

2012 No.

ROAD TRAFFIC

**The Secretary of State's Traffic Orders (Procedure) (England)
Regulations 2012**

<i>Made</i> - - - -	2012
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<i>Coming into force</i> - -	2012

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The Secretary of State for Transport makes these Regulations in exercise of the powers conferred by section 124(1) of, and paragraphs 24 and 25 of Schedule 9 to, the Road Traffic Regulation Act 1984(a) and after consultation with representative organisations in accordance with section 134(2) of that Act:

(a) 1984 c. 27; section 134(2) and paragraphs 24 and 25 of Schedule 9 were amended by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraphs 77 and 80.

PART 1

GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Secretary of State’s Traffic Orders (Procedure) (England) Regulations 2012 and come into force on [INSERT DATE] 2012.

(2) These Regulations extend to England.

Disapplication of 1990 Regulations and transitional

2.—(1) In the Secretary of State’s Traffic Orders (Procedure) (England and Wales) Regulations 1990(a) (“the 1990 Regulations”) after regulation 1 there is inserted—

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

(2) Where before the coming into force of these Regulations—

(a) a notice has been published as mentioned in regulation 6(1) of the 1990 Regulations in relation to an order; or

(b) an order has been made to which regulation 6 of those Regulations does not apply,

then 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;

"countryside road order" has the meaning given in regulation 5;

“fire authority”, in relation to an area, means the fire and rescue authority for that area under section 1 of the Fire and Rescue Services Act 2004(c);

"relevant local authority" means—

(a) in relation to a reserve power order—

(i) where the order is made or proposed to be made by virtue of paragraph 3 of Schedule 9 to the 1984 Act, the London borough council, the Common Council of the City of London or other local authority to whom there has been given the direction under paragraph 2 of that Schedule, to secure the object of which the order is made or proposed to be made;

(ii) where the order is made or proposed to be made under paragraph 7 of Schedule 9 to the 1984 Act, the London borough council, the Common Council of the City of London or other local authority whose order is or is proposed to be varied or revoked by the reserve power order;

(b) in relation to a trunk road order—

(i) where the order applies or will apply to a road in Greater London, Transport for London and the council of the London borough in which the road is situated;

(ii) where the order applies or will apply to a road outside Greater London, the local authority who would have the power under the 1984 Act to make the order if the road were not a trunk road;

(a) S.I. 1990/1656, to which there are amendments not relevant to these Regulations.

(b) 1978 c. 30.

(c) 2004 c. 21; section 1 was amended by the Civil Contingencies Act 2004, Schedule 1, paragraph 10.

- (c) in relation to a countryside road order, the local authority which has power under section 1 of the 1984 Act to make such an order as respects the road to which the countryside road order applies or will apply,

and where under the foregoing provisions of this definition there would in relation to any particular order be more than one relevant local authority, that expression in the case of that order includes all of those authorities;

“reserve power order” and “trunk road order” have the meanings given in regulation 5; 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 section 6(6) of that Act and any part of the width of such a street.

(2) A reference in these Regulations to an order is a reference to an order or a proposed order as appropriate; and in the case of a proposed order any reference to the effect of the order (however expressed) is a reference to the effect that the proposed order would have were it to be made.

(3) In these Regulations, references in whatever form to—

- (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 in writing or otherwise include making them electronically.

(4) Any reference in these Regulations to an order under any particular 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) a reference to an order under that section made by virtue of paragraph 3 of Schedule 9 to that Act.

Maps

4.—(1) The Secretary of State may prepare a map or plan for the purposes of any order relating to a road or place in England to which these Regulations apply.

(2) A map—

- (a) may be on paper or in electronic form;
- (b) must be preserved by the Secretary of State for record purposes; and
- (c) must be kept by the Secretary of State so as to be 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 the Secretary of State as they were before this regulation was made.

Application of Regulations

5. These Regulations apply to—

- (a) an order made or proposed to be made by the Secretary of State by virtue of paragraph 3 or under paragraph 7 of Schedule 9 to the 1984 Act ("a reserve power order");

- (b) an order made or proposed to be made by the Secretary of State with respect to a trunk road under section 1, 6, 9 and 84 of the 1984 Act (“a "trunk road order”); and
- (c) an order made or proposed to be made by the Secretary of State with respect to roads which are not trunk roads under section 22 of the 1984 Act, including orders under that section made by virtue of section 132 of that Act (“a countryside road order”).

