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*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, SCHEDULE 9. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 9

Section 124.

#### SPECIAL PROVISIONS AS TO CERTAIN ORDERS

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##### Modifications etc. (not altering text)

- C1** Sch. 9: transfer of functions (23.3.2005) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2005 \(S.I. 2005/849\)](#), art. 2, **Sch.** (with art. 6)

#### PART I

##### RESERVE POWERS OF SECRETARY OF STATE

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##### Modifications etc. (not altering text)

- C2** Sch. 9 Pt. I (paras. 1–12) applied by [Road Traffic Act 1988 \(c. 52, SIF 107:1\)](#), s. 19A(7) (as inserted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 2 para. 22(1)**)

- [<sup>F1</sup>1 Subject to paragraphs 8 and 26 of this Schedule, the Secretary of State, after consultation with a local authority having power to make an order under or by virtue of any of the following provisions of this Act, namely, sections 1, 6, 9, 19, 32, 35, 37, 38, 45, 46, 49(2) and (4), 53, 83(2) and 84 (in this Part of this Schedule referred to as an "authorised authority") may give to that authority a direction under paragraph 2 below with respect to any of those provisions.]

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##### Textual Amendments

- F1** Sch. 9 para. 1 substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), **Sch. 5 para. 4(39)(a)**

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##### Modifications etc. (not altering text)

- C3** Sch. 9 para. 1: Transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, **Sch. 1** (with art. 7); [S.I. 1998/3178](#), art. 3

- 2 A direction under this paragraph is a direction either—
- (a) requiring the <sup>F2</sup> . . . authorised authority <sup>F2</sup> . . . to make an order under or by virtue of the provision or provisions in question for a specified purpose and coming into operation before the expiry of a specified period, or
  - (b) prohibiting the <sup>F2</sup> . . . authority (either generally, or without the consent of the Secretary of State, or for a specified period) from making or bringing

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into operation an order under or by virtue of the provision or provisions in question with respect to specified matters or a specified area.

**Textual Amendments**

**F2** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

- 3 (1) Any power to make an order conferred on <sup>F3</sup> . . . an authorised authority by any of the provisions specified in <sup>F3</sup> . . . paragraph 1 above shall, subject to sub-paragraph (2) below, be exercisable by the Secretary of State as well as by the <sup>F3</sup> . . . authority.
- (2) No order shall be made by virtue of sub-paragraph (1) above except for the purpose of securing the object of a direction under paragraph 2 above given to <sup>F3</sup> . . . an authorised authority with which the <sup>F3</sup> . . . authority have failed to comply.

**Textual Amendments**

**F3** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

**Modifications etc. (not altering text)**

**C4** Sch. 9 para. 3(1): Transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with art. 7); [S.I. 1998/3178](#), [art. 3](#)

- 4 Where the Secretary of State has made an order by virtue of paragraph 3 above—
- (a) so far as appears to him necessary in order to make the order effective, he, or (except where the power is a power of [<sup>F4</sup>the council of a London borough or the Common Council of the City of London under section 6, 9, 45, 46, 49(2) or (4), 83(2) or 84 of this Act]) any other local authority with whom he may make arrangements for the purpose, shall have power to do anything which <sup>F5</sup> . . . the authorised authority would have had power to do if the order had been made by them, and
- (b) he may recover from the <sup>F6</sup> . . . authorised authority any expenses incurred by him by virtue of sub-paragraph (a) above (such expenses, in England or Wales, to be so recoverable by him summarily as a civil debt).

**Textual Amendments**

**F4** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(b\)](#)

**F5** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), 102(2)(3), [Sch. 5 para. 4\(39\)\(b\)](#), Sch. 17

**F6** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), 102(2)(3), [Sch. 5 para. 4\(39\)\(b\)](#) Sch. 17

**Modifications etc. (not altering text)**

**C5** Sch. 9 para. 4: Transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with art. 7); [S.I. 1998/3178](#), [art. 3](#)

- 5 (1) Paragraphs 1 to 4 above shall have effect in any case in which it appears to the Secretary of State that [<sup>F7</sup>the council of a London borough or the Common Council of the City of London] have failed in the exercise of the powers conferred on them

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by section 6 of this Act to make such provision for the control of heavy commercial vehicles in [<sup>F7</sup>their area] as is appropriate for preserving or improving the amenities of [<sup>F7</sup>their area], as if—

- (a) the power conferred by paragraph 1 above to give a direction with respect to section 6 of this Act were a duty to give such a direction; and
- (b) the power to make an order under that section conferred by paragraph 3 above were a duty to make such an order or a similar order under section 9 of this Act.

