STATUTORY INSTRUMENTS

1961 No. 485

ROAD TRAFFIC

The Traffic Regulation Orders (Procedure) (England and Wales) Regulations, 1961

Made - - - -	16*th March*, 1961
Laid before Parliament	23*rd March*, 1961
Coming into Operation	24*th 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**), 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 that Act, hereby makes the following Regulations:—

PART I

General

1. These Regulations shall come into operation on the twenty-fourth day of March, 1961, and may be cited as the Traffic Regulation Orders (Procedure) (England and Wales) Regulations, 1961.

2. The Traffic Regulation Orders (Procedure) (England and Wales) Regulations, 1957(**b**), are hereby revoked except in relation to an Order defined in Part II of those Regulations and in respect of which a notice of the proposal to make it has been published by a Council in accordance with those Regulations before the date of the coming into operation of these Regulations and to an Order defined in Part III of those Regulations and in respect of which an application for confirmation thereof has been submitted to the Minister before the said date.

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

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

"local authority" means the council of a county or county borough or of any other borough having a population of over twenty thousand according to the last census for the time being or of an urban district having such a population.

(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

4. In this Part of these Regulations "Order" means an Order by a local authority under section 26 of the Act of 1960, or an Order by a local authority under subsection (3) of section 27 of the said Act, not being an

(**a**) 8 & 9 Eliz. 2. c. 16. (**b**) S.I. 1957/1961 (1957 II, p. 2109). (**c**) 52 & 53 Vict. c. 63.

Order requiring confirmation by the Minister under the said section 27 or subsection (8) of section 11 of the Road Traffic and Roads Improvement Act, 1960(a).

5. Before making an Order, a local authority shall—

(*a*) consult with the chief officer of police of the police area in which are situated the roads 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 10 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 the said roads are situated and, subject to the provisions of Regulation 16 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 Regulation 5 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 cause—

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

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

8. When objections to a proposed Order are made in accordance with the notice mentioned in 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 local authority.

9. A local authority shall cause a public inquiry to be held—

(*a*) where any objection made in accordance with the notice mentioned in Regulation 5 of these Regulations to a provision, in a proposed Order, which would prohibit or restrict the loading and unloading of vehicles, is not withdrawn; or

(*b*) where any objection made in accordance with the said notice to a provision, in a proposed Order, which would require vehicular traffic or such traffic of any class or description to proceed in a specified direction or prohibit its so proceeding, by a person providing a service of stage carriages or express carriages on any road to which the Order relates, is not withdrawn.

10. Subject to the provisions of the last preceding Regulation, a local authority may cause a public inquiry to be held—

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

(a) 8 & 9 Eliz. 2. c. 63.

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

11. When a public inquiry is to be held in accordance with the foregoing provisions of this Part of these Regulations, 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 the roads to which the proposed Order relates are situated and, subject to the provisions of Regulation 16 of these Regulations, if the inquiry is held in accordance with paragraph (*a*) of Regulation 10 of these Regulations or if the local authority after the date on which the notice mentioned in Regulation 5 of these Regulations is first published in the local newspaper in accordance with that Regulation 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 or near each end of the roads to which the proposed Order relates, 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, and

(ii) a copy of the proposed Order and a map clearly indicating in distinguishing colours or markings the said roads 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 in accordance with the provisions of Regulation 9 or paragraph (*b*) of Regulation 10 of these Regulations, inform any person, who has objected to the proposed Order in accordance with the notice thereof mentioned in Regulation 5 of these Regulations and not withdrawn his objection, of the holding of the inquiry.

12. Where a public inquiry is held in accordance with the foregoing provisions of this Part of these Regulations into a proposed Order containing provision which would prohibit the loading or unloading of vehicles at any place on a road during more than six hours in all in any consecutive period of twenty-four hours—

(*a*) the local authority shall—

(i) send to the Minister a copy of the report and recommendations of the person holding the inquiry, together with a copy of the proposed Order and of the map referred to in paragraph (*b*) of Regulation 7 of these Regulations; and

(ii) within seven days of complying with the last preceding sub-paragraph inform any person, who has made any objection at the inquiry, of the sending by the authority to the Minister of the documents referred to in that sub-paragraph; and

(*b*) no Order containing such provision as aforesaid shall be made by the local authority until one month has elapsed since the date on which the documents referred to in sub-paragraph (i) of the last preceding paragraph were sent to the Minister.

