
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 348

The Traffic Regulation Orders (Procedure) (Miscellaneous Amendments) (Scotland) Regulations 2021

Amendment of the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999

3.—(1) The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999⁽¹⁾ are amended in accordance with this regulation.

(2) In regulation 2(1), after the definition of “Crown road” insert—

““experimental order” means an order made under section 9 of the Act,”.

(3) In regulation 4(3), after “regulations 19” insert “, 20B”.

(4) In regulation 5(2), for “19, 20 and 21” substitute “19, 20A, 20B and 21”.

(5) In regulation 7(4), for “19, 20 and 21” substitute “19, 20A, 20B and 21”.

(6) In regulation 8—

(a) in paragraph (1)(a)—

(i) omit “or” following head (i),

(ii) omit head (ii),

(b) in paragraph (1)(b)—

(i) omit head (ii),

(ii) omit “or” following head (ii).

(7) In regulation 17(2), for “regulation 19” substitute “regulations 19, 20A and 20B”.

(8) After regulation 19, insert—

“Special provisions for experimental orders

20A.—(1) Regulations 5, 6 and 7 do not apply to an experimental order.

(2) No provision of an experimental order may come into force before the end of the period of 7 days beginning with the day on which a notice of making in relation to the order is published.

Special provisions for orders giving permanent effect to experimental orders

20B.—(1) In this regulation—

“permanent order” means an order under any provision of the Act the sole effect of which is to reproduce and continue in force indefinitely the provisions of a relevant experimental order, whether or not that relevant experimental order has been varied by another experimental order, or has been modified or suspended under section 10(2) of the Act,

(1) [S.I. 1999/614](#), which has been relevantly amended by [S.S.I. 2008/3](#).

“relevant experimental order”, in relation to a permanent order, means an experimental order the provisions of which are to be reproduced and continued in force indefinitely by that permanent order.

- (2) Regulations 4, 5, 6 and 7 do not apply to a permanent order where—
- (a) the provisions to be reproduced and continued in force have been in continuous operation for a period of not less than 6 months, and
 - (b) the requirements specified in paragraph (3) have been complied with in relation to each relevant experimental order.
- (3) The requirements are that—
- (a) the notice of making in relation to each relevant experimental order contained the statements specified in schedule 7,
 - (b) the requirements of these Regulations applicable to each relevant experimental order have been met,
 - (c) no variation or modification of any relevant experimental order was made more than 12 months after that order was made, and
 - (d) where any relevant experimental order has been modified in accordance with section 10(2) of the Act, a statement of the effect of each such modification has been included with the documents deposited in accordance with schedule 3.

(4) In the application of regulations 9, 10 and 12 and Part II of schedule 1 to a permanent order the notice of making in relation to each relevant experimental order is to be treated as the notice of proposals in respect of the permanent order.

(5) In the application of regulations 9, 10, 12 and 17(1)(b) and Part II of schedule 1 to a permanent order, any objection made in accordance with the statement included by virtue of paragraph (3)(a) in the notice of making in relation to any relevant experimental order is to be treated as an objection made under regulation 7 to the making of the permanent order.”.

(9) Omit regulation 20.

(10) In schedule 3—

- (a) in paragraph 1(d), omit “and if it be” to the end,
- (b) omit “and” following paragraph 1(d),
- (c) after paragraph 1(d), insert—
 - “(da) in the case of an experimental order, a copy of a statement setting out the authority’s reasons for proceeding by way of experiment and whether they intend to consider continuing the effect of that order indefinitely by means of another order under the Act,”,
- (d) after paragraph 1(e), insert—
 - “, and
 - (f) where applicable, the documents specified in regulation 20B(3)(d).”,
- (e) omit “and” following paragraph 2(b),
- (f) in paragraph 2(c), after “making the order,” insert “unless it is an experimental order,”,
- (g) after paragraph 2(c), insert—
 - “, and
 - (d) where the notice is a notice of making an experimental order, until the end of the period within which a person may object to the making of an order under the Act for the purpose of reproducing and continuing in force indefinitely the provisions of that experimental order (see paragraph 2 of schedule 7).”.

(11) After schedule 6, insert—

“SCHEDULE 7

Regulation 20B(3)(a)

STATEMENTS FOR INCLUSION IN A NOTICE OF
MAKING RELATING TO AN EXPERIMENTAL ORDER

1. That the authority will be considering in due course whether the provisions of the order should be continued in force indefinitely.

2. That within a period of six months—

(a) beginning with the day on which the order came into force, or

(b) if that order is varied by another experimental order or modified under section 10(2) of the Act, beginning with the day on which the variation or modification or the latest variation or modification came into force,

any person may object to the making of the order for the purpose of such indefinite continuation.

3. That any such objection must—

(a) be in writing,

(b) state the grounds on which it is made, and

(c) be sent to an address specified for this purpose in the notice of making.”.