- (2) Any reference in this Act to paragraph 1 or 3 above shall be construed as including a reference to that paragraph as modified by this paragraph.

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**Textual Amendments**

**F7** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(c\)](#)

- 6 (1) Where by virtue of paragraph 3 above a parking place has been designated under section 45 <sup>F8</sup> . . . of this Act by an order of the Secretary of State, then if, with the consent of the Treasury, the Secretary of State enters into an agreement with the local authority <sup>F8</sup> . . . for the transfer to that authority <sup>F8</sup> . . . of the operation of that parking place—

- (a) the operation of the parking place, and such apparatus or other things held by, and rights or liabilities of, the Secretary of State in connection with the parking place as may be specified in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by the Secretary of State) as may be so specified;
- (b) from the taking effect of any such transfer of the operation of the parking place, the order designating the parking place shall have effect subject to such modifications (if any) appearing to the Secretary of State to be requisite in consequence of the transfer as he may direct; and
- (c) the provisions of sections 45 to [<sup>F9</sup>49] and section 55 of this Act shall thereafter apply as if the parking place had been designated under section 45 by an order made by <sup>F10</sup> . . . the local authority <sup>F10</sup> . . .

- (2) In this paragraph “local authority” has the meaning assigned to it by section 45(7) of this Act.

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**Textual Amendments**

**F8** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

**F9** “49” substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(d\)](#)

**F10** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), 102(2)(3), [Sch. 5 para. 4\(39\)\(d\)](#) Sch. 17

- 7 (1) Subject to paragraph 8 below, the Secretary of State, after giving notice to <sup>F11</sup> . . . the authorised authority concerned and holding, if he thinks fit, a public inquiry, may by order vary or revoke any order made, or having effect as if made, under or by virtue of any of the provisions referred to in <sup>F11</sup> . . . paragraph 1 above.

- (2) This paragraph shall have effect without prejudice to any power to make an order for the like purpose by virtue of paragraph 3 above and Part IV of this Schedule.

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- (3) The power to make an order conferred by this paragraph shall be exercisable by statutory instrument.

**Textual Amendments**

**F11** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

**Modifications etc. (not altering text)**

**C6** Sch. 9 para. 7: Transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with art. 7); [S.I. 1998/3178](#), [art. 3](#)

- 8 The Secretary of State shall not give any direction under paragraph 2 above or, subject to paragraph 9 below, make any order under paragraph 7 above unless he is satisfied, having regard to any matters appearing to him to be relevant, that the duty under section 122(1) of this Act of <sup>F12</sup> . . . the authorised authority concerned is not being satisfactorily discharged by the <sup>F12</sup> . . . authority, and that the giving of the direction or the making of the order is necessary to secure compliance with that duty.

**Textual Amendments**

**F12** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

**Modifications etc. (not altering text)**

**C7** Sch. 9 para. 8: Transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with art. 7); [S.I. 1998/3178](#), [art. 3](#)

- 9 The Secretary of State may make an order under paragraph 7 above notwithstanding that he is not satisfied as mentioned in paragraph 8 above, if he is satisfied, having regard to any matters appearing to him to be relevant, that there are special circumstances which make it expedient that the order should be made.

**Modifications etc. (not altering text)**

**C8** Sch. 9 para. 9: Transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with art. 7); [S.I. 1998/3178](#), [art. 3](#)

- 10 Where the Secretary of State—
- (a) gives a direction under paragraph 2 above requiring a county council or district council to make an order under section 32(1) or 35(1) of this Act, or
  - (b) makes such an order by virtue of paragraph 3 above,
- subsections (1) to (5) of section 39 of this Act shall not apply in relation to anything done in pursuance of the direction or, as the case may be, in relation to the making of the order by the Secretary of State.
- 11 Where the Secretary of State—
- (a) gives a direction under paragraph 2 above requiring a county council or district council in Wales to make an order under any of the provisions specified in section 54(1) of this Act, or

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(b) by virtue of paragraph 3 above, makes such an order in relation to a parking place in Wales,

nothing in subsections (1) to (4) of section 54 of this Act shall apply in relation to anything done in pursuance of the direction or, as the case may be, in relation to the making of the order by the Secretary of State.

