STATUTORY INSTRUMENTS

1961 No. 1322 (S. 84)

ROAD TRAFFIC

The Street Playgrounds Orders (Procedure) (Scotland) Regulations, 1961

Made - - - -	11*th July*, 1961
Laid before Parliament	19*th July*, 1961
Coming into Operation	1*st August*, 1961

In exercise of the powers conferred on me by subsection (7) of section 49 of the Road Traffic Act, 1960(a), 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 that Act, I hereby make the following regulations:—

1. These regulations may be cited as the Street Playgrounds Orders (Procedure) (Scotland) Regulations, 1961, and shall come into operation on the first day of August, 1961.

2. The Street Playgrounds Orders (Procedure) Regulations, 1955(b), are hereby revoked except in relation to an order in respect of which an application for confirmation thereof has been submitted to the Secretary of State before the date of the coming into operation of these regulations.

3.—(1) In these regulations the following expressions have the meanings hereby respectively assigned to them:—

"council" means a council to which section 49 of the Road Traffic Act, 1960, applies;

"order" means an order under the said section 49.

(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.

4. 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(d);

(*b*) a map on an appropriate scale on which the roads to which the order relates shall be clearly indicated in distinguishing colours or markings.

5. 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 the First Schedule to these regulations once at least in a local newspaper circulating in the district in which are situated the roads to which the order relates and once in the Edinburgh Gazette;

(a) 8 & 9 Eliz. 2. c. 16.
(b) S.I. 1955/1059 (1955 II, p. 2319).
(c) 52 & 53 Vict. c. 63.
(d) 10 & 11 Geo. 6. c. 43.

(*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 or the sections thereof to which the order relates 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; and

(ii) a copy of the order and a map similar to that mentioned in paragraph (*b*) of Regulation 4 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:

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.

6. 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 the Second Schedule to these regulations once at least in a local newspaper circulating in the district in which are situated the roads 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 or the sections thereof to which the order relates 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; and

(ii) a copy of the order and a map similar to that mentioned in paragraph (*b*) of Regulation 4 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.

7.—(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 notice specified in 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 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.

8. 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 thereoef 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 are situated the roads 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 to which the order relates; and

(*c*) forthwith take all such steps as are reasonably practicable to cause to be erected on or near to the said roads 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:

Provided that nothing in this paragraph shall apply in the case of an order containing no provision other than provision revoking any prohibition, restriction or requirement as to the use of vehicles.

Dated this eleventh day of July, 1961.

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

St. Andrew's House,
Edinburgh, 1.

FIRST SCHEDULE
(See Regulation 5)

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 section 49 of the Road Traffic Act, 1960, the effect of which will be as set out in the Schedule hereto.

Objections to the Order must be sent to the Secretary, Scottish Home Department, St. Andrew's House, Edinburgh, 1 by (*c*) _____ and a copy sent to the undersigned.

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

Schedule
(*d*)

Notes

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

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

(*c*) 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;

(*d*) Here insert brief but accurate description of the effect of the Order.

SECOND SCHEDULE

(See Regulation 6)

FORM OF NOTICE OF PUBLIC INQUIRY TO BE HELD BY THE SECRETARY OF STATE

The (*a*) _____

A Public Inquiry will be held by (*b*) _____ at _____ under (*c*) to consider the Order made by the (*d*) _____ section 49 of the Road Traffic Act, 1960, the effect of which will be as set out in the Schedule hereto.

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 (*b*) at (*e*). 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)

Schedule

(*f*)

Notes

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

(*b*) Here insert the name of person holding inquiry ;

(*c*) Here insert place, date and time at which public inquiry will be held ;

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

(*e*) Here insert address of person holding the public inquiry ;

(*f*) Here insert brief but accurate description of the effect of the Order.

THIRD SCHEDULE

(See Regulation 8)

FORM OF NOTICE OF CONFIRMATION OF AN ORDER

The (*a*) _____

On the (*b*) _____ the Secretary of State confirmed the above-named Order made by the (*c*) Council under section 49 of the Road Traffic Act, 1960, the effect of which is as set out in the Schedule hereto.

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

Schedule

(*d*)

Notes

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

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

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

(*d*) Here insert brief but accurate description of the effect of 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, re-enact (with amendments) the Street Playgrounds Orders (Procedure) Regulations, 1955, which prescribe the procedure to be followed in connection with the submission and confirmation of Orders made under section 49 of the Road Traffic Act, 1960, prohibiting or restricting traffic on roads to be used as playgrounds.

The main differences between these Regulations and the earlier Regulations are that notices in connection with the submission and confirmation of Orders are not only required to be published once in a local newspaper instead of twice, but are required to be published in the Edinburgh Gazette.