1968 No. 172

ROAD TRAFFIC

The Traffic Regulation Orders (Procedure) (England and Wales) Regulations 1968

Made - - -	*8th February* 1968
Laid before Parliament	*21st February* 1968
Coming into Operation	*18th March* 1968

The Secretary of State (as respects Wales and Monmouthshire) and the Minister of Transport (as respects England excluding Monmouthshire) in exercise of their powers under section 4 of the Road Traffic Regulation Act 1967(a), and of all other powers them enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of section 107(2) of that Act, hereby make the following Regulations:—

PART I

GENERAL

1. These Regulations shall come into operation on the 18th March 1968, and may be cited as the Traffic Regulation Orders (Procedure) (England and Wales) Regulations 1968.

2. The Traffic Regulation Orders (Procedure) (England and Wales) Regulations 1961(b) are hereby revoked except in relation to an Order defined in Part II of those Regulations 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 in respect of which an application for confirmation thereof has been submitted to the appropriate Minister before the said date.

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

"the Act of 1967" means the Road Traffic Regulation Act 1967;

"the appropriate Minister" means in relation to England (exclusive of Monmouthshire) the Minister of Transport and in relation to Wales (inclusive of Monmouthshire) the Secretary of State;

"bridge restriction order" means an order by a local authority under section 1 of the Act of 1967 containing provision prohibiting or restricting the use of so much of a road as is carried by a bridge by vehicles of which the weight exceeds a specified maximum weight or of which any axle weight exceeds a specified maximum axle weight, or an order revoking or varying such an order and made by a local authority under section 2 of the said Act;

"chief officer of police" and "police area" have respectively the same meanings as in the Police Act 1964(c);

(a) 1967 c. 76. (b) S.I.1961/485 (1961 I, p. 1114). (c) 1964 c. 48.

"local authority" means the council of a county borough; as respects any non-county borough or urban district having a population of over 20,000 according to the last census for the time being, the council of the borough or urban district; and as respects any other area the council of the county;

"relevant map" means a map on a scale of not less than six inches to one mile on which the roads, being roads to which an Order proposed or, as the case may be, made relates, shall be clearly indicated in distinguishing colours or markings and on which, in the case of any such Order containing provision prohibiting the use of a road by vehicular traffic or by such traffic of any class specified in the Order, shall also be indicated the alternative route available for the vehicular traffic to which the said provision relates.

(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 for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

PART II

PROCEDURE IN CONNECTION WITH MAKING AND CONFIRMATION OF ORDERS OTHER THAN BRIDGE RESTRICTION ORDERS

4. In this Part of these Regulations "Order" means an Order by a local authority under section 1 of the Act of 1967, or an Order by a local authority under section 2 of the said Act, but does not include either an Order under the said section 1 to which Part III of the Parking Places Orders (Procedure) (England and Wales) Regulations 1961(b) applies or a bridge restriction order.

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 Regulation 10(*a*) 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 20 of these Regulations, once in the London Gazette.

6. Every notice published in accordance with the last preceding Regulation shall contain the particulars and be in the form specified in Part I of Schedule 1 to these Regulations or in a form substantially to the like effect.

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 of the relevant map to be available for inspection at the offices of the local authority during the normal office hours of the authority.

(a) 52 & 53 Vict. c. 63. (b) S.I.1961/411 (1961 I, p. 1051).

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 who held 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 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:

Provided that nothing in this Regulation shall require a local authority to hold a public inquiry if the proposed Order is made and, by virtue of Regulation 16 of these Regulations, application is made for confirmation of the Order.

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

(*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 these Regulations, the local authority shall—

(*a*) publish a notice of the inquiry containing the particulars and in the form specified in Part II of Schedule 1 to these Regulations or in a form substantially to the like effect 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 20 of these Regulations, if the inquiry is held in accordance with Regulation 10(*a*) 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 of the relevant map 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 Regulation 10(*b*) 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 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 appropriate Minister a copy of the report and recommendations of the person who held the inquiry, together with a copy of the proposed Order and of the relevant map; 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 appropriate 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 appropriate Minister.

