STATUTORY INSTRUMENTS

# 1961 No. 411

# ROAD TRAFFIC

## The Parking Places Orders (Procedure) (England and Wales) Regulations, 1961

| | |
|---|---|
| *Made - - - -* | *7th March,* 1961 |
| *Laid before Parliament* | *17th March,* 1961 |
| *Coming into Operation* | *20th March,* 1961 |

The Minister of Transport (hereinafter referred to as "the Minister") in exercise of his powers under section 29 of the Road Traffic Act, 1960(a), as applied by section 11 of the Road Traffic and Roads Improvement Act, 1960(b), and of all other powers him enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of subsection (2) of section 260 of the Road Traffic Act, 1960, hereby makes the following Regulations:—

### PART I

*General*

**1.** These Regulations shall come into operation on the 20th day of March, 1961, and may be cited as the Parking Places Orders (Procedure) (England and Wales) Regulations, 1961.

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

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

"the second Act of 1960" means the Road Traffic and Roads Improvement Act, 1960;

(2) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

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

### PART II

*Orders by a Local Authority not requiring Confirmation by the Minister*

**3.** In this Part of these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"local authority" means a local authority to which section 81 of the first Act of 1960 applies;

"Order" means an Order under section 81 of the first Act of 1960 or an Order under subsection (2) of section 11 of the second Act of 1960.

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

**4.** Before making an Order, a local authority shall—

(*a*) consult with the chief officer of police of the police area in which is situated the parking place to which the proposed Order relates and with such representative organisations as they think fit, and

(*b*) except as provided in paragraph (*a*) of Regulation 8 of these Regulations, publish a notice of their proposal to make the Order once at least in a local newspaper circulating in the district in which is situated the said parking place and once in the London Gazette.

**5.** Every notice published in accordance with the last preceding Regulation shall be in the form and contain the particulars specified in Part I of the First Schedule to these Regulations.

**6.** During the period commencing on the date on which the notice mentioned in Regulation 4 of these Regulations is first published in the local 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 local authority shall—

(*a*) if the proposed Order relates to a street parking place, cause a copy of the said notice to be displayed in a prominent position on the road to which that Order relates ; and

(*b*) cause a copy of the proposed Order to be available for inspection at the offices of the local authority during the normal office hours of the authority.

**7.** When objections to a proposed Order are made in accordance with the notice mentioned in Regulation 4 of these Regulations, such objections and, if a public inquiry into the proposed Order is held, the report and recommendations of the person holding such inquiry, shall be considered by the local authority.

**8.** A local authority may cause a public inquiry to be held—

(*a*) after such consultations as are mentioned in paragraph (*a*) of Regulation 4 of these Regulations in which case the local authority may dispense with publication of the notice mentioned in that Regulation ; or

(*b*) after complying with all the provisions of the said Regulation 4.

**9.** When a public inquiry is to be held in accordance with the provisions of the last preceding Regulation, the local authority shall—

(*a*) publish a notice of the inquiry in the form and containing the particulars specified in Part II of the First Schedule to these Regulations once at least in a local newspaper circulating in the district in which is situated the parking place to which the proposed Order relates and once in the London Gazette ;

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

(i) if the proposed Order relates to a street parking place, cause a copy of the said notice to be displayed in a prominent position on the road to which that Order relates, and

(ii) cause a copy of the proposed Order to be available for inspection at the offices of the local authority during the normal office hours of the authority ; and

(*c*) if the inquiry is held after compliance with paragraph (*b*) of Regulation 4 of these Regulations, inform any person, who has objected to the proposed Order in accordance with the notice thereof mentioned in that Regulation and not withdrawn his objection, of the holding of the inquiry.

**10.**—(1) After a local authority have decided to make an Order, their decision to make the Order shall be notified in writing to the chief officer of police of the police area in which is situated the parking place to which the Order relates and, where any objection has been made to the Order in accordance with the notice mentioned in Regulation 4 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 local authority 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 this Part of these Regulations, a local authority may make an Order and every Order so made shall bear the seal of the local authority duly authenticated in accordance with the Standing Orders made by the authority.

**12.** After an Order has been made by a local authority, the local authority 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 First Schedule to these Regulations once at least in a local newspaper circulating in the district in which is situated the parking place to which the Order relates, and once in the London Gazette;

(*b*) forthwith keep available for inspection at the offices of the local authority during the normal office hours of the authority a copy of the Order; and

(*c*) if the Order relates to a street parking place, forthwith take all such steps as are reasonably practicable to cause to be erected on or near to that parking place traffic signs in such positions as may be requisite for the purpose of securing that adequate information as to the effect of the Order is given to persons using the said parking place; or

(*d*) if the Order relates to an off-street parking place, forthwith take all such steps as are reasonably practicable to cause adequate information as to the effect of the Order to be given to persons using the said parking place:

Provided that nothing in the last two paragraphs shall apply in the case of an Order containing no provision other than provision revoking any previous Order.

