

**2012 No. 0000**

**ROAD TRAFFIC, ENGLAND**

**The Local Authorities' Traffic Orders (Procedure) (England)  
Regulations 2012**

*Made* - - - - 2012  
*Laid before Parliament* 2012  
*Coming into force* - - 2012

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The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 35C(3) and (4), 46A(3) and (4) and 124(1) of, and paragraphs 21, 22, 23 and 25 of Schedule 9 to, the Road Traffic Regulation Act 1984(a) and by paragraphs 6(3) and 7(1) of Schedule 5 to the Local Government Act 1985(b), and after consultation with representative organisations in accordance with section 134(2) of the Road Traffic Regulation Act 1984:

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- (a) 1984 c. 27; sections 35C and 46A were inserted by the Road Traffic Act 1991 (c. 40) sections 41, 42; section 134(2) was amended by the New Roads and Street Works Act 1991 (c. 22), Sch 8, paragraph 77. In Schedule 9, paragraph 21 was amended by the Local Government Act 1985 (c. 51), Schedule 5, paragraph 4(39)(i) and by the New Roads and Street Works Act 1991, Schedule 8, paragraph 80 and Schedule 9; paragraph 23 was amended by the Local Government Act 1985, Schedule 5, paragraph 4(39)(j) and by S.I. 2000/1547; and paragraph 25 was amended by the New Roads and Street Works Act 1991, Schedule 8, paragraph 80.
- (b) 1985 c. 51; paragraph 6(3) of Schedule 5 was amended by the Greater London Authority Act 1999 (c. 29), section 294(1)(c) and Schedule 34, Part VI.

# PART 1

## PRELIMINARY

### Citation, commencement and extent

**1.**—(1) These Regulations may be cited as the Local Authorities' Traffic Orders (Procedure) (England) Regulations 2012 and come into force on [INSERT DATE] 2012.

(2) These Regulations apply to England.

### Preliminary and transitional

**2.**—(1) In the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996(**a**) ("the 1996 Regulations") after regulation 1 there is inserted—

“**1A.** These Regulations do not apply to England.”

(2) Where in relation to an order—

(a) to which the 1996 Regulations apply; and

(b) which is to be made by an authority which is an order making authority for the purposes of these Regulations,

consultation has been begun under regulation 6 of the 1996 Regulations, those Regulations continue to apply to that order as if these Regulations had not been made.

(3) Nothing in these Regulations is to be taken as affecting the operation of sections 16 and 17 of the Interpretation Act 1978(**b**).

### 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(**c**);

"deposited documents" in relation to an order means the documents in connection with that order which must be kept available for public inspection in accordance with Schedule 2;

"experimental order" means an order under section 9 of the 1984 Act(**d**);

"inspector" means a person appointed pursuant to regulation 10(2) to hold a public inquiry;

"local authority" means—

(a) the council of a county, district, or London borough;

(b) the Common Council of the City of London;

(c) Transport for London;

(d) the Council of the Isles of Scilly; or

(e) a parish council;

"London authority" means Transport for London, a London borough council or the Common Council of the City of London;

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(a) S.I. 1996/2489, amended by S.I. 2000/1547, 2004/696, 2009/1116.

(b) 1978 c. 30.

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

(d) Section 9 was amended by the Local Government Act 1985, Schedule 5, paragraph 4(4), by the New Roads and Street Works Act 1991, Schedule 8, paragraph 23 and by the Road Traffic Act 1991, Schedule 4, paragraph 24.

"minor order" has the meaning given by regulation 22(1)(b);

"notice of making" has the meaning given by regulation 18(2);

"notice of proposals" has the meaning given by regulation 8(1);

"order making authority", in relation to an order, means the authority which has made it or has proposed to make it; 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(a), 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) In these Regulations, references in whatever form—

(a) to publication of a notice include publication in electronic form;

(b) to notification of any person mean notification in writing including writing in electronic form;

(c) to an address include an electronic address; and

(d) to the making of objections or representations include making them electronically.

(4) 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.

(5) 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(b), 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.

### **Application of Regulations**

**4.—**(1) This Part and Parts 2, 3 and 4 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 5 apply to notices given or proposed to be given under section 35C or 46A of that Act(c).

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(a) Section 6 was amended by the Local Government Act 1985, Schedule 5, paragraph 4(3)(b), by the New Roads and Street Works Act 1991, Schedule 8, paragraph 21, Schedule 9 and by the Environment Act 1995 (c. 25), Schedule 22, paragraph 36(2).

