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WELSH STATUTORY INSTRUMENTS

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**2020 No. 802 (W. 175)**

**ROAD TRAFFIC, WALES**

**The Traffic Orders Procedure (Amendment)  
(Wales) (Coronavirus) Regulations 2020**

<i>Made</i>	- - - -	<i>23rd July 2020</i>
<i>Laid before Senedd Cymru</i>		<i>27th July 2020</i>
<i>Coming into force</i>	- -	<i>31st July 2020</i>

The Welsh Ministers, in exercise of the powers conferred on them by sections 16(2) and (2A), 35C(3), (4) and (4A), 46A(3), (4) and (4A) and 124(1) of, and Part III of Schedule 9 to, the Road Traffic Regulation Act 1984<sup>(1)</sup> and after consultation with such representative organisations as were thought fit in accordance with section 134(10) of that Act, make the following Regulations.

**Title, commencement and application**

1.—(1) The title of these Regulations is the Traffic Orders Procedure (Amendment) (Wales) (Coronavirus) Regulations 2020 and they come into force on 31 July 2020.

(2) The Regulations apply in relation to Wales only.

**Amendments to the Road Traffic (Temporary Restrictions) Procedure Regulations 1992**

2.—(1) The Road Traffic (Temporary Restrictions) Procedure Regulations 1992<sup>(2)</sup> are amended as follows.

(2) In regulation 3 (procedure for making a temporary order), in paragraph (1) after “this Part” insert “and Part 7”.

(3) In regulation 4 (footpaths etc.), in paragraph (3) after “shall” insert “, subject to Part 7,”.

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(1) 1984 c. 27. Section 16(2) and (2A) was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c. 26), section 1(2); sections 35C and 46A were inserted by the Road Traffic Act 1991 (c. 40), sections 41 and 42; section 134(10) was inserted by the Wales Act 2017 (c. 4), section 69(1), Schedule 6, Part 3, paragraphs 43(1) and (3). In Schedule 9, paragraph 21 was amended by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraph 80 and Schedule 9; and paragraph 25 was amended by the New Roads and Street Works Act 1991, Schedule 8, paragraph 80. By virtue of S.I. 1999/672, and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), these powers are now exercisable by the Welsh Ministers in relation to Wales. The references to “national authority” in section 16(2) and (2A), and in Part III of Schedule 9 were inserted by the Scotland Act 2016, (c. 11) and the definition of “national authority” in section 142(1) was amended by the Wales Act 2017, Part 2, section 26(8) so that “national authority” in relation to Wales, means the Welsh Ministers.

(2) S.I. 1992/1215, amended by S.I. 2006/1177. There are other amendments which are not relevant.

- (4) In regulation 8 (revocation orders), in paragraph (3) after “shall” insert “, subject to Part 7.”
- (5) In regulation 9 (continuation of order by direction of the Secretary of State), in paragraph (2) after “shall” insert “, subject to Part 7.”
- (6) In regulation 10 (procedure for issue of temporary notice by a traffic authority), in paragraph (4) after “shall” insert “, subject to Part 7.”
- (7) In regulation 11 (footpaths etc.), after “shall” insert “, subject to Part 7.”
- (8) After Part VI insert—

## “PART 7

### TEMPORARY PROVISIONS APPLICABLE DURING THE CORONAVIRUS PANDEMIC (WALES)

#### **Interpretation**

**22.** In this Part “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

#### **Alternative publication and inspection requirements**

**23.**—(1) Subject to regulation 24, paragraph (2) applies where—

- (a) a traffic authority is required to publish a notice in one or more newspapers in accordance with regulation 3(2) or (5), 8(3) or 9(2); and
- (b) the traffic authority considers that it would not be reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(2) Where this paragraph applies, a notice under those regulations must be published using such alternative arrangements as the traffic authority considers appropriate for the purpose of informing persons likely to be affected by its provisions.

(3) Paragraph (4) applies where, in relation to a notice—

- (a) a traffic authority is required by regulation 3(7) or 4(3) to comply with the requirements of Part I of the Schedule (display of notice of order); or
- (b) a traffic authority is required by regulation 10(4), 11 or 13(4) to comply with the requirements of Part II of the Schedule (display of notice issued under section 14(2) of the 1984 Act),

and the traffic authority considers that it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(4) Where this paragraph applies, the traffic authority must use such alternative publicity arrangements as it considers appropriate for the purpose of informing persons likely to be affected by the provisions of the notice.

(5) Without prejudice to the generality of paragraphs (2) and (4), such alternative publicity arrangements may include—

- (a) online publication, including websites, online newspapers, email communication or social media;
- (b) leaflet distribution;
- (c) letter delivery, by post or otherwise.

### **Procedure for temporary orders made for purposes connected to coronavirus**

**24.**—(1) Paragraph (2) applies where a traffic authority is satisfied in accordance with section 14(1) of the 1984 Act that an order under that section should be made for purposes connected to coronavirus.

