

2002 No. 177

TRANSPORT

The Home Zones (Scotland) Regulations 2002

Made 18th April 2002

Laid before the Scottish Parliament 19th April 2002

Coming into force 20th May 2002

The Scottish Ministers, in exercise of the powers conferred by sections 74(4) and 81(2) of the Transport (Scotland) Act 2001(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Home Zones (Scotland) Regulations 2002 and shall come into force on 20th May 2002.

Interpretation

2. In these Regulations—

“the Act” means the Transport (Scotland) Act 2001;

“authority”, in relation to a designated road, means the local traffic authority making, or proposing to make, the designation under the Act;

“designated road” means a road designated by a local traffic authority as a home zone under section 74(1) of the Act and “designate” and “designation” shall be construed accordingly;

“Crown road” and “the appropriate Crown Authority” have the same meanings as in section 131(7) of the Road Traffic Regulation Act 1984(b);

“fire authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(c) or, where the area of the fire authority forms part of a combined area for fire-fighting purposes, the joint board for fire services for that combined area;

“notice of proposals” in relation to a designation, means the notice required to be published under regulation 6;

“Passenger Transport Authority” has the same meaning as in section 9 of the Transport Act 1968(d);

“public passenger transport services” has the same meaning as in section 63(10)(a) of the Transport Act 1985(e);

“relevant map”, in relation to an designation, means the map required by regulation 13 to be prepared and kept in connection with that designation;

(a) 2001 asp 2.

(b) 1984 c.27. Section 131(7) was amended by the Roads (Scotland) Act 1984 (c.54), Schedule 9, paragraph 93(41)(b) and the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 75.

(c) 1994 c.39.

(d) 1968 c.73.

(e) 1985 c.67.

“restricted road” has the same meaning as in section 82(1)(b) of the Road Traffic Regulation Act 1984(a); and

“writing” shall have the same meaning as in Schedule 2 to the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999(b) and shall also include communication by electronic means.

Class of designated road

3. The authority may make a designation only in respect of a restricted road.

Notice of intention to designate a road

4. (1) The authority shall prepare in respect of any road that they intend to designate, a notice of their intention to designate that road.

(2) Any such notice prepared in terms of paragraph (1) shall provide details of the road affected and the proposals that the authority intend to implement in respect of that road.

(3) The authority shall intimate the notice prepared under paragraph (1) to all residents, tenants and owners of any private or commercial property on, adjoining or adjacent to the designated road and any other organisation or individual likely to be affected by the proposed designation as the authority thinks appropriate.

(4) Any person to whom a notice is intimated or their authorised representative shall be invited by the notice to comment upon its terms and the said person or their authorised representative may make written representations to the authority concerning the detail of the proposals contained in the notice as they consider appropriate.

(5) The authority shall consider any written representations made to them under paragraph (4) before consulting on their proposals under regulation 5.

Consultation

5.—(1) After preparing a notice of intention to designate a road under regulation 4 but before designating a road in any case specified in column (2) of an item in the table below, the authority shall consult the persons specified in column (3) of the item of their intention to so designate the road and provide the persons specified in column (3) with a plan of the area in the vicinity of the designated road that details the extent to which the designation will implement the measures for securing the purposes mentioned in section 74(2) of the Act.

TABLE

<i>(1)</i> Item	<i>(2)</i> Case	<i>(3)</i> Consultee
1.	Where the designation relates to, or appears to the authority to be likely to affect traffic on, a road for which another authority is the local traffic authority.	The other authority.
2.	Where the designation relates to, or appears to the authority to be likely to affect traffic on, a Crown road.	The appropriate Crown authority.
3.	Where the designation relates to, or appears to the authority to be likely to affect traffic on, a road on which public passenger transport services are provided.	The operator of the service and the appropriate Passenger Transport Authority.

(a) The words in section 82(1) were substituted by the New Roads and Street Works Act 1991, section 168(1) and Schedule 8, paragraph 59. The classification or type of road is specified in the Restricted Roads (Classification or Type) (Scotland) Regulations 1985 (S.I. 1985/1888).

(b) S.I. 1999/1379.

<i>(1)</i> Item	<i>(2)</i> Case	<i>(3)</i> Consultee
4.	Where it appears to the authority that the designation is likely to affect the passage on any road or place of—	
	(a) ambulances; or	The chief officer of the Scottish Ambulance Service.
	(b) fire-fighting vehicles.	In case (b) the fire authority.
5.	All cases	
		(a) The chief constable of police of any police area in which any road to be designated is situated.
		(b) any resident, owner or tenant of any private or commercial property on, adjoining or adjacent to the designated road.
		(c) The Road Haulage Association.
		(d) The Freight Transport Association.
		(e) Such other organisations (if any) representing persons or individuals likely to be affected by any provision in the designation as the authority thinks appropriate.

