EXPLANATORY NOTE

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

These Regulations, which apply only to Scotland, revoke the Removal of Vehicles Regulations, 1938, and make new provision empowering the police to require the owner, driver or other person in control or in charge of a vehicle to move it if it is a vehicle which has broken down or been left on a road and is likely to cause danger or is causing obstruction, or if it is a vehicle which has been left on a road in contravention of a statutory prohibition or restriction having effect under any of the enactments mentioned in the Schedule to the Regulations, e.g., a prohibition or restriction on waiting or parking. The Regulations also empower the police to move or remove from the roads altogether any such vehicle and any vehicle which, having broken down or been left on a road, appears to have been abandoned, but the exercise of this power on the ground of obstruction only is subject to the limitations contained in the proviso to Regulation 4. Where a vehicle is removed from the roads altogether under these Regulations, the police are required to make arrangements for the safe custody of the vehicle and its load.

1957 No. 1961

The Traffic Regulation Orders (Procedure) (England and Wales) Regulations, 1957

Made - - - -	11*th November*, 1957
Laid before Parliament	18*th November*, 1957
Coming into Operation	2*nd December*, 1957

The Minister of Transport and Civil Aviation (hereinafter referred to as "the Minister") in exercise of his powers under sections 46 and 59 of the Road Traffic Act, 1930(a), section 29 of the Road and Rail Traffic Act, 1933(b), and section 33 of the Road Traffic Act, 1956(c), and of all other powers him enabling in that behalf hereby makes the following Regulations:—

PART I

General

1. These Regulations shall come into operation on the second day of December, 1957, and may be cited as the Traffic Regulation Orders (Procedure) (England and Wales) Regulations, 1957.

2. The Regulation and Restriction of Road Traffic (Procedure) Regulations, 1931(d), in so far as the same are still in force, are hereby revoked, and the Regulation and Restriction of Road Traffic (Procedure) Provisional Regulations, 1934, are hereby also revoked except in relation to an Order made by a Council under subsection (2) of section 46 of the Act of 1930 which has been submitted to the Minister for confirmation before the date

(a) 20 & 21 Geo. 5. c. 43. (b) 23 & 24 Geo. 5. c. 53. (c) 4 & 5 Eliz. 2. c. 67.
(d) S.R. & O. 1931/486 (Rev. XX, p. 370 : 1931 p. 1155).

of the coming into operation of these Regulations and which before that date the Minister has neither confirmed nor determined not to confirm.

3.—(1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"the Act of 1930" means the Road Traffic Act, 1930;

"the Act of 1956" means the Road Traffic Act, 1956;

"Council" means a Council to which section 46 of the Act of 1930 applies.

(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(a), 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 Minister

4. In this Part of these Regulations "Order" means an Order by a Council under subsection (2) of section 46 of the Act of 1930, which by reason of subsection (3) of section 33 of the Act of 1956 does not require confirmation by the Minister.

5. Before making an Order, a Council shall—

(*a*) consult with the Chief Officer of Police of the police area in which the roads to which the proposed Order relates are situated and with such other representative organisations as they think fit, and

(*b*) publish a notice of their proposal to make the Order once at least in a local newspaper circulating in the district in which the said roads are situated and, subject to the provisions of Regulation 15 of these Regulations, once in the London Gazette.

6. 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.

7. During the period commencing on the date on which the notice mentioned in paragraph (*b*) of Regulation 5 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 cause—

(*a*) a copy of the said notice to be displayed in a prominent position at each end of the roads to which the proposed Order relates, and

(*b*) a copy of the proposed Order and a map clearly indicating in distinguishing colours the said roads to be available for inspection at the offices of the Council during the normal office hours of the Council.

8. When objections to a proposed Order are made in accordance with the notice mentioned in paragraph (*b*) of Regulation 5 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 Council.

(a) 52 & 53 Vict. c. 63.

9.—(1) After a Council 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 the roads to which the Order relates are situated and, where any objection has been made to the Order in accordance with the notice mentioned in paragraph (*b*) of Regulation 5 or paragraph (*a*) of Regulation 12 of these Regulations and not withdrawn, to the person making such objection.

