STATUTORY INSTRUMENTS

1962 No. 2435 (S. 109)

ROAD TRAFFIC

The Control of Dogs on Roads Orders (Procedure) (Scotland) Regulations 1962

Made - - - -	31*st October* 1962
Laid before Parliament	7*th November* 1962
Coming into Operation	8*th November* 1962

In exercise of the powers conferred on me by section 37 as read with section 52 (2) of the Road Traffic Act 1962(a) and section 260 (1) of the Road Traffic Act 1960(b) and of all other powers enabling me in that behalf, and after consultation with representative organisations in accordance with the provisions of section 260 (2) of the Road Traffic Act 1960, I hereby make the following regulations:—

General

1. These regulations may be cited as the Control of Dogs on Roads Orders (Procedure) (Scotland) Regulations 1962 and shall come into operation on 8th November 1962.

2.—(1) In these regulations the following expressions have the meanings hereby respectively assigned to them:—

"the Act of 1960" means the Road Traffic Act 1960;

"council" means a county council or a town council;

"order" means an order by a council under section 220 of the Act of 1960.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. Before making an order, a council shall—

(*a*) as well as consulting with the chief constable of the police area as required by section 220 (4) of the Act of 1960, also consult with such representative organisations as they think fit; and

(*b*) publish a notice of their proposal to make the order once at least in a newspaper circulating in the district in which are situated the roads to which the proposed order relates.

4. Every notice published in accordance with the preceding regulation shall be in the form and contain the particulars specified in Part I of the Schedule to these regulations.

5. During the period commencing on the date on which the notice mentioned in regulation 3 of these regulations is first published in the newspaper in accordance with the provisions of that regulation and ending immediately after the date by which objections to a proposed order may be sent in writing in accordance with the said notice, a council shall cause—

(a) 10 & 11 Eliz. 2. c. 59. (b) 8 & 9 Eliz. 2. c. 16. (c) 52 & 53 Vict. c. 63.

(*a*) a copy of the said notice to be displayed in a prominent position on or near the roads to which the proposed order relates, and in such other positions as the council think requisite for the purpose of securing that adequate information is given to persons using the said roads; and

(*b*) a copy of the proposed order and a map clearly indicating in distinguishing colours or markings the said roads to be available for inspection at the offices of the council during the normal office hours of the council and, in the case of a county council, at a suitable place in the area in which are situated the said roads.

6.—(1) Where an objection to a proposed order has been made in accordance with the notice mentioned in regulation 3 of these regulations and has not been withdrawn, the council may forthwith give notice in writing to the person by whom such objection has been so made informing him that, if within such period, not being less than fourteen days, as may be specified in the notice he intimates that he so desires, an opportunity will be afforded him of being heard by the council or by a committee or sub-committee thereof or, if the council so decide, by an independent person, in support of his objection.

(2) If any person by whom objection has been made desires to be heard as aforesaid the council shall afford him an opportunity of being so heard either in person or by counsel, solicitor or agent; and if the council decide that he shall be heard by an independent person the council shall appoint for the purpose a suitable person, not being a member of the council or of any committee or sub-committee thereof or a person in the employment of the council.

(3) Where a hearing is to take place before the council, a committee or sub-committee thereof, the council shall notify the objector in writing of the arrangements for the hearing not less than fourteen days before the date on which the hearing is to take place and the notice of any meeting of the council or of a committee or sub-committee thereof at which an objection is to be heard in pursuance of this regulation shall specify the hearing as an item of business.

(4) Any such hearing shall be held in public.

7.—(1) Where a hearing is to take place before an independent person in accordance with the provisions of these regulations the council shall—

(*a*) not less than fourteen days before the date on which the hearing is to be held publish a notice of the hearing in the form and containing the particulars specified in Part II of the Schedule to these regulations once at least in a newspaper circulating in the district in which are situated the roads to which the proposed order relates; and

(*b*) during the period commencing on the date on which the notice is first published in the newspaper in accordance with the preceding sub-paragraph and ending immediately before the date on which the hearing is to be held cause—

(i) a copy of the said notice to be displayed in a prominent position on or near the roads to which the proposed order relates, and in such other positions as the council think requisite for the purpose of securing that adequate information is given to persons using the said roads, and

(ii) a copy of the proposed order and a map clearly indicating in distinguishing colours or markings the said roads to be available for inspection at the offices of the council during the normal office hours of the council and, in the case of a county council, at a suitable place in the area in which are situated the said roads.