PART 2

PROCEDURE BEFORE MAKING AN ORDER

Preliminary

6. This Part of these Regulations has effect subject to Part 4 (which relates to particular classes of order).

Consultation

7.—(1) Before making any order to which these Regulations apply the Secretary of State must consult with—

- (a) the chief officer of each police area in which a road or other place to which the order is to relate is situated; and
- (b) any local authority in whose area a road or place to which the order applies is situated.

(2) In this regulation "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.

(3) Consultation under paragraph (1) is additional to any consultation required by the 1984 Act.

Publication of proposals

8. Before making an order the Secretary of State must—

- (a) publish, in such ways as the Secretary of State considers appropriate for the purpose of informing persons likely to be affected by the making of the order, a notice of proposals containing the particulars specified in Part 1 of Schedule 1;
- (b) send to the relevant local authority a copy of the notice of proposals and a copy of the order as drafted;
- (c) if it appears to the Secretary of State that it would be desirable in the interests of giving adequate publicity to the order, comply with the relevant requirements of Schedule 2 as to the notices to be displayed in each road to which the order relates; and
- (d) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection.

Objections and representations

9.—(1) Any person desiring to make objections or representations regarding an order may do so by the date specified in the notice of proposals or, if later, by the end of the period of 22 days beginning with the date on which the Secretary of State has complied with all the requirements of regulation 8.

(2) Objections and representations under paragraph (1) must—

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

Notice of public inquiry

10.—(1) Where, before publishing the notice of proposals under regulation 8, the Secretary of State decides to hold a public inquiry, the notice of proposals must contain the particulars specified in Part 2 of Schedule 1, in addition to the particulars required by regulation 8.

(2) In all other cases where a public inquiry is to be held, the Secretary of State must, as well as complying with the requirements of regulation 8—

- (a) publish, in such ways as the Secretary of State considers appropriate for the purpose of informing persons likely to be affected by the making of the order, a notice of the inquiry which is separate from the notice of proposals and which contains the particulars specified in Part 3 of Schedule 1;
- (b) not later than the date of the first publication of the notice required by subparagraph (a), notify the date and time on which the inquiry will begin and the place of the inquiry to any person—
 - (i) who has objected or made representations with respect to the order in accordance with regulation 7; and
 - (ii) who has not withdrawn the objection or representations;
- (c) send to the relevant local authority a copy of the notice;
- (d) if it appears to the Secretary of State that it would be desirable in the interests of giving adequate publicity to the inquiry, comply with the relevant requirements of Schedule 2 as to the notices to be displayed in each road to which the order relates; and
- (e) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection.

(3) Where the notice of proposals published under regulation 8 announces the holding of a public inquiry, a period of at least 42 days must elapse between the date when the Secretary of State complies with that regulation and the date on which the public inquiry is due to begin.

(4) Where a notice of a public inquiry is published under paragraph (2)(a) and (b), a period of at least 42 days must elapse between whichever is the later of—

- (a) the last day on which an objection or representations can be made under regulation 7, or
- (b) the date when the Secretary of State complies with those subparagraphs,

and the date on which the inquiry is due to begin.

Procedure at a public inquiry

11.—(1) 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.

(2) Any person so interested may, whether or not proposing to appear at the inquiry, send to the address given in the notice of proposals published under regulation 8 for the receipt of objections and representations, such written representations as that person may wish to make in relation to the subject matter of the inquiry with a view to their consideration by the inspector.

(3) The inspector may refuse to hear any person, or to consider any objection or representation made by any person, if satisfied that the views of that person or the objection or representation are frivolous or that such views have already been adequately stated by some other person at the inquiry.

(4) Otherwise, the procedure at an inquiry is in the discretion of the inspector.

Consideration of objections and representations

12. Before making an order the Secretary of State must consider all objections and representations duly made in accordance with regulation 9 and not withdrawn and, if a public inquiry has been held, the report and recommendations (if any) of the inspector.

Modifications

13.—(1) The Secretary of State may make the order with modifications (whether in consequence of any objections or representations or otherwise).

