
 STATUTORY INSTRUMENTS

2012 No.

ROAD TRAFFIC, ENGLAND

**The Road Traffic (Temporary Restrictions) Procedure (England)
Regulations 2012**

<i>Made</i>	- - - -	2012
<i>Laid before Parliament</i>		2012
<i>Coming into force</i>	- -	2012

The Secretary of State for Transport makes these Regulations in exercise of the powers conferred by section 16(2) and (2A) of the Road Traffic Regulation Act 1984(a) and after consultation with representative organisations in accordance with section 134(2) of that Act:

PART 1

GENERAL

Citation and Commencement

1. These Regulations may be cited as the Road Traffic (Temporary Restrictions) Procedure (England) Regulations 2012 and shall come into force on [INSERT DATE] 2012.

Disapplication of 1992 Regulations and transitional

2.—(1) In the Road Traffic (Temporary Restrictions) Procedure Regulations 1992(b) (“the 1992 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) notice has been given under regulation 3(2) of the 1992 Regulations of the intention of a traffic authority to make an order under section 14 of the 1984 Act in relation to a road in England;
- (b) a notice has been given under section 14(2) of the 1984 Act,

then the 1992 Regulations continue to apply to that order or notice, including any order intended to continue in force any prohibition or restriction imposed by that notice, as if these Regulations had not been made.

(a) 1984 c. 27; sections 14, 15 and 16(2) and (2A) were substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c. 26), section 1 and Schedule 1; section 22C was inserted by the Civil Contingencies Act 2004 (c. 36), Schedule 2, paragraph 16 and section 134(2) was amended by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraph 77.

(b) S.I. 1992/1215, to which there are amendments not relevant to these Regulations.

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

Interpretation

3.—(1) In these Regulations—

"the 1984 Act" means the Road Traffic Regulation Act 1984;

"concessionaire" is to be construed in accordance with section 1 of the New Roads and Street Works Act 1991(b);

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

"footpath", "cycle track" and "byway open to all traffic" have the same meanings as in section 15 of the 1984 Act in its application to England and Wales; and

"maximum duration" in relation to an order or notice means the longest period during which the order or notice could remain in force, on the assumption that—

- (a) it is not amended, and
- (b) the prohibition or restriction imposed by it is not continued under section 15(3), (5) or (8) of the 1984 Act.

(2) A reference in these Regulations to an order is a reference to an order or a proposed order as the context requires, 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 if it were to be made.

PART 2

TEMPORARY ORDERS

Procedure for making a temporary order

4.—(1) Subject to the provisions of this Part, this regulation specifies the procedure for making an order under section 14 of the 1984 Act.

(2) Subject to paragraph (4), not less than 7 days before making an order, the traffic authority must publish notice of its intention to make the order in such ways as it considers appropriate for the purpose of informing persons likely to be affected by the making of the order.

(3) The notice under paragraph (2) must state—

- (a) the reason or purpose mentioned in section 14(1) of the 1984 Act for the making of the order;
- (b) the effect of the order and, where applicable, the alternative routes available for traffic;
- (c) the date on which the order is intended to come into force; and
- (d) the maximum duration of the order.

(4) The traffic authority must, not later than the day on which the order is made, give notice of the order to such bodies or persons exercising public functions with respect to—

- (a) a road to which the order applies; or
- (b) a road on which traffic or any class of traffic is likely to be directly affected by the making of the order,

as it considers appropriate.

(a) 1978 c. 30.

(b) 1991 c. 22.

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

(5) If there is any difference with respect to any of the particulars specified in paragraph (3) between the notice published under paragraph (2) and the order as made, the traffic authority must publish a notice of the making of the order in such ways as it considers appropriate for the purpose of informing persons likely to be affected by the making of the order.

(6) A notice under paragraph (5) must be published within the period of 15 days beginning with the day on which the order was made and must state—

- (a) the reason or purpose mentioned in section 14(1) of the 1984 Act for the making of the order;
- (b) the effect of the order and, where applicable, the alternative routes available for traffic;
- (c) its maximum duration; and
- (d) the date on which the order is to come into force.

