

Status: Point in time view as at 31/01/2017.

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 [F¹NATIONAL AUTHORITY]

Textual Amendments

- F1** Words in [Sch. 9 Pt. I](#) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), s. 72(7), **Sch. 2 para. 14(2)**

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)**)

- [F² 1 Subject to paragraphs 8 and 26 of this Schedule, the [F³national authority] , after consultation with [F⁴a strategic highways company or] 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, [F⁵14 (in so far as the power under that section is exercisable by virtue of section 22C),] 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 [F⁶authorised] authority a direction under paragraph 2 below with respect to any of those provisions.]

Textual Amendments

- F2** 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)**
- F3** Words in Sch. 9 para. 1 substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), s. 72(7), **Sch. 2 para. 14(3)(a)**
- F4** Words in Sch. 9 para. 1 inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 100(2)**; [S.I. 2015/481](#), reg. 2(a)
- F5** Words in Sch. 8 para. 1 inserted (19.1.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), ss. 32, 34, **Sch. 2 para. 16(4)(a)**; [S.I. 2005/3281](#), art. 2(3)(4)
- F6** Word in Sch. 9 para. 1 inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), s. 72(7), **Sch. 2 para. 14(3)(b)**

Status: Point in time view as at 31/01/2017.

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)

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 ^{F7}. . . authorised authority ^{F7}. . . 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 [^{F8}authorised]^{F7}. . . authority (either generally, or without the consent of the [^{F9}national authority] , or for a specified period) from making or bringing 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

- F7** Words repealed by **Local Government Act 1985 (c. 51, SIF 81:1)**, ss. 1, 102(2)(3), **Sch. 17**
- F8** Word in **Sch. 9 para. 2(b)** inserted (23.5.2016) by **Scotland Act 2016 (c. 11)**, s. 72(7), **Sch. 2 para. 14(4)(a)**
- F9** Words in **Sch. 9 para. 2(b)** substituted (23.5.2016) by **Scotland Act 2016 (c. 11)**, s. 72(7), **Sch. 2 para. 14(4)(b)**

- 3 (1) Any power to make an order conferred on ^{F10}. . . an authorised authority by any of the provisions specified in ^{F10}. . . paragraph 1 above shall, subject to sub-paragraph (2) below, be exercisable by the [^{F11}national authority] as well as by the [^{F12}authorised]^{F10}. . . 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 ^{F10}. . . an authorised authority with which the ^{F10}. . . authority have failed to comply.

Textual Amendments

- F10** Words repealed by **Local Government Act 1985 (c. 51, SIF 81:1)**, ss. 1, 102(2)(3), **Sch. 17**
- F11** Words in **Sch. 9 para. 3(1)** substituted (23.5.2016) by **Scotland Act 2016 (c. 11)**, s. 72(7), **Sch. 2 para. 14(5)(a)**
- F12** Word in **Sch. 9 para. 3(1)** inserted (23.5.2016) by **Scotland Act 2016 (c. 11)**, s. 72(7), **Sch. 2 para. 14(5)(b)**

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 [^{F13} national authority] has made an order by virtue of paragraph 3 above—
- (a) so far as appears to [^{F14}the national authority] necessary in order to make the order effective, [^{F15}the national authority] , or (except where the power is a power of [^{F16}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

Status: Point in time view as at 31/01/2017.

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)

this Act]) any other local authority with whom [^{F15}the national authority] may make arrangements for the purpose, shall have power to do anything which ^{F17}. . . the authorised authority would have had power to do if the order had been made by them, and

- (b) [^{F15}the national authority] may recover from the ^{F18}. . . authorised authority any expenses incurred by [^{F14}the national authority] by virtue of subparagraph (a) above (such expenses, in England or Wales, to be so recoverable by [^{F14}the national authority] summarily as a civil debt).

Textual Amendments

- F13** Words in Sch. 9 para. 4 substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), s. 72(7), [Sch. 2 para. 14\(6\)\(a\)](#)
- F14** Words in Sch. 9 para. 4 substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), s. 72(7), [Sch. 2 para. 14\(6\)\(b\)](#)
- F15** Words in Sch. 9 para. 4 substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), s. 72(7), [Sch. 2 para. 14\(6\)\(c\)](#)
- F16** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(b\)](#)
- F17** 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
- F18** 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 [^{F19}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 by section 6 of this Act to make such provision for the control of heavy commercial vehicles in [^{F19}their area] as is appropriate for preserving or improving the amenities of [^{F19}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

- F19** 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 ^{F20}. . . of this Act by an order of the [^{F21}national authority] , then if, with the consent of the Treasury, the [^{F21}national authority] enters into an agreement with

Status: Point in time view as at 31/01/2017.

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)

the local authority^{F20} . . . for the transfer to that authority^{F20} . . . 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 [^{F21}national authority] 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 [^{F21}national authority]) 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 [^{F21}national authority] to be requisite in consequence of the transfer as [^{F22}the national authority] may direct; and
- (c) the provisions of sections 45 to [^{F23}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^{F24} . . . the local authority^{F24} . . .

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

Textual Amendments

- F20** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)
- F21** Words in [Sch. 9 para. 6\(1\)](#) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), s. 72(7), [Sch. 2 para. 14\(7\)\(a\)](#)
- F22** Words in [Sch. 9 para. 6\(1\)\(b\)](#) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), s. 72(7), [Sch. 2 para. 14\(7\)\(b\)](#)
- F23** “49” substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(d\)](#)
- F24** 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 [^{F25}national authority] , after giving notice to^{F26} . . . the authorised authority concerned and holding, if [^{F27}national authority] 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^{F26} . . . 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.

^{F28}(3)

Textual Amendments

- F25** Words in [Sch. 9 para. 7\(1\)](#) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), s. 72(7), [Sch. 2 para. 14\(8\)\(a\)](#)
- F26** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)
- F27** Words in [Sch. 9 para. 7\(1\)](#) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), s. 72(7), [Sch. 2 para. 14\(8\)\(b\)](#)
- F28** [Sch. 9 para. 7\(3\)](#) omitted (5.3.2015) by virtue of [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 100\(3\)](#); [S.I. 2015/481](#), [reg. 2\(a\)](#)

Status: Point in time view as at 31/01/2017.

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)

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 [^{F29}national authority] shall not give any direction under paragraph 2 above or, subject to paragraph 9 below, make any order under paragraph 7 above unless [^{F30}the national authority] is satisfied, having regard to any matters appearing to [^{F31}the national authority] to be relevant, that the duty under section 122(1) of this Act of ^{F32} . . . the authorised authority concerned is not being satisfactorily discharged by the [^{F33}authorised] ^{F32} . . . authority, and that the giving of the direction or the making of the order is necessary to secure compliance with that duty.

Textual