(2) If any proposed modification appears to the Secretary of State to make a substantial change in the order, the Secretary of State must, before making the order, take such steps as appear to the Secretary of State to be appropriate for—

- (a) informing the persons likely to be affected by the modifications; and
- (b) giving to those persons an opportunity to make representations on them,

and must consider any representations made.

(3) In this regulation, "modifications" includes additions, exceptions and other modifications of any description.

PART 3

MAKING THE ORDER AND SUBSEQUENT PROCEDURE

Preliminary

14. This Part has effect subject to Part 4 (which contains provisions relating to particular types of order).

Commencement date of order

15. No provision of an order may come into force before the date on which the Secretary of State intends the notice of the making of the order to be published under regulation 16.

Notice of the making of the order

16.—(1) On making an order, the Secretary of State must—

- (a) forthwith give notice in writing of the making of the order to the relevant local authority and to—
 - (i) the chief officer of police for each police area;
 - (ii) each fire authority for the area;in which any road or other place to which the order relates is situated;
- (b) unless the Secretary of State has already done so, notify in writing each person, who has duly objected to, or made representations on, the order in accordance with regulation 9 and has not withdrawn the objection or representations, of the Secretary of State's decision in relation to the objection or representations and, where the objection or representations have not been wholly acceded to, of the Secretary of State's reasons for the decision;
- (c) publish, in such ways as the Secretary of State considers appropriate for the purpose of informing persons likely to be affected by the making of the order, a notice of making containing the particulars specified in Part 4 of Schedule 1; and
- (d) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection.

(2) The case referred to in paragraph (1)(b) is the case where the Secretary of State has, before making the order, given written notification to the person in question—

- (a) of the decision in relation to the objection or representations; and
- (b) where the objection or representations have not been wholly acceded to, of the reasons for the decision.

Traffic signs

17.—(1) Where an order relating to a road has been made, the Secretary of State 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 Secretary of State may consider requisite for the purpose of securing that adequate information as to the effect of the order is made available to persons using the road;
- (b) the maintenance of those signs for so long as the order remains in force, and
- (c) where the order contains provisions for revoking, or altering the application of, a previous order, the removal or replacement of existing traffic signs as the Secretary of State may consider requisite for avoiding confusion to users of the road or the continuance of traffic signs in incorrect positions.

(2) This regulation is without prejudice to section 85 of the 1984 Act.

PART 4

SPECIAL PROCEDURAL PROVISIONS FOR CERTAIN ORDERS

Special provisions for consolidation orders

18.—(1) Regulations 7, 8 and 9 do not apply to a consolidation order.

(2) Regulation 16 has effect in relation to such an order with the modification that the particulars to be contained in the notice of the making of the order need consist only of—

- (a) the title of the order;
- (b) a statement of the titles of the orders the provisions whose are reproduced in the consolidation order;
- (c) where a consolidation order re-enacts a provision with a variation described in paragraphs 4 to 8 of Schedule 4, a statement explaining the effect of the variation;
- (d) the commencement date of the order;
- (e) the items numbered 22 and (so far as appropriate) 23 in Part 4 of Schedule 1.

(3) In this regulation "consolidation order" means an order which revokes provisions of one or more existing orders, reproduces those provisions without any changes in substance and make no other provision and for the purposes of this definition the inclusion in the order of a provision having one or more of the effects described in Part 1 of Schedule 4 is not to be regarded as a change of substance.

Minor orders

19.—(1) This regulation applies to an order having one or more of the effects described in—

- (a) Part 1 of Schedule 4 (minor variations not described in Parts 2 and 3);
- (b) Part 2 of that Schedule (parking, stopping, waiting and turning); or
- (c) Part 3 of that Schedule (the riding of cycles and mopeds on footbridges and subways and driving in boxed areas),

and no other effect.

(2) Part 4 of Schedule 4 has effect for the purpose of interpreting Parts 1, 2 and 3 of that Schedule.

(3) A regulation specified in column (2) of an item in the Table does not apply to an order having one or more of the effects described in the Parts of Schedule 4 shown in column (3) of that item and no other effect.

Table

<i>(1) Item</i>	<i>(2) Regulation</i>	<i>(3) Parts of Schedule 4</i>
1.	7	Parts 1, 2 and 3
2.	8 and 9	Parts 1 and 3

Experimental traffic orders

20. Regulations 8 and 9 do not apply to any order under section 9 of the 1984 Act, but every such order must be framed so as to come into force on a date not less than 7 days after the date that the Secretary of State intends notice of the making of the order to be published under regulation 16.

