

SCHEDULES

SCHEDULE 7

PART II

ROAD TRAFFIC

Transfer of certain powers to make traffic regulation orders and experimental traffic orders and extension of powers to make experimental traffic orders

- 9 (1) The following subsections shall be substituted for section 1(2) of the Road Traffic Regulation Act 1967:—

“(2) Subject to subsection (2A) of this section and to section 82 of this Act, the authority having power to make traffic regulation orders—

- (a) as respects roads other than trunk roads, shall be the local authority, that is to say, the county council in England or Wales and the local highway authority in Scotland ; and
- (b) as respects trunk roads, shall be the appropriate Minister.

(2A) An order made by virtue of subsection (2) (a) above may relate to a length of trunk road if the order forms part of a scheme of general traffic control relating to roads at least one of which has a junction with the length of trunk road in question.

(2B) No order relating to a trunk road shall be made by virtue of subsection (2A) above without the consent of the appropriate Minister.”.

- (2) The following subsections shall be substituted for section 9(2) of that Act—

“(2) Subject to section 82 of this Act, the authority having power to make an experimental traffic order—

- (a) as respects any roads outside Greater London, shall be the authority who would have power to make an order under section 1(2) and 1(2A) of this Act in relation to them; and
- (b) as respects any roads in Greater London, shall be the authority who would have power to make an order under section 6(2) of this Act in relation to them.

(2A) No order relating to a trunk road shall be made by virtue of subsection (2) above without the consent of the appropriate Minister.”.

- (3) In the said section 9—

- (a) the following subsections shall be substituted for subsection (3):

“(3) An experimental traffic order shall not continue in force for longer than 18 months.

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(3A) Subject to sections 84A, 84B and 84C of this Act—

- (a) where an authority have made an experimental traffic order for a period of less than 18 months ; and
- (b) the order has not ceased to be in force,

the authority may from time to time by order under this subsection direct that it shall continue in force for a further period ending not more than 18 months after it first came into force.”;

(6) in subsection (5)—

- (i) the words " made by the Greater London Council" shall be omitted ; and
- (ii) for the words " that Council" there shall be substituted the words " the authority who made the order ".

Pedestrian crossings

- 10 (1) The following section shall be substituted for section 21 of the Road Traffic Regulation Act 1967 (schemes for establishment of pedestrian crossings on roads other than trunk roads): —

“21 Powers of local authorities with respect to pedestrian crossings on roads other than trunk roads.

- (1) Subject to subsection (2) below, a local authority shall have power—
 - (a) to establish on any roads in their area (other than trunk roads) crossings for foot passengers to be indicated in manner prescribed by regulations under section 23 of this Act; and
 - (b) to alter or remove any such crossings from roads in their area.
- (2) Before establishing, altering or removing a crossing a local authority—
 - (a) shall consult the chief officer of police about their proposal to do so ;
 - (b) shall give public notice of that proposal; and
 - (c) shall inform the appropriate Minister in writing.
- (3) It shall be the duty of a local authority to execute any works (including the placing, erection, maintenance, alteration and removal of marks and traffic signs) required—
 - (a) in connection with the establishment, alteration, or removal of crossings in accordance with regulations having effect under section 23 of this Act; or
 - (b) in connection with the indication of crossings in accordance with such regulations.
- (4) In this section " local authority " means—
 - (a) as respects England and Wales, the council of a county or the Greater London Council ; and
 - (b) as respects Scotland, the local highway authority.
- (5) Before the Greater London Council establish, alter or remove a crossing on any road under this section they shall consult any other council, being the council of a London borough or the Common Council of the City of London, within whose area the road is situated.”.

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- (2) Subsections (2) and (3) of the section substituted for section 21 of the Road Traffic Regulation Act 1967 by subsection (1) above shall have effect in relation to the alteration and removal of crossings established under the said section 21 before the passing of this Act as they have effect in relation to the alteration and removal of crossings so established thereafter.
- (3) Any regulations under section 23 of the Road Traffic Regulation Act 1967 (pedestrian crossing regulations) shall apply to crossings which may be established under the section substituted for section 21 of that Act by subsection (1) above as they apply to crossings established under that section before the passing of this Act.
- (4) Any reference to a crossing in the said section 23 is a reference to a crossing established before or after the passing of this Act.

Abolition of Ministerial powers in respect of local authority orders prohibiting traffic on roads to be used as playgrounds

- 11 In section 26 of that Act (powers of local authorities to prohibit traffic on roads to be used as playgrounds) subsection (5) (which gives the appropriate Minister power to vary or revoke an order made under that section by a local highway authority) shall cease to have effect.