(2) Where this paragraph applies, regulation 3 has effect in relation to the order as if it read—

#### **“Procedure for making a temporary order**

**3.**—(1) Subject to the following provisions of this Part, this regulation makes provision for the procedure to be followed in connection with the making of an order under section 14 of the 1984 Act for purposes connected to coronavirus.

(2) Not less than 7 days before making an order, the traffic authority must publish notice of its intention to make the order using such arrangements as the traffic authority considers appropriate for the purpose of informing persons likely to be affected by its provisions.

(3) The notice mentioned in paragraph (2) must state—

- (a) the reason or purpose mentioned in section 14(1) of the 1984 Act for making the order;
- (b) the effect of the order and, where applicable, the alternative route or routes available for traffic;
- (c) the date on which the order would come into force and its maximum duration; and
- (d) that it is also necessary to make the order for purposes connected to coronavirus and what those additional purposes are.

(4) The traffic authority must, on or before the day on which the order is made, give notice of the order—

- (a) to the chief officer of police of any police area in which any road to which the order relates is situated;
- (b) to the chief officer of the fire authority for the area in which any road to which the order relates is situated; and
- (c) where the order would be likely to have direct effect on traffic, or any class of traffic, on any road for the maintenance of which another traffic authority is responsible, to that other traffic authority.

(5) Subject to paragraph (8), within 14 days after making the order the traffic authority must publish a notice of the making of the order in one or more newspapers, whether in print or online, circulating in the area in which any road to which the order relates is situated.

(6) The notice mentioned in paragraph (5) must state—

- (a) the reason or purpose mentioned in section 14(1) of the 1984 Act for the making of the order;
- (b) the effect of the order and, where applicable the alternative route or routes available for traffic; and
- (c) the date on which the order will come into force and its maximum duration.

(7) If and to the extent that—

- (a) it appears to the traffic authority that it would be desirable in the interests of giving adequate publicity to the order; and
- (b) it is reasonably practicable to do so,

the authority must comply with the requirements of Part I of the Schedule (display of notice of order) in relation to each length of road to which the order relates.

(8) Where the traffic authority considers that it is not reasonably practicable to comply with paragraph (5) for reasons connected to the effects of coronavirus, including restrictions on movement, the traffic authority must publish a notice of the making of the order using such alternative arrangements as the traffic authority considers appropriate for the purpose of informing persons likely to be affected by its provisions.

(9) Without prejudice to the generality of paragraphs (2) and (8), such publishing arrangements may include—

- (a) in the case of paragraph (2), in one or more newspapers circulating in the area in which any road to which the order relates is situated;
- (b) online publication, including websites, online newspapers, email communication or social media;
- (c) leaflet distribution;
- (d) letter delivery, by post or otherwise.

(10) When the order has been made, the traffic authority must comply with the requirements of Part III of the Schedule (traffic signs).”

(3) Where paragraph (2) applies and the order is one to which—

- (a) regulation 4 (footpaths, bridleways, cycle tracks and byways open to all traffic);
- (b) regulation 6 (orders to which no time limit applies); or
- (c) regulation 7 (continuation of restriction or prohibition imposed by notice),

applies, the references in regulation 4, 6 or 7, as applicable, to regulation 3 are to be read as references to regulation 3 as substituted by paragraph (2).

### **Expiry**

25. Regulations 22 to 24 cease to have effect at the end of 31 July 2021.

### **Transitional provisions**

26.—(1) Paragraph (2) applies where a notice is required to be—

- (a) published under regulation 3(2) or (5), 8(3) or 9(2);
- (b) displayed in accordance with the requirements of Part I of the Schedule, under regulation 3(7) or 4(3); or
- (c) displayed in accordance with the requirements of Part II of the Schedule under regulation 10(4), 11 or 13(4),

and the notice has been published or displayed by virtue of regulation 23 on or before 31 July 2021.

(2) Where this paragraph applies, the notice is to be treated after that date as having been published or displayed under those regulations as if they had not been modified by regulation 23.

27.—(1) Paragraph (2) applies where a notice is required to be—

(a) published under regulation 3(2) or (5), as substituted by regulation 18; or  
(b) displayed in accordance with the requirements of Part I of the Schedule under regulation 3(7), as substituted by regulation 24,  
and a notice has been published or displayed by virtue of regulation 24 on or before 31 July 2021.

(2) Where this paragraph applies the notice is to be treated after that date as having been published or displayed under regulation 3 as if it had not been substituted by regulation 24.”

### **Amendments to the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996**

**3.**—(1) The Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996(3) are amended as follows.

(2) In regulation 4 (application of Regulations), in paragraph (1)—

(a) for “and IV” substitute “, IV and 7”, and

(b) for “Part V” substitute “Part V and Part 7”.