(2) Any person consulted under paragraph (1) or their authorised representative may make such written representations to the authority on the measures contained in the proposed designation for securing any of the purposes mentioned in section 74(2) of the Act as they consider appropriate.

(3) Any representations made under paragraph (2) shall be submitted by any person consulted under paragraph (1) to the authority within 3 months.

(4) The authority shall prepare and publish a report detailing the persons consulted under paragraph (1) and any representations made under paragraph (2) and any report so prepared shall indicate the extent to which the authority will implement any proposals contained in any representations so made.

(5) A copy of any report published under paragraph (4) shall be—

- (a) available for inspection at the authority's offices and any local library during normal office hours;
- (b) if the authority considers it appropriate, available for inspection at such other places within the authority's area and during such times respectively at those places as the authority may determine;
- (c) sent to any person who has made representations under paragraph (2).

Publication of proposals

6. After complying with the requirements in regulation 5 but before designating the road the authority shall—

- (a) publish at least once in a local newspaper circulating in the area in which any road to which the designation relates is situated a notice of proposals containing the particulars specified in Part I of Schedule 1;
- (b) send a copy of the notice of proposals containing the particulars specified in Part I of Schedule 1 to each person whom it is required to consult under regulation 5;

- (c) take such other steps as they may consider appropriate for ensuring that adequate publicity about the designation is given to persons likely to be affected by its provisions and, without prejudice to the generality of this sub-paragraph, such other steps may include—
 - (i) publication of a notice in the Edinburgh Gazette;
 - (ii) the display of notices in accordance with Schedule 2 in roads or other places affected by the designation; or
 - (iii) the delivery of notices or letters to all residents, residents associations and premises occupied by persons, appearing to the authority to be likely to be affected by any provision in the designation;
- (d) make available for inspection in accordance with Schedule 3 the documents mentioned in that Schedule.

Objections

7.—(1) Before the end of the objection period mentioned in paragraph (3), any person may object to the making of the designation.

(2) Any objection made under paragraph (1) shall contain a written statement of the grounds of the objection and shall be sent to the address specified in the notice of proposals.

(3) The objection period shall be a period of not less than 42 days from the date on which a notice is published under regulation 6(a).

Hearing

8.—(1) Before designating any road to which these Regulations apply the authority shall hold a hearing in connection with that designation where an objection has been made under regulation 7 and not withdrawn.

(2) Any hearing shall be conducted by an independent person (referred to as “the reporter”) appointed by the authority from a list of persons compiled by the Scottish Ministers for that purpose.

(3) At the conclusion of the hearing the reporter shall prepare a report and may make recommendations.

(4) The hearing shall be held in public.

(5) The date of the hearing shall not be earlier than 35 days, from the later of—

- (a) the day after the end of the objection period mentioned in regulation 7(3), or
- (b) the date when the notice of the hearing is first published under regulation 9(3).

Notice of hearing

9.—(1) Where a hearing is to be held the authority shall forthwith give notice in writing to any person who has objected to the making of the designation informing that person that, if within such period, not being less than 14 days, as is specified in the notice, intimation is given that the person desires to be heard in support of the objection, an opportunity will be afforded of being heard.

(2) If any objector given such notice intimates a desire to be heard the authority shall notify the objector in writing of the arrangements for the hearing not less than 21 days before the date on which the hearing is to take place.

(3) Where a hearing is to take place the authority shall, in addition, not less than 21 days before the date on which the hearing is due to begin, publish at least once in a local newspaper circulating in the area in which any road to which the designation relates is situated a notice of the hearing containing the particulars specified in Part II of Schedule 1.

(4) Where a hearing is to take place and the objector fails to attend or fails to submit written representations the objection shall be deemed to be withdrawn.

(5) Where written representations have been submitted under regulation 10(3) or (4) the reporter may make a report and recommendations based upon the said written representations.

Procedure at hearing

10.—(1) Subject to paragraphs (2) to (4), the procedure at the hearing shall be determined by the reporter.

(2) The reporter may allow an objector or person interested in the subject matter of the hearing to be heard in person or be represented by an authorised representative.

(3) The reporter may consider any written representations submitted by any objector.

(4) The reporter may consider written representations from any interested party who is not an objector whether or not that person proposes to appear at the hearing.

(5) The reporter may refuse to hear any person, or allow to be put forward for consideration at the hearing any representations made by any person, if the reporter is satisfied that such representations are frivolous or vexatious or that such views have already been adequately stated by some other person at the hearing.

