STATUTORY INSTRUMENTS

1961 No. 505 (S. 28)

ROAD TRAFFIC

The Parking Places Orders (Procedure) (Scotland) Regulations, 1961

Made - - - -	*16th March*, 1961
Laid before Parliament	*24th March*, 1961
Coming into Operation	*27th March*, 1961

In exercise of the powers conferred on me by 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 enabling me 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, I hereby make the following Regulations:—

PART I

General

1. These regulations may be cited as the Parking Places Orders (Procedure) (Scotland) Regulations, 1961, and shall come into operation on the 27th day of March, 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; and

"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 to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART II

Orders by a council not requiring confirmation by the Secretary of State

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

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

"order" means an order by a council under section 81 of the first Act of 1960 or an order under subsection (2) of section 11 of the second Act of 1960.

4. Before making an order, a council shall—

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

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

(*b*) 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 or road and once in the Edinburgh 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 council shall—

(*a*) cause a copy of the proposed order 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 is situated the parking place or road to which the said order relates; and

(*b*) 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 the said order relates.

7.—(1) Where an objection to a proposed order has been made in accordance with the notice mentioned in regulation 4 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.

8.—(1) Where a hearing is to take place before an independent person in accordance with the provisions of this Part 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 First Schedule to these regulations once at least in a local newspaper circulating in the district in which is situated the parking place or road to which the proposed order relates; and

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

(i) cause a copy of the proposed order 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 is situated the parking place or road to which the said order relates, and

(ii) 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 the order relates.

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

9. Where a hearing takes place in accordance with the provisions of this Part 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 objection, 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.

10. 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 this Part 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.

11.—(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 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 council shall also notify in writing the person making the objection of their reasons for the decision to make the order.

12. Subject to the foregoing provisions of this Part 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**).

13. 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 First Schedule to these regulations once at least in a local newspaper circulating in the district in which is situated the parking place or road to which the order relates and once in the Edinburgh Gazette;

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

(*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

(*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 council requiring confirmation by the Secretary of State

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

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

"order" means an order by a council under sections 26 and 81 jointly of the first Act of 1960, by virtue of subsection (8) of section 11 of the second Act of 1960; and

"the stated area" means an area stated in an order as the area in respect of which an order is made for the purpose of a general scheme of traffic control.

15. Before making an order, a council shall consult with the chief constable 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.

16. An order shall be made pursuant to a resolution passed at a meeting of the council.

17. Every application for confirmation of an order by the Secretary of State shall be accompanied by—

(*a*) three copies of the order, one of which shall be signed and sealed in accordance with the provisions of section 342 of the Local Government (Scotland) Act, 1947;

(*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; and

(*c*) where relevant, two copies of a statement giving the reasons for the selection by the council 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 council are aware for the provision of additional off-street parking places in that neighbourhood.

18. After the application by a council for confirmation of an order by the Secretary of State, the council 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 Edinburgh 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 council 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 16 of these regulations 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 or parking place:

Provided that where a council represent to the Secretary of State on application for confirmation of an order that a public inquiry appears to be desirable and the Secretary of State decides that such an inquiry shall be held the provisions of this regulation shall not apply.

19. If, before confirming an order, the Secretary of State determines that a public inquiry shall be held, the council shall—

(*a*) not less than fourteen days before the date on which the inquiry is to be held 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 council have represented to the Secretary of State on application for confirmation of an order that a public inquiry appears to be desirable publish a copy of the said notice in the Edinburgh 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 council 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 16 of these regulations 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 or parking place.

20. When the order has been confirmed, the council shall—

(*a*) not later than fourteen days after the date of confirmation of the order publish a notice thereof 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 Edinburgh Gazette;

(*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 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 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 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 Secretary of State under subsection (7) of section 11 of the Road Traffic and Roads Improvement Act, 1960

21. When an order has been made by the Secretary of State under subsection (7) of section 11 of the second Act of 1960 revoking, varying or amending an order of a council either under section 81 of the first Act of 1960, or under subsection (2) of section 11 of the second Act of 1960, the council shall publish a notice of the making of the order in the form and containing the particulars 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 Edinburgh Gazette.

PART V

Regulations relating to Public Inquiries

22. In this Part of these regulations, except where the context otherwise requires, "public inquiry" means an inquiry for the purposes of Part III of these regulations.

23. The person to conduct the public inquiry shall be appointed by the Secretary of State.

24.—(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 public inquiry or not may forward in accordance with the notice specified in Part II of the 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 put forward for consideration 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.

Dated this sixteenth day of March, 1961.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

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 Hearing before an Independent Person

The (*a*).....

A Public Hearing 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 hearing or not may forward any objection to the proposal to (*f*)..... at (*h*).....

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 (*i*)..... the (*j*)..... 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 Edinburgh Gazette, whichever is the later;

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

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

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

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

(*j*) 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 Secretary of State for confirmation of an Order made by them under sections 26 and 81 jointly of the Road Traffic Act, 1960, by virtue of subsection (8) of section 11 of the Road Traffic and Roads Improvement Act, 1960, and under subsection (2) of the said section 11 the effect of which will be to (*c*).....
.....

Objections to the Order must be sent to the Secretary, Scottish Home Department, St. Andrew's House, Edinburgh, 1, by (*d*) 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 Secretary of State

The (*a*).....

A Public Inquiry will be held by (*e*)..... at (*f*)..... to consider the Order made by the (*b*)

under sections 26 and 81 jointly of the Road Traffic Act, 1960, by virtue of subsection (8) of section 11 of the Road Traffic and Roads Improvement Act, 1960, and under subsection (2) of the said section 11, the effect of which will be to (*g*).....

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 (*e*)..... at (*h*)..... ..... A copy of any such objection should be sent at the same time to the Secretary, Scottish Home Department, St. Andrew's House, Edinburgh, 1.

(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 Secretary of State confirmed the above-named Order made by the (*b*)..... Council under sections 26 and 81 jointly of the Road Traffic Act, 1960, by virtue of subsection (8) of section 11 of the Road Traffic and Roads Improvement Act, 1960, and under subsection (2) of the said section 11, 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 making the Order;

(*c*) Here insert brief description of the effect of the Order naming all roads affected by 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 or in the Edinburgh Gazette, whichever is the later;

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

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

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

(*h*) Here insert the address of the person who is to hold the Public Inquiry;

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

THIRD SCHEDULE

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

The (*a*).....

On the (*b*)..... the Secretary of State 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*) [subsection (2) of section 11 of the Road Traffic and Roads Improvement Act, 1960]. The effect of the Order is to (*g*)..... .....

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

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 Scotland, 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 (2) 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 Secretary of State 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 Secretary of State.

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