(3) In regulations 5 and 15 (preliminary) for “Part IV” substitute “Parts IV and 7”.

(4) In regulation 21 (consolidation and minor orders), in paragraph (4) after “shall” insert “, subject to Part 7,”.

(5) In regulation 22 (experimental orders), in paragraph (3) after “shall” insert “, subject to Part 7,”.

(6) In regulation 23 (orders giving permanent effect to experimental orders), in paragraph (3)(b) after “available for inspection” insert “, subject to Part 7,”.

(7) In regulation 25 (notices of variation), in paragraph (3) after “shall” insert “, subject to Part 7,”.

(8) After Part VI insert—

## “PART 7

### TEMPORARY PROVISIONS APPLICABLE DURING THE CORONAVIRUS PANDEMIC (WALES)

#### **Interpretation**

**30.** In this Part “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

#### **Alternative publication and inspection requirements**

**31.**—(1) Paragraph (2) applies where—

(a) an order making authority is required to publish a notice in a newspaper in accordance with regulation 7(1)(a), 10(3)(a), 17(2)(a), 21(4)(a) or 25(3); and

(b) the authority considers that it would not be reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(2) Where this paragraph applies, a notice under those regulations must be published using such alternative arrangements as the authority considers appropriate for the purpose of informing persons likely to be affected by its provisions.

(3) Without prejudice to the generality of paragraph (2), such alternative publishing arrangements may include—

- (a) online publication, including websites, online newspapers, email communication or social media;
- (b) leaflet distribution;
- (c) letter delivery, by post or otherwise.

(4) Paragraph (5) applies where—

- (a) an order making authority is required by regulation 7(3), 21(4)(b), 22(3) or 23(3) (b) to comply with the requirements of Schedule 2 as to the making of deposited documents available for public inspection; and
- (b) the authority considers that it would not be reasonably practicable to comply with paragraph 1 of that Schedule (documents specified in paragraph 2 to be available for inspection at various locations) for reasons connected to the effects of coronavirus, including restrictions on movement.

(5) Where this paragraph applies, the order making authority must make appropriate alternative arrangements for making the documents specified in paragraph 2 of Schedule 2 and, as the case may be, documents specified in regulation 23(3)(c) and (e) available for public inspection.

### **Expiry**

**32.** Regulations 30 and 31 cease to have effect at the end of 31 July 2021.

### **Transitional provisions**

**33.—**(1) Paragraph (2) applies where—

- (a) a notice is required to be published under regulation 7(1)(a), 10(3)(a), (17)(2)(a), 21(4)(a) or 25(3); or
- (b) documents are required to be made available for inspection in compliance with the requirements of Schedule 2 under regulation 7(3), 21(4)(b), 22(3) or 23(3)(b),

and the notice has been published or the documents made available for inspection by virtue of regulation 31 on or before 31 July 2021.

(2) Where this paragraph applies the notice and documents are to be treated after that date as having been published, or made available for inspection, under those regulations as if they had not been modified by regulation 31.”

### **Amendments to the Secretary of State’s Traffic Orders (Procedure) (England and Wales) Regulations 1990**

**4.—**(1) The Secretary of State’s Traffic Orders (Procedure) (England and Wales) Regulations 1990(4) are amended as follows.

(2) In regulations 4 and 12 (preliminary), after “particular orders)” insert “and Part 7”.

(3) In regulation 19 (special provisions for orders giving permanent effect to experimental orders), in paragraph (3)(c) after “available for inspection” insert “, subject to Part 7.”

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(4) [S.I. 1990/1656](#). There are amendments which are not relevant.

(4) After Part VI insert—

## “PART 7

### TEMPORARY PROVISIONS APPLICABLE DURING THE CORONAVIRUS PANDEMIC (WALES)

#### **Interpretation**

**30.** In this Part “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

#### **Alternative publication and inspection requirements**

**31.**—(1) Paragraph (2) applies where—

- (a) the Welsh Ministers are required to publish a notice in a local newspaper in accordance with regulation 6(1)(a), 8(2)(a) or 14(1)(c); and
- (b) the Welsh Ministers consider that it would not be reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(2) Where this paragraph applies, a notice under those regulations must be published using such alternative arrangements as the Welsh Ministers consider appropriate for the purpose of informing persons likely to be affected by its provisions.

(3) Without prejudice to the generality of paragraph (2), such alternative publishing arrangements may include—

- (a) online publication, including websites, online newspapers, email communication, or social media;
- (b) leaflet distribution;
- (c) letter delivery, by post or otherwise.

(4) Where a notice is published in accordance with paragraph (2), regulations 13 and 18, paragraph 3 of Part II of Schedule 2 and paragraph 3 of Schedule 3 have effect, in so far as they apply to the notice, as if “in a local newspaper” or, as the case may be, “in the local newspaper” were substituted with “in accordance with regulation 14(1)(c)”.

