road Traffic Regulation Act 1984(1) and by paragraphs 6(3) and 7(1) of Schedule 5 to the Local Government Act 1985(2) and of all other powers enabling them in that behalf, and after consultation with representative organisations in accordance with section 134(2) of the Road Traffic Regulation Act 1984, hereby make the following Regulations:

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and shall come into force on 1st December 1996.

Revocation and transitional provisions

2.—(1) Subject to paragraph (2), the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1989(3) and the Local Authorities' Traffic Orders (Procedure) (England and Wales) (Amendment) Regulations 1993(4) are hereby revoked.

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- (1) 1984 c. 27. Section 35C was inserted by section 41 of the Road Traffic Act 1991 (c. 40); section 46A was inserted by section 42 of the Road Traffic Act 1991; and paragraphs 21 and 23 of Part III of Schedule 9 were amended by the Local Government Act 1985 (c. 51), Schedule 5, paragraph 4(39)(i) and (j) and by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraph 80(4) and Schedule 9.
- (2) 1985 c. 51. Paragraph 6(3) of Schedule 5 was amended by paragraph 116 of Schedule 8 to the New Roads and Street Works Act 1991.
- (3) S.I.1989/1120.
- (4) S.I. 1993/1500.

(2) Where a notice relating to an order has been published pursuant to regulation 6 or 16 of the Local Authorities' Traffic Order (Procedure) (England and Wales) Regulations 1989, those Regulations shall continue to apply to that order as if they had not been revoked and nothing in these Regulations shall apply to the order.

(3) Nothing in these Regulations shall be taken as affecting the operation of sections 16 and 17 of the Interpretation Act 1978⁽⁵⁾ (effect of repeals).

Interpretation

3.—(1) In these Regulations—

“the 1984 Act” means the Road Traffic Regulation Act 1984;

“the 1985 Act” means the Local Government Act 1985;

“the 1991 Act” means the New Roads and Street Works Act 1991;

“Crown road” and “appropriate Crown authority” have the meanings given by section 131(7) of the 1984 Act⁽⁶⁾;

“deposited documents” in relation to an order means such documents as are required in connection with that order to be kept available for public inspection in accordance with Schedule 2;

“experimental order” means an order made under section 9 of the 1984 Act;

“inspector” means a person appointed pursuant to regulation 9(2) to hold a public inquiry;

“local authority” means—

(a) in relation to England—

- (i) the council of a county, district, or London borough;
- (ii) the Common Council of the City of London;
- (iii) the Council of the Isles of Scilly; or
- (iv) a parish council;

in relation to Wales—

- (i) a county council;
- (ii) a county borough council; or
- (iii) a community council;

“local service” has the meaning given by section 2 of the Transport Act 1985⁽⁷⁾;

“London authority” means a London borough council or the Common Council of the City of London;

“London bus service” has the meaning given by section 34(2)(b) of the Transport Act 1985;

“minor order” has the meaning given by regulation 21(1)(b);

“notice of making” has the meaning given by regulation 17(2);

“notice of proposals” has the meaning given by regulation 7(1)(a);

“order making authority”, in relation to an order, means the authority which has made it or has proposed to make it;

⁽⁵⁾ 1978 c. 30.

⁽⁶⁾ Section 131(7) was amended by the New Roads and Street Works Act 1991, Schedule 8, paragraph 75.

⁽⁷⁾ 1985 c. 67.

“public service vehicle” has the meaning given by section 1 of the Public Passenger Vehicles Act 1981(8); and

“road” includes any length of road and any part of the width of a road and, in relation to an order under section 6 of the 1984 Act, any length of a street as defined in sub-section (6) of that section and any part of the width of such a street.

(2) A reference in these Regulations to an order is to an order or a proposed order as appropriate and, in the case of a proposed order, a reference to the effect of the order (however expressed) is to its effect if it were to be made.

(3) A reference in these Regulations to an order under a specified section of the 1984 Act includes

(a) a reference to an order varying or revoking an order made, or having effect as if made, under that section; and

(b) in relation to the variation or revocation of an order, or to the application of the provisions of an order, a reference to an order having effect as if made under that section.

(4) Without prejudice to paragraph (3), a reference in these Regulations to—

(a) the variation or revocation of an order under section 46 or 49 of the 1984 Act, or

(b) the application of a provision of an order under either of those sections,

includes a reference to the variation, revocation or application (as the case may be) of the provisions of an order which has been continued in force by paragraph 11(1) of Schedule 10 to the 1984 Act.