(b) Section 46 was amended by the Parking Act 1989 (c. 16), Schedule 2, paragraph 2, by the Road Traffic Act 1991, section 64, by the Traffic Management Act 2004 (c. 18), Schedule 11, paragraph 1 and by S.I. 1996/1553. Section 49 was amended by the Road Traffic Act 1991, Schedule 4, paragraph 27.

(c) Section 1 was amended by the New Roads and Street Works Act 1991, Schedule 8, paragraph 17, Schedule 9, by the Environment Act 1995, Schedule 22, paragraph 36(1), by the Transport Act 2000 (c. 38), Schedule 11, paragraphs 6, 7, by the Local Transport Act 2008 (c. 26), section 45. Section 19 was amended by the New Roads and Street Works Act 1991, Schedule 8, paragraph 31, Schedule 9. Section 29 was substituted by the New Roads and Street Works Act 1991, Schedule 8, paragraph 37. Section 32 was amended by the Local Government Act 1985, Schedule 17 and by the New Roads and Street Works Act 1991, Schedule 8, paragraph 39. Section 35 was amended by the Parking Act 1989, section 1, by the Road Traffic (Consequential Provisions) Act 1988 (c. 54), Schedule 1, Part I, by the Road Traffic Act 1991, section 44(2), Schedule 8 and by S.I. 1996/1553. Section 35C was inserted by the Road Traffic Act 1991, section 41. Section 37 was amended by the New Roads and Street Works Act 1991, Schedule 8, paragraph 41 and by S.I. 1996/1553. Section 38 was amended by the Transport Act 1985 (c. 67), Schedule 2, Part II, paragraph 6, by the Parking Act 1989, Schedule, paragraph 1 and by the New Roads and Street Works Act 1991, Schedule 8, paragraph 42. Section 45 was amended by the Local Government Act 1985, Schedule 5, paragraph 4(19)(b), Schedule 17, by the Road Traffic Regulation (Parking) Act 1986 (c.

(2) 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<sup>(a)</sup> (Reserve powers of the Secretary of State) as they apply to orders not so made.

## Maps

5.—(1) An order making authority may prepare a map or plan for the purposes of an order to which these Regulations apply.

(2) A map—

- (a) may be on paper or in electronic form;
- (b) must be preserved by the order making authority for record purposes; and
- (c) must be kept by the order making authority available for inspection by the public.

(3) An order to which these Regulations apply may—

- (a) be so made as to identify or describe a road or place to which it applies by reference to a map; and
- (b) provide that the order is to have effect as if a map were part of the order.

(4) A notice or other document authorised or required to be given or made by these Regulations may identify or describe any road or place by reference to a map.

(5) Nothing in this regulation is to be taken as affecting an order made before this regulation came into force or as limiting the extent of the powers of an English order making authority as they were before this regulation was made.

## PART 2

### PROCEDURES BEFORE MAKING AN ORDER

#### Preliminary

6. The provisions of this Part of these Regulations have effect subject to those of Part 4.

#### Consultation

7.—(1) Before making an order, an order making authority must consult—

- (a) any other local authority in whose area a road or place to which the order applies is situated;
- (b) such other persons or organisations appearing to it to be likely to be affected by the making of the order;
- (c) such persons or organisations appearing to it to be representative of such persons; and
- (d) such other persons or organisations as, having regard to the provisions of the order and its likely effect, it thinks appropriate.

(2) 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);

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27), section 1, by the New Roads and Street Works Act 1991, Schedule 8, paragraph 44 and by the Greater London Authority Act 1999 (c. 29), section 281, Schedule 34, Part VI. Section 46A was inserted by the Road Traffic Act 1991, section 42. Section 61 was amended by the Local Government Act 1985, Schedule 5, paragraph 4(25) and by the Road Traffic (Consequential Provisions) Act 1988, Schedule 3, paragraph 25(2). Section 83(2) was substituted by the New Roads and Street Works Act 1991, Schedule 8, paragraph 60(3). Section 84 was amended by the New Roads and Street Works Act 1991, Schedule 8, paragraph 61 and by the Road Traffic Act 1991, section 45.

(a) Part I of Schedule 9 was amended by the Local Government Act 1985, Schedule 5, paragraph 4(39), Schedule 17 and by the Civil Contingencies Act 2003 (c. 36), Schedule 2, paragraph 16(4).