Giving permanent effect to experimental orders

21.—(1) In this regulation "permanent order" means an order under any provision of the 1984 Act other than section 9, the sole effect of which would be to reproduce and continue in force indefinitely an order under section 9 (whether or not that order has been varied, or has been modified or suspended under section 10(2) of that Act).

(2) Regulations 7, 8 and 9 do not apply to a permanent order where—

- (a) the provisions to be continued in force have been in continuous operation for a period of not less than 6 months; and
- (b) the requirements mentioned in paragraph (3) have been complied with in relation to the order under section 9 of the 1984 Act, or if more than one such order is involved, to each such order (an order under that section containing provisions to be so continued in force being in this regulation referred to as a "relevant section 9 order").

(3) Those requirements are that—

- (a) the notice of the making of the relevant section 9 order published under regulation 16(1)(c), or if more than one such order is involved, of each such order, has contained the following statements—
 - (i) that the Secretary of State would be considering in due course whether the provisions of that order should be continued in force indefinitely; and
 - (ii) that within the period of 6 months beginning with the coming into force of that order, or if that order is subsequently varied by another order under that section or modified pursuant to section 10(2) of the 1984 Act, from the coming into force of the latest variation or modification, any person may object or make representations with respect to the making of an order for the purposes of the indefinite continuation of the relevant section 9 order; and
 - (iii) that any objection or representations must be in writing, must state the grounds on which they are made and must be sent to an address specified in the statement;
- (b) the documents which the Secretary of State is required by regulation 16(1)(d) to make available for inspection in connection with the making of the relevant section 9 order, or of each such order, if more than one, have been accompanied by a statement setting out the reasons for making that section 9 order;
- (c) those documents and that statement have continued to be available for inspection in accordance with Schedule 3 during the whole of the period within which objections can be made in accordance with subparagraph (a)(ii); and

- (d) in a case where a relevant section 9 order has been modified pursuant section 10(2) of the 1984 Act, a document stating the effect of each such modification has been made available for inspection along with the documents and statement referred to in subparagraph (c) and for the period there mentioned.

(4) In the application of regulations 10(2), 11, 12 and 16 and of Part 3 of Schedule 1 to a permanent order to which regulations 7, 8 and 9 do not apply by virtue of paragraph (2)—

- (a) the notice of the making of the relevant section 9 order published under regulation 16(1)(c) is to be treated as the notice of proposals published under regulation 8(1)(a) in respect of the permanent order;
- (b) the notice of the making of the relevant section 9 order published under regulation 16(1)(d) is to be treated as the notice of proposals published under regulation 8(1)(b) in respect of the permanent order; and
- (c) any objection or representations made in accordance with the statement contained in a notice of the making of the relevant section 9 order referred to in paragraph (a) or (b) is to be treated as an objection or representations duly made under regulation 9 to the permanent order.

Reserve power orders

22.—(1) This regulation applies to the following orders—

- (a) a reserve power order under paragraph 7 of Schedule 9 to the 1984 Act which provides only for either or both of the following—
 - (i) the revocation of an order made under section 9(1) of that Act;
 - (ii) the variation of an order made under that provision so as to reduce the extent of its application or the stringency of any prohibition or restriction imposed by it;
- (b) a reserve power made under section 9(4) of the 1984 Act by virtue of paragraph 3 of Schedule 9 to that Act.

(2) Regulations 7 and 8 do not apply to an order to which this regulation applies, but the Secretary of State must, at least 14 days before making the order, send to the relevant local authority—

- (a) a notice of the proposal to make the order;
- (b) a copy of the order as drafted; and
- (c) a statement of reasons for proposing to make the order.

Making an order in part

23.—(1) Subject to the provisions of this regulation, where the Secretary of State has, in relation to an order, complied with regulations 7, 8 and 12 (consideration of objections and inspector's report), the Secretary of State 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 Secretary of State 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 Secretary of State may subsequently deal with 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 of these Regulations 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 16 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 13 to an order made by virtue of paragraph (1), (2) or (3), such an order is to be regarded for the purposes of regulation 13 as an order made with modifications.