(7) If and to the extent that it appears to the traffic authority that it would be desirable in the interests of giving adequate publicity to the order, the authority must comply with Part 1 of the Schedule in relation to each length of road to which the order applies.

(8) When the order has been made, the traffic authority must comply with Part 3 of the Schedule.

Terrorism

5.—(1) Where an order is made under section 14(1)(b) of the 1984 Act by virtue of section 22C (Terrorism) of the Road Traffic Regulation Act 1984 and the traffic authority considers it appropriate after consulting the chief officer of police for each area in which a road to which the order applies is situated, it may—

- (a) instead of complying with regulation 4(2) make the order—
 - (i) after giving notice fewer than seven days before the making of the order but otherwise in accordance with regulation 4(2); or
 - (ii) subject to paragraph (2) make the order without giving any notice in accordance with regulation 4(2);
- (b) give notice in accordance with regulation 4(4) not later than the date on which the order comes into force.

(2) If by virtue of paragraph (1)(a)(ii) the traffic authority makes the order without giving any notice under regulation 4(2), then it must publish a notice of the making of the order in such ways as it considers appropriate for the purpose of informing persons likely to be affected by the making of the order.

(3) Regulation 4(6) applies to such a notice as it applies to a notice under regulation 4(5).

Footpaths, bridleways, cycle tracks, byways open to all traffic and restricted byways

6.—(1) Regulation 4(4) and (7) does not apply to an order to the extent that it applies to a footpath, bridleway, byway open to all traffic or restricted byway.

(2) Regulation 4(4)(b), (c) and (d) and (7) does not apply to an order to the extent that it applies to a cycle track.

(3) Where a traffic authority has made an order relating to a road which is a footpath, bridleway, cycle track, byway open to all traffic or restricted byway, the authority must comply with Part 1 of the Schedule in relation to each length of that road to which the order applies.

Orders to which no time limit applies by virtue of section 15(2) of the Road Traffic Regulation Act 1984

7.—(1) This regulation has effect in relation to an order to which the time limit of eighteen months in section 15(1) of the 1984 Act does not apply by virtue of section 15(2).

(2) Regulation 4 has effect in relation to the order as if—

- (a) in paragraph (2) for “7” there were substituted “14”; and
 - (b) in paragraph (3) subparagraph (c) were omitted.
- (3) Before making the order, the traffic authority must consult—
- (a) the chief officer of police of each police area in which a road to which the order applies is situated;
 - (b) such 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.

Continuation of restriction or prohibition imposed by notice

8.—(1) Where the only effect of an order is to continue in force a prohibition or restriction imposed by a notice under section 14(2) of the 1984 Act, regulation 4(2) does not apply to the order.

(2) Within the period of 15 days beginning with the day on which the order was made the traffic authority must publish a notice of the making of the order in such ways as it considers appropriate for the purpose of informing persons likely to be affected by the making of the order.

- (3) The notice under paragraph (2) must state—
- (a) that the order has been made;
 - (b) the reason or purpose mentioned in section 14(1) of the 1984 Act for the making of the order;
 - (c) the effect of the order and, where applicable, the alternative routes available for traffic;
 - (d) the date on which the order is to come into force; and
 - (e) its maximum duration.

Revocation orders

- 9.**—(1) In this regulation—
- (a) "revocation order" means an order which revokes an order under section 14 of the 1984 Act and has no other effect;
 - (b) "previous order", in relation to a revocation order, means the order revoked by the revocation order.

(2) Regulations 4 to 7 do not apply to a revocation order.

(3) Not less than 7 days before making a revocation order, the traffic authority must publish notice of its intention to make the order in such ways as it considers appropriate for the purpose of informing persons likely to be affected by the making of the order.

(4) Within the period of 8 days beginning with the day on which the order was made, the traffic authority must give notice of the making of the order to the person and bodies mentioned in regulation 7(3) and to any other traffic authority which consented to the making of the previous order under section 14(5)(b) of the 1984 Act.

Continuation of order by direction of the Secretary of State

10.—(1) This regulation has effect where the Secretary of State gives a direction under section 15(3) or (5) of the 1984 Act in relation to an order.