(5) Except where it is expressly provided otherwise—

(a) a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations; and

(b) a reference to a numbered paragraph is a reference to the paragraph so numbered of the regulation or Schedule in which the reference occurs.

Application of Regulations

4.—(1) This Part and Parts II, III and IV of these Regulations apply to orders made or proposed to be made by a local authority under section 1, 6, 9, 19, 29, 32, 35, 37, 38, 45, 46, 49, 61, 83(2) or 84 of the 1984 Act and this Part and Part V apply to notices given or proposed to be given under section 35C or 46A of that Act.

(2) Except as provided by regulation 14(2)(a), these Regulations apply to orders made or proposed to be made pursuant to a direction by the Secretary of State under Part I of Schedule 9 to the 1984 Act as they apply to orders not so made.

PART II

PROCEDURE BEFORE MAKING AN ORDER

Preliminary

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

(8) 1981 c. 14. Section 1 was amended by the Transport Act 1985, Schedule 8.

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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
5.	Where the order relates to, or appears to the order making authority to be likely to affect traffic on,—	In case (a) the operator of the service
	(a) a road outside Greater London which is included in the route of a local service; or	
	(b) a road in Greater London which is included in the route of a London bus service	In case (b) the operator of the service and London Regional Transport
6.	Where it appears to the authority that the order is likely to affect the passage on any road of—	In case (a) the chief officer of the appropriate NHS trust

(1) <i>Item</i>	(2) <i>Case</i>	(3) <i>Consultee</i>
(a) ambulances; or		
(b) (b) fire-fighting vehicles	In case (b) the chief officer of the fire brigade of the fire authority	
7.	All cases	(a) (a) The Freight Transport Association (b) The Road Haulage Association (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

(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⁽⁹⁾;

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

“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⁽¹⁰⁾ in the area in which the road or place is situated;

“highway authority” has the same meaning as in the Highways Act 1980⁽¹¹⁾;

“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⁽¹²⁾.

(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,—

⁽⁹⁾ 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).

⁽¹⁰⁾ 1947 c. 41; read with paragraph 2 of Schedule 11 to the Local Government Act 1985.

⁽¹¹⁾ 1980 c. 66.

⁽¹²⁾ S.I. 1992/1217.

- (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) 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(13).

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—

(13) 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.

- (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 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(**14**), 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—

- (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.

PART III

MAKING AN ORDER

Preliminary

- 15.** This Part of these Regulations has effect subject to the provisions of Part IV.

Making an order and bringing it into force

16.—(1) An order shall not be made—

- (a) until after the last date by which any person may object in accordance with regulation 8;
- (b) in a case where an objection has been made pursuant to regulation 8(2) or 24(2), until after the order making authority has notified the Secretary of State of its proposed exercise of power and of the objection under paragraph 7(2) of Schedule 5 to the 1985 Act and the Secretary of State has made a determination under paragraph 7(3) of that Schedule.

(2) No order shall be made after the expiration of the period of two years beginning with the date on which a notice of proposals relating to the order is first published.

(3) No provision of an order shall come into force before the date on which the order making authority intend to publish a notice of making as respects the order.

Action after making

17.—(1) As soon as practicable after an order has been made, the order making authority shall include among the deposited documents a copy of the order as actually made.

(2) The order making authority shall, within 14 days of the making of the order,—

- (a) publish in a newspaper circulating in the area in which any road or place to which the order relates is situated, a notice (in these Regulations called a “notice of making”)—
 - (i) stating that the order has been made; and
 - (ii) containing the particulars specified in Parts I and III of Schedule 1; and
- (b) in the case of an order under section 6 or an order made by a London authority under section 9 of the 1984 Act, publish a similar notice in the London Gazette.

(3) Within 14 days of making an order, the order making authority shall notify the making of the order in writing to any person who has objected to the order under regulation 8 and has not withdrawn the objection and, where the objection has not been wholly acceded to, shall include in that notification the reasons for the decision.

(4) The order making authority shall take such other steps of the kinds referred to in regulation 7(1)(c) as it considers appropriate for the purpose of ensuring that adequate publicity is given to the making of the order.

