
EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 14, 15 and 16 of the Road Traffic Regulation Act 1984 enable a traffic authority (as defined in section 121A of the Road Traffic Regulation Act 1984) to regulate traffic for temporary periods by order or notice. The New Roads and Street Works Act 1991 extends the power to issue such notices to concessionaires (as defined in that Act). New sections 14 and 15 are substituted and section 16 is amended by the Road Traffic (Temporary Restrictions) Act 1991 which comes into force on 1st July 1992.

Schedule 3 to the 1984 Act which set out the procedure relating to temporary orders and notices is repealed by the 1991 Act. It is replaced by a new provision in section 16 of the 1984 Act which gives the Secretary of State power to make procedure regulations.

These Regulations lay down the procedure to be followed in connection with the exercise of the powers in sections 14 and 15 of the 1984 Act to regulate traffic for temporary periods by order or notice. The Regulations extend to England, Wales and Scotland. The regulations are to some extent based on Schedule 3 to the 1984 Act as originally enacted and the procedures for making permanent traffic orders set out in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1989(S.I.1989/1120).

Regulation 3 lays down the general procedure to be followed before a temporary order is made. It provides for advance publication of proposals in local newspapers and notification to various bodies (including the chief officer of the fire authority where the traffic authority is not the fire authority) and to any concessionaire affected; and for a subsequent notice of the making of the order. In line with the procedures in England and Wales for permanent traffic orders, the requirements for the posting of street notices have been made discretionary rather than mandatory, with certain exceptions.

Regulation 4 modifies the application of regulation 3 with respect to orders relating to footpaths, bridleways, cycle tracks or byways open to all traffic by providing that the posting of street notices is to be obligatory in the case of such orders.

Regulation 5 requires the operator of a tramcar or trolley vehicle to be consulted by the traffic authority before any temporary order is made where it appears that the operation of the vehicle is like to be affected.

Regulation 6 relates to temporary orders to which section 15(2) of the 1984 Act, as amended applies, namely those which may extend beyond a period of 18 months. In such cases, the period of advance notice for publicity in local newspapers is extended from 7 days to 21 days, and the requirement for prior notification with various bodies is replaced by a requirement to consult the chief officer of police, the chief officer of the fire authority (where the traffic authority is not the fire authority) and organisations representing road users. An additional requirement is imposed to publish prior notice of intention to make the order in the London Gazette or Edinburgh Gazette, as appropriate, along similar lines to the existing requirement for permanent and experimental orders.

Regulation 7 makes provision for cases where a temporary order is made for the purpose of continuing in force a prohibition or restriction imposed by a temporary notice under section 14. This continues the previous arrangement whereby the requirement to give prior notice in local newspapers is waived.

Regulation 8 makes provision with respect to the revocation of orders.

Regulation 9 deals with circumstances where the Secretary of State directs the continuation of an order under section 15(3) or (5) of the 1984 Act as amended. This includes a requirement to publish

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notice of the direction in local newspapers and to give notice to the persons or bodies referred to in regulation 3(4).

Regulations 10 to 12 make provision in connection with temporary notices issued by traffic authorities. Similar requirements are imposed with respect to notifying relevant bodies and posting street notices as in the case of temporary orders. Here again, the requirement for street notices is obligatory in the case of temporary regulation by notice on footpaths, bridleways, cycle tracks and byways open to all traffic, but discretionary in all other cases; and there is a requirement to consult tramcar or trolley vehicle operators before introducing temporary traffic regulation, by notice, which would be likely to affect the operation of any such vehicle, unless it appears to the authority that the notice needs to be issued without delay.

Regulations 13 and 14 make equivalent provision in connection with notices issued by concessionaires.

The Schedule makes provision for the display of street notices in the case of temporary regulation by order or by notice, and for the display of appropriate traffic signs for the duration of the restriction.