STATUTORY INSTRUMENTS

1978 No. 707

ROAD TRAFFIC

The London Authorities' Traffic Orders (Procedure) (Amendment) Regulations 1978

Made - - - -	*9th May* 1978
Laid before Parliament	*25th May* 1978
Coming into Operation	*15th June* 1978

The Secretary of State for Transport, in exercise of the powers conferred by section 84C(2), (3) and (4) of the Road Traffic Regulation Act 1967**(a)**, as amended by Part IX of the Transport Act 1968**(b)**, and now vested in him **(c)**, and after consultation with the Greater London Council in accordance with section 84C(4) of the said Act of 1967 and with representative organisations in accordance with section 107(2) of that Act, hereby makes the following Regulations:—

1. These Regulations may be cited as the London Authorities' Traffic Orders (Procedure) (Amendment) Regulations 1978, and shall come into operation on 15th June 1978.

2.—(1) Subject to paragraph (2) of this Regulation, the London Authorities' Traffic Orders (Procedure) Regulations 1972**(d)** as amended by the London Authorities' Traffic Orders (Procedure) (Amendment) Regulations 1975**(e)** (which Regulations as so amended are hereinafter referred to as "the 1972 Regulations") shall be amended in accordance with Regulations 3 to 14 of these Regulations (any reference in these Regulations to a Regulation or a Schedule followed by a number being a reference to the Regulation or Schedule so numbered in the 1972 Regulations).

(2) The amendments to the 1972 Regulations made by these Regulations shall not have effect—

(*a*) in relation to an order to which Regulation 5(1) of the 1972 Regulations applies, if the notice of the application required by that paragraph of that Regulation has been published before the date of the coming into operation of these Regulations;

(*b*) in relation to an order to which Regulation 5(2) of the 1972 Regulations applies, if the notice of proposals for that order required by that paragraph of that Regulation has been published before the date of the coming into operation of these Regulations; and

(*c*) in relation to any other order to which the 1972 Regulations apply, if the order has been made before the coming into operation of these Regulations.

(a) 1967 c. 76. **(b)** 1968 c. 73. **(c)** S.I. 1970/1681.
(d) S.I. 1972/729. **(e)** S.I. 1975/2031.

3. In Regulation 2 (Interpretation), in paragraph (1)—

(i) in the definition of "the Act", after the words "the Transport Act 1968" there shall be added the words "and section 13 of the Greater London Council (General Powers) Act 1974**(a)**";

(ii) after the definition of "consolidation order" there shall be added the following new definition, namely—

"delegated functions" means functions delegated by the Greater London Council to a local authority under section 5 of the London Government Act 1963**(b)** as read with section 12 of the Greater London Council (General Powers) Act 1974 or in pursuance of arrangements under section 101 of the Local Government Act 1972**(c)**;

(iii) in the definition of "the order making authority", in sub-paragraph (*b*), after the words "having power" there shall be inserted the words "(whether directly by virtue of the Act or in exercise of delegated functions)".

4. In Regulation 3 (Application of Regulations), in paragraph (1), after sub-paragraph (*a*), there shall be added the following new sub-paragraph—

"(*aa*) orders made or proposed to be made by a local authority, in exercise of delegated functions, under section 6, 9, 35, 36, 37, 73(3) or 74 of the Act;".

5. In Regulation 4 (Consultation)—

(i) in paragraph (2), after sub-paragraph (*a*), there shall be added the following new sub-paragraph—

"(*aa*) in a case where the order is an order which is proposed to be made under section 6 of the Act (otherwise than in pursuance of a direction under section 84A(1) of the Act), consult with any local authority within whose area any road affected by the order is situated, or whose area appears to the order making authority to be likely to be affected by the order, and";

(ii) in paragraph (3) the words "the consultation with the relevant local authority required by section 8 of the Act" shall be omitted.

6. In Regulation 5 (Publication of the application or the proposals)—

(i) in paragraph (2)(*c*) after the words "under section 6 of the Act" there shall be inserted the words "or an order mentioned in paragraph (2A) below";

(ii) after paragraph (2) there shall be added a new paragraph as follows—

"(2A) The order referred to in paragraph (2)(*c*) above is an order which provides only for the variation of the provisions of an order under section 35 of the Act, but which does not provide for any variation of any charge, time limit or class of vehicle entitled on payment of a charge to use a parking place.".

7. In Regulation 10 (Notice of public inquiry), in paragraph (2)(*c*), after the words "section 36B(5) of the Road Traffic Act 1972" there shall be inserted the words "or is an order mentioned in Regulation 5(2A) above".

(a) 1974 c. xxiv. **(b)** 1963 c. 33. **(c)** 1972 c. 70.

