SCOTTISH STATUTORY INSTRUMENTS

2005 No. 338

ROAD TRAFFIC

The Local Authorities' Traffic Orders (Procedure) (Scotland) Amendment Regulations 2005

Made - - - -	*8th June 2005*
Laid before the Scottish Parliament	*9th June 2005*
Coming into force - -	*1st July 2005*

The Scottish Ministers, in exercise of the powers conferred by section 124 of, and Part III of Schedule 9 to, the Road Traffic Regulation Act 1984(**a**), and of all other powers enabling them in that behalf, after consultation with representative organisations in accordance with section 134(2) of that Act, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Local Authorities' Traffic Orders (Procedure) (Scotland) Amendment Regulations 2005 and shall come into force on 1st July 2005.

(2) These Regulations extend to Scotland only.

Amendment of the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999

2.—(1) The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999(**b**) are amended in accordance with the following paragraphs.

(2) In regulation 16(3) insert at the beginning–

"Subject to paragraph (4)".

(3) After regulation 16(3) add–

"(4) The two year time limit referred to in paragraph (3) shall not apply where an application for an extension has been made by the authority to the Scottish Ministers.

(5) The Scottish Ministers may extend the two year time limit referred to in paragraph (3) for such period not exceeding 6 months as the Scottish Ministers consider appropriate and the Scottish Ministers may grant up to 4 further extensions to the authority.

(6) If the application for an extension is refused no order shall be made after the expiry of the time period specified in paragraph (3) or the date falling one month after intimation to the authority of the refusal, whichever is the later.".

(**a**) 1984 c.27; there are amendments to section 124 not relevant to these Regulations. Part III of Schedule 9 was amended by the Local Government Act 1985 (c.51), Schedule 5, paragraph 39 and the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 80 and Schedule 9. The functions of the Secretary of State transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(**b**) S.I. 1999/614 as amended by S.S.I. 2003/31.

(4) In paragraph 1(1)(b) of Schedule 5 after "class," insert–

"if an alternative route exists,".

NICOL STEPHEN
A member of the Scottish Executive

St Andrew's House,
Edinburgh
8th June 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 ("the 1999 Regulations") which prescribe the procedure to be followed by local traffic authorities in Scotland for making the main types of traffic and parking orders under the Road Traffic Regulation Act 1984.

Regulation 3 amends regulation 16 of the 1999 Regulations by introducing further paragraphs to allow authorities to apply to Scottish Ministers, on cause shown, for up to 4 six month extensions where the order cannot be made within the 2 year period specified in regulation 16(3).

Regulation 4 amends paragraph (1)(1)(b) of Schedule 5 to the 1999 Regulations so that the map required by regulation 15 need only provide details of an alternative route if such a route exists.

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