

Status: Point in time view as at 01/04/1991. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 9

SPECIAL PROVISIONS AS TO CERTAIN ORDERS

Modifications etc. (not altering text)

- C1** Sch. 9: transfer of functions (23.3.2005) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2005 \(S.I. 2005/849\)](#), art. 2, **Sch.** (with art. 6)

PART I

RESERVE POWERS OF SECRETARY OF STATE

Modifications etc. (not altering text)

- C1** Sch. 9 Pt. I (paras. 1–12) applied by [Road Traffic Act 1988 \(c. 52, SIF 107:1\)](#), s. **19A(7)** (as inserted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 2 para. 22(1)**)

[^{F1}1 Subject to paragraphs 8 and 26 of this Schedule, the Secretary of State, after consultation with a local authority having power to make an order under or by virtue of any of the following provisions of this Act, namely, sections 1, 6, 9, 19, 32, 35, 37, 38, 45, 46, 49(2) and (4), 53, 83(2) and 84 (in this Part of this Schedule referred to as an "authorised authority") may give to that authority a direction under paragraph 2 below with respect to any of those provisions.]

Textual Amendments

- F1** Sch. 9 para. 1 substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), **Sch. 5 para. 4(39)(a)**

Modifications etc. (not altering text)

- C2** Sch. 9 para. 1: Transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, **Sch. 1** (with art. 7); [S.I. 1998/3178](#), art. 3

2 A direction under this paragraph is a direction either—

- (a) requiring the ^{F2} . . . authorised authority ^{F2} . . . to make an order under or by virtue of the provision or provisions in question for a specified purpose and coming into operation before the expiry of a specified period, or
- (b) prohibiting the ^{F2} . . . authority (either generally, or without the consent of the Secretary of State, or for a specified period) from making or bringing

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into operation an order under or by virtue of the provision or provisions in question with respect to specified matters or a specified area.

Textual Amendments

F2 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

- 3 (1) Any power to make an order conferred on ^{F3} . . . an authorised authority by any of the provisions specified in ^{F3} . . . paragraph 1 above shall, subject to sub-paragraph (2) below, be exercisable by the Secretary of State as well as by the ^{F3} . . . authority.
- (2) No order shall be made by virtue of sub-paragraph (1) above except for the purpose of securing the object of a direction under paragraph 2 above given to ^{F3} . . . an authorised authority with which the ^{F3} . . . authority have failed to comply.

Textual Amendments

F3 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

Modifications etc. (not altering text)

C3 Sch. 9 para. 3(1): Transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with art. 7); [S.I. 1998/3178](#), [art. 3](#)

- 4 Where the Secretary of State has made an order by virtue of paragraph 3 above—
- (a) so far as appears to him necessary in order to make the order effective, he, or (except where the power is a power of [^{F4}the council of a London borough or the Common Council of the City of London under section 6, 9, 45, 46, 49(2) or (4), 83(2) or 84 of this Act]) any other local authority with whom he may make arrangements for the purpose, shall have power to do anything which ^{F5} . . . the authorised authority would have had power to do if the order had been made by them, and
- (b) he may recover from the ^{F6} . . . authorised authority any expenses incurred by him by virtue of sub-paragraph (a) above (such expenses, in England or Wales, to be so recoverable by him summarily as a civil debt).

Textual Amendments

F4 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(b\)](#)

F5 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), 102(2)(3), [Sch. 5 para. 4\(39\)\(b\)](#), Sch. 17

F6 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), 102(2)(3), [Sch. 5 para. 4\(39\)\(b\)](#) Sch. 17

Modifications etc. (not altering text)

C4 Sch. 9 para. 4: Transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with art. 7); [S.I. 1998/3178](#), [art. 3](#)

- 5 (1) Paragraphs 1 to 4 above shall have effect in any case in which it appears to the Secretary of State that [^{F7}the council of a London borough or the Common Council of the City of London] have failed in the exercise of the powers conferred on them

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by section 6 of this Act to make such provision for the control of heavy commercial vehicles in [^{F7}their area] as is appropriate for preserving or improving the amenities of [^{F7}their area], as if—

- (a) the power conferred by paragraph 1 above to give a direction with respect to section 6 of this Act were a duty to give such a direction; and
- (b) the power to make an order under that section conferred by paragraph 3 above were a duty to make such an order or a similar order under section 9 of this Act.

- (2) Any reference in this Act to paragraph 1 or 3 above shall be construed as including a reference to that paragraph as modified by this paragraph.