Consideration of objections and report

11.—(1) Subject to paragraph (2), where a hearing has been held under regulation 8 the authority shall, prior to submitting the designation to the Scottish Ministers for confirmation under regulation 12, implement the recommendations contained in any report prepared by the reporter in accordance with regulations 8(3) or 9(5).

(2) In so far as the authority are unable or unwilling to implement any of the recommendations referred to in paragraph (1) the authority shall prepare a report for the Scottish Ministers explaining why the said recommendations will not be implemented.

Confirmation by Scottish Ministers

12.—(1) In any case where an objection has been made in accordance with regulation 7 and not withdrawn and a hearing held in accordance with regulation 9 no designation shall be made by the authority unless confirmed by the Scottish Ministers.

(2) In considering whether or not to confirm the designation the Scottish Ministers shall take account of—

- (a) any report prepared by the reporter in accordance with regulations 8(3) or 9(5), and
- (b) any report prepared by the authority under regulation 11(2).

The relevant map

13. The authority shall prepare and keep in connection with the designation a map in accordance with the requirements set out in Schedule 4.

Notice of making the designation

14. When the authority have made the designation they shall—

- (a) forthwith give notice in writing of the making of the designation to the chief constable of the police area in which any road to which the designation relates is situated;
- (b) notify in writing each person, who has objected to the designation in accordance with regulation 7 and has not withdrawn the objection, of the authority's reasons for making the designation in spite of the objection;
- (c) within 14 days of the making of the designation publish once in a local newspaper circulating in the area in which any road to which the designation relates is situated a notice of the making of the designation containing the particulars specified in Part III of Schedule 1;
- (d) if considered necessary within the same period publish a similar notice in the Edinburgh Gazette;
- (e) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection;
- (f) take such steps as are necessary to secure—
 - (i) the erection on or near the road of such traffic signs to indicate a home zone as may be specified in regulations(a) or as authorised by Scottish Ministers for the

(a) Traffic signs are specified in the Traffic Signs Regulations and General Directions (S.I. 1994/1519).

purposes of securing that adequate information as to the effect of the designation is given to persons using the road;

- (ii) the maintenance of such signs for so long as the designation remains in force.

Varying and revoking designations

15. (1) At any time after making a designation the authority may vary or revoke the designation so made.

(2) Before varying or revoking any designation the authority shall follow the procedures set down in regulations 4 to 14 as though the references to making the designation were references to varying or revoking the designation.

Reports on the designation

16.—(1) The authority shall prepare and publish a report under section 74(3) of the Act within 12 months of the date on which the designation was made.

(2) Where the measures to be implemented for securing the purpose or purposes for which the designation was made have not been completed within 12 months the authority shall, in addition to preparing and publishing a report under paragraph (1), prepare and publish further reports under section 74(3) of the Act, at intervals of not more than 12 months until the said measures have been completed.

LEWIS MACDONALD

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
18th April 2002

SCHEDULE 1

PARTICULARS TO BE INCLUDED IN PRESS NOTICES

PART I

PARTICULARS TO BE INCLUDED IN THE NOTICE OF PROPOSALS

1. The name of the authority.
2. A description of the designated road.
3. A statement of the general nature and effect of the designation.
4. Where the designation relates to an off-street parking place, a brief description of that place and of its location.
5. Each address at which a copy of the designation, as drafted, a copy of the relevant map, and a copy of the authority's statement of reasons for proposing to make the designation can be inspected, and the times when inspection can take place at each such address.
6. The date of the end of the objection period calculated in accordance with regulation 7(3), the address at which objections to the designation can be lodged, and a statement that all objections must be made in writing and must specify the grounds thereof.

PART II

PARTICULARS TO BE INCLUDED IN THE NOTICE OF A PUBLIC HEARING BEFORE AN INDEPENDENT PERSON

1. The name of the authority.
2. A description of the designated road.
3. A statement which refers to the published notice of proposals for the designation and which indicates that a public hearing will be held in connection with the designation.
4. A brief statement of the general nature and effect of the designation and of the name or other brief description of any road or other place to which the designation will apply.
5. The date, time and place of the hearing and the name of the person appointed to hold the hearing.
6. Each address at which a copy of the designation, as drafted, a copy of the relevant map, and a copy of the authority's statement of reasons for proposing to make the designation can be inspected, and the time when inspection can take place at each such address.