Traffic signs

18.—(1) Where an order relating to any road has been made, the order making authority shall take such steps as are necessary to secure—

- (a) before the order comes into force, the placing on or near the road of such traffic signs in such positions as the order making authority may consider requisite for securing that adequate information as to the effect of the order is made available to persons using the road;
- (b) the maintenance of such signs for so long as the order remains in force; and
- (c) in a case where the order revokes, amends or alters the application of a previous order, the removal or replacement of existing traffic signs as the authority considers requisite to avoid confusion to road users by signs being left in the wrong positions.

(2) The order making authority shall consult the appropriate Crown authority before carrying out the requirements of sub-paragraphs (a) and (c) of paragraph (1) in relation to a Crown road.

(3) This regulation is without prejudice to section 85 of the 1984 Act(15) (traffic signs for indicating speed limits).

PART IV

SPECIAL PROCEDURAL PROVISIONS FOR CERTAIN ORDERS

Making an order in part

19.—(1) Subject to the provisions of this regulation and of regulation 24, where an order making authority has, in relation to an order, complied with regulations 6 (consultation), 7 (publication of proposals) and 13 (consideration of objections and inspector’s report), they may make the order in part by making an order giving effect to some of the proposals to which the order relates whilst deferring a decision on the remainder.

(2) Where an order has been made in part in accordance with paragraph (1), the order making authority may subsequently deal with the remaining proposals to which the order relates in any, or any combination, of the following ways—

- (a) abandon them;
- (b) defer a decision on them;
- (c) make an order or orders giving effect to them in whole or in part.

(3) Where, pursuant to paragraph (2), an authority has deferred a decision on any proposals, it may subsequently deal with those proposals in any way permitted by that paragraph.

(4) Where an order is made or proposed to be made in part by virtue of this regulation, Parts II and III of these Regulations shall apply to it as if the procedural steps previously taken under these Regulations, and any notices published or instruments prepared under them, in connection with the order as originally proposed had related only to the provisions of the order as made or proposed to be made in part.

(5) The notice of making published, or any notification under regulation 17(3) given, on the making of an order by virtue of this regulation shall—

- (a) indicate briefly the proposals (if any) to be given effect in the order as originally proposed which have been abandoned or in relation to which the decision of the order making authority has been deferred; and
- (b) where the order is made by virtue of paragraph (3), give particulars of the title and date of every previous order made by virtue of this regulation in relation to the same order as originally proposed.

(6) In the application of regulation 14 to an order made by virtue of paragraph (1), (2) or (3) of this regulation, such an order shall be regarded for the purposes of regulation 14(3) as an order made with modifications.

Revocation and re-enactment of an order not published on making

20.—(1) This regulation applies where—

- (a) an order (“the previous order”) has been made in circumstances where the order making authority is required to publish a notice of making;
- (b) the authority has failed to comply with regulation 17(2) or is satisfied that it will be unable to do so; and

- (c) no provision of the order has come into force.
- (2) Where this regulation applies the order making authority which made the previous order may, subject to the following provisions of this regulation and the provisions of regulation 24, make—
 - (a) an order (“a revocation order”) the sole effect of which is to revoke the previous order in whole;
 - (b) an order (“a replacement order”) the sole effect of which is to revoke the previous order in whole and to re-enact it with a different commencement date; or
 - (c) in a case where a revocation order has been made in relation to the previous order, an order (“a delayed re-enactment order”) the sole effect of which is to re-enact the previous order with a different commencement date.
- (3) A revocation order shall come into force on the day on which it is made.
- (4) If, in relation to a revocation order, it is not practicable for the order making authority to comply with the requirements of paragraphs (2) and (3) of regulation 17 within the time specified in those paragraphs but the authority complies with those requirements as soon as reasonably practicable thereafter, it shall be taken to have complied with those paragraphs.
- (5) A replacement order—
 - (a) so far as it revokes the previous order must come into force on the day on which it is made;
 - (b) so far as it re-enacts the provisions of the previous order—
 - (i) apart from the differing commencement dates, must have the same effect as the previous order, and
 - (ii) must not come into force before the date allowed by regulation 16(3); and
 - (c) shall not be made unless the requirements of these Regulations (except those of regulations 17(2) to (4) and 18) and of the 1984 Act had been complied with in relation to the previous order.
- (6) A delayed re-enactment order shall not be made more than six months after the date on which the previous order was made and sub-paragraphs (b) and (c) of paragraph (5) shall apply to a delayed re-enactment order as they apply to a replacement order.
- (7) Regulations 6, 7 and 8 shall not apply to the making of a revocation order, replacement order or delayed re-enactment order.