Revocation or revocation and re-enactment where due to exceptional circumstances notices of the making of orders are not published

24.—(1) For the purposes of this regulation—

- (a) "replacement order" means an order which revokes and re-enacts another order, but has no other effect,
- (b) "revocation order" means an order which revokes another order, but has no other effect,
- (c) "previous order", in relation to a replacement or revocation order, means the order replaced or revoked.

(2) Regulations 7, 8 and 9 and (except as provided in paragraph (4)) 15 do not apply to a revocation order or replacement order if—

- (a) at the date that the revocation order or replacement order is made, no provision in the previous order has come into force;
- (b) in relation to the previous order, the Secretary of State, at that date—
 - (i) has failed to comply with the requirements set out in regulation 16(1)(c) or (d); or
 - (ii) is satisfied that the requirements set out in that provision could not be complied with, within the time limits there specified and the revocation order or replacement order (as the case may be) contains a statement to that effect;
- (c) the revocation order or replacement order states that the Secretary of State at that date is satisfied that the failure or inability to comply was or due to exceptional circumstances;
- (d) the Secretary of State made the previous order;
- (e) in the case of a revocation order, the order comes into force on the date on which it is made;
- (f) in the case of a replacement order—
 - (i) in so far as the order revokes the previous order it comes into force on the date that it is made,
 - (ii) apart from the different commencement dates and the revocation of the previous order, the previous order and the replacement order have the same effect, and
 - (iii) the Secretary of State had, in relation to the previous order, complied with all the requirements of these Regulations (other than those of regulations 16 and 17), and all the requirements of the 1984 Act, with respect to the making of such an order.

(3) Where by virtue of this regulation the Secretary of State makes a revocation order which comes into force on the date it is made the Secretary of State must, if practicable, comply with the requirements set out in regulation 14(1)(c) and (d) within the time limits there specified, but if that is not practicable and the Secretary of State complies with each of the requirements as soon as practicable thereafter the Secretary of State is to be taken to have complied.

(4) Where by virtue of this regulation a replacement order, so far as it revokes a previous order, comes into force on the day on which it is made, regulation 15 nevertheless applies to the replacement order in so far as it has any other effect.

Re-enactment of orders which in exceptional circumstances have been revoked before publication

25.—(1) In this regulation, "revocation order" and "previous order" have the same meaning as in regulation 24.

(2) Regulations, 7, 8 and 9 do not apply to an order which re-enacts a previous order that has been revoked pursuant to regulation 24 by a revocation order if—

- (a) the revocation order came into force on the date it was made;
- (b) the order which re-enacts the previous order is made within the period of 6 months beginning with the date on which the previous order was made;
- (c) apart from the different commencement dates, the previous order and the order which re-enacts it have the same effect;
- (d) the Secretary of State made the previous order; and
- (e) the Secretary of State had, in relation to the previous order, complied with—
 - (i) all the requirements of these Regulations other than those of regulations 16 and 17; and
 - (ii) all the requirements of the 1984 Act, with respect to the making of such an order.

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(a), 10(1),(2)(c),
16(1)(c), 18(2)(e), 21(3)(c),(4)

PARTICULARS TO BE INCLUDED IN PUBLIC NOTICES

PART 1

Particulars to be Included in the Notice of Proposals Published under Regulation 8

1. The title of the order.
2. A brief statement of the general nature and effect of the order.
3. Where the order relates to any road, the name or other brief description of the road and, in a case where the order is an order under section 84(1) of the 1984 Act, a statement of the approximate length of that road to which the order will apply.
4. Where the order does not relate to a road, a brief description of the place to which it relates and of its location.
5. Where the order is a reserve power order to be made under paragraph 7 of Schedule 9 to the 1984 Act, a statement of the title, date and general nature of the order proposed to be varied or revoked and the name of the authority who made that order.

6. A statement of all the documents required by regulation 8(d) to be available for inspection, of each address at which those documents can be inspected and of the times when inspection can take place at each such address.

7. The date by which objections and representations relating to the order can be made and the address to which they must be sent.

8. A statement that all objections and representations must be made in writing and that all objections must specify the grounds on which they are made.