(2) Where any such objection is made as aforesaid whether by the said Chief Officer of Police or any other person 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.

10. A Council shall cause a public inquiry to be held—

(*a*) where any objection made in accordance with the notice mentioned in paragraph (*b*) of Regulation 5 of these Regulations to a proposed Order containing provision prohibiting or restricting the loading and unloading of vehicles is not withdrawn; or

(*b*) where any objection made in accordance with the said notice by a person providing a service of stage carriages or express carriages on any road to which a proposed Order relates is not withdrawn.

For the purposes of this sub-paragraph the expression "proposed Order" means an Order containing provision requiring vehicular traffic or such traffic of any class or description specified in the Order to proceed in a specified direction or prohibiting its so proceeding.

11. Subject to the provisions of the last preceding Regulation, a Council may cause a public inquiry to be held—

(*a*) after such consultations as are mentioned in paragraph (*a*) of Regulation 5 of these Regulations and in which case the Council may dispense with publication of the notice mentioned in paragraph (*b*) of that Regulation; or

(*b*) after complying with the provisions of the said Regulation 5.

12. When in consequence of a proposed Order a public inquiry is to be held in accordance with the foregoing provisions of this Part of these Regulations, the Council 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 the roads to which the proposed Order relates are situated and, subject to the provisions of Regulation 15 of these Regulations, if the inquiry is held in accordance with paragraph (*a*) of Regulation 11 of these Regulations or if the Council after the date on which the notice mentioned in paragraph (*b*) of Regulation 5 of these Regulations is first published in the local newspaper in accordance with that paragraph intend to modify the provisions of the proposed Order so as to make the provisions thereof more stringent, 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 cause—

(i) a copy of the said notice to be displayed in a prominent position at each end of the roads to which the proposed Order relates, and

(ii) a copy of the proposed Order and a map clearly indicating in distinguishing colours the said roads to be available for inspection at the offices of the Council during the normal office hours of the Council; and

(*c*) if the inquiry is held in accordance with the provisions of Regulation 10 or paragraph (*b*) of Regulation 11 of these Regulations, inform any person, who has objected to the proposed Order in accordance with the notice thereof mentioned in paragraph (*b*) of Regulation 5 of these Regulations and not withdrawn his objection, of the holding of the inquiry.

13. Subject to the foregoing provisions of this part of these Regulations, a Council may make an Order and every Order so made shall bear the seal of the Council duly authenticated in accordance with the Standing Orders made by the Council.

14. 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 the roads to which the Order relates are situated and, subject to the provisions of Regulation 15 of these Regulations, once in the London 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 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 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.

15. The provisions of Regulations 5 and 12 in relation to an Order which a Council propose to make and the provisions of Regulation 14 of these Regulations in relation to an Order which a Council has made in so far as they provide for publication of a notice in the London Gazette shall not apply in the case of an Order containing no provision other than provision—

(*a*) prohibiting or restricting the use of footpaths or bridleways by bicycles and tricycles, or

(*b*) revoking or varying any such prohibition or restriction.

PART III

Orders by a Council requiring Confirmation by the Minister

16. In this Part of these Regulations "Order" means an Order by a Council under subsection (2) of section 46 of the Act of 1930 other than such an Order which by reason of subsection (3) of section 33 of the Act of 1956 does not require confirmation by the Minister.

17. Before making an Order, a Council shall consult with the Chief Officer of Police of the police area in which the roads to which the proposed

Order relates are situated and with such other representative organisations as they think fit.

18. 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 Council duly authenticated in accordance with the Standing Orders made by the Council;

(*b*) two maps on a scale of not less than six inches to one mile on which the roads to which the Order relates shall be clearly indicated in distinguishing colours 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 Order relates.

19. After the application by a Council for confirmation of an Order by the Minister, 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 the roads to which the Order relates are situated 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 each end of the roads to which the Order relates; and

(ii) a copy of the Order and a map clearly indicating in distinguishing colours the said roads to be available for inspection at the offices of the Council during the normal office hours of the Council:

Provided that where a Council 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.