(2) The traffic authority must, within the period of 15 days beginning with the day on it received the direction, publish notice of the direction in such ways as it considers appropriate for the purpose of informing persons likely to be affected by the making of the order.

- (3) That notice must state—

- (a) the reason or purpose mentioned in section 14(1) of the 1984 Act for the making of the order;
- (b) the effect of the order and, where applicable, the alternative routes available for traffic;
- (c) the date on which the order came into force;
- (d) the date upon which it would otherwise have expired had the direction not been given; and
- (e) the date on which the order would expire if no further direction were to be given under section 15(3) or (5) of the 1984 Act and the order were neither revoked nor amended.

(4) In the case of a direction given under section 15(3) of the 1984 Act the traffic authority must, within the period of 8 days beginning with the day on it received the direction, give notice of the direction to the persons and bodies to whom notice of the order was required to be given by regulation 4(4).

PART 3

TEMPORARY NOTICES ISSUED BY A TRAFFIC AUTHORITY

Procedure for issue of temporary notice by a traffic authority

11.—(1) Subject to regulation 12, this regulation specifies the procedure for the issue by a traffic authority of a notice under section 14(2) of the 1984 Act including a notice issued by virtue of section 15(8)(b)(ii) of the 1984 Act.

(2) The notice must state—

- (a) the reason or purpose mentioned in section 14(1) of the 1984 Act for the issue of the notice;
- (b) the effect of the notice and, where applicable, the alternative routes available for traffic;
- (c) the date of the notice; and
- (d) its maximum duration.

(3) Not later than the day on which a notice is issued, the traffic authority must give notice of it—

- (a) to the chief officer of police of each police area in which a road to which the order applies is situated; and
- (b) to such bodies or persons exercising public functions with respect to—
 - (i) a road to which the order applies; or
 - (ii) a road on which traffic or any class of traffic is likely to be directly affected by the making of the order,
 as it considers appropriate.

(4) If and to the extent that it appears to the traffic authority that it would be desirable in the interests of giving adequate publicity to the notice, the authority must comply with Part 2 of the Schedule in relation to each length of road to which the notice applies.

(5) The traffic authority must comply with Part 3 of the Schedule.

Footpaths, bridleways, byways open to all traffic, restricted byways and cycle tracks

12. Where a notice issued by a traffic authority under section 14(2) of the 1984 Act applies to a footpath, bridleway, cycle track, byway open to all traffic or restricted byway, the authority must comply with Part 2 of the Schedule in relation to each length of road to which the notice applies.

PART 4

TEMPORARY NOTICES ISSUED BY A CONCESSIONAIRE

Procedure for issue of temporary notice by concessionaire

13.—(1) This regulation specifies the procedure for the issue of a notice under section 14(2) of the 1984 Act by a concessionaire, including a notice issued by virtue of section 15(8)(b)(ii) of the 1984 Act.

(2) The notice must state—

- (a) the reason or purpose mentioned in section 14(1) of the 1984 Act for the issue of the notice;
- (b) the effect of the notice and, where applicable, the alternative routes available for traffic;
- (c) the date of the notice; and
- (d) its maximum duration.

(3) No later than the day on which the notice is issued the concessionaire must give notice of it—

- (a) to the chief officer of police of each police area in which a road to which the order applies is situated;
- (b) to the traffic authority for each area in which a road to which the order applies is situated;
- (c) where the notice is likely to have a direct effect on traffic or any class of traffic on any road for the maintenance of which another traffic authority is responsible, to that other traffic authority; and
- (d) where the traffic authority referred to in subparagraph (b) above is not the fire authority for an area in which a road to which the order applies is situated, to the chief officer of the fire authority for that area.

(4) If and to the extent that it appears to the concessionaire that it would be desirable in the interests of giving adequate publicity to the notice the concessionaire must comply with Part 2 of the Schedule in relation to each length of road to which the notice applies.

(5) The concessionaire must comply with Part 3 of the Schedule.