- (b) paragraph 6(3)(c) of Schedule 5 to the 1985 Act (consultation required of metropolitan district councils); and
- (c) any other provision of the 1984 Act requiring consultation.

### **Publication of proposals**

**8.**—(1) Before making an order, the order making authority must publish a notice (in these Regulations called a "notice of proposals") containing the particulars specified in Parts 1 and 2 of Schedule 1.

(2) A notice of proposals must be published in such ways and such number of times as the order making authority considers appropriate for the purpose of informing persons likely to be affected by the making of the order.

(3) Not later than the date on which a notice under this regulation has first been published, the order making authority must send a copy of the notice of proposals to each body or person whom it has consulted or is proposing to consult under regulation 7(1) or is required to consult under any of the provisions referred to in regulation 7(2).

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

(5) Deposited documents must 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 the authority decides not to make the order.

### **Objections and representations**

**9.**—(1) Any person may make an objection to the making of an order or other representations regarding it.

(2) Without prejudice to its right to object or make representations 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) Objections or representations under paragraph (1) or (2) must—

- (a) be made 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 8.
- (b) be made in writing;
- (c) state the grounds on which they are made; and
- (d) be sent to the address specified in the notice of proposals.

(4) An objection under paragraph (2) must 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**

**10.**—(1) The order making authority—

- (a) must cause a public inquiry to be held before making an order which falls within Category 1 or Category 2; and
- (b) may cause such an inquiry to be held before making any other order.

(2) A public inquiry must 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 (5) and (6), an order falls within Category 1 if—

- (a) the effect of the order 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
  - (b) 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.
- (4) Subject to paragraph (6), an order falls within Category 2 if—
- (a) the effect of the order is to prohibit or restrict the passage of public service vehicles along a road; and
  - (b) an objection has been made to the order in accordance with regulation 9—
    - (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 Transport for London.
- (5) For the purposes of paragraph (3)(a), an order is not to 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.

- (6) An order does not fall within Category 1 or 2—
- (a) if it is an experimental order;
  - (b) if it is 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 GLA road or GLA side road.
- (7) In this regulation—
- (a) "local service" has the meaning given by section 2 of the Transport Act 1985(a);
  - (b) "London bus service" means a local service with one or more stopping places in Greater London which is not an excursion or tour as defined by section 137(1) of the Transport Act 1985; and
  - (c) "public service vehicle" has the meaning given by section 1 of the Public Passenger Vehicles Act 1981(b).

### **Notice of a public inquiry**

**11.**—(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 must 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.

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(a) 1985 c. 67.

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

(2) Where the holding of a public inquiry is announced in accordance with paragraph (1) the inquiry must not begin until after the end of the period of 42 days beginning with the day on which the notice of proposals is first published.

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

- (a) publish, in such ways and such number of times as the order making authority considers appropriate for the purpose of informing persons likely to be affected by the making of the order, 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 or made representations in accordance with regulation 8 and not withdrawn the objection or representations; 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.

(4) An inquiry to which paragraph (3) applies must not begin until after the period of 22 days beginning with whichever is the later of—

- (a) the last day for objecting in accordance with regulation 9; or
- (b) the date on which paragraph (3) was complied with.

### **Procedure at a public inquiry**

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

(2) Any persons interested in the subject matter of a public inquiry may appear at the inquiry and may do so on their own behalf or be represented by any other person.

(3) Any person so interested may, whether or not proposing 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 11(3)(a).

(4) The inspector may refuse to hear any person, or to consider any objection or representation, if the inspector 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**

**13.**—(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 must 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 for any area in which a road or place to which the order applies is situated;
- (b) a list of persons and organisations consulted under regulation 7 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 8;
- (d) copies of all objections and representations which have not been withdrawn and of any correspondence with the objectors or makers of the representations or a statement that there are no such objections or representations;
- (e) if a public inquiry has been held, a copy of the inspector's report; 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, representations and inspector's report**

**14.** Before making an order, the order making authority must consider—

- (a) all objections and representations duly made under regulation 9 and not withdrawn; and
- (b) if a public inquiry was held, the inspector's report and any recommendations contained in it.

### **Modifications**

**15.—**(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 must 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, 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 must 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 the Secretary of State 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—
  - (i) 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
  - (ii) in any other case the same meaning as in paragraph 22 of that Schedule, and "modify" is to be construed accordingly.

