

## EXECUTIVE NOTE

### The School Crossing Patrol Sign (Scotland) Regulations 2008 SSI 2008/4

1. The above statutory instrument was made in exercise of powers conferred by section 28(4) of the Road Traffic Regulation Act 1984 (c.27). The instrument is subject to negative resolution procedure.

#### Background

2. Section 28 of the Road Traffic Regulation Act 1984 (RTRA) provides a power for school crossing patrols to stop traffic by exhibiting a prescribed sign. "Prescribed sign" is defined in the primary legislation as a sign of a size, colour and type prescribed by regulations by the Scottish Ministers.

3. For many years the school crossing patrol sign was included in the Traffic Signs Regulations and General Directions (the TSRGD). The need for separate regulations arose following advice that a school crossing patrol sign could not be regarded as a traffic sign and it was not to be included in the 2003 version of the TSRGD. Accordingly, regulations were required to allow school crossing patrollers to use the sign to stop traffic.

4. During the preparation of the 2002 School Crossing Patrol Sign (Scotland) Regulations (SSI 2002/549), the Scottish Government was informed that manufacturers had begun to fit black protective perimeter strips around the edge of the roundel. This changed the appearance of the signs as only a narrow band of red would be visible.

5. The Scottish Government accepted that there was a case for using such perimeter strips (to protect the sign when not in use and laid on the ground) but not that the strip should obscure the red roundel. As agreed with manufacturers at the time, the 2002 Regulations permitted the fitting of red or transparent perimeter strips.

6. In 2004 the Scottish Government was told by sign manufacturers that the red perimeter strips now being supplied were wider than had been agreed for SSI 2002/549 and that narrower strips would not be available. The use of wider strips changed the appearance of the sign, particularly during hours of darkness, because the perimeter strips were not reflective and the width of the reflective part of the roundel was therefore reduced.

7. The Local Authority Road Safety Officers Association (LARSOA) carried out a review of the stocks of signs supplied to local authorities in Scotland, and found that there were a number of other respects in which many signs did not comply with the 2002 regulations besides the width of the perimeter strip. Other common defects included irregularities in the widths of the striped bands on the pole and poles protruding into the face of the roundel (thereby encroaching on the schoolchildren symbol).

8. Manufacturers' representatives explained that they would not be able to continue to manufacture and supply signs with protective perimeter strips unless there was a change in the specification. The Scottish Government sees the benefit in the protective strips in maintaining the life and functionality of the signs and has accepted that there is a need to amend the Regulations to take account of these manufacturing difficulties.

### **Policy Objectives**

9. The policy objective of this instrument is, therefore, to amend the prescription of the size, colour and type of sign which in accordance with section 28 of the Road Traffic Regulation Act 1984 a school crossing patrol may exhibit so as to require traffic to stop when approaching a place where a person is crossing or seeking to cross a road. These provisions were previously contained in the School Crossing Patrol Sign (Scotland) Regulations 2002 (SSI 2002/549) which will be revoked on 1 January 2011. This means signs which comply with the 2002 Regulations can also be used until 31 December 2010.

### **Consultation**

10. Consultation took place with interested parties including local authorities, LARSOA, Scottish Accident Prevention Council and representatives of the manufacturers of School Crossing Patrol Signs. There was a unanimous response in favour of the amendment to the regulations being taken forward.

### **Financial Effects**

11. This SSI will have no financial effect on the Scottish Government or Scottish Local Authorities. A Regulatory Impact Assessment has been prepared and a copy is attached as an annex to this Executive Note.

Scottish Government  
Transport Directorate  
January 2008

# **Regulatory Impact Assessment (RIA) for the School Crossing Patrol Sign (Scotland) Regulations 2008**

## **Title of Proposed Regulations:**

The School Crossing Patrol Sign (Scotland) Regulations 2008

## **Purpose and Intended Effect:**

### **(i) Objective**

To assist sign manufacturers to make school crossing patrol signs that are safe and fit for their intended purpose.

These regulations directly affect sign manufacturers, the local education authorities that purchase signs, and the local authority employees who carry the signs to stop traffic where children are crossing roads near schools. A failure to equip school crossing patrol officers with lawful and adequate signs could mean that signs are not clearly distinguished by motorists approaching crossing points, which could result in road accidents or failed prosecutions.