Consolidation and minor orders

- 21.—**(1) In this regulation—
- (a) “consolidation order” means an order which—
 - (i) revokes provisions of one or more existing orders;
 - (ii) re-enacts those provisions without any change of substance, other than changes having one or more of the effects described in Part I of Schedule 4, and
 - (iii) has no other effect;
 - (b) “minor order” means—
 - (i) an order which has one or more of the effects described in Part I of Schedule 4 and no other effect;
 - (ii) an order which is made under section 61 of the 1984 Act and under no other provision; or
 - (iii) an order which relates solely to one or more parking places provided by means of stands or racks for bicycles pursuant to section 63 of the 1984 Act; and

- (c) “publication date” in relation to an order means the date on which a notice under paragraph (4)(a) was published in respect of the order.
- (2) Part II of Schedule 4 shall have effect for the purpose of interpreting that Schedule.
- (3) The provisions of Parts II and III (except regulation 18 where appropriate) of these Regulations shall not apply to a consolidation order or to a minor order.
- (4) The order making authority shall—
 - (a) within 14 days of making a consolidation order or a minor order, publish in a newspaper circulating in the area in which any road or place to which the order relates is situated a notice containing the following particulars—
 - (i) the name of the order making authority;
 - (ii) the title of the order;
 - (iii) if the order is a minor order, a brief statement of the general nature and effect of the order;
 - (iv) if the order is a consolidation order, a list of the orders consolidated by the order and, so far as the order has one or more of the effects described in Part I of Schedule 4, a brief statement of those effects; and
 - (v) a statement that documents giving more detailed particulars of the order are available for inspection and a statement of the places at which they are so available and of the times when they may be inspected at each place; and
 - (b) comply with the requirements of Schedule 2 as to the making of deposited documents available for public inspection at the places specified in the notice under sub-paragraph (a) for a period of 6 weeks beginning with the publication date.
- (5) No provision of a consolidation order shall come into force before the publication date.
- (6) No provision of a minor order shall come into force before the end of the period of 14 days beginning with the publication date.
- (7) The provisions of this regulation are subject to those of regulation 24.

Experimental orders

22.—(1) The provisions of regulations 7 (publication of proposals) and 8 (objections) shall not apply to an experimental order.

(2) No provision of an experimental order shall come into force before the expiration of the period of seven days beginning with the day on which a notice of making in relation to the order is published.

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

(4) Deposited documents shall be so made available, at the times and at the places specified in the notice of making in relation to the experimental order, for a period beginning with the date on which that advertisement is first published and ending when the order ceases to have effect.

Orders giving permanent effect to experimental orders

23.—(1) This regulation applies where the sole effect of an order (“a permanent order”), which is not an order made under section 9 of the 1984 Act, is to reproduce an continued in force indefinitely the provisions of an experimental order or of more than one such order (“a relevant experimental order”), whether or not that order has been varied or suspended under section 10(2) of the 1984 Act.

(2) Regulations 6 (consultation), 7 (notice of proposals) and 8 (objections) shall not apply to a permanent order where the requirements specified in paragraph (3) have been complied with in relation to each relevant experimental order.

(3) The requirements are that—

- (a) the notice of making contained the statements specified in Schedule 5;
- (b) deposited documents (including the documents referred to in sub-paragraphs (c) and (e)) were kept available for inspection in accordance with Schedule 2 throughout the whole of the period specified in regulation 22(4);
- (c) the deposited documents included a statement of the order making authority's reasons for making the experimental order;
- (d) no variation or modification of the experimental order was made more than 12 months after the order was made; and
- (e) where the experimental order has been modified in accordance with section 10(2) of the 1984 Act, a statement of the effect of each such modification has been included with the deposited documents.

(4) In the application of regulations 10, 11 and 13 and Schedule 3 to a permanent order to which regulations 6, 7 and 8 do not apply by virtue of paragraph (2)—

- (a) the notices of making published in respect of each relevant experimental order shall be treated as the notice of proposals published under regulation 7(1)(a) in respect of the permanent order;
- (b) any objection made in accordance with the statement included by virtue of paragraph (3) (a) in the notice of making published in respect of a relevant experimental order shall be treated as an objection duly made under regulation 8 to the permanent order.