(2) Any such hearing shall be held in public.

8. Where a hearing takes place in accordance with the provisions of these regulations the independent person, council, committee or sub-committee, as the case may be, may refuse to hear any person or allow to be put forward for consideration at the hearing any objections, if he is or they are satisfied that the views of that person are or the objection is frivolous or such views have been adequately stated at the hearing by some other person.

9. Before deciding whether or not to make an order the council shall consider any objection which has been made to the proposed order and where a hearing has taken place in accordance with the provisions of these regulations shall further consider—

(*a*) any representations in respect thereof which have been heard by the council, or

(*b*) any report or recommendation made by a committee or sub-committee of the council or by an independent person.

10.—(1) After a council have decided to make an order, their decision to make the order shall be notified in writing to the chief constable of the police area in which are situated the roads to which the order relates and, where any objection has been made to the order in accordance with the notice mentioned in regulation 3 of these regulations and not withdrawn, to the person making such objection.

(2) Where any such objection has been made as aforesaid and not withdrawn, the council shall also notify in writing the person making the objection of their reasons for the decision to make the order.

11. Subject to the foregoing provisions of these regulations, a council may make an order and every order so made shall be signed and sealed in accordance with the provisions of section 342 of the Local Government (Scotland) Act 1947(a).

12. After an order has been made by a council, the council shall—

(*a*) not later than fourteen days after the date of the making of the order publish a notice thereof in the form and containing the particulars specified in Part III of the Schedule to these regulations once at least in a newspaper circulating in the district in which are situated the roads to which the order relates;

(*b*) forthwith keep available for inspection at the offices of the council during the normal office hours of the council a copy of the order and a map showing the roads to which the order relates; and

(*c*) forthwith take all such steps as are reasonably practicable to cause to be erected on or near to the said roads signs in such positions as the council may consider to be requisite for the purpose of securing that adequate information as to the effect of the order is given to persons using the said roads:

(a) 10 & 11 Geo. 6. c. 43.

Provided that nothing in this paragraph shall apply in the case of an order containing no provision other than provision revoking any other order.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
31st October 1962.

SCHEDULE

FORMS OF NOTICE RELATING TO ORDERS

PART I

Form of Notice of Proposal to make an Order

The (*a*)

The (*b*) Council propose to make an Order under section 220 of the Road Traffic Act, 1960, the effect of which will be to (*c*)

Objections to the proposal must be sent in writing to the undersigned by (*d*)

(Name and address of Clerk to order-making Authority.)

PART II

Form of Notice of Public Hearing before an Independent Person

The (*a*)

A Public Hearing will be held by (*e*)
at (*f*)
to consider the proposal of the (*b*) Council to make an order under section 220 of the Road Traffic Act, 1960, the effect of which will be to (*c*)

Any person interested is entitled to be heard in person or by counsel, solicitor or agent and any person whether he intends to appear at the hearing or not may forward any objection to the proposal to (*e*)
at (*g*)

A copy of any such objection should be sent to the undersigned.

(Name and address of Clerk to order-making Authority.)

PART III

Form of Notice of Making of an Order

The (*a*)

On the (*h*) the (*i*)
Council made an Order under section 220 of the Road Traffic Act, 1960, the effect of which is to (*c*)

(Name and address of Clerk to order-making Authority.)

NOTES

(*a*) Here insert title of the Order;

(*b*) Here insert name of Council proposing to make the Order;

(*c*) Here insert brief but accurate description of the effect of the Order;

(*d*) Here insert date not less than 21 days from the date of the first publication of this notice in the local newspaper;

(*e*) Here insert name of person before whom the hearing is to take place;

(*f*) Here insert place, date and time at which the hearing will take place, the said date being not less than 14 days from the date of the first publication of this notice in the local newspaper;

(*g*) Here insert the address of the person before whom the hearing is to take place;

(*h*) Here insert date of making of the Order;

(*i*) Here insert name of Council making the Order.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, applying to Scotland, prescribe the procedure to be followed in connection with the making by local authorities of orders under section 220 of the Road Traffic Act 1960 being orders which specify roads on which dogs must be held on a lead.