12 Where the Secretary of State—

(a) gives a direction under paragraph 2 above requiring a county council [<sup>F13</sup>or metropolitan district council] or parish or community council to make an order under section 35(1) of this Act in relation to a parking place provided by a parish or community council, or

(b) by virtue of paragraph 3 above, makes such an order in relation to such a parking place,

neither subsections (4) and (5) nor subsection (7) of section 59 of this Act shall apply in relation to anything done in pursuance of the direction or, as the case may be, in relation to the making of the order by the Secretary of State.

#### Textual Amendments

**F13** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(e\)](#)

VALID FROM 19/01/2005

[<sup>F14</sup>12A Article 2 of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (SI 1999/1750) shall not apply to a provision of this Schedule in so far as it relates to the exercise of a power under this Act by virtue of section 22C.

#### Textual Amendments

**F14** Sch. para. 12A, 12B inserted (19.1.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), ss. 32, 34, [Sch. 2 para. 16\(4\)\(b\)](#); S.I. 2004/3281, [art. 2\(3\)\(4\)](#)

VALID FROM 19/01/2005

12B A power conferred upon the Secretary of State by this Schedule shall, in so far as it relates to the exercise of a power under this Act by virtue of section 22C, be exercisable in relation to Wales by the National Assembly for Wales with the consent of the Secretary of State.]

#### Textual Amendments

**F14** Sch. para. 12A, 12B inserted (19.1.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), ss. 32, 34, [Sch. 2 para. 16\(4\)\(b\)](#); S.I. 2004/3281, [art. 2\(3\)\(4\)](#)

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## PART II

### CONSENT OF SECRETARY OF STATE TO CERTAIN ORDERS

- 13 (1) Where in the case of any order proposed to be made by a local authority other than [<sup>F15</sup>the council of a London borough and the Common Council of the City of London] under or by virtue of any of the following provisions of this Act, namely, sections 1, 9, 19, 29, 32, 35, 37, 38, 45, 46, 49, 83(2) and 84, it is proposed to include in the order any provision—
- (a) so prohibiting or restricting the use of a road as to prevent, for more than 8 hours in any period of 24 hours, access for vehicles of any class to any premises situated on or adjacent to that road or any other premises accessible for vehicles of that class from, and only from, that road, or
  - (b) applying to [<sup>F16</sup>a road for which the Secretary of State is the traffic authority], or
  - (c) directing that a principal road shall be, or cease to be, a restricted road for the purposes of section 81 of this Act, or
  - (d) being, in the case of an order for the purposes of section 84(1) of this Act—
    - (i) a provision applying to a principal road, or
    - (ii) a provision applying to any road a speed limit of less than 30 miles per hour, or
  - (e) varying or revoking, within 12 months of its making, any order made by, or made in pursuance of a direction given by, the Secretary of State, or
  - (f) making provision as respects any length of road for any purpose within 12 months after the date when a previous order made as respects that length of road for a similar purpose was varied or revoked by an order made by, or made in pursuance of a direction given by, the Secretary of State,
- then (except in a case to which sub-paragraph (2) or sub-paragraph (3) below applies, or where the provision is to be included in pursuance of a direction under paragraph 2 of this Schedule) the order shall not be made without the consent of the Secretary of State.
- (2) This sub-paragraph applies where—
- (a) it is proposed to include in the order any such provision as is mentioned in sub-paragraph (1)(a) above, and
  - (b) either—
    - (i) no owner, lessee or occupier of premises such as are mentioned in sub-paragraph (1)(a) above has submitted to the authority any objection to the inclusion of that provision in the order, or
    - (ii) any such owner, lessee or occupier who has submitted such an objection has withdrawn it.
- (3) This sub-paragraph applies in the case of any order proposed to be made under section 9 of this Act where—
- (a) it is proposed to include in the order any such provision as is mentioned in sub-paragraph (1)(a) above, and
  - (b) the effect of the prohibition by the order of the use of the road to which it relates or of any restriction on the use of that road contained in the order would be to prevent vehicles, or vehicles of any class, being loaded or unloaded in that road or to prevent persons boarding or alighting from a