8. In Regulation 15 (The map)—

(i) For paragraph (1) the following paragraph shall be substituted—

"(1) Subject to the provisions of this Regulation there shall be prepared in connection with an order under section 9 or 35 of the Act which designates parking places on highways where charges can be made a map on a scale of not less than 1: 1250 which clearly indicates by distinctive markings each length of highway to which the order relates.";

(ii) Paragraph (5) shall be omitted;

(iii) For paragraph (6) the following paragraph shall be substituted—

"(6) Paragraphs (1) and (2) of this Regulation shall not apply to a consolidation order.".

9. In Regulation 18 (Notice of the making of the order)—

(i) In paragraph (1)(*b*) for the words from the beginning to "such person" there shall be substituted the following words—

"except in the case specified in paragraph (1A) below";

(ii) After paragraph (1) there shall be added a new paragraph as follows—

"(1A) The case referred to in paragraph (1)(*b*) above is the case where (whether in pursuance of the requirements of Regulation 17 above or otherwise) the order making authority have, before making the order, notified in writing the person in question of their decision in relation to his objection and, where the objection has not been, or not wholly been, acceded to, of their reasons therefor.".

10. In Regulation 20 (Special provisions for experimental traffic orders and for orders giving permanent effect to such orders)—

(i) for paragraph (2) the following paragraph shall be substituted—

"(2) Regulations 4(2)(*b*), 5 and 8 above shall not apply to an order under any of the following provisions of the Act, that is to say, sections 6, 35, 36, 37, 73(3) and 74, where the sole effect of the order would be to reproduce and continue in force indefinitely provisions of one or more orders under section 9 of the Act in a case where the provisions to be continued in force have been in continuous operation for a period of not less than 6 months and where the following requirements have been complied with in relation to the order under section 9 of the Act, or if more than one such order is involved, to each such order (an order under the said section 9 containing provisions to be continued in force as aforesaid being in this paragraph referred to as a "relevant section 9 order")—

(*a*) the notice of the making of the relevant section 9 order, or if more than one such order is involved, of each such order, has contained the following statements—

(i) that the order making authority will consider in due course whether the provisions of that section 9 order should be continued in force indefinitely by means of an order under the appropriate section of the Act;

(ii) that within a period of 6 months from the coming

into operation of that section 9 order, or if that order is subsequently varied by another order under that section or modified pursuant to sub-section (5) of the said section 9, from the coming into operation of that variation or modification (whichever is latest), any person may object to the making of an order under the appropriate section of the Act for the purposes of such indefinite continuation in force; and

(iii) that any such objection must be in writing, must give the grounds thereof and must be made to an address of the order making authority specified in the statement;

(*b*) the documents which the order making authority are required by Regulation 18(1)(*e*) above 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 authority's reasons for making that section 9 order;

(*c*) the said documents and statement have continued to be available for inspection in accordance with Schedule 3 to these Regulations during the whole of the period within which objections can be made in accordance with sub-paragraph (*a*)(ii) above; and

(*d*) in a case where a relevant section 9 order has been modified pursuant to sub-section (5) of the said section 9, a document stating the effect of each such modification has been made available for inspection along with the documents and statement referred to in sub-paragraph (*c*) above and for the period mentioned in that sub-paragraph".

(ii) in paragraph (3) for the words "section 6" in each place where they occur there shall be substituted the words "the appropriate section".

11. In Regulation 21 (Special provisions for certain orders)—

(i) in paragraph (1)(*b*) the words "relating to any one or more of the matters specified in Regulation 15(6)(*b*) above" shall be omitted;

(ii) in paragraph (2)(*c*) for the words "any one or more of the matters specified in Regulation 15(6)(*b*)(iii) to (vi) (inclusive) above" there shall be substituted the words "the use of a parking place".

12. After Regulation 21 there shall be added a new Regulation as follows—

"*Making of orders in part*

21A.—(1) Where, after the relevant provisions of Regulations 4 to 8 above have been complied with in relation to an order to which these Regulations apply (such order as applied for or as proposed to be made being hereafter in this Regulation referred to as "the original order"), the order making authority decide that they wish to make an order embodying part only of the provisions contained in the original order but to defer a decision with respect to the remainder of those provisions, they may, in reliance on the steps which have already been taken under these Regulations with respect to the original order, and after considering all objections duly made in accordance with Regulation 8 above to that part of those provisions, and not withdrawn, proceed to embody that part of those provisions in a separate order

(such order being hereafter in this Regulation referred to as "the first made order") and in that event paragraphs (2) to (8) of this Regulation shall apply.

(2) The provisions of Regulations 12 and 14 to 18 above shall have effect in relation to the first made order as if the procedural steps previously taken under these Regulations, and any notices published, applications made or instruments prepared thereunder, in connection with the original order had related only to the provisions embodied in the first made order.

(3) The making of the first made order shall not prejudice the continuing validity of the procedural steps previously taken under these Regulations, and any notices published, applications made or instruments prepared thereunder, in connection with the original order insofar as they relate to the provisions of that order which have not been embodied in the first made order, but subject thereto such steps, notices, applications and instruments shall, after the making of the first made order, have effect as if they related only to those provisions.