## **PART 3**

### **MAKING AN ORDER**

#### **Preliminary**

**16.** This Part of these Regulations has effect subject to the provisions of Part 4.

#### **Making an order and bringing it into force**

**17.—**(1) An order must not be made—

- (a) until after the last date by which any person may object or make representations in accordance with regulation 9;

- (b) in a case where an objection has been made pursuant to regulation 9(2) or 25(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 may 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 may come into force before the date on which the order making authority intend to publish a notice of making with respect to the order.

### **Action after making**

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

(2) Within the period of 15 days beginning with the day on which the order is made, the order making authority must —

- (a) publish a notice (“a notice of making”) containing the particulars specified Parts 1 and 3 of Schedule 1; and
- (b) notify the making of the order in writing to any person who has objected to or made representations on the order and not withdrawn the objection or representations and, where the objection or representations have not been wholly acceded to, include in that notification the reasons for the decision.

(3) A notice of making must be published in such ways and such number of times as the order making authority considers appropriate for the purpose of informing persons likely to be affected by the making of the order that the order has been made.

### **Traffic signs**

**19.**—(1) Where an order relating to any road has been made, the order making authority must 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 may consider requisite to avoid confusion to road users by signs being left in the wrong positions.

(2) The order making authority must 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) In relation to an order which applies to a place which is not a road, paragraph (1) has effect as if—

- (a) the references to a road were references to that place; and
- (b) the references to traffic signs were to traffic signs or other notices conveying warnings, information, requirements, restrictions or prohibitions of any description to users of that place.

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

(5) Nothing in this regulation requires the placing of any traffic sign on or near a road, or the maintenance of such signs, in a special enforcement area in England for the purpose of providing information to road users as to the effect of section 85 or 86 of the Traffic Management Act 2004 in that area.

(6) In paragraph (5) a "special enforcement area" means an area designated as a special enforcement area by means of—

- (a) an order made under paragraph 1(1) or 3(1) of Schedule 10 to the Traffic Management Act 2004; or
- (b) an order which, by virtue of paragraph 1(5) or 3(5) of that Schedule, has effect as if it were an order so made.

## PART 4

### SPECIAL PROCEDURAL PROVISIONS FOR CERTAIN ORDERS

#### **Making an order in part**

**20.**—(1) Subject to the provisions of this regulation, where an order making authority has, in relation to an order, complied with regulations 7, 8 and 14, the authority may make 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 authority may subsequently deal with the remaining proposals to which the order relates by—

- (a) abandoning them; or
- (b) making an order giving them effect in whole or in part.

(3) Where an order has been made under paragraph (2)(b), the authority may subsequently deal with any of the proposals not given effect under that order under either subparagraph (a) or (b) of paragraph (2).

(4) Where an order is made or proposed to be made in part by virtue of this regulation, Parts 2 and 3 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 to be made had related only to the provisions of the order as made or proposed to be made in part.

(5) Any notice or notification given under regulation 18 on the making of an order by virtue of this regulation must—

- (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 Secretary of State has been deferred; and
- (b) where the order is made by virtue of paragraph (2) or (3), give particulars of the title and date of every previous order made by virtue of this regulation in relation to the order as originally proposed.

(6) In the application of regulation 15 to an order made by virtue of paragraph (1), (2) or (3), such an order is to be regarded for the purposes of regulation 15 as an order made with modifications.

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

**21.**—(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 18(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 25, 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 comes 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 regulation 17(2) within the time specified in those paragraphs but the authority complies with those requirements as soon as reasonably practicable thereafter, it is to 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 17(3); and
- (c) must not be made unless the requirements of these Regulations (except those of regulations 18 and 19) and of the 1984 Act had been complied with in relation to the previous order.

(6) A delayed re-enactment order must 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) apply to a delayed re-enactment order as they apply to a replacement order.

(7) Regulations 7, 8 and 9 do not apply to the making of a revocation order, replacement order or delayed re-enactment order.

### **Consolidation and minor orders**

**22.**—(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 1 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 paragraphs 1 to 12 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) The provisions of Parts 2 and 3 (except regulation 19 where appropriate) of these Regulations do not apply to a consolidation order or to a minor order.