## PART III

*Orders by a Local Authority requiring Confirmation by the Minister*

**13.** In this Part of these Regulations, except when the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"local authority" means a local authority to which both sections 26 and 81 of the first Act of 1960 apply and includes a local authority to which all or any of the powers exercisable under the said section 26 have been delegated under subsection (10) of section 11 of the second Act of 1960;

"Order" means an Order by a local authority jointly under sections 26 and 81 of the first Act of 1960, by virtue of subsection (8) of, or by virtue of subsections (8) and (10) of, section 11 of the second Act of 1960, or an Order under subsection (11) of the said section 11;

"the stated area" means an area stated in an Order other than an Order under subsection (11) of the said section 11 as the area in respect of which an Order is made for the purpose of a general scheme of traffic control.

**14.** Before making an Order, a local authority shall consult with the chief officer of police of the police area in which are situated the roads and any parking place to which the proposed Order relates and with such representative organisations as they think fit.

**15.** Every application for confirmation of an Order by the Minister shall be accompanied by—

(*a*) four copies of the Order, one of which shall bear the seal of the local authority duly authenticated in accordance with the Standing Orders made by the authority;

(*b*) two maps on a scale of not less than 1:1250 on which the roads and any parking place to which the Order relates and the stated area (if stated in the Order) shall be clearly indicated in distinguishing colours or markings and on which, in the case of an Order containing provision prohibiting the use of a road by vehicular traffic or by such traffic of any class or description specified in the Order, shall also be indicated the alternative route available for the vehicular traffic to which the said provision relates;

(*c*) where relevant two copies of a statement giving the reasons for the selection by the local authority of the stated area, particulars of existing off-street parking places in the neighbourhood of the stated area and details of any proposals of which the local authority are aware for the provision of additional off-street parking places in that neighbourhood; and

(*d*) if the local authority are one to which all or any of the powers exercisable by a county council under section 26 of the first Act of 1960 have been delegated under subsection (10) of section 11 of the second Act of 1960, a statement to that effect and of any restrictions subject to which the delegation was made.

**16.** After the application by a local authority for confirmation of an Order by the Minister, the local authority shall—

(*a*) not later than twenty-one days after the date of the said application publish a notice of the application in the form and containing the particulars specified in Part I of the Second Schedule to these Regulations once at least in a local newspaper circulating in the district in which are situated the roads and any parking place to which the Order relates and once in the London Gazette;

(*b*) during the period commencing on the date on which the said notice is first published in the local newspaper as aforesaid and ending immediately after the date by which objections to the Order may be sent in writing in accordance with the said notice cause—

(i) a copy of the said notice to be displayed in a prominent position at or near each end of the roads to which the Order relates by virtue of section 26 of the first Act of 1960 and in such other

positions as the local authority think requisite for the purpose of securing that adequate information is given to persons using the said roads;

(ii) a copy of the said notice to be displayed in a prominent position on the roads to which the Order relates by virtue of section 81 of the first Act of 1960; and

(iii) a copy of the Order and a map similar to those mentioned in paragraph (*b*) of Regulation 15 of these Regulations to be available for inspection at the offices of the local authority during the normal office hours of the authority:

Provided that where a local authority represent to the Minister on application for confirmation of an Order that a public inquiry appears to be desirable and the Minister decides that such an inquiry shall be held the provisions of this Regulation shall not apply.

**17.** If before confirming an Order, the Minister determines that a public inquiry shall be held, the local authority shall—

(*a*) publish a notice of the inquiry in the form and containing the particulars specified in Part II of the Second Schedule to these Regulations once at least in a local newspaper circulating in the district in which are situated the roads and any parking place to which the Order relates;

(*b*) where the local authority have represented to the Minister on application for confirmation of an Order that a public inquiry appears to be desirable publish a copy of the said notice in the London Gazette; and

(*c*) during the period commencing on the date on which the said notice is first published in the local newspaper in accordance with paragraph (*a*) of this Regulation and ending immediately before the date on which the inquiry is to be held, cause—

(i) a copy of the said notice to be displayed in a prominent position at or near each end of the roads to which the Order relates by virtue of section 26 of the first Act of 1960 and in such other positions as the local authority think requisite for the purpose of securing that adequate information is given to persons using the said roads;

(ii) a copy of the said notice to be displayed in a prominent position on the roads to which the Order relates by virtue of section 81 of the first Act of 1960; and

(iii) a copy of the Order and a map similar to those mentioned in paragraph (*b*) of Regulation 15 of these Regulations to be available for inspection at the offices of the local authority during the normal office hours of the authority.

