Draft Order laid before Parliament under section 144(4) and (5)(b) of the Constitutional Reform Act 2005, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No.

LORD CHANCELLOR

ROAD TRAFFIC

The Lord Chancellor (Modification of Functions) Order 2007

Made - - - - 2007

Coming into force in accordance with article 1

The Lord Chancellor makes the following Order in exercise of the powers conferred upon him by section 19(1)(d) and (2)(a)(i) of the Constitutional Reform Act 2005(**a**).

In accordance with section 144(4) and (5)(b) of that Act, a draft of this instrument was laid before and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Lord Chancellor (Modification of Functions) Order 2007 and shall come into force on the day on which paragraph 3(2) of Schedule 11 to the Traffic Management Act 2004(**b**) comes into force in relation to England.

(2) In this Order, "the 1984 Act" means the Road Traffic Regulation Act 1984(**c**).

Modification of functions of the Lord Chancellor

2.—(1) Section 101B (representations and appeals) of the 1984 Act(**d**) is amended in accordance with this article.

(2) After subsection (5) insert—

"(6) Subsections (1) to (3) of section 89 of the Traffic Management Act 2004 (regulations and orders) apply to regulations under this section as they apply to regulations under Part 6 of that Act.".

3.—(1) Section 134 of the 1984 Act(**e**) (provisions as to regulations) is amended in accordance with this article.

(2) In subsection (1), after "on the Secretary of State," insert "on the Lord Chancellor,".

(**a**) 2005 c.4.
(**b**) 2004 c.18.
(**c**) 1984 c.27.
(**d**) Section 101B was inserted by paragraph 3(2) of Schedule 11 to the Traffic Management Act 2004 (c.18).
(**e**) Section 134 was amended by paragraph 4 of Schedule 7 to the Roads (Scotland) Act 1984 (c.54) and by paragraph 77 of Schedule 8 to the New Roads and Street Works Act 1991 (c.22).

(3) In subsection (3), after "sections 86, 97" insert ", 101B".

(4) In subsection (5), after "section 97" insert "or section 101B".

, C

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 101B of the Road Traffic Regulation Act 1984 (c.27) ("the 1984 Act") to provide that section 89(1) to (3) of the Traffic Management Act 2004 (c.18) apply to regulations under section 101B as they apply to regulations under Part 6 of the 2004 Act.

The effect of this amendment is that regulations under section 101B may—

(a) make provision for Greater London different from that made for the rest of England;

(b) make provision for Wales different from that made for England; and

(c) contain incidental, consequential or transitional provision or savings.

This Order also amends section 134 of the 1984 Act to provide that regulations under section 101B—

(a) must be made by statutory instrument; and

(b) may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.

£3.00

© Crown copyright 2007

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0640 4/2007 170640T 19585