PART 2

Additional Particulars to be Included in the Notice of Proposals which Announces the Holding of a Public Inquiry

9. A statement that a public inquiry will be held in connection with the order.

10. The date and time on which the inquiry will begin and the place of the inquiry.

PART 3

Particulars to be Included in the Separate Notice of a Public Inquiry

11. The title of the order.

12. A statement which refers to the published notice of proposals for the order and which indicates that a public inquiry will be held in connection with the order.

13. A brief statement of the general nature and effect of the order and of the name or other brief description of any road or other place to which the order will apply.

14. The date and time on which the inquiry will begin and the place of the inquiry.

15. A statement of all the documents required by regulation 10(2)(e) to be available for inspection, of each address at which those documents can be inspected and of the times when inspection can take place at each address.

PART 4

Particulars to be Included in the Notice of the Making of the Order

16. The title of the order, and the date on which it was made.

17. A brief statement of the general nature and effect of the order and of the date or dates of its coming into force.

18. In the case of an order to which regulation 19 applies, a statement of any provisions which have been the subject of a variation described in paragraphs 4 to 8 of Schedule 4.

19. Where the order relates to any road, the name or other brief description of the road.

20. Where the order does not relate to a road, a brief description of the place to which it does relate and of the location of that place.

21. Where the order is a reserve power order made under paragraph 7 of Schedule 9 to the 1984 Act a statement of the title, date and general nature of the order varied or revoked and of the name of the authority which made that order.

22. A statement of all the documents required by regulation 16(1)(d) to be available for inspection, of each address at which those documents can be inspected and of the times when inspection can take place at each address.

23. In the case of an order under section 1, 6, 9, 19, 32, 37, 38 or 45 of the 1984 Act, a statement that any person wishing to question the validity of the order or of any of its provisions on the ground that it is not within the powers of the relevant enabling Act or that a requirement of that Act or of any relevant regulations under it has not been complied with, may, within 6 weeks of the date on which the order was made, make application for the purpose to the High Court.

SCHEDULE 2

Regulations 8(c), 10(2)(d)

NOTICES TO BE DISPLAYED IN A ROAD OR OTHER PLACE

PART 1

Particulars to be Included in the Notice

- 1.** The title of the order.
- 2.** A brief statement of the effect of the order in relation to the road or other place where it is displayed.
- 3.** A description of all the documents required by regulation 8(1) or 10(1)(e), to be available for inspection.
- 4.** The addresses and the times at which those documents can be inspected.
- 5.** Where the notice is displayed pursuant to regulation 8(1) (publication of proposals), the address to which, and the date by which, objections or representations with respect to the order can be made, and a statement that all objections and representations must be made in writing and must specify the grounds on which they are made.
- 6.** Where the notice is displayed pursuant to regulation 10(2)(d) (notice of public inquiry), the date and time on which the inquiry will begin and the place of the inquiry.

PART 2

Other Requirements as to the Display of the Notice

- 7.** Where the order relates to any road, the notice must be displayed in a prominent position at or near each end of the road and in such other positions (if any) as the Secretary of State thinks requisite for securing that adequate information about the subject matter of the notice is made available to persons using the road.
- 8.** Where the order does not apply to a road, the notice must be displayed in one or more prominent positions in the road or roads giving access to the place to which it does relate, and, where that place is in public use, in that place itself.
- 9.** The notice must first be displayed not later than the first publication of the corresponding notice under regulation 8(a) or 10(2)(b) and the Secretary of State must take all reasonably practicable steps to ensure that it remains in a legible condition and continues to be so displayed—
 - (a) in the case of a notice of proposals not announcing the holding of a public inquiry, until the end of the objection period;
 - (b) in the case of a notice announcing the holding of a public inquiry, until the date on which the inquiry begins.

SCHEDULE 3 Regulations 8(d), 10(2)(e), 16(1)(d)

DOCUMENTS TO BE AVAILABLE FOR INSPECTION

1. The documents specified in paragraph 3 must be available for inspection at the addresses and during the times specified in the notice in connection with which they are required to be made available

2. One such address must, so far as practicable, be an address in the area in which any road or other place to which the order relates is situated.