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- [<sup>F17</sup>vehicle being used in the provision of a local service within the meaning of the Transport Act 1985] on that road, and
- (c) either—
- (i) no person has submitted to the authority any objection to the making of the order on the ground that it would prevent vehicles, or vehicles of that class, being loaded or unloaded in the road, and no person being the operator of a [<sup>F18</sup>local service (within the meaning of the Transport Act 1985)] has submitted to the authority any objection to the making of the order on the ground that it would prevent persons boarding or alighting from a [<sup>F18</sup>vehicle] being used in that service in the road, or
  - (ii) any such person who has submitted an objection on that ground has withdrawn it.

#### Textual Amendments

- F15** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(f\)](#)
- F16** Words in [Sch. 9 para. 13\(1\)\(b\)](#) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 80\(2\)](#); which substitution is in force for Scotland only by [S.I. 1991/2286, art. 2\(2\)](#), [Sch. 2](#) and for England and Wales only by [S.I. 1991/2288, art. 3](#), [Sch.](#)
- F17** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), [Sch. 1 para. 15\(5\)\(a\)](#)
- F18** Word(s) substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), [Sch. 1 para. 15\(5\)\(b\)](#)

- 14 Where in the case of any order proposed to be made by [<sup>F19</sup>the council of a London borough or the Common Council of the City of London] under or by virtue of any of the following provisions of this Act namely, sections 6, 9, 35, 38, 45, 46, 49, <sup>F20</sup> . . . 83(2) and 84, it is proposed to include in the order any provision such as is mentioned in sub-paragraphs (b) to (f) of paragraph 13(1) above, then (except where the provision is to be included in pursuance of a direction under paragraph 2 of this Schedule) the order shall not be made except with the consent of the Secretary of State.

#### Textual Amendments

- F19** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(g\)](#)
- F20** “50,” repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [102\(2\)\(3\)](#), [Sch. 5 para. 4\(39\)\(g\)](#), [Sch. 17](#)

#### Modifications etc. (not altering text)

- C9** [Sch. 9 para. 14](#) restricted (16.6.1999) by [S.I. 1999/1608, art. 2](#)

- 15 (1) The Secretary of State may by order add to or remove from the orders for which his consent is required by paragraphs 13 and 14 above such orders made by such local authorities for such purposes or in such circumstances as he may see fit to specify in his order.
- (2) No order under this paragraph removing any order from the orders for which the consent of the Secretary of State is for the time being required shall be made unless a draft of the order has been approved by a resolution of each House of Parliament.

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- (3) Any other order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Modifications etc. (not altering text)**

**C10** Sch. 9 para. 15: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, Sch. 1 (with art. 7); S.I. 1998/3178, art. 3

- 16 (1) In consenting to any order submitted to him for his consent under this Part of this Schedule, the Secretary of State may consent to the order either in the form in which it is submitted to him or with such modifications as he thinks fit, which may include additions, exceptions, or other modifications of any description.
- (2) Where the Secretary of State proposes to consent to such an order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the local authority in question and other persons likely to be concerned.

**Modifications etc. (not altering text)**

**C11** Sch. 9 para. 16: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, Sch. 1 (with art. 7); S.I. 1998/3178, art. 3

- 17 (1) The Secretary of State may by order grant a general consent for the making of orders requiring his consent under this Part of this Schedule—
- (a) of such descriptions, or
  - (b) with respect to such matters only, or
  - (c) made by such local authorities, or by authorities of such classes of descriptions, or
  - (d) made in such circumstances, or
  - (e) complying with such requirements,
- as may be specified in the order.
- (2) Any order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Modifications etc. (not altering text)**

**C12** Sch. 9 para. 17: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, Sch. 1 (with art. 7); S.I. 1998/3178, art. 3

- 18 The power to make an order conferred by paragraph 15 or 17 above shall be exercisable by statutory instrument.
- 19 In this Part of this Schedule “principal road” means a road for the time being classified as a principal road—
- (a) by virtue of section 12 of the <sup>M1</sup>Highways Act 1980 (whether as falling within subsection (1) or as being so classified under subsection (3)), or
  - (b) by the Secretary of State under section [F21]11(1) of the <sup>M2</sup>Roads (Scotland) Act 1984].



