

EXPLANATORY MEMORANDUM TO
THE TRAFFIC SIGNS REGULATIONS AND GENERAL DIRECTIONS 2016
2016 No. 362

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 The Traffic Signs Regulations and General Directions 2016 (TSRGD 16) sets out what traffic signs in Great Britain must look like, what they mean and how they may be placed and illuminated. TSRGD 16 brings together, with changes, provisions previously set out in a number of instruments. In doing so, they provide a traffic sign regime that is less prescriptive than its predecessor; allowing traffic authorities greater flexibility to develop signing schemes that meet local needs, whilst safeguarding national consistency. The lower level of prescription will bring benefits for traffic authorities in reduced costs and administrative requirements.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 TSRGD 16 consists of two parts. Part 1 is the Traffic Signs Regulations 2016 and Part 2 is the Traffic Signs General Directions 2016. This is similar to the approach taken with the Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Direction 1997 (S.I. 1997/2400) and the Traffic Signs Regulations and General Directions 2002 (S.I. 2002/3113).
- 3.2 The Schedules are schedules to the instrument as a whole (albeit that some Schedules only contain provisions introduced by the Regulations). Schedules 2 to 15 and 19 contain provisions introduced both by the Regulations and the General Directions. This differs from the approach taken in the 1997 and 2002 Instruments, which have separate schedules for regulations and for general directions. The 2016 approach is intended to make the instrument easier for users to navigate, in particular the aim has been to have all provisions about a particular sign in the same schedule. Generally, the meaning and design of a sign is set out in a table in a Schedule and that table identifies which other provisions (both regulations and general directions) elsewhere in the Schedule are applicable to the sign.

Other matters of interest to the House of Commons

- 3.3 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 The purpose of making TSRGD 16 is both to update and consolidate the law on traffic signs. As a result this instrument brings together, with changes, provisions that were previously contained in:

- The Zebra, Pelican and Puffin Pedestrian Crossing Regulations and General Directions 1997 (as amended)
- The Traffic Signs (Temporary Obstructions) Regulations 1997 (S.I. 1997/3053)
- The Traffic Signs Regulations and General Directions Regulations 2002 (as amended)
- The School Crossing Patrol Sign (England and Wales) Regulations 2006 (S.I. 2006/2215)

4.2 Scottish Ministers are responsible for making, for Scotland, regulations equivalent to the school crossing patrol sign regulations mentioned in 4.1 (see S.S.I 2008/4). As a result, provisions about the school crossing patrol sign in TSRGD 16 do not extend to Scotland.

4.3 If the Scotland Bill currently before Parliament is enacted as it stands on the day TSRGD 16 is made, as regards Scotland, the Scottish Parliament will, once the provisions are in force, have legislative competence in relation to traffic sign law and Scottish Ministers will be responsible for exercising the powers under which TSRGD 16 is made (and for the purposes of TSRGD 16, have been exercised by the Secretary of State).

5. Extent and Territorial Application

5.1 TSRGD 16 extends to Great Britain except that, in so far as it makes provision about the school crossing patrol sign, it extends to England and Wales.

5.2 TSRGD 16 has the same application as it has extent.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Great Britain is widely acknowledged to have one of the best traffic signing systems in the world. The signs, in use since 1964, have become instantly recognisable and a familiar part of our everyday lives. This has played a key role in creating our excellent road safety record compared to others around the world.

7.2 While the signs themselves continue to perform well, in recent years it became clear that the legislation that underpins them was out of date and in need of an overhaul. For example, over-prescription meant that traffic authorities were required to place signs in a particular way that did not necessarily reflect local needs, or were required to place more signs than necessary.

7.3 To help decide what changes were needed, the Department for Transport carried out a complete review of traffic signing policy which culminated in 'Signing the Way',

published in 2011. This set out recommendations for delivering a modernised legislative framework that formed the basis of the work to develop TSRGD 16.

- 7.4 The legislation has been restructured to provide an easier to read layout, more flexibility and a much greater range of sign designs, many of which would have previously required authorisation from the Department. This will result in significant savings for local authorities, and reflects the fact that they are best placed to know what signing solutions are suitable for their roads.
- 7.5 TSRGD 16 allows more discretion in placing signs, in many cases removing the requirement for upright signs and road markings to be placed together. It also provides significant cost savings by relaxing regulations for illuminating traffic signs within systems of street lighting, whilst retaining lighting for some safety critical and enforcement signs.

Consolidation

- 7.6 As mentioned above at 4.1, TSRGD 16 brings together provisions from a number of instruments. This allows users to identify the relevant law on traffic signs more easily.

8. Consultation outcome

- 8.1 DfT have undertaken extensive stakeholder engagement to ensure that motorists, disabled groups (such as The Disabled Persons Transport Advisory Committee), local authorities and the traffic signs industry were fully informed of the changes. This included two public consultations in May 2014 (a general consultation about the “Signing the Way” proposals) and August 2015 (about a number of specific policy issues, and the usability of the draft TSRGD). The 2014 consultation generated 442 responses including 154 from local authorities, and the 2015 consultation generated 140 responses including 55 from local authorities.
- 8.2 Both consultations demonstrated significant support for the new structure and provisions of TSRGD 16, with the vast majority of respondents welcoming the new discretion and flexibility for traffic authorities to design and place signs. Both consultations with the questions, answers and government response can be viewed on the Department’s website at <https://www.gov.uk/government/consultations/traffic-signs-regulations-and-general-directions-2015> and <https://www.gov.uk/government/consultations/traffic-signs-regulations-and-general-directions-2016>. Alternatively hard copies may be requested from the Department for Transport using the contact details at 13.1 below.
- 8.3 DfT also undertook a series of roadshows across Britain in the spring of 2014, with workshops to explain and promote the new policies. Over 1000 people attended, including representatives of many local traffic authorities, traffic signs professionals and private companies. The roadshows generated strong positive feedback from attendees, who appreciated the opportunity to comment and build into the final and the direct engagement from central Government in explaining the new TSRGD product.
- 8.4 Throughout the development of TSRGD we worked closely with the Scottish and Welsh Governments and as part of our consultation process ran workshops in partnership with Transport Scotland for Scottish Traffic Authorities and the Welsh Government for Welsh Traffic Authorities. These workshops were warmly appreciated by all who attended.

9. Guidance

- 9.1 A DfT circular aimed at local authorities and practitioners explaining the new TSRGD will be made available once it comes into force. It will be sent to all relevant stakeholders and placed it on our website to download for free.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 The new TSRGD provides an estimated benefit to local authorities of around £7million a year.
- 10.3 An Impact Assessment is submitted with this memorandum and published alongside the Explanatory Memorandum on the legislation.gov.uk website.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 Provisions requiring the review of the regulations and general directions at least every five years are included in the instrument. This review will consider the impact on road users (and particular types of road users, such as disabled motorists), the impact on manufacturers of signs (if any), and whether the flexibilities introduced by TSRGD 16, as compared to its predecessors, have worked in practice.
- 12.2 Separate to that, the Road Signs Task Force, chaired by Sir Alan Duncan MP, is considering issues around sign clutter including how signs are prescribed in TSRGD. The recommendations from this work will feed into any future review of TSRGD.

13. Contact

- 13.1 Robert Ringsell at the Department for Transport: Telephone: 0207 944 8763 or email: robert.ringsell@dft.gsi.gov.uk can answer any queries regarding the instrument.