Objections to Part IV orders under Schedule 5 to the Local Government Act 1985

24.—(1) This regulation applies where the order making authority is a London authority or a metropolitan district council and another such authority (“the other authority”) is required to be consulted by virtue of paragraph 6(3)(c) of Part II of Schedule 5 to the 1985 Act in connection with an order.

(2) Where, by virtue of the provisions of this Part of these Regulations, regulation 7 does not apply to an order, the order making authority shall nevertheless, before making the order, send to the other authority a notice containing the particulars specified in Parts I and II of Schedule 1 and the other authority may object to the order during the period beginning with the date on which that notice is sent and ending 21 days later.

(3) Any objection under paragraph (2) must be made in accordance with regulation 8(3) as if an objection had been made in accordance with regulation 8(2).

PART V

NOTICES UNDER SECTIONS 35C AND 46A OF THE ROAD TRAFFIC REGULATION ACT 1984

Notices of variation

25.—(1) In this regulation “a notice of variation” means a notice given by a local authority under section 35C or section 46A of the 1984 Act.

(2) Where a local authority proposes to give a notice of variation which would be likely to have a direct effect on traffic, or any class of traffic, on a road for which it is not the traffic authority, the local authority shall, before giving the notice, send a draft of it to the traffic authority for that road.

(3) A notice of variation shall be given by publishing it at least once in a newspaper circulating in the area in which the parking places to which the notice relates are situated at least 21 days before it is due to come into force.

(4) A notice of variation shall—

- (a) specify the date when it is due to come into force;
- (b) identify every parking place to which the notice relates;
- (c) specify in respect of each such parking place—
 - (i) the charges payable for the use of the parking place at the date the notice is given;
 - (ii) the charges that will be payable when the notice comes into force.

(5) Where a notice of variation relates to an off-street parking place, the local authority—

- (a) shall cause a copy of the notice to be displayed in the parking place on the date on which the notice is given and take all reasonable steps to ensure that it continues to be so displayed and remains in a legible condition until the date on which it comes into force; and
- (b) shall, if it thinks fit, cause additional copies to be so displayed in the parking place and in roads giving access to the parking place.

(6) Where a notice of variation relates to an on-street parking place, the local authority shall, if it thinks fit, cause copies of the notice to be displayed in prominent positions in the road in which the parking place is situated.

Signed by authority of the Secretary of State for Transport

Department of Transport
23rd September 1996

John Watts
Minister of State,

Signed by authority of the Secretary of State for Wales

Welsh Office
26th September 1996

Gwilyn Jones
Parliamentary Under-Secretary of State,

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SCHEDULE 1

Regulations 7(1)(a) and (b), 17(2), 24(2)

PARTICULARS TO BE INCLUDED IN PRESS
NOTICES AND NOTICES UNDER REGULATION 24(2)

PART I

PARTICULARS TO BE INCLUDED IN A
NOTICE UNDER REGULATION 7, 17 OR 24(2)

1. The name of the order making authority.
2. The title of the order.
3. A brief statement of the general nature and effect of the order.
4. Where the order relates to a road, the name or a brief description of the road and, where appropriate, a description of the length of it to which the order relates.
5. Where the order relates to an off-street parking place or a loading area, a brief description of that place or area and of its location.
6. Where the order relates to a parking place and prescribes charges for its use or restricts the times during which, or classes of vehicle for which, it may be used, a statement of those charges, times or classes.
7. A statement that documents giving more detailed particulars of the order are available for inspection and a statement of the places at which they are so available and of the times when they may be inspected at each place.

PART II

PARTICULARS TO BE INCLUDED IN A
NOTICE UNDER REGULATION 7 OR 24(2)

8. A statement that all objections and other representations relating to the order must be made in writing and that all objections must specify the grounds on which they are made.
9. The date by which objections to the order and other representations must be made and the address to which they should be sent.
10. Where applicable, the additional matters prescribed by regulation 10(1).

PART III

PARTICULARS TO BE INCLUDED IN A NOTICE UNDER REGULATION 17

11. The date on which the order is to come into force.
12. Where the order to which the notice relates is an order which has been made under section 1, 6, 9, 19, 32, 37 or 38 of the 1984 Act or a designation order, a statement that, if any person wishes to question the validity of the order or of any of its provisions on the grounds that it or they are not within the powers conferred by the Act, or that any requirement of the Act or of any instrument made under the Act has not been complied with, that person may, within 6 weeks from the date on which the order is made, apply for the purpose to the High Court.