- (3) The order making authority must—
- (a) within the period of 15 days beginning with the day on which a consolidation order or a minor order is made, publish, in such ways and such number of times as the order making authority considers appropriate for the purpose of informing persons likely to be affected by the making of the order, 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 1 of Schedule 4, a brief statement of those effects;
    - (v) a statement that documents giving more detailed particulars of the order are available for inspection;
    - (vi) 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.
- (4) No provision of a consolidation order may come into force before the publication date.
- (5) No provision of a minor order may come into force before the end of the period of 15 days beginning with the publication date.
- (6) The provisions of this regulation are subject to those of regulation 25.

### **Experimental orders**

**23.**—(1) The provisions of regulations 8 (publication of proposals) and 9 (objections) do not apply to an experimental order.

(2) No provision of an experimental order may 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 first published.

(3) The order making authority must 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 must 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**

**24.**—(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 and continue 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 7, 8 and 9 do 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) Those 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 23(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 after the expiration of the period of 12 months beginning with the date on which 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 11, 12 and 14 and Schedule 3 to a permanent order to which regulations 7, 8 and 9 do not apply by virtue of paragraph (2)—
- (a) the notices of making published in respect of each relevant experimental order are to be treated as the notice of proposals published under regulation 8(1) in respect of the permanent order;
  - (b) any objections or representations 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 are to be treated as objections or representations duly made under regulation 9 to the permanent order.

### **Objections to Part 4 orders under Schedule 5 to the Local Government Act 1985**

**25.**—(1) This regulation applies where the order making authority is 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 8 does not apply to an order, the order making authority must nevertheless, before making the order, send to the other authority a notice containing the particulars specified in Parts 1 and 2 of Schedule 1 and the other authority may object to the order during the period of 22 days beginning with the date on which that notice is sent.

(3) Any objection under paragraph (2) must be made in accordance with regulation 9(3) as if an objection had been made in accordance with regulation 9(2).

## **PART 5**

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

#### **Notices of variation**

**26.**—(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 must, before giving the notice, send a draft of it to the traffic authority for that road.

(3) A notice of variation is to be given by publishing it in such manner as the order making authority considers appropriate for the purpose of informing persons likely to be affected by the giving of the notice at least 21 days before it is due to come into force.

(4) A notice of variation must—

- (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 on which 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 must—
- (a) 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) 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 must, 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

[INSERT DATE] 2012

*Name*  
[Parliamentary Under Secretary] [Minister] of State  
Department for Transport

## SCHEDULE 1                      Regulations 8(1), 18(2), 25(2)

### PARTICULARS TO BE INCLUDED IN NOTICES

#### PART 1

Particulars to be Included in Notices under Regulation 8(1) or 25(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 2

Particulars to be Included in a Notice under Regulation 8 or 25(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 11(1).

## PART 3

### Particulars to be Included in a Notice under Regulation 8 or 18

**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), 8(4), 22(3)(b), 23(3), 24(3)(b)

### DEPOSITED DOCUMENTS

**1.** Subject to paragraph 3, the documents specified in paragraph 2 must, so far as they are relevant, be made available for inspection at the principal offices of the order making 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 appropriate);
- (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 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 has been made after the holding of a public inquiry, a copy of the report and recommendations (if any) of the inspector; and
- (g) 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

Regulations 11(1), (3)(a), (b),  
12(3), 24(4)

### 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.
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 22(1), (3)

### MINOR ORDERS

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 an exemption in respect of disabled persons' vehicles which it is required to include in accordance with the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000(a)
3. The variation of an order so as to confer on traffic wardens 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 18 tonnes for an identical prohibition or restriction on the use of vehicles having a maximum gross weight of 16.5 or 17 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 in consequence of —

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(a) S.I. 2000/683.

- (a) the designation of an area in Greater London as a civil enforcement area for parking contraventions under paragraph 2(1) of Schedule 8 to the Traffic Management Act 2004(a);
- (b) the variation by the Mayor of London under paragraph 3 of that Schedule of an area in Greater London that for the time being constitutes a civil enforcement area for parking contraventions;
- (c) the coming into force of paragraph 4 or 5 of that Schedule (Greater London to be a civil enforcement area for bus lane and London lorry ban contraventions);
- (d) the coming into force of paragraph 6 of that Schedule together with the making of a declaration that an area in Greater London is a civil enforcement area for moving traffic contraventions;
- (e) the coming into force of paragraph 7 of that Schedule together with making of a declaration that the whole of part of one or more GLA roads is a civil enforcement area for moving traffic contraventions;
- (f) the making of an order under section 144(3) of the Transport Act 2000(b) specifying the order making authority as an approved local authority for the purposes of that section (civil penalties for bus lane contraventions);
- (g) the designation of an area outside Greater London as a civil enforcement area for parking contraventions under paragraph 8(1) of Schedule 8 to the Traffic Management Act 2004;
- (h) the coming into force of paragraph 9 of that Schedule together with the designation of an area outside Greater London as a civil enforcement area for bus lane contraventions; or
- (i) the coming into force of paragraph 10 of that Schedule together with the designation of an area outside Greater London as a civil enforcement area for moving traffic contraventions.