20. If before confirming an Order, the Minister determines that a public inquiry shall be held, the Council 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 the roads to which the Order relates are situated;

(*b*) where the Council 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 each end of the roads to which the Order relates; and

(ii) a copy of the Order and a map clearly indicating in distinguishing colours the said roads to be available for inspection at the offices of the Council during the normal office hours of the Council.

21. When the Order has been confirmed, the Council 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 the roads to which the Order relates are situated and once in the London 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 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 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.

PART IV

Orders by the Minister under Subsection (3) *of Section* 46 *of the Road Traffic Act,* 1930

22. When an Order has been made by the Minister under subsection (3) of section 46 of the Act of 1930, a Council 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 the roads to which the Order relates are situated and once in the London Gazette:

Provided that where such an Order revokes, varies or amends an Order containing no provision other than provision prohibiting or restricting the use of footpaths or bridleways by bicycles and tricycles no such notice need be published in the London Gazette.

PART V

Regulations relating to Public Inquiries

23. 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.

24. Where a Council causes 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 Council from a panel of persons appointed by the Minister for the purpose of holding public inquiries under Part II of these Regulations.

25.—(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 put forward for consideration at the inquiry any such objection, if he is satisfied that the views of that person or the objection are 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 and Civil Aviation this eleventh day of November, 1957.

(L.S.) *Harold Watkinson,*
The Minister of Transport and Civil Aviation.

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 the Road Traffic Act, 1930, as amended, the effect of which will be to (*c*)

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

(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 (*e*)
at (*f*)
to consider the proposal of the (*b*) Council to make an Order under the Road Traffic Act, 1930, as amended, the effect of which will be to (*c*)

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 (*e*)
at the under-mentioned address or at the place at which the inquiry is to be held.

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

Part III

Form of Notice of Making of an Order

The (*a*) _____

On the (*g*) the (*h*)
Council made an Order under the Road Traffic Act, 1930, as amended, 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 proposing to make the Order ;

(*c*) Here insert brief but accurate description of the effect of 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 London 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 date of making of the Order ;

(*h*) 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 and Civil Aviation for confirmation of an Order made by them under the Road Traffic Act, 1930, as amended, the effect of which will be to (*c*)

Objections to the Order must be sent to the Secretary, Ministry of Transport and Civil Aviation (RTC) 21-37, Hereford Road, W.2, 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 Minister

The (*a*) _____.

A Public Inquiry will be held by (*e*) at (*f*) to consider the Order made by the (*b*) under the Road Traffic Act, 1930, as amended, the effect of which will be to (*c*)

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 the under-mentioned address or at the place at which the inquiry is to be held.

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

PART III

Form of Notice of Confirmation of an Order

The (*a*) _____.

On the (*g*) the Minister of Transport and Civil Aviation confirmed the above named Order made by the (*b*) Council under the Road Traffic Act, 1930, as amended, 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 but accurate description of the effect of 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 London 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 date of confirmation of the Order.

THIRD SCHEDULE

FORM OF NOTICE RELATING TO ORDERS MADE BY THE MINISTER UNDER SUBSECTION (3) OF SECTON 46 OF THE ROAD TRAFFIC ACT, 1930

The (*a*) _____.

On the (*b*) _____ the Minister of Transport and Civil Aviation made the above named Order revoking/varying/amending (*c*) the (*d*) _____ made by the (*e*) _____ Council under the Road Traffic Act, 1930, as amended. The effect of the Minister's Order is to (*f*)

(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*) Here insert brief but accurate description 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 England and Wales, supersede the Regulation and Restriction of Road Traffic (Procedure) Regulations, 1931, in so far as the same are still in force and the Regulation and Restriction of Road Traffic (Procedure) Provisional Regulations, 1934.

These Regulations re-enact with amendment the earlier Regulations and the main difference is that these Regulations prescribe the procedure to be followed in connection with the making by local authorities under section 46 of the Road Traffic Act, 1930, of Orders regulating traffic on roads which by reason of subsection (3) of section 33 of the Road Traffic Act, 1956, do not require confirmation by the Minister of Transport and Civil Aviation.