13. Where applicable, the statements prescribed by regulation 23(3) and Schedule 5.

SCHEDULE 2

Regulations 3(1), 7(3), 21(4)(b), 22(3)

DEPOSITED DOCUMENTS

1. Subject to paragraph 3, the documents specified in paragraph 2 shall, so far as they are relevant, be made available for inspection at the principal offices of the authority during normal office hours and at such other places (if any) within its area as it may think fit during such hours as it may determine for each such place.

2. The documents are—

- (a) a copy of the relevant notice of proposals and, if the order has been made, of the relevant notice of making;
- (b) except where the order is one to which paragraph 3 applies, a copy of the order as proposed to be made or as made (as the case may be);
- (c) except where the order is one to which paragraph 3 applies, a map which clearly shows the location and effect of the order as proposed to be made or as made (as the case may be) and, where appropriate, alternative routes for diverted traffic;
- (d) a statement setting out the reasons why the authority proposed to make the order including, in the case of an experimental order, the reasons for proceeding by way of experiment and a statement as to whether the authority intends to consider making an order having the same effect which is not an experimental order;
- (e) if the order varies, revokes, applies or suspends another order, a copy of that other order;
- (f) if the order modifies, suspends or revokes regulations made or having effect as if made under section 12 of the 1984 Act, a copy of those regulations;
- (g) if the order has been made after the holding of a public inquiry, a copy of the report and recommendations (if any) of the inspector; and
- (h) where applicable, the additional documents specified in regulation 23(3)(e).

3. This paragraph applies to—

- (a) an order which revokes another order and has no other effect;
- (b) an order which relates to a parking place and whose only effect is to vary provisions of another order relating to one or more of the following matters—
 - (i) the charges for the use of the parking place;
 - (ii) the time limits applicable to such use;
 - (iii) other conditions applicable to such use;
 - (iv) the classes of vehicle by which the parking place may be used.

SCHEDULE 3

Regulation 10(1) and (3)

PARTICULARS TO BE INCLUDED IN A NOTICE OF A PUBLIC INQUIRY

- 1. The title of the order.
- 2. The name of the order making authority.

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3. A statement which refers to the notice of proposals for the order and which indicates that a public inquiry will be held in connection with the order.
4. A brief statement of the general nature and effect of the order and of the name or a brief description of any road or other place to which the order relates.
5. The date, time and place of the inquiry and the name of the inspector.
6. A statement that documents giving detailed particulars of the order are available for inspection and of the addresses at which those documents can be inspected and of the times when inspection can take place at each address.
7. The address to which any written representations for consideration by the inspector may be sent by any person wishing to make such representations.

SCHEDULE 4

Regulation 21(1)

MINOR ORDERS

PART I

EFFECTS OF A MINOR ORDER

1. The postponement for a period of not more than 6 months of the coming into force of any provision of an existing order.
2. The variation of an order so that it includes exemptions in respect of disabled persons' vehicles in accordance with regulation 4 of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986⁽¹⁶⁾.
3. The variation of an order so as to confer on a traffic warden functions similar to those conferred by the order on a constable.
4. The variation of an order so as to substitute a prohibition or restriction on the use of vehicles having a maximum gross weight of 17 tonnes for an identical prohibition or restriction on the use of vehicles having a maximum gross weight of 16.5 tonnes.
5. The variation of an order by substituting, for any reference to a vehicle adapted to carry 12 passengers or to a vehicle adapted to carry more than 12 passengers, a reference to a vehicle adapted to carry more than 8 passengers.
6. The variation of a provision in an order—
 - (a) prohibiting or restricting the waiting or the loading or unloading of vehicles, or
 - (b) authorising the use of any part of a road as a parking place,in so far as the variation is necessary to make the order compatible with any regulations made under section 25 of the 1984 Act.
7. The variation of an order to the extent appearing to the order making authority necessary or expedient as a consequence of the coming into force of—
 - (a) a designation order made under section 76(1) of the Road Traffic Act 1991 (special parking areas in London); or

⁽¹⁶⁾ S.I. 1986/1078, to which there are amendments not relevant to these Regulations.