3. The documents to be made available are—

- (a) a copy of the order as drafted or, if it has been made, as made;
- (b) a map which clearly indicates the location and effect of the order as drafted or made as appropriate and, where appropriate, alternative routes available for diverted traffic;
- (c) in the case of an order which varies, revokes, applies or suspends a previous order a copy of that order;
- (d) in the case of a reserve power order made or proposed to be made by virtue of paragraph 3 of Schedule 9 to the 1984 Act, a copy of the direction for the purpose of securing the object for which the order is made or proposed to be made;
- (e) in the case of a proposed order, a copy of a statement setting out the Secretary of State's reasons for proposing to make the order;
- (f) in the case of an order under section 9 of the 1984 Act, a statement setting out the Secretary of State's reasons for proceeding by way of experiment and whether he intends to consider making a permanent order in like terms; and
- (g) in the case of an order made after the holding of a public inquiry, a copy of the report and the recommendations (if any) of the inspector.

4. Paragraph 3(b) does not apply to—

- (a) an order which revokes a previous order and has no other effect, or
- (b) an order which relates only to a parking place and provides only for the variation of any one or more of the following matters, namely—
 - (i) the charges for the use of the parking place,
 - (ii) the time limits applicable to such use,
 - (iii) the classes of vehicle which may use the parking place,
 - (iv) the conditions applicable to the use of the parking place by vehicles.

5. The documents must be made available not later than the first publication of the notice in connection with which they are required to be made available, and must continue to be so available—

- (a) where the notice is a notice of proposals not announcing the holding of a public inquiry, until the end of the period for making objections or representations;
- (b) where the notice is one announcing the holding of a public inquiry, until the date on which the inquiry begins; and
- (c) where the notice is a notice of making the order, until the end of 6 weeks from the date on which the order is made.

SCHEDULE 4
MINOR ORDERS

Regulations 18(2)(c),(3), 19

PART 1

Minor Variations not Described in Parts 2 and 3

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 as to include an exemption in respect of a disabled person's vehicle so as to comply with the provisions of the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000(a).

3. The variation of an order so as to confer on a traffic warden functions similar to those conferred by the order on a police constable.

4. The variation of an order so as to substitute for a prohibition or restriction on the use of vehicles the weight of which (however described) exceeds a weight expressed in imperial units an identical prohibition or restriction on the use of vehicles the weight of which exceeds the metric equivalent of that weight, expressed in tonnes to the nearest tonne or half tonne.

5. The variation of an order so as to substitute, for a prohibition or restriction on the use of vehicles the weight of which exceeds a specified unladen weight, an identical prohibition or restriction on the use of vehicles the weight of which exceeds the corresponding maximum gross weight.

6. The variation of an order so as to substitute a prohibition or restriction on the use of vehicles with a maximum gross weight of 17 tonnes for an identical prohibition or restriction on the use of vehicles with a maximum gross weight of 16.5 tonnes.

7. The variation of an order by substituting for any reference—

- (a) 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;
- (b) to a public service vehicle being used under a road service licence, a reference to a public service vehicle used in the provision of a local service.

8. The variation of a provision—

- (a) prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles, or
- (b) authorising the use as a parking place of any part of a road,

in so far as the variation is necessary to make the order compatible with any regulations made under section 25 of the 1984 Act.

PART 2

Parking, Stopping, Waiting and Turning

9. The variation of an order where the variation relates solely to an area designated as a parking place under sections 6, 32(1)(b) or 45 of the 1984 Act and does not involve—

- (a) a change in any boundary of the area, or
- (b) an increase in any excess charge payable under the order.

(a) S.I. 2000/683.

10. The variation of an order under section 35(1) of the 1984 Act where the variation does not involve an increase in any excess charge or any sum payable as a result of a person contravening or failing to comply with such an order.

11. The revocation of a provision designating an area of road as a parking place under sections 6, 32(1)(b) or 45 of the 1984 Act.

12. The prescription of places where vehicles, or vehicles of any class, may not turn so to face in the opposite direction to that in which they were proceeding.

13. The imposition of a restriction on or the prohibition of the stopping or waiting of vehicles, or vehicles of any class, in any area of any road, being an area the whole of which lies within 150 feet of any means of entrance to, or egress from, a school.

14. The imposition of a restriction on or the prohibition of the stopping or waiting of vehicles, or vehicles of any class, in any area of any road, being an area marked or to be marked on the carriageway of the road by a traffic sign for indicating that the area in question is a place where a relevant vehicle may stop to pick up or set down passengers or where hackney carriages may stand.