Orders preventing vehicular access to premises for more than eight hours in any twenty-four

- 12 (1) In section 84(B)(1) of that Act (requirement of Ministerial consent for the inclusion of certain provisions in traffic regulation orders) after the word " except" there shall be inserted the words " in a case to which subsection (1A) or (1B) below applies or .
- (2) The following subsections shall be inserted after that subsection : —
- “(1A) This subsection applies where—
- (a) it is proposed to include in the order any such provision as is mentioned in subsection ((1)(a)) above ; and
 - (b) either—
 - (i) no owner, lessee or occupier of premises such as are mentioned in subsection (1)(a) above has submitted to the authority any objection to the inclusion of that provision in the order ; or
 - (ii) any such owner, lessee or occupier who has submitted such an objection has withdrawn it.

- (1B) This subsection applies in the case of any order proposed to be made under section 9 above where—
- (a) it is proposed to include in the order any such provision as is mentioned in subsection (1)(a) above ; and
 - (b) the effect of the prohibition by the order of the use of the road to which it relates or of any restriction on the use of that road contained in the order would be to prevent vehicles, or vehicles of any class, being loaded or unloaded in that road or to prevent persons boarding or alighting from a stage carriage on that road; and
 - (c) either—

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- (i) no person has submitted to the authority any objection to the making of the order on the ground that it would prevent vehicles, or vehicles of that class, being loaded or unloaded in the road and no person being the operator of a stage carriage service (as defined in section 44(3) of the Transport Act 1980) has submitted to the authority any objection to the making of the order on the ground that it would prevent persons boarding or alighting from a stage carriage being used in that service in the road ; or
- (ii) any such person who has submitted an objection on that ground has withdrawn it.”

Traffic regulation in special areas in the countryside and traffic signs etc. on Crown roads

- 13 (1) In section 32(4) of the Countryside Act 1968 (by virtue of which the appropriate Minister may only exercise the power of making a traffic regulation order conferred by subsection (3) of that section as respects a road if the Countryside Commission or, as the case may be, the Countryside Commission for Scotland have made submissions to him as to the desirability of making such an order) for the words from " except" to the end of the subsection there shall be substituted the words " unless—
- (a) he has received such a submission with respect to that road ; and
 - (b) the authority having power to make an order as respects that road under the said section 1 having notified him that they do not intend to make such an order."
- (2) Subsection (9) of that section (power of appropriate Minister, after consulting the appropriate Crown authority, to give directions to the local authority concerned with any Crown road requiring them to remove, or cause to be removed, traffic signs etc.) shall cease to have effect.

Traffic on bridges etc.

- 14 (1) The following enactments (which relate to the control of traffic on bridges and, amongst other things, give certain powers in relation to its control) shall cease to have effect—
- (a) section 6 of the Locomotive Act 1861 ;
 - (b) section 7 of the Locomotives Act 1898 ;
 - (c) section 11 of the Ministry of Transport Act 1919 ;
 - (d) section 17 of the Road Traffic Regulation Act 1967.
- (2) Nothing in subparagraph (1) above shall affect—
- (a) any requirement to obtain consent under section 6 of the Locomotive Act 1861 which subsists at the passing of this Act by virtue of the placing of a notice on any bridge, or any liability for failure to obtain consent under that section ; or
 - (b) any appeal to the Minister of Transport or, as the case may be, to the Secretary of State, under section 7 of the Locomotives Act 1898 or section 11 of the Ministry of Transport Act 1919 which is pending on the passing of this Act.
- (3) From the passing of this Act any notice placed on a bridge by authority of a person such as is mentioned in section 6 of the Locomotive. Act 1861 shall be deemed to have been placed there—

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- (a) if the bridge is outside Greater London, in pursuance of an order under section 1 of the Road Traffic Regulation Act 1967 ; and
 - (b) if it is in Greater London, in pursuance of an order under section 6 of that Act.
- (4) Nothing in this paragraph affects a bridge which does not carry a road (within the meaning of section 104(1) of the Road Traffic Regulation Act 1967).

Miscellaneous

- 15 (1) Section 1(9) of the Road Traffic Regulation Act 1967 (power of appropriate Minister to repeal local Acts extending the powers of section 26 of the Road Traffic Act 1960) shall cease to have effect.
- (2) Any order made under section 1(9) of the Road Traffic Regulation Act 1967 shall continue to have effect notwithstanding the repeal of that subsection.