(4) Subject to paragraph (8) below, the order making authority may make one or more further orders (any such order being hereafter in this Regulation referred to as a "further order") embodying provisions which were contained in the original order but which were not embodied in the first made order or, if more than one further order is made, in the first made order and any further order previously made, and the provisions of paragraph (2) above shall apply in relation to a further order as if it were the first made order and the provisions of paragraph (3) above shall apply in relation to a further order as if the first reference therein to the first made order were a reference to the further order in question and as if the second and third references therein to the first made order included references to the further order in question and, where more than one further order is made, any further order previously made.

(5) Any order made in pursuance of the provisions of this Regulation shall be made under the section of the Act under which the original order was proposed to be made.

(6) The notice of the making of the first made order and any further order shall state that the order in question has been made pursuant to this Regulation, shall indicate briefly the provisions (if any) of the original order in relation to which the decision of the order making authority has been deferred and shall, where the notice relates to a further order, give particulars of the title and date of making of the first made order and any previous further order.

(7) Where, after the making of the first made order, or the first made order and one or more further orders, the order making authority (not having previously caused a public inquiry to be held in connection with the original order) decide that a public inquiry should be held in connection with those provisions of the original order which have not been embodied in any made order, the provisions of Regulations 9 to 11 above shall apply in relation to such inquiry as if the procedural steps previously taken under these Regulations, and any notices published, applications made or instruments prepared thereunder, in connection with the original order had related only to those provisions.

(8) No further order may be made in pursuance of this Regulation after the end of 12 months from the date of the making of the first made order unless it is an order which is made consequent on a public inquiry held in the circumstances mentioned in paragraph (7) above in a case where the holding of the inquiry has begun before the end of that period.".

13. In Schedule 1 (Particulars to be Included in Press Notices)—

(i) in Part I—

(*a*) for paragraph 3 there shall be substituted—

"3. A brief statement of the general effect of the order.";

(*b*) for paragraph 5 there shall be substituted—

"5. Where the order prescribes charges for the use of a parking place, or time limits or classes of vehicle for which it will be available, a statement of such charges, time limits or classes of vehicle, as the case may be.";

(ii) in Part II—

(*a*) for paragraph 3 there shall be substituted—

"3. A brief statement of the general effect of the order.";

(*b*) for paragraph 6 there shall be substituted—

"6. Where the order relates to a parking place and prescribes charges for its use, or time limits or classes of vehicle for which it will be available, a statement of such charges, time limits or classes of vehicle, as the case may be.";

(iii) in Part IV in paragraph 5 the words "nature and" shall be omitted;

(iv) in Part V—

(*a*) for paragraph 4 there shall be substituted—

"4. A brief statement of the general effect of the order and a statement of its operative date or dates.";

(*b*) for paragraph 7 there shall be substituted—

"7. Where the order relates to a parking place and prescribes charges for its use, or time limits or classes of vehicle for which it will be available, a statement of such charges, time limits or classes of vehicle, as the case may be".

14. In Schedule 2 (Requirements as to Notices to be Displayed in a Road or Other Place), in paragraph 4 in Part I, the word "general" shall be inserted before the words "effect of".

9th May 1978.

William Rodgers,
Secretary of State for Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the London Authorities' Traffic Orders (Procedure) Regulations 1972 which prescribe the procedure to be followed in connection with the making of traffic regulation, parking place and speed limit orders under the Road Traffic Regulation Act 1967.

The main amendments to the 1972 Regulations are as follows—

(1) Regulations 2 and 4 are amended so as to take account of the power conferred on the Greater London Council by section 12 of the Greater London Council (General Powers) Act 1974 to delegate order making powers to the London Borough Councils or to the Common Council of the City;

(2) Regulation 4 is amended so as to require the order making authority, before making a traffic regulation order under section 6 of the 1967 Act, to consult with any local authority in whose area any road affected by the order is situated or whose area is likely to be affected by the order;

(3) Regulations 5 and 10 are amended so as to remove the need to display street notices in the case of certain minor orders relating to street parking places where a charge is made;

(4) Regulation 15 is amended so as to limit the requirement to prepare a map in connection with orders relating to street parking places where a charge is made, to those cases where the order in question designates parking places for the first time;

(5) Regulation 18 is amended so as to render it unnecessary for the order making authority, after making the order, to notify an objector why his objection has been overruled, in a case where they have so notified him before the order is made;

(6) Regulation 20 is amended so as to remove the requirements about publishing notices of proposals to make orders and about affording opportunities for objections, in those cases where the effect of the order is to give permanent force to an experimental order which has been in operation for 6 months and the notices relating to the making of the experimental order have informed the public that the provisions of the experimental order might be made permanent and that objections to the making of those provisions permanent should be sent to the order making authority during the first 6 months of the currency of the experimental order;

(7) A new Regulation 21A is added for enabling an order to be made in part or by instalments;

(8) Schedule 1 is amended so as to permit the shortening of certain of the material required to be included in notices relating to the orders.

SI 1978/707
ISBN 0-11-083707-X