**18.** When the Order has been confirmed, the local authority shall—

(*a*) publish a notice of the confirmation of the Order in the form and containing the particulars specified in Part III of the Second Schedule to these Regulations once at least in a local newspaper circulating in the district in which are situated the roads and any parking place to which the Order relates and once in the London Gazette;

(*b*) forthwith keep available for inspection at the offices of the local authority during the normal office hours of the authority a copy of the Order and a map showing the roads and any parking place to which the Order relates; and

(*c*) forthwith take all such steps as are reasonably practicable to cause to be erected traffic signs in such positions as the local authority 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 and parking place:

Provided that nothing in this paragraph shall apply in the case of an Order containing no provision other than provision revoking any previous Order,

## PART IV

### *Orders by the Minister under subsection (7) of section 11 of the Road Traffic and Roads Improvement Act, 1960*

**19.** When an Order has been made by the Minister under subsection (7) of section 11 of the second Act of 1960 revoking, varying or amending an Order of a local authority either under section 81 of the first Act of 1960, or under subsection (2) of section 11 of the second Act of 1960, the local authority shall publish a notice of the making of the Order in the form and containing the particulars specified in the Third Schedule to these Regulations once at least in a local newspaper circulating in the district in which is situated the parking place to which the Order relates and once in the London Gazette.

## PART V

### *Regulations relating to Public Inquiries*

**20.** In this Part of these Regulations, except where the context otherwise requires, "public inquiry" means an inquiry for the purposes of either Part II or III of these Regulations.

**21.** Where a local authority cause a public inquiry to be held for the purposes of Part II of these Regulations, the person to hold the inquiry shall be selected by the local authority from a panel of persons appointed by the Minister for the purpose of holding public inquiries under Part II of these Regulations.

**22.**—(1) Any person interested in the subject matter of a public inquiry may appear at the inquiry either in person or by counsel, solicitor or agent.

(2) Any person so interested whether he proposes to appear at the inquiry or not may forward in accordance with the appropriate notice specified in Part II of the First or Second Schedule to these Regulations to the person holding the inquiry for consideration at the inquiry any objection which he may wish to make in relation to the subject matter of the inquiry.

(3) The person holding a public inquiry may refuse to hear any person or to consider at the inquiry any such objection, if he is satisfied that the views of that person are or the objection is frivolous or such views have been adequately stated at the inquiry by some other person.

Given under the Official Seal of the Minister of Transport this seventh day of March, 1961.

(L.S.) *Ernest Marples,*

The Minister of Transport.

## FIRST SCHEDULE

FORMS OF NOTICE RELATING TO ORDERS NOT REQUIRING CONFIRMATION

### PART I

*Form of Notice of Proposal to Make an Order*

The (*a*) .....

The (*b*) Council propose to make an Order under section 81 of the Road Traffic Act, 1960(*c*), [and] subsection (2) of section 11 of the Road Traffic and Roads Improvement Act, 1960(*c*), the effect of which will be to (*d*)

Objections to the proposals must be sent in writing to the undersigned by (*e*).

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

### PART II

*Form of Notice of Public Inquiry*

The (*a*) .....

A Public Inquiry will be held by (*f*)
at (*g*)
to consider the proposal of the (*b*) Council to make an Order under section 81 of the Road Traffic Act, 1960(*c*), [and] subsection (2) of section 11 of the Road Traffic and Roads Improvement Act, 1960(*c*), the effect of which will be to (*d*)

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 inquiry or not may forward any objection to the proposal to (*f*) at the undermentioned address.

(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 81 of the Road Traffic Act, 1960(*c*), [and] subsection (2) of section 11 of the Road Traffic and Roads Improvement Act, 1960(*c*), the effect of which is to (*d*)

(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*) Delete, if appropriate;

(*d*) Here insert brief description of the effect of the Order naming all roads affected by the Order;

(*e*) Here insert date not less than 21 days from the date of the first publication of this notice in the local newspaper or in the London Gazette, whichever is the later;

(*f*) Here insert name of person holding inquiry;

(*g*) Here insert place, date and time at which Public Inquiry will be held, the said date being not less than 14 days from the date of the first publication of this notice in the local newspaper or in the London Gazette, whichever is the later;

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

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

## SECOND SCHEDULE

### FORMS OF NOTICE RELATING TO ORDERS REQUIRING CONFIRMATION

#### PART I

*Form of Notice of Application for Confirmation of an Order*

The (*a*) .....