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#### Textual Amendments

**F21** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 128(1), **Sch. 9 para. 93(45)(a)**

#### Marginal Citations

**M1** [1980 c. 66\(59\)](#).

**M2** [1984 c. 54\(108\)](#).

### PART III

#### PROCEDURE AS TO CERTAIN ORDERS

#### Subordinate Legislation Made

**P1** Sch. 9 Pt. III: s. 124 (with Sch. 9 Pt. III) power exercised (20.11.1991) by [S.I.1991/2709](#)

#### Modifications etc. (not altering text)

**C13** Sch. 9 Pt. III (paras. 20-26) applied by [Road Traffic Act 1988 \(c. 52, SIF 107:1\)](#), s. **19A(7)** (as inserted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 2 para. 22(1)**)

**C14** Sch. 9 Pt. III applied (with modifications) (6.3.1992) by [Aberdeen Harbour Order Confirmation Act 1992 \(c. ii\)](#), ss. 1, 3(2), **Sch.**

Sch. 9 Pt. III applied (E.W.) (temp. from 5.10.2009) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), ss. **14(3)**, 40(2)(6), 41(3); [S.I. 2009/2577](#), **art. 2**

- 20 (1) Subject to sub-paragraph (2) below, before <sup>F22</sup>a] local authority make an order under or by virtue of any of the following provisions of this Act, namely, sections 1, 6, 9, 19, 29, <sup>F23</sup> . . . 32, 35, 37, 38, 45, 46, 49, . . . <sup>F24</sup> 61, 83(2) and 84, they shall consult with the chief officer of police of any police area in which any road or other place to which the order is to relate is situated; and, if the order in question has to be submitted to the Secretary of State for his consent under Part II of this Schedule, the authority shall so consult before submitting the order to the Secretary of State.
- (2) Sub-paragraph (1) above shall not apply to an order made in pursuance of a direction under paragraph 2 of this Schedule, and shall have effect without prejudice to any further requirements contained in any regulations made under the subsequent provisions of this Part of this Schedule.

#### Textual Amendments

**F22** Word substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), **Sch. 5 para. 4(39)(h)**

**F23** In Sch. 9 para. 20(1) reference to s. 30 repealed (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1)(2), **Sch. 8 para. 80(3)**, **Sch. 9**; which repeal is in force for Scotland only by [S.I. 1991/2286](#), **art. 2(2)**, **Sch.2** and for England and Wales only by [S.I. 1991/2288](#), **art. 3**, **Sch.**

**F24** "50," repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(39)(b)**, Sch. 17

- 21 As respects orders of a local authority other than <sup>F25</sup>the council of a London borough or the Common Council of the City of London] under any of the provisions

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referred to in paragraph 20(1) above <sup>F26</sup> . . . , the Secretary of State may make regulations for providing the procedure to be followed in connection with the making of such orders, the submission of such orders for the consent of the Secretary of State or a county council where such submission is required, and the consideration by him or by the county council of any such order submitted to him or them; and the Secretary of State shall by regulations under this paragraph make such (if any) provision as he considers appropriate with respect to—

- (a) the publication of any proposal for the making of such an order;
- (b) the making and consideration of objections to any such proposal; and
- (c) the publication of notice of the making of the order and of its effect.

#### Textual Amendments

**F25** Words in Sch. 9 para. 21 substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(i\)](#)

**F26** Words in Sch. 9 para. 21 repealed (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1)(2), [Sch. 8 para. 80\(4\)](#), [Sch. 9](#); which repeal is in force for Scotland only by [S.I. 1991/2286](#), art. 2(2), [Sch. 2](#) and for England and Wales only by [S.I. 1991/2288](#), [art. 3](#), Sch.