13.—(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 are situated the roads to which the Order relates and, where any objection has been made to the Order in accordance with the notice mentioned in Regulation 5 or Regulation 11 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.

14. 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.

15. 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 are situated the roads to which the Order relates and, subject to the provisions of Regulation 16 of these Regulations, 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 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 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:

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.

16. The provisions of Regulations 5 and 11 of these Regulations in relation to an Order which a local authority propose to make and the provisions of Regulation 15 of these Regulations in relation to an Order which a local authority have 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 Local Authority requiring Confirmation by the Minister

17. In this Part of these Regulations "Order" means an Order by a local authority under section 26 of the Act of 1960, or an Order by a local authority under subsection (3) of section 27 of the said Act, being an Order requiring confirmation by the Minister under the said section 27, but does not include an Order under the said section 26 to which Part III

of the Parking Places Orders (Procedure) (England and Wales) Regulations 1961(a) applies.

18. 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 to which the proposed Order relates and with such representative organisations as they think fit.

19. 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 six inches to one mile on which the roads to which the Order relates 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.

20. 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 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 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 ; and

(ii) a copy of the Order and a map similar to those mentioned in paragraph (*b*) of Regulation 19 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.

21. 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 to which the Order relates ;

(a) S.I. 1961/411 (*See* p. 1051 of this Pt.).

(*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 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; and

(ii) a copy of the Order and a map similar to those mentioned in paragraph (*b*) of Regulation 19 of these Regulations to be available for inspection at the offices of the local authority during the normal office hours of the authority.

22. 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 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 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 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:

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* 27 *of the Road Traffic Act,* 1960

23. When an Order has been made by the Minister under subsection (3) of section 27 of the 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 are situated the roads to which the Order relates 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

24. 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.

25. Where a local authority 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 local authority from a panel of persons appointed by the Minister for the purpose of holding public inquiries under Part II of these Regulations.

26.—(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 sixteenth 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 (26) (27) of the Road Traffic Act, 1960, 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 section (26) (27) of the Road Traffic Act, 1960, 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.

(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 section (26) (27) of the Road Traffic Act, 1960, 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, 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;

(*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 for confirmation of an Order made by them under section (26) (27) of the Road Traffic Act, 1960, the effect of which will be to (*c*) .

Objections to the Order must be sent to the Secretary, Ministry of Transport at St. Christopher House, Southwark Street, London, S.E.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 Minister

The (*a*) .

A Public Inquiry will be held by (*e*) at (*f*)
to consider the Order made by the (*b*)
under section (26) (27) of the Road Traffic Act, 1960, 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.

(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 confirmed the above-named Order made by the (*b*)
Council under section (26) (27) of the Road Traffic Act, 1960, 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 the 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 SECTION 27 OF THE ROAD TRAFFIC ACT, 1960

The (*a*) .

On the (*b*) the Minister
of Transport made the above-named Order under section 27 of the Road Traffic Act, 1960, revoking/varying/amending (*c*) the (*d*)
made by the (*e*)
Council. 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, applying to England and Wales, replace the Traffic Regulation Orders (Procedure) (England and Wales) Regulations, 1957, which prescribe the procedure to be followed in connection with the making by local authorities of orders under sections 26 and 27 of the Road Traffic Act, 1960. The main changes are:—

1. New provision is made that, where a public inquiry has been held into any proposed order which would prohibit the loading or unloading of vehicles on a road during more than six hours in all in any period of twenty-four hours, a copy of the report of the person holding the inquiry, together with certain other documents, must be sent to the Minister of Transport. Objectors must be informed that this has been done and no such order must be made by the local authority until one month has elapsed since the documents were sent to the Minister (Regulation 12).
2. Certain orders under section 26 are excluded from the operation of Part III of the Regulations if they are orders (jointly under that section and section 81 of the Road Traffic Act, 1960) to which Part III of the Parking Places Orders (Procedure) (England and Wales) Regulations, 1961 (S.I. 1961/411) applies (Regulation 17).