**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(c) 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) of the 1984 Act 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.

**11.** The variation of an order to the extent that the variation is necessary for any provision in the order to comply with a requirement in any statute or statutory instrument applying to England as a whole.

**12.** 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 2002(d); and

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(a) 2004 c. 18.

(b) 2000 c. 38.

(c)

(d) Part I of S.I. 2002/3113, to which there are amendments not relevant to these Regulations. The definition of "maximum gross weight" is in regulation 4.

"moped" has the meaning given by paragraph 5 of Schedule 9 to the Road Vehicles (Construction and Use) Regulations 1986(a)."

## SCHEDULE 5

Regulation 24(3)(a)

### 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
- (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 make new provision with respect to traffic orders made by local authorities under Road Traffic Regulation Act 1984 ("the 1984 Act"). They apply only to England and accordingly amend the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the 1996 Regulations") so that those Regulations no longer apply to England. These Regulations have effect to re-enact the provisions of those Regulations with amendments.

*Part 1* contains preliminary provisions. *Regulation 2* amends the 1996 Regulations so as to disapply them as respects England and makes transitional provision for orders in process of being made when these Regulations come into force. *Regulation 3* relates to interpretation, *regulation 4* specifies the orders to which the Regulations apply and *regulation 5* makes provision for orders and other documents to include maps or to refer to maps.

The procedures to be gone through before the making of an order are set out in *Part 2* which has effect subject to the provisions of *Part 4 (regulation 6)*. *Regulation 7* imposes a duty on order making authorities to conduct consultations before making an order, whilst giving authorities a discretion as to whom to consult. *Regulation 8* requires the publication of order making proposals but does not specify the manner of publication and *regulation 9* provides for the making of objections and representations regarding the making of an order. *Regulations 10, 11 and 12* relate to public inquiries into orders. *Regulation 10* confers a power on order making authorities to hold public inquiries into orders and to appoint inspectors and specifies the cases where an inquiry must be held. *Regulation 11* imposes requirements regarding the giving of notice of an inquiry and *regulation 12* is concerned with the procedure at an inquiry.

*Regulations 13 to 15* deal with 3 matters arising immediately preparatory to the making of an order. *Regulation 13* specifies the documents which must accompany an application for the Secretary of State's consent, *regulation 14* requires the order making authority to consider all

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

unwithdrawn objections and representations and the inspector's report (if any) before making an order and *regulation 15* defines the scope of an order making authority's power to modify an order before it is made.

*Part 3* which is subject to the provisions of *Part 4* (see *regulation 16*) is about the making of an order. *Regulation 17* imposes limitations on the time at which an order may be made or its provisions brought into force. *Regulation 18* specifies action to be taken after the making of an order including publication of a notice of making and *regulation 19* imposes a duty on the order making authority to secure the placing of appropriate traffic signs to indicate the effect of an order.

*Part 4* modifies the foregoing procedural requirements with respect to certain types of order. *Regulation 20* enables orders to be made in part. *Regulation 21* concerns the case where an order has been made and the order making authority has not or is unable to give a notice of making in accordance with regulation 18. *Regulation 22* applies to consolidation and, by reference to *Schedule 4*, minor orders from which it disapplies the provisions of *Parts 2* and *3*, except regulation 19 where appropriate. The provisions of regulations 8 and 9 are disapplied with respect to experimental orders by *regulation 23* and special provision is made by *regulation 24* with regard to "permanent orders" designed to give permanent to experimental orders. *Regulation 25* concerns the making of objections under the Local Government Act 1985 to the orders of metropolitan district councils by other authorities.

*Schedule 1* lists the particulars to be included in notices under various regulations and *Schedule 2* specifies the documents to be included in the "deposited documents" to be kept available for public inspection under various regulations. The particulars to be included in a notice of a public inquiry are specified in *Schedule 3* and *Schedule 4* list the possible effects of a "minor order". The statements for inclusion in a notice of the making of an experimental order are listed in *Schedule 5*.