#### Modifications etc. (not altering text)

**C15** Sch. 9 para. 21: transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with art. 7); [S.I. 1998/3178](#), [art. 3](#)

**C16** Sch. 9 para. 21 extended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(2), [Sch. 5 paras. 7\(1\), 9](#)

- 22 (1) Without prejudice to the generality of paragraph 21 above, regulations under that paragraph may include provision—
- (a) as to the form of any such order as is mentioned in that paragraph;
  - (b) for the holding of inquiries for the purposes of any such order and as to the appointment of the person by whom any such inquiry is to be held;
  - (c) for the making of modifications in any such order, whether in consequence of any objections or otherwise, before the order is made;
  - (d) requiring any such order to include such exemptions for such purposes and subject to such exceptions as may be provided for by the regulations;
  - (e) requiring the authority by whom any such order is made to place and maintain, or cause to be placed and maintained, such traffic signs in connection with that order as may be so provided for.
- (2) In sub-paragraph (1)(e) above, in its application to an order under section 61 of this Act, the reference to traffic signs shall be construed in accordance with subsection (8) of that section.
- 23 (1) The Secretary of State, after consultation with [<sup>F27</sup>the council of a London borough of the Common Council of the City of London],—
- (a) as respects orders made by [<sup>F27</sup>that council] under any of the provisions referred to in paragraph 20(1) above <sup>F28</sup> . . . , may make regulations for any of the like purposes as those for which regulations are required or authorised to be made under paragraph 21 above;

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*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, SCHEDULE 9. (See end of Document for details)*

(b) with respect to any other order the making of which by [<sup>F27</sup>that council] requires the consent of the Secretary of State, may make regulations for providing the procedure to be followed in connection with the obtaining of that consent.

(2) In paragraph 22(1)(c) above, so far as it relates to regulations made under this paragraph, “modifications” shall be construed as including additions, exceptions or other modifications of any description.

#### Textual Amendments

- F27** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **ss. 1**, (2), 8(1), Sch. 5 para. 4(39)(j)
- F28** Words in [Sch. 9 para. 23\(1\)\(a\)](#) repealed (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1)(2), [Sch. 8 para. 80\(4\)](#), **Sch.9**; which repeal is in force for Scotland only by [S.I. 1991/2286](#), **art. 3**, Sch. and for England and Wales only by [S.I. 1991/2288](#), **art.3**, Sch.

#### Modifications etc. (not altering text)

- C17** [Sch. 9 para. 23](#) extended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **ss. 1, 2, 8(2)**, [Sch. 5 paras. 7\(1\), 9](#)

24 The Secretary of State may make regulations with respect to the procedure in connection with the making by him—

(a) of any order made by virtue of paragraph 3 or made under paragraph 7 of this Schedule, or

(b) of any order which he is authorised to make with respect to [[<sup>F29</sup>roads for which he is the traffic authority] under any of the provisions referred to in paragraph 20(1) above,

or with respect to the procedure in connection with appeals to him by district councils under sections 39 and 54 of this Act.

#### Textual Amendments

- F29** Words in [Sch. 9 para. 24\(b\)](#) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), **Sch. 8 para. 80(5)**; which substitution is in force for Scotland only by [S.I. 1991/2286](#), **art. 2(2)**, **Sch. 2** and for England and Wales only by [S.I. 1991/2288](#), **art. 3**, **Sch.**

25 Any regulations under this Part of this Schedule may make different provision for different orders or for different circumstances; and where any such regulations require an authority to post any notice in a [<sup>F30</sup>road], the authority may, whether or not they are the [<sup>F31</sup>traffic authority], take such steps for that purpose as they think fit, including the use for that purpose of any lamp-post, traffic sign or other structure whatsoever in the [<sup>F30</sup>road], whether or not belonging to that authority.

#### Textual Amendments

- F30** Word in [Sch. 9 para. 25](#) substituted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 128(1), **Sch. 9 para. 93(45)(b)** and substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), **Sch. 8 para. 80(6)(b)**; [S.I. 1991/2288](#), **art. 3**, Sch.

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**F31** Words in Sch. 9 para. 25 substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), **Sch. 8 para. 80(6)(a)**; which substitution is in force for Scotland only by [S.I. 1991/2286, art. 2\(2\)](#), **Sch.2** and for England and Wales only by [S.I. 1991/2288, art. 3](#), Sch.