PART 3

Riding of Cycles and Mopeds on Footbridges and in Subways, and Driving in Boxed Areas

15. The prohibition of the riding of cycles or mopeds on a footbridge or in a pedestrian subway or in the approaches to such a bridge or subway.

16. The imposition of a restriction on the driving of vehicles into a boxed area.

17. The revocation or variation of a provision of an order, being a provision that has no effect other than is as mentioned in paragraph 15 or 16.

PART 4

Interpretation

18.—(1) In this Schedule—

"boxed area" means an area of carriageway of a road marked in the manner indicated in diagrams 1043 and 1044 of the Traffic Signs Regulations 2002(**a**);

"cycle" means a pedal cycle which is not a motor vehicle;

"excess charge" in relation to on-street parking has the same meaning as in section 45 of the 1984 Act and in relation to off-street parking 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;

"moped" has the same meaning as in paragraph 5 of Schedule 9 to the Road Vehicles (Construction and Use) Regulations 1986(**b**);

"relevant vehicle" means—

(a) a public service vehicle being used in the provision of a service which is a local service;
or

(b) a public service vehicle being used to carry passengers for hire or reward at separate fares other than one being used in the provision of a local service;

(a) Part 1 of S.I. 2002/3113, to which there are amendments not relevant to these Regulations.

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

(2) For the purposes of paragraph 5—

"the corresponding maximum gross weight" in relation to a specified unladen weight in Column (2) of an item in the table means the maximum gross weight expressed in metric units specified in Column (3) of that item; and

"specified unladen weight" means an unladen weight (as defined by regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986) specified in Column (2), or its equivalent expressed in metric units, of an item in the Table.

Table

(1) Item	(2) Specified unladen weight (in tons)	(3) Corresponding maximum gross weight (in tonnes)
1.	2	5
2.	2.5	5
3.	3	7.5
4.	5	17
5.	10	30

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make new provision with respect to traffic orders made by the Secretary of State under Road Traffic Regulation Act 1984 ("the 1984 Act"). They apply only to England and accordingly amend the Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations 1990 ("the 1990 Regulations") so that those Regulations no longer apply to England. As respects England, these Regulations have effect to re-enact the provisions of those Regulations with amendments.

Part 1 contains preliminary provisions. *Regulation 2* amends the 1990 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 these 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 the Secretary of State to consult appropriate chief officers of police before making an order. *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 and 11* relate to public inquiries into orders. *Regulation 10* imposes requirements regarding the giving of notice of an inquiry and *regulation 11* is concerned with the procedure at an inquiry.

Regulations 12 requires the Secretary of State to consider all objections and representations not withdrawn and the inspector's report (if any) before making an order and *regulation 13* defines the scope of the Secretary of State's power to modify an order before it is made.

Part 3 which is subject to the provisions of *Part 4 (see regulation 14)* is about the making of an order. *Regulation 15* provides that no provision of an order may come into force before the date on which the Secretary of State intends the notice of the making of the order to be published under *regulation 16*. *Regulation 16* specifies action to be taken after the making of an order including publication of a notice of making and *regulation 17* imposes a duty on the Secretary of State 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. *Regulations 18 and 19* disapply the provisions of certain regulations with respect to consolidation

and minor orders (as defined by *Schedule 4*). The provisions of regulations 8 and 9 are disapplied with respect to experimental orders by *regulation 20* and special provision is made by *regulation 21* with regard to orders designed to give permanent to experimental orders. *Regulation 22* disapplies regulations 7 and 8 with respect to “reserve power orders” under Part I of Schedule 9 to the Road Traffic Regulation Act 1984. *Regulation 23* enables orders to be made in part. *Regulation 24* concerns the case where an order has been made and the Secretary of State has not or is unable to give a notice of making in accordance with regulation 16 and *regulation 25* provides for the re-enactment of orders which in exceptional circumstances have been revoked before publication.

Schedule 1 lists the particulars to be included in notices under various regulations, *Schedule 2* specifies the content and manner of display of notices in roads or other places, and *Schedule 3* specifies the documents to be included in the “deposited documents” to be kept available for public inspection under various regulations and *Schedule 4* lists the possible effects of a “minor order”.