PART III

PARTICULARS TO BE INCLUDED IN THE NOTICE OF MAKING THE DESIGNATION

1. The name of the authority.
2. A description of the designated road.
3. The date of the making of the designation and its operative date or dates.
4. The issue number, if any, and date of issue of the newspaper or if applicable of the Edinburgh Gazette containing the relevant notice of proposals previously published pursuant to regulation 6.
5. Each address at which a copy of the designation, as made, and a copy of the relevant map can be inspected, and the times when inspection can take place at each such address.

SCHEDULE 2

REQUIREMENTS AS TO NOTICES TO BE DISPLAYED IN A ROAD OR OTHER PLACE

PART I

PARTICULARS TO BE INCLUDED IN THE NOTICE

1. The name of the authority.
2. A description of the designated road.
3. A statement of the effect of the designation in relation to the road or other place where it is displayed including details of its purpose design and facilities.
4. An address at which a copy of the designation, a copy of the relevant map and a copy of the authority's statement of reasons for proposing to make the designation can be inspected, and the times when such inspection can take place.
5. Where the notice is a notice of proposals, the address to which, and the date on or before which objections to the designation can be made, such date being the date of the end of the objection period mentioned in regulation 7(3), and a statement that all objections must be made in writing and must specify the grounds thereof.
6. Where the notice announces the holding of a public hearing by an independent person, the date, time and place of the hearing and the name of the person appointed to hold the hearing.

PART II

OTHER REQUIREMENTS AS TO THE DISPLAY OF THE NOTICE

1. Where the designation relates to any road, the notice shall be displayed in a prominent position at or near each end of the road and in such other positions as the authority think requisite for securing that adequate information about the subject matter of the notice is given to persons using the road.
2. The notice shall first be displayed as aforesaid at the same time as the corresponding notice is first published in the local newspaper and the authority shall take all reasonable steps to ensure that it remains in a legible condition and continues to be so displayed—
 - (a) in the case of a notice of proposals, until the end of the objection period;
 - (b) in the case of a notice announcing the holding of a public hearing before an independent person, until the date on which the hearing begins.

SCHEDULE 3

REQUIREMENTS AS TO THE AVAILABILITY OF DOCUMENTS FOR
INSPECTION

1. There shall be available for inspection at the authority's offices and a local library during normal office hours, and (if the authority think fit) at such other places within the authority's area and during such times respectively at those places as the authority may determine, the following documents:-

- (a) a copy of the designation as drafted or made, as the case may be;
- (b) a copy of the relevant map;
- (c) in the case of a designation which varies or revokes a previous designation, a copy of that designation and of its relevant map;
- (d) in the case of a proposed designation, a copy of a statement setting out the authority's reasons for proposing to make the designation; and
- (e) in the case of a designation made after the holding of a hearing, a copy of the report and the recommendations (if any) of the reporter.

2. The said documents shall be made available as aforesaid not later than the date of the first publication in the local newspaper of the notice in connection with which they are required to be made available, and they shall continue to be so available-

- (a) where the notice is a notice of proposals, until the end of the objection period;
- (b) where the notice is one announcing the holding of a hearing, until the date on which the hearing begins; and
- (c) where the notice is a notice of making the designation, until the end of 6 weeks from the date on which the designation is made.

SCHEDULE 4
REQUIREMENTS AS TO THE MAP

- 1.—**(1) The map shall clearly indicate by distinctive colours, symbols or markings—
- (a) each road to which the designation relates; and
 - (b) in a case where any provision of the designation prohibits the use of a road by all vehicles, or by all vehicles of a particular class, the alternative route available for the vehicles to be which the provision applies.
- (2) Where the relevant map is neither specifically referred to in the text of the designation nor made a part of the designation, the map shall be for the purposes of illustration only and the matter indicated on it shall not prevail over the actual text of the designation in the event of any discrepancy between the map and the text.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations make provisions as to the procedures that local traffic authorities have to follow prior to designating as a home zone any road for which they are the traffic authority.

Regulation 3 specifies classes of road that may be designated.

Regulations 4 and 5 detail the full consultation procedures to be followed prior to making a designation.

Regulation 6 and Schedules 1, 2 and 3 specify where the proposals are to be published following a consultation, the content of the proposals and where they will be available for public inspection.

Regulations 7 to 11 specify the procedures for dealing with objections and hearing of objections.

Regulation 12 provides where an objection has been made and a hearing held no designation can be made unless the designation is first confirmed by the Scottish Ministers.

Regulation 13 requires that the authority keep a map in accordance with the requirements of Schedule 4.

Regulation 14 specifies the procedure that the authority has to follow when the designation has been made.

Regulation 15 provides the details of the procedure to be followed when varying or revoking designations.

Regulation 16 provides further details in relation to reports which are required under section 74(3) of the Act.

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