- 26 (1) Before giving any authority a direction under paragraph 2 of this Schedule to make (with or without modifications) an order under any of the provisions referred to in paragraph 20(1) above, in connection with which steps have already been taken in pursuance of regulations made under this Part of this Schedule, the Secretary of State shall consider any objections made to that order.
- (2) If the order is directed to be made with modifications which appear to the Secretary of State to affect substantially the character of the order, he shall take such steps as appear to him to be sufficient and reasonably practicable for informing any local authority concerned and any other person likely to be concerned.

**Modifications etc. (not altering text)**

**C18** Sch. 9 para. 26: Transfer of certain functions (1.7.1999) by [S.I. 1999/1750, arts. 1, 2](#), **Sch. 1** (with art. 7); [S.I. 1998/3178, art. 3](#)

## PART IV

### VARIATION OR REVOCATION OF CERTAIN ORDERS

**Modifications etc. (not altering text)**

**C19** Pt. IV (paras. 27–29) applied by [Road Traffic Act 1988 \(c. 52, SIF 107:1\)](#), s. **19A(7)** (as inserted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 2 para. 22(1)**)

**C20** Sch. 9 Pt. IV applied (with modifications)(6.3.1992) by [Aberdeen Harbour Order Confirmation Act 1992 \(c. ii\)](#), s. 1, **Sch. s. 3(2)**.

- 27 (1) Subject to sub-paragraph (2) below, any power to make an order as respects any road or parking place conferred by or by virtue of any of the following provisions of this Act, namely, sections 1, 6, 9, 19, 29, <sup>F32</sup> . . . 32, 35, 37, 38, 45, 46, 49(2) and (4), 50, 53, 83 and 84 and paragraph 7 of this Schedule, shall include power for the authority for the time being having power to make such an order as respects that road or parking place to make an order varying or revoking any previous order as respects that road or parking place made, or having effect as if made, under or by virtue of the provision in question, whether the previous order was made by that or some other authority, and notwithstanding that the previous order was, and the order varying or revoking it is not, made in pursuance of a power exercisable by statutory instrument.
- (2) Sub-paragraph (1) above shall have effect—
- (a) subject to sections 39(6), 54(5) and 59(6) of this Act, and
  - (b) without prejudice to section 50(6) of this Act.

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#### Textual Amendments

**F32** In Sch. 9 para. 27(1), reference to s. 30 repealed (1.11.1991) by [New Roads and Street Works Act 1991](#) (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 80(7), **Sch. 9**; which substitution is in force for Scotland only by [S.I. 1991/2286](#), art. 2(2), **Sch.2** and for England and Wales only by [S.I. 1991/2288](#), art. 3, Sch.

28 For the avoidance of doubt it is hereby declared that, subject to Part II of this Schedule, the power to vary or revoke an order made under or by virtue of any of the provisions referred to in paragraph 27(1) above extends to the variation or revocation of any such order in connection with the provision in question as is mentioned below, notwithstanding that it was made by, or by direction of, the Secretary of State, that is to say—

- (a) an order made in pursuance of a direction under paragraph 2 of this Schedule;
- (b) except where the provision in question is section 45, 46, 49, 50 or 53 of this Act, an order made by virtue of paragraph 3 of this Schedule;
- (c) where the provision in question is section 45, 46, 49 . . . <sup>F33</sup> or 53 of this Act an order which is made by virtue of paragraph 3 of this Schedule and relates to a parking place for the time being controlled by the local authority within the meaning of section 45 of this Act <sup>F33</sup> . . . ; or
- (d) an order under paragraph 7 of this Schedule.

#### Textual Amendments

**F33** “, 50” repealed by [Local Government Act 1985](#) (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

29 Nothing in paragraph 8 of this Schedule shall prevent the exercise by the Secretary of State of the power to revoke any order made by him under paragraph 7 of this Schedule.

## PART V

### CONSULTATION WITH TRAFFIC COMMISSIONERS

30 This Part of this Schedule applies to any order made under section 19 or 38(1)(a) of this Act, otherwise than in pursuance of a direction under paragraph 2 of this Schedule.

31 Before making an order to which this Part of this Schedule applies, the local authority—

- (a) shall consult with the traffic [<sup>F34</sup>commissioner] for any traffic area constituted for the purposes of the <sup>M3</sup>Public Passenger Vehicles Act 1981 in which the area, or any part of the area, of the local authority is situated, and
- (b) if the local authority’s area is situated wholly or partly within an area [<sup>F35</sup>which is a passenger transport area for the purposes of Part II of the Transport Act 1968, shall consult with the Passenger Transport Executive for that passenger transport area.]

