SCOTTISH STATUTORY INSTRUMENTS

2005 No.299

ROAD TRAFFIC

The Road Traffic (Temporary Restrictions) Procedure Amendment (Scotland) Regulations 2005

Made - - - -	*1st June 2005*
Laid before the Scottish Parliament	*2nd June 2005*
Coming into force - -	*25th June 2005*

The Scottish Ministers, in exercise of the powers conferred by section 16(2) and (2A) of the Road Traffic Regulation Act 1984 ("the 1984 Act")(**a**), and of all other powers enabling them in that behalf, after consultation with representative organisations in accordance with section 134(2) of the 1984 Act, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Road Traffic (Temporary Restrictions) Procedure Amendment (Scotland) Regulations 2005 and shall come into force on 25th June 2005.

(2) These Regulations extend to Scotland only.

Amendment of the Road Traffic (Temporary Restrictions) Procedure Regulations 1992

2.—(1) The Road Traffic (Temporary Restrictions) Procedure Regulations 1992(**b**) are amended in accordance with this regulation.

(2) After regulation 14 (tramcars and trolley vehicles) insert–

"PART V

Application of these Regulations to Scotland

15.—(1) These Regulations shall apply to Scotland subject to the following amendments.

(2) In regulation 3 (procedure for making a temporary order)–

(a) in paragraph (1) after "Subject to the following provisions of this Part" insert "and Part V";

(b) paragraphs (2) and (3) shall not apply to Scotland;

(**a**) 1984 c.27. Sections 16(2) and 16(2A) were substituted by section 1 of the Road Traffic (Temporary Restrictions) Act 1991 (c.26). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 1999 (S.I. 1999/1750), article 2 and Schedule 1 only so far as the functions are exercisable in relation to the imposition of speed limits.

(**b**) S.I. 1992/1215.

(c) for paragraph (5) substitute–

"(5) Within 14 days after making the order but before the order comes into operation the traffic authority shall publish a notice of the making of the order in one or more newspapers circulating in the area in which any road to which the order relates is situated."; and

(d) for paragraph (6) substitute–

"(6) The notice mentioned in paragraph (5) above–

(a) shall state the reason or purpose mentioned in section 14(1) of the 1984 Act for the making of the order;

(b) shall state the effect of the order;

(c) shall state the date on which the order is in force and its maximum duration; and

(d) may also contain the alternative route or routes available for traffic, or details as to where this information may be found.".

(3) In regulation 6 (orders to which no time limit applies)–

(a) for paragraph (2) substitute–

"(2) Regulation 3 shall have effect in relation to the order as if sub-paragraphs (a), (b) and (d) of paragraph (4) were omitted."; and

(b) paragraphs (4) and (5) shall not apply to Scotland.

(4) For regulation 7 (continuation of restriction or prohibition imposed by notice) substitute–

"**7.** Where the only effect of an order is to continue in force a prohibition or restriction imposed by a notice under section 14(2) of the 1984 Act, regulation 3(5) shall apply with the omission of the words, "but before the order comes into operation.".

(5) In regulation 9 (continuation of order by direction of the Secretary of State), for paragraph (3) substitute–

"(3) The notice mentioned in paragraph (2) above–

(a) shall state the reason or purpose mentioned in section 14(1) of the 1984 Act for the making of the order;

(b) shall state the effect of the order;

(c) shall state the date on which the order came into force and the date upon which it would otherwise have expired had the direction not been given;

(d) shall state the date on which the order would expire if no further direction were to be given under section 15(3) or (5) of the 1984 Act and the order were neither revoked nor amended; and

(e) may also contain the alternative route or routes available for traffic, or details as to where this information may be found.".

(6) In regulation 10 (procedure for issue of temporary notice by a traffic authority), for paragraph (2) substitute–

"(2) This notice–

(a) shall state the reason or purpose mentioned in section 14(1) of the 1984 Act for the issue of the notice;

(b) shall state the effect of the notice;

(c) shall state the date of the notice and its maximum duration; and

(d) may also contain the alternative route or routes available for traffic, or details as to where this information may be found.".

(7) In regulation 13 (procedure for issue of temporary notice by concessionaire), for paragraph (2) substitute–

"(2) The notice–

(a) shall state the reason or purpose mentioned in section 14(1) of the 1984 Act for the issue of the notice;

(b) shall state the effect of the notice;

(c) shall state the date of the notice and its maximum duration; and

(d) may also contain the alternative route or routes available for traffic, or details as to where this information may be found.".”

NICOL STEPHEN
A member of the Scottish Executive

St Andrew's House,
Edinburgh
1st June 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 in their application to Scotland so that traffic authorities (as defined in section 121A of the Road Traffic Regulation Act 1984) are no longer required to publish both their intention to make orders restricting the flow of traffic and the making of such orders so that following the coming into force of these Regulations only the making of such orders requires to be published.

Where alternative routes are required under section 14(2) of the Road Traffic Regulation Act 1984 these Regulations remove the requirement to show alternative routes and introduce an option either to show alternative routes or state where this information may be found.

£3.00

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Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
150 06/05 19593

ISBN 0-11-069596-8

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