13. After a local authority have complied with the foregoing provisions of these Regulations, they shall decide whether the proposed Order will, if made by them, require confirmation by the appropriate Minister under section 2 of the Act of 1967.

14.—(1) In the event of the local authority deciding that the proposed Order will not require such confirmation and their deciding to make the 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.

15. Subject to the foregoing provisions of these Regulations, the local authority may make the 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.

16. In the event of the local authority deciding that a proposed Order will require confirmation by the appropriate Minister under section 2 of the Act of 1967 and their making the Order, every application for such confirmation 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 copies of the relevant map;

(*c*) copies of all correspondence relating to objections which have already been made to the Order in accordance with the notice mentioned in Regulation 5 or Regulation 11 of these Regulations; and

(*d*) where a public inquiry has been held in accordance with the foregoing provisions of these Regulations, a copy of the report and recommendations of the person who held the inquiry.

17. After the application by a local authority for confirmation of an Order by the appropriate 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 containing the particulars and in the form specified in Part I of Schedule 2 to these Regulations or in a form substantially to the like effect 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 of the relevant map 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 appropriate 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.

18. If before confirming an Order, the appropriate Minister determines that a public inquiry shall be held, the local authority shall—

(*a*) publish a notice of the inquiry containing the particulars and in the form specified in Part II of Schedule 2 to these Regulations or in a form substantially to the like effect 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 local authority have represented to the appropriate 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 of the relevant map to be available for inspection at the offices of the local authority during the normal office hours of the authority.

19. After an Order has been made by a local authority under Regulation 15 of these Regulations or has been confirmed by the appropriate Minister the local authority shall—

(*a*) not later than fourteen days after—

(i) the date of the making of the Order publish a notice thereof containing the particulars and in the form specified in Part III of Schedule 1 to these Regulations or in a form substantially to the like effect; or

(ii) the date of the confirmation of the Order publish a notice of the confirmation thereof containing the particulars and in the form specified in Part III of Schedule 2 to these Regulations or in a form substantially to the like effect,

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 20 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 of the relevant map; 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.

20. 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 19 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

PROCEDURE IN CONNECTION WITH MAKING AND CONFIRMATION OF BRIDGE RESTRICTION ORDERS

21. Before making a bridge restriction 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.

22. Every application for confirmation of a bridge restriction order by the appropriate 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 copies of the relevant map.

23. Where an application for confirmation of a bridge restriction order has been made to the appropriate Minister, the provisions of Regulations 17, 18 and 19 of these Regulations shall apply in relation to that order as they apply in relation to an Order mentioned in those Regulations.

PART IV

ORDERS BY THE APPROPRIATE MINISTER UNDER SECTION 2(3) OF THE ROAD TRAFFIC REGULATION ACT 1967

24. When an Order has been made by the appropriate Minister under section 2(3) of the Act of 1967 the local authority shall publish a notice of the making of the Order containing the particulars and in the form specified in Schedule 3 to these Regulations or in a form substantially to the like effect 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

25. In this Part of these Regulations "public inquiry" means an inquiry for the purposes of these Regulations.

26. Where a local authority causes a public inquiry to be held, the person to hold the inquiry shall be selected by the local authority from a panel of persons appointed by the appropriate Minister for the purpose of holding public inquiries under these Regulations.

27.—(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 Schedule 1 or 2 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.

Dated the 8th February 1968.

Cledwyn Hughes,
One of Her Majesty's Principal Secretaries of State.

Given under the Official Seal of the Minister of Transport the 8th February 1968.

(L.S.)

Barbara Castle,
Minister of Transport.