Signed by authority of the Secretary of State

[INSERT DATE] 2012

Name
[Parliament Under Secretary] [Minister] of State,
Department for Transport

SCHEDULE

Regulations 4(7), (8), 6(3),
11(4), (5), 12, 13(4), (5)

PART 1

STREET NOTICES FOR TEMPORARY ORDERS

1. A notice must be displayed in a prominent position at each end of each length of road to which the order applies and at the points at which it will be necessary for vehicles or pedestrians to diverge from the road, stating the effect of the order and, where applicable, the alternative routes for traffic.

2. Each notice must be displayed throughout the period during which the order is in force and the traffic authority must take all reasonable steps to ensure that the notices remain in a legible condition and continue to be so displayed and are promptly replaced as necessary.

PART 2

STREET NOTICES FOR TEMPORARY NOTICES

3. In this Part of the Schedule, "the authority" in relation to a notice issued under section 14(2) of the 1984 Act, means the traffic authority or concessionaire who issued the notice.

4. A copy of the notice must be displayed in a prominent position at each end of each length of the road to which the notice applies and at the points at which it will be necessary for vehicles or pedestrians to diverge from the road, stating the effect of the notice and, where applicable, the alternative routes for traffic.

5. Each notice must be displayed throughout the period during which it is in force and the authority must take all reasonable steps to ensure that the notices remain in a legible condition and continue to be displayed throughout the period during which the order is in force and the traffic authority must take all reasonable steps to ensure that the notices remain in a legible condition and continue to be so displayed and are promptly replaced as necessary.

PART 3

TRAFFIC SIGNS

6. In this Part of the Schedule, "the authority"—

- (a) in relation to an order under section 14(1), means the traffic authority who made the order;
- (b) in relation to a notice under section 14(2) of the 1984 Act, means the traffic authority or the concessionaire who issued the notice.

7. In this Part of the Schedule, a reference to an instrument is a reference to an order or notice issued under section 14(2) of the 1984 Act as applicable.

8. The authority must take the steps necessary to secure—

- (a) before the instrument comes into force, the placing on or near each road to which the instrument applies of such traffic signs in such positions as the authority considers requisite for the purpose of securing that adequate information as to the effect of the instrument is made available to persons using the road;
- (b) the maintenance of those signs whilst the instrument continues in force; and
- (c) where the instrument contains provisions suspending statutory provisions to which section 14(7) of the 1984 Act applies, the removal, replacement or covering up of existing traffic signs to the extent considered requisite by the authority for the purpose of avoiding confusion to the users of the road.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make new provision for England only, with respect to temporary orders and notices made or issued under section 14 of the Road Traffic Regulation Act 1984 ("the 1984 Act"). They amend the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 so that those Regulations no longer apply to England.

Part 1 (regulations 1 to 3) contains preliminary provisions. In particular *regulation 2* disapplies the 1992 Regulations as respects England and makes transitional provision for orders in process of being made when these Regulations come into force.

Part 2 makes provision as to the making and continuation in force of orders under section 14 of the 1984 Act. *Regulation 4* prescribes the procedure which normally applies for making such an

order. This procedure is modified in the case of orders made under section 14 by virtue of section 22C (terrorism) (*regulation 5*), orders made in relation to footpaths, byways open to all traffic, restricted byways and cycle tracks (*regulation 6*), orders to which no time limit applies (*regulation 7*), orders continuing a prohibition or restriction imposed by a notice under section 14(2) (*regulation 8*) and revocation orders (*regulation 9*). *Regulation 10* prescribes the notices to be given by traffic authorities where an order under section 14 is continued in force by a direction given by the Secretary of State under section 15(3) or (5) of the 1984 Act.

Parts 3 and 4 contain provisions about the issue of temporary notices under section 14(2) of the 1984 Act by traffic authorities and concessionaires respectively. *Regulation 11* specifies the procedure for the issue of notices by traffic authorities, which is modified in relation to footpaths, byways open to all traffic, restricted byways and cycle tracks (*regulation 12*). *Regulation 13* makes, as respects concessionaires under Part I of the New Roads and Street Works Act 1991, provision corresponding that contained in regulations 11 and 12.

The Schedule contains requirements regarding the display of street notices and traffic signs in relation to temporary orders and notices.