(5) Paragraph (6) applies—

- (a) where the Welsh Ministers are—
  - (i) required by regulation 6(1)(d) or 8(2)(e) to comply with the relevant requirements of Schedule 2 as to the notices to be displayed in each road to which an order relates; or
  - (ii) required by regulation 6(1)(e), 8(2)(f), 14(1)(e) or 19(3)(c) to comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection; and
- (b) the Welsh Ministers consider that it would not be reasonably practicable to comply with paragraphs 1 or 2 of Part II of Schedule 2 or, as the case may be, paragraph 1 of Schedule 3, for reasons connected to the effects of coronavirus including restrictions on movement.

(6) Where this paragraph applies, the Welsh Ministers must make appropriate alternative arrangements for—

- (a) displaying the required notices;

- (b) making the documents specified in paragraph 1 of Schedule 3 and, as the case may be, documents specified in regulation 19(3)(b) and (d) available for public inspection.

### **Expiry**

- 32.** Regulations 30 and 31 cease to have effect at the end of 31 July 2021.

### **Transitional provisions**

- 33.—**(1) Paragraph (2) applies where a notice is required to be—

- (a) published under regulation 6(1)(a), 8(2)(a) or 14(1)(c); or
- (b) displayed in accordance with the requirements of Schedule 2 under regulation 6(1)(d) or 8(2)(e),

and the notice has been published or displayed by virtue of regulation 31 on or before 31 July 2021.

- (2) Where this paragraph applies, the notice is to be treated after that date as having been published or displayed under those regulations as if they had not been modified by regulation 31.

- 34.—**(1) Paragraph (2) applies where documents—

- (a) are required to be available for inspection in compliance with the requirements of Schedule 3 under regulation 6(1)(e), 8(2)(f), 14(1)(e) or 19(3)(c); and
- (b) have been made so available by virtue of regulation 31 on or before 31 July 2021.

- (2) Where this paragraph applies the documents are to be treated after that date as having been made available for inspection under those regulations as if they had not been modified by regulation 31.”

23 July 2020

*Ken Skates*  
Minister for Economy, Transport and North  
Wales, one of the Welsh Ministers



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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision with respect to certain traffic orders made and notices given in Wales, under the Road Traffic Regulation Act 1984. They are being introduced as an emergency measure in response to the effects of coronavirus.

They amend the procedure for making traffic orders and giving notices by providing an alternative means of publicising orders in circumstances where it is not reasonably practicable to follow the current publicity requirements as a result of coronavirus. They also simplify the procedure for making temporary traffic orders that are made for purposes connected to coronavirus.

These Regulations amend—

- (a) the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 (“the 1992 Regulations”);
- (b) the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 (“the 1996 Regulations”); and
- (c) the Secretary of State’s Traffic Orders (Procedure) (England and Wales) Regulations 1990 (“the 1990 Regulations”).

Regulation 2 amends the 1992 Regulations, which set out procedures in connection with the making of temporary traffic orders and the giving of notices by inserting a new Part 7 into those Regulations (inserting new regulations 22 to 27). The new regulation 23 relates to the publicity requirements for traffic regulation orders and notices. The amendments provide a traffic authority with the option of using alternative arrangements for publicising a notice relating to a traffic order, where it is not reasonably practicable to publish in a newspaper circulating in the area, or to post notices on site, for reasons connected to the effects of coronavirus, including restrictions on movement.

The new regulation 24 relates to temporary traffic orders which are made for purposes connected to coronavirus. A simplified procedure applies to the making of orders that fall within this purpose.

Regulation 3 amends the 1996 Regulations, which set out procedures for making permanent and experimental traffic orders, by inserting a new Part 7 into those Regulations (inserting new regulations 30 to 33). The amendments provide an order making authority with the option of using alternative arrangements for publicising a notice relating to a traffic order, where it is not reasonably practicable to publish in a newspaper circulating in the area for reasons connected to the effects of coronavirus, including restrictions on movement. They also permit a traffic authority to use alternative means to make documents available to the public, where it is not reasonably practicable to make documents available for inspection at a specific address, for reasons connected to the effects of coronavirus.

Regulation 4 amends the 1990 Regulations, which set out procedures for certain traffic orders made by the Welsh Ministers in relation to trunk roads and countryside roads, and orders under the Welsh Ministers’ reserve powers in Schedule 9 to the 1984 Act. These amendments are to the same effect as the amendments made to the 1996 Regulations.

The amendments made by these Regulations will cease to have effect at the end of 31 July 2021. These Regulations provide for transitional provisions to preserve continuity following the expiry of the amendments.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. A regulatory impact assessment has not been prepared for this instrument as the Regulations need to be put in place quickly to deal with an emergency associated with the effects of coronavirus.