The (*b*) Council have applied to the Minister of Transport for confirmation of an Order made by them under (*c*) [sections 26 and 81 jointly of the Road Traffic Act, 1960, by virtue of subsection[s] (8) [and (10)] of section 11 of the Road Traffic and Roads Improvement Act, 1960, and under subsection (2) of the said section 11] (*c*) [subsection (11) of section 11 of the Road Traffic and Roads Improvement Act, 1960] the effect of which will be to (*d*)

Objections to the Order must be sent to the Secretary, Ministry of Transport, at St. Christopher House, Southwark Street, London S.E.1, by (*e*) and a copy sent to the undersigned.

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

#### PART II

*Form of Notice of Public Inquiry to be held by the Minister*

The (*a*) .....

A Public Inquiry will be held by (*f*) at (*g*) to consider the Order made by the (*b*) under (*c*) [sections 26 and 81 jointly of the Road Traffic Act, 1960, by virtue of subsection[s] (8) [and (10)] of section 11 of the Road Traffic and Roads Improvement Act, 1960, and under subsection (2) of the said section 11] (*c*) [subsection (11) of section 11 of the Road Traffic and Roads Improvement Act, 1960], the effect of which will be to (*h*)

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 inquiry or not may forward any objection to the Order to (*f*) at the under-mentioned address.

(Name and Address of Clerk to order-making Authority)

#### PART III

*Form of Notice of Confirmation of an Order*

The (*a*) .....

On the (*i*) the Minister of Transport confirmed the above-named Order made by the (*b*) Council under (*c*) [sections 26 and 81 jointly of the Road Traffic Act, 1960, by virtue of subsection[s] (8) [and (10)] of section 11 of the Road Traffic and Roads Improvement Act, 1960, and under subsection (2) of the said section 11] (*c*) [subsection (11) of section 11 of the Road Traffic and Roads Improvement Act, 1960], the effect of which is to (*d*)

(Name and Address of Clerk to order-making Authority)

NOTES

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

(*b*) Here insert name of Council making the Order;

(*c*) Delete, if appropriate;

(*d*) Here insert brief description of the effect of the Order naming all roads affected by the Order;

(*e*) Here insert date not less than 21 days from the date of the first publication of this notice in the local newspaper or in the London Gazette, whichever is the later;

(*f*) Here insert name of person holding inquiry;

(*g*) Here insert place, date and time at which Public Inquiry will be held;

(*h*) Here insert brief description of the effect of the Order and, unless a notice as at Part I of the Schedule has been published, naming all roads affected by the Order.

(*i*) Here insert date of confirmation of the Order.

## THIRD SCHEDULE

FORM OF NOTICE RELATING TO ORDERS MADE BY THE MINISTER UNDER SUB-SECTION (7) OF SECTION 11 OF THE ROAD TRAFFIC AND ROADS IMPROVEMENT ACT, 1960.

The (*a*) .....

On the (*b*) the Minister of Transport made the above-named Order revoking/varying/amending (*c*) the (*d*) made by the (*e*) Council under (*f*) [section 81 of the Road Traffic Act, 1960] (*f*) [and] [subsection (2) of section 11 of the Road Traffic and Roads Improvement Act, 1960]. The effect of the Minister's Order is to (*g*)

(Name and address of the Clerk to the Authority having made the Order revoked, varied or amended by the Minister)

NOTES

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

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

(*c*) Delete as appropriate;

(*d*) Here insert title of the original Order;

(*e*) Here insert name of Council which made the original Order;

(*f*) Delete, if appropriate;

(*g*) Here insert brief description of the Order naming all roads affected by the Order.

## EXPLANATORY NOTE

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

These Regulations, which apply to England and Wales, prescribe the procedure to be followed in connection with the making by local authorities of orders under section 81 of the Road Traffic Act, 1960, or under or by virtue of section 11 of the Road Traffic and Roads Improvement Act, 1960, in relation to parking places which may be provided under the said section 81 or under section 13 (6) of the last mentioned Act.

Part II of the Regulations relates to orders applying to parking places which may come into operation without confirmation by the Minister of Transport and Part III relates to orders applying to parking places provided for the purpose of a general scheme of traffic control in an area of a local authority which require confirmation by the Minister.

Part IV provides that where the Minister revokes or amends an order of a local authority that authority shall publish notice of the making of the Minister's order. Part V contains provision about public inquiries held in connection with local authorities' orders.