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#### Textual Amendments

- F34** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 6**  
**F35** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), **Sch. 3 para. 33**

#### Marginal Citations

- M3** [1981 c. 14\(107:1\)](#).

- 32 If the order is required to be submitted to the Secretary of State for his consent under Part II of this Schedule, the local authority shall consult as mentioned in paragraph 31 above before submitting it to the Secretary of State for his consent.
- 33 Paragraphs 31 and 32 above shall have effect without prejudice to paragraph 20 or to any regulations made under paragraph 21 or (in relation to an order under section 38(1)(a) of this Act) any regulations made under paragraph 23 of this Schedule.

## PART VI

### VALIDITY OF CERTAIN ORDERS

#### Modifications etc. (not altering text)

- C21** Pt. VI (paras. 34–37) extended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(2), **Sch. 5 para. 8**  
**C22** Pt. VI (paras. 34–37) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8(2), **Sch. 5 para. 12(4)**  
**C23** Pt. VI (paras. 34–37) applied by [Road Traffic Act 1988 \(c. 52, SIF 107:1\)](#), s. 19A(7) (as inserted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4 **Sch. 2 para. 22(1)**)  
**C24** Sch. 9 Pt. VI applied (with modifications)(6.3.1992) by [Aberdeen Harbour Order Confirmation Act 1992 \(c. ii\)](#), s. 1, **Sch. s. 3(2)**.

- 34 (1) This Part of this Schedule applies—
- (a) to any order made under or by virtue of any of the following provisions of this Act, namely, sections 1, 6, 9, 19, 32, 37 and 38, and
  - (b) to any designation order.
- (2) In this Part of this Schedule—
- (a) “the relevant powers”, in relation to any such order as is mentioned in sub-paragraph (1)(a) above, means the powers with respect to such an order conferred by this Act, and, in relation to a designation order, means the powers of sections 45, 46, 49, . . . <sup>F36</sup> and 53 of this Act, and
  - (b) “the relevant requirements”, in relation to any such order as is mentioned in sub-paragraph (1)(a) above, means any requirement of, or of any instrument made under, any provision of this Act with respect to such an order, and, in relation to a designation order, means any requirement of sections 45, 46, 49, . . . <sup>F36</sup> and 53 of this Act or of Parts I to III of this Schedule or of any regulations made under Part III of this Schedule.

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#### Textual Amendments

**F36** “50” repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

- 35 If any person desires to question the validity of, or of any provision contained in, an order to which this Part of this Schedule applies, on the grounds—
- (a) that it is not within the relevant powers, or
  - (b) that any of the relevant requirements has not been complied with in relation to the order,
- he may, within 6 weeks from the date on which the order is made, make an application for the purpose to the High Court or, in Scotland, to the Court of Session.

#### Modifications etc. (not altering text)

**C25** Sch. 9 para. 35 applied (with modifications) (3.11.1994) by [1994 c. 40, ss. 34\(8\), 82\(3\)](#)

- 36 (1) On any application under this Part of this Schedule the court—
- (a) may, by interim order, suspend the operation of the order to which the application relates, or of any provision of that order, until the final determination of the proceedings; and
  - (b) if satisfied that the order, or any provision of the order, is not within the relevant powers, or that the interests of the applicant have been substantially prejudiced by failure to comply with any of the relevant requirements, may quash the order or any provision of the order.
- (2) An order to which this Part of this Schedule applies, or a provision of any such order, may be suspended or quashed under sub-paragraph (1) above either generally or so far as may be necessary for the protection of the interests of the applicant.

#### Modifications etc. (not altering text)

**C26** Sch. 9 para. 36 applied (with modifications) (3.11.1994) by [1994 c. 40, ss. 34\(8\), 82\(3\)](#)

- 37 Except as provided by this Part of this Schedule, an order to which this Part of this Schedule applies shall not, either before or after it has been made, be questioned in any legal proceedings whatever.

#### Modifications etc. (not altering text)

**C27** Sch. 9 para. 37 applied (with modifications) (3.11.1994) by [1994 c. 40, ss. 34\(8\), 82\(3\)](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, SCHEDULE 9.