### **(ii) Background**

1. Section 28 of the Road Traffic Regulation Act 1984 (RTRA) provides a power for school crossing patrols to stop traffic by exhibiting a prescribed sign. "Prescribed sign" is defined in the primary legislation as a sign of a size, colour and type prescribed by regulations or authorised by the Scottish Government.
2. For many years the school crossing patrol sign was included in the Traffic Signs Regulations and General Directions (the TSRGD). The need for separate regulations arose following advice that a school crossing patrol sign could not be regarded as a traffic sign and it was not to be included in the 2003 version of the TSRGD. Accordingly, regulations were required to allow school crossing patrollers to use the sign to stop traffic.

### **Rationale for Governmental Intervention**

3. During the preparation of the 2002 School Crossing Patrol Sign (Scotland) Regulations (SSI 2002 /549) the Scottish Government was informed that manufacturers had begun to fit black protective perimeter strips around the edge of the roundel. This changed the appearance of the signs as only a narrow band of red would be visible.
4. The Scottish Government accepted that there was a case for using such perimeter strips (to protect the sign when not in use and laid on the ground) but not that the strip should obscure the red roundel. As agreed with manufacturers, the 2002 Regulations permitted the fitting of red or transparent perimeter strips.
5. In 2004 the Scottish Government was told by the sign manufacturers that the red perimeter strips now being supplied were wider than had been agreed for SSI 2002 /549 and that narrower strips would not be available. The use of wider strips also changed the appearance of the sign, particularly during hours of darkness, because the perimeter strips were not reflective and the width of the reflective part of the roundel was therefore reduced.

6. The Local Authority Road Safety Officers Association (LARSOA) carried out a review of the stocks of signs supplied to local authorities in Scotland, and found that there were a number of other respects in which many signs did not comply with the 2002 regulations besides the width of the perimeter strip. Other common defects included irregularities in the widths of the striped bands on the pole and poles protruding into the face of the roundel (thereby encroaching on the schoolchildren symbol).

7. Manufacturers' representatives explained that they would not be able to continue to manufacture and supply signs with protective perimeter strips unless there was a change in the specification. The Scottish Government sees the benefit in the protective strips in maintaining the life and functionality of the signs and so has striven to meet the constraints the industry is claiming by changing the Regulations.

### **Options**

The options open to the Scottish Government were

**a. to do nothing:**

This was not considered a feasible option. Manufacturers were producing non-compliant signs, and local authorities and patrol staff needed assurance that they were being supplied with signs that would be appropriate for their intended purpose.

**b. to require that all non-compliant signs be quickly replaced with fully compliant ones:**

Option b. was not generally considered reasonable or realistic. Even in the cases where the only defect was a non-compliant perimeter strip that could be removed, the lack of protection would mean that signs would quickly become battered and dirty and need replacement.

**c. to revise the existing specification in national regulations to provide a greater range of manufacturing tolerances:**

This was the preferred option overall because it gives manufacturers a publicly available national standard. They know that products conforming to the regulations can be sold to any local authority in Scotland. They also asked for a detailed specification to avoid legal challenges over whether certain aspects of the appearance of signs were permitted or not.

The Scottish Government agreed to prepare replacement regulations that would require the use of signs similar in appearance to the diagram included in the 2002 regulations but help manufacturers by allowing use of slightly wider non-reflective red perimeter strips, and clarifying other tolerances as agreed in discussions with LARSOA and manufacturers.

The modifications requested by the industry increase the permitted width of red protective perimeter strips by 5mm; remove the requirement for the black and yellow bands on the pole to be of equal width; clarify other requirements for the appearance of the pole, including the part protruding into the roundel, and of any fastenings used to attach the roundel to the pole; permit the parts of the roundel coloured yellow or red to be illuminated by means of internal lighting. The 2002 Regulations are to be revoked on 1 January 2011. This means any sign which conforms to SSI 2002/549 can also be used until 31st December 2010.

It should be noted that the original specification had been in use without problems for over thirty years. Changes are now needed to accommodate the innovation of the protective perimeter strip and changes in the availability of this component which made it impossible to make the signs compliant with the previous Regulations.