SCHEDULE 1

FORMS OF NOTICE RELATING TO ORDERS GENERALLY

PART I

Form of Notice of Proposal to Make an Order

The (a)

The (b) Council propose to make an Order under section [1] [2] of the Road Traffic Regulation Act 1967, the effect of which will be to (c)

A copy of the proposed Order and a map showing the roads to which the proposed Order relates may be inspected at (i)

Objections to the proposals, together with the grounds on which they are made, 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 [1] [2] of the Road Traffic Regulation Act 1967, the effect of which will be to (c)

A copy of the proposed Order and a map showing the roads to which the proposed Order relates may be inspected at (i)

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 in writing any objection to the proposals, together with the grounds on which the objection is made, 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 [1] [2] of the Road Traffic Regulation Act 1967, the effect of which is to (c)

A copy of the Order and a map showing the roads to which the Order relates may be inspected at (i)

(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 general effect of the Order, brief particulars of any relevant exceptions, and names of roads to which the Order relates;
(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 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;
(g) Here insert date of making of the Order;
(h) Here insert name of Council which made the Order;
(i) Here insert the address and the normal hours of opening of any place at which copies of the proposed Order or of the Order and of the map may be inspected.

SCHEDULE 2

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] [Secretary of State] for confirmation of an Order made by them under section [1] [2] of the Road Traffic Regulation Act 1967, the effect of which will be to (c)

A copy of the Order and a map showing the roads to which the Order relates may be inspected at (i)

Copies of all objections already sent to the Council have been sent to the [Minister] [Secretary of State].

Further objections to the Order, together with the grounds on which they are made, must be sent in writing to (h) 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 appropriate Minister

The (a)

A Public Inquiry will be held by (e) at (f)

to consider the Order made by the (b) Council under section [1] [2] of the Road Traffic Regulation Act 1967, the effect of which will be to (c)

A copy of the Order and a map showing the roads to which the Order relates may be inspected at (i)

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 in writing any objection to the Order, together with the grounds on which the objection is made, 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] [Secretary of State] confirmed the above-named Order made by the (b) Council under section [1] [2] of the Road Traffic Regulation Act 1967, the effect of which is to (c)

A copy of the Order and a map showing the roads to which the Order relates may be inspected at (i)

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

NOTES

(a) Here insert title of the Order;
(b) Here insert name of Council which made the Order;
(c) Here insert general effect of the Order, brief particulars of any relevant exceptions, and names of roads to which the Order relates;
(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;

(h) Here insert:
As respects England (excluding Monmouthshire)
For Bridge Restriction Orders,
The Secretary,
Ministry of Transport (TTPA),
St. Christopher House,
Southwark Street,
London, S.E.1.
For all other Orders,
The address of the Ministry of Transport Divisional Road Engineer in whose Division the roads affected by the Order are situated.
As respects Wales (including Monmouthshire)
For all Orders,
The Secretary of State,
Welsh Office,
Graham Buildings,
139 Newport Road,
Cardiff.

(i) Here insert the address and the normal hours of opening of any place at which copies of the Order and of the map may be inspected.

SCHEDULE 3

FORM OF NOTICE RELATING TO ORDERS MADE BY THE APPROPRIATE MINISTER UNDER SECTION 2(3) OF THE ROAD TRAFFIC REGULATION ACT 1967

The (a)

On the (b) the [Minister of Transport] [Secretary of State] made the above-named Order under section 2(3) of the Road Traffic Regulation Act 1967, revoking/varying/amending (c) the (d) made by the (e) Council. The effect of the [Minister's] [Secretary of State's] Order is to (f)

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

These Regulations re-enact, with amendments, the Traffic Regulation Orders (Procedure) (England and Wales) Regulations 1961.

The principal change is that, except in the case of a bridge restriction order (defined in Regulation 3), proposals to make those traffic regulation orders which are subject to confirmation by the Minister of Transport or the Secretary of State must first be advertised and objections to the proposals considered by local authorities before such orders are made by them and submitted to the appropriate Minister for confirmation.