- (b) a designation order made under Schedule 3 to that Act (permitted or special parking areas outside London).
- 8. The revocation or variation of a provision included in an order under section 35(1)(iv), 46(2) (e) or 53(3) of the 1984 Act authorising a person to remove or arrange for the removal of a vehicle from a parking place.
- 9. The variation of a provision included in an order under section 35 or 46(2) regulating the method, or requiring the use of apparatus, by which any charges for the use of a parking place are to be paid.
- 10. The prohibition of, or the revocation or variation of a provision in an order whose sole effect is to prohibit, the riding of cycles or mopeds on a footbridge, in a pedestrian subway or on the approaches to such a bridge or subway.

PART II INTERPRETATION

11. In this Schedule—

- “cycle” means a pedal cycle which is not a motor vehicle;
- “excess charge” in relation to an on-street parking place has the same meaning as in section 46 of the 1984 Act and, in relation to an off-street parking place, means any sum payable as a result of a vehicle remaining parked beyond the period for which payment has been made;
- “maximum gross weight” has the same meaning as in the Traffic Signs Regulations 1994(17);
- and
- “moped” has the meaning given by paragraph 5 of Schedule 9 to the Road Vehicles (Construction and Use) Regulations 1986(18).

SCHEDULE 5

Regulation 23(3)

STATEMENTS FOR INCLUSION IN A NOTICE OF MAKING RELATING TO AN EXPERIMENTAL ORDER

- 1. That the order making authority will be considering in due course whether the provisions of the experimental order should be continued in force indefinitely.
- 2. That within a period of six months—
 - (a) beginning with the day on which the experimental order came into force, or
 - (b) if that order is varied by another order or modified pursuant to section 10(2) of the 1984 Act, beginning with the day on which the variation or modification or the latest variation or modification came into force,any person may object to the making of an order for the purpose of such indefinite continuation.
- 3. That any such objection must—
 - (a) be in writing;
 - (b) state the grounds on which it is made; and

(17) Part I of S.I. 1994/1519.

(18) S.I. 1986/1078, to which there are amendments not relevant to these Regulations.

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- (c) be sent to an address specified for the purpose in the notice of making.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the procedure to be followed by local authorities in England and Wales for making the main types of traffic and parking orders under the Road Traffic Regulation Act 1984. The Regulations replace with significant modifications the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1989 and the Local Authorities' Traffic Orders (Procedure) (England and Wales) (Amendment) Regulations 1993. The main changes are referred to below.

Regulation 4 specifies the orders to which the Regulations apply. Regulations 5 to 14 lay down the procedure to be followed before making an order.

The main changes in regulation 6 (consultation), which is set out in tabular form, are new requirements to consult operators of local bus services and, where applicable, London Regional Transport, and the chief officers of the NHS trust providing the local ambulance service and of the fire brigade in all cases where it appears that the order is likely to affect the passage on any road of buses, ambulances or fire-fighting vehicles. There is also a new requirement in regulation 6 to consult the Freight Transport Association and the Road Haulage Association in all cases.

Regulation 7 lays down the requirements for publishing proposals. Publicity in addition to the press notice is now at the discretion of the local authority and the requirement to advertise proposals in the London Gazette has been dropped except in the case of an order under section 6 of the 1984 Act.

The circumstances in which an authority must hold a public inquiry because of restrictions on loading have been modified (regulation 9) and a public inquiry need no longer be advertised in the London Gazette (regulation 10).

Regulations 15 to 18 deal with the making of an order. Regulation 16 (making an order and bringing it into force) places a time limit on the making of an order of 2 years from the date on which notice of proposals was first published. Regulation 17 (action after making) drops the requirement to advertise notice of making in the London Gazette except in the case of orders made by a London authority under section 6 or 9 of the 1984 Act.

Regulations 19 to 24 contain special provisions for certain orders. The main changes of substance concern the simplification and rationalisation of the "minor orders" class (regulation 21 and Schedule 4), of which there is now only one category in which loading bay orders, orders relating to parking places consisting of racks or stands for bicycles and orders varying the means of payment of parking charges are included, and the clarification of the procedures for experimental traffic orders which cannot now be made permanent by the shortened procedure if they have been amended more than 12 months after they were made (regulations 22 and 23).

There are no changes of substance to regulation 25 (notices of variation).

Schedules 1 to 3 specify the information to be contained in press notices, the documents relating to an order to be deposited for public inspection and the particulars to be included in a notice of a public inquiry. Schedule 5 lays down new requirements for information to be included in a notice of making relating to an experimental traffic order.

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