### **Business Sectors Affected**

Sign manufacturers are the only business sector affected by the proposed regulations. There are believed to be only about ten manufacturers supplying these signs in the United Kingdom.

### **Costs and Benefits**

#### **a. to do nothing:**

##### *Impact on businesses:*

Sign manufacturers would no longer be able to manufacture a product that would be satisfactory for their customers.

##### *Impact on public sector:*

Local authorities would not be able to purchase signs that complied with statutory requirements, or meet their statutory responsibilities towards their employees to provide them with suitable equipment.

##### *Health impacts:*

The lack of suitable signs could result in more road traffic accidents and casualties.

#### **b. to require that all non-compliant signs be quickly replaced with fully compliant ones:**

##### *Impact on businesses:*

Sign manufacturers were no longer able to source the perimeter strip in the original dimensions, and could no longer comply with the specification they had previously agreed to.

##### *Impact on public sector:*

Local authorities had not budgeted for rapid replacement of signs, even if compliant ones had been available.

##### *Health impacts:*

None identifiable.

#### **c. to revise the existing specification in national regulations to provide a greater range of manufacturing tolerances:**

#### *Impact on businesses:*

This will give confidence to manufacturers that their products meet the national specification for signs to be used in Scotland. A national specification also ensures that rival manufacturers compete on a level playing field. The regulations have been drafted so that any sign that met the 2002 requirements will meet the updated ones.

#### *Impact on public sector:*

This will give confidence to local authorities that the signs they purchase meet the national specification.

#### *Health impacts:*

None identifiable as the appearance of signs to motorists has been maintained.

#### **Equity and Fairness**

The regulations are helpful to school children and those who cross the road with them. They do not have any race equality impacts.

#### **Small/Micro Firms' Impact Test**

It is thought unlikely that the proposed regulations would have a disproportionate effect on small businesses, because they will not be required to make significant changes in their manufacturing processes.

#### **Competition Assessment**

The number of firms supplying school crossing patrol signs is small (about ten throughout the UK), because there is a limited demand for school crossing patrol signs, but there is no barrier on entry to the market. The increase in manufacturing tolerances proposed in the draft SSI will not affect some firms more substantially than others, nor affect the market structure, nor lead to higher ongoing or set-up costs. The manufacture of school crossing patrol signs is not subject to rapid technological change.

#### **Enforcement and Sanctions**

The Scottish Government has no statutory enforcement role and does not enforce compliance with the School Crossing Patrol Sign (Scotland) Regulations. There will be no administrative burden placed on businesses to comply with the Regulations.

#### **Monitoring and Review**

We will liaise closely with the Department for Transport which has twice yearly meetings with representatives of sign manufacturers to discuss technical and regulatory issues.

## Consultation

The Scottish Government consulted local authorities (through LARSOA) to establish the extent to which the signs supplied to them were defective and failed to comply with current or preceding regulation and manufacturers through their trade association to establish what problems were being caused for them by the 2002 specification, and what changes to regulations they believed would help them to meet their customers' needs.

## Post-implementation Review

The Scottish Government will notify interested parties of the introduction of the revised regulations, and will also notify enforcement bodies that the manufacturing tolerances have been increased.

## Summary and Recommendation:

Option	Costs	Benefits
a. Do nothing	<ul style="list-style-type: none"><li>• Would leave manufacturers unable to supply their customers with signs suitable for purpose. No benefits.</li></ul>	
b. Speedy replacement of non-compliant signs with compliant ones.	<ul style="list-style-type: none"><li>• Compliant and durable signs not readily available.</li></ul>	<ul style="list-style-type: none"><li>• Not feasible so no measurable benefits.</li></ul>
c. Provide revised specification in updated regulations	<ul style="list-style-type: none"><li>• No additional costs for manufacturers or their customers because regulations allow for phased replacement of signs already in use.</li></ul>	<ul style="list-style-type: none"><li>• Provides publicly available specification to manufacturers and their customers, and for use in court proceedings.</li></ul>

## Declaration and Publication

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs.

Signed STEWART STEVENSON.....

Date 7<sup>th</sup> JANUARY 2008.....

## Authorised to sign by the Scottish Ministers

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