Textual Amendments

F7 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(c\)](#)

- 6 (1) Where by virtue of paragraph 3 above a parking place has been designated under section 45 ^{F8} . . . of this Act by an order of the Secretary of State, then if, with the consent of the Treasury, the Secretary of State enters into an agreement with the local authority ^{F8} . . . for the transfer to that authority ^{F8} . . . of the operation of that parking place—

- (a) the operation of the parking place, and such apparatus or other things held by, and rights or liabilities of, the Secretary of State in connection with the parking place as may be specified in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by the Secretary of State) as may be so specified;
- (b) from the taking effect of any such transfer of the operation of the parking place, the order designating the parking place shall have effect subject to such modifications (if any) appearing to the Secretary of State to be requisite in consequence of the transfer as he may direct; and
- (c) the provisions of sections 45 to [^{F9}49] and section 55 of this Act shall thereafter apply as if the parking place had been designated under section 45 by an order made by ^{F10} . . . the local authority ^{F10} . . .

- (2) In this paragraph “local authority” has the meaning assigned to it by section 45(7) of this Act.

Textual Amendments

F8 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

F9 “49” substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(d\)](#)

F10 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), 102(2)(3), [Sch. 5 para. 4\(39\)\(d\)](#) Sch. 17

- 7 (1) Subject to paragraph 8 below, the Secretary of State, after giving notice to ^{F11} . . . the authorised authority concerned and holding, if he thinks fit, a public inquiry, may by order vary or revoke any order made, or having effect as if made, under or by virtue of any of the provisions referred to in ^{F11} . . . paragraph 1 above.

- (2) This paragraph shall have effect without prejudice to any power to make an order for the like purpose by virtue of paragraph 3 above and Part IV of this Schedule.

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- (3) The power to make an order conferred by this paragraph shall be exercisable by statutory instrument.

Textual Amendments

F11 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

Modifications etc. (not altering text)

C5 Sch. 9 para. 7: Transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with art. 7); [S.I. 1998/3178](#), [art. 3](#)

- 8 The Secretary of State shall not give any direction under paragraph 2 above or, subject to paragraph 9 below, make any order under paragraph 7 above unless he is satisfied, having regard to any matters appearing to him to be relevant, that the duty under section 122(1) of this Act of ^{F12} . . . the authorised authority concerned is not being satisfactorily discharged by the ^{F12} . . . authority, and that the giving of the direction or the making of the order is necessary to secure compliance with that duty.

Textual Amendments

F12 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

Modifications etc. (not altering text)

C6 Sch. 9 para. 8: Transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with art. 7); [S.I. 1998/3178](#), [art. 3](#)

- 9 The Secretary of State may make an order under paragraph 7 above notwithstanding that he is not satisfied as mentioned in paragraph 8 above, if he is satisfied, having regard to any matters appearing to him to be relevant, that there are special circumstances which make it expedient that the order should be made.

Modifications etc. (not altering text)

C7 Sch. 9 para. 9: Transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with art. 7); [S.I. 1998/3178](#), [art. 3](#)

- 10 Where the Secretary of State—
- (a) gives a direction under paragraph 2 above requiring a county council or district council to make an order under section 32(1) or 35(1) of this Act, or
 - (b) makes such an order by virtue of paragraph 3 above,
- subsections (1) to (5) of section 39 of this Act shall not apply in relation to anything done in pursuance of the direction or, as the case may be, in relation to the making of the order by the Secretary of State.
- 11 Where the Secretary of State—
- (a) gives a direction under paragraph 2 above requiring a county council or district council in Wales to make an order under any of the provisions specified in section 54(1) of this Act, or

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(b) by virtue of paragraph 3 above, makes such an order in relation to a parking place in Wales,

nothing in subsections (1) to (4) of section 54 of this Act shall apply in relation to anything done in pursuance of the direction or, as the case may be, in relation to the making of the order by the Secretary of State.

12 Where the Secretary of State—

(a) gives a direction under paragraph 2 above requiring a county council [^{F13}or metropolitan district council] or parish or community council to make an order under section 35(1) of this Act in relation to a parking place provided by a parish or community council, or

(b) by virtue of paragraph 3 above, makes such an order in relation to such a parking place,

neither subsections (4) and (5) nor subsection (7) of section 59 of this Act shall apply in relation to anything done in pursuance of the direction or, as the case may be, in relation to the making of the order by the Secretary of State.

Textual Amendments

F13 Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(e\)](#)

VALID FROM 19/01/2005

[^{F14}12A Article 2 of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (SI 1999/1750) shall not apply to a provision of this Schedule in so far as it relates to the exercise of a power under this Act by virtue of section 22C.

Textual Amendments

F14 Sch. para. 12A, 12B inserted (19.1.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), ss. 32, 34, [Sch. 2 para. 16\(4\)\(b\)](#); S.I. 2004/3281, [art. 2\(3\)\(4\)](#)

VALID FROM 19/01/2005

12B A power conferred upon the Secretary of State by this Schedule shall, in so far as it relates to the exercise of a power under this Act by virtue of section 22C, be exercisable in relation to Wales by the National Assembly for Wales with the consent of the Secretary of State.]

Textual Amendments

F14 Sch. para. 12A, 12B inserted (19.1.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), ss. 32, 34, [Sch. 2 para. 16\(4\)\(b\)](#); S.I. 2004/3281, [art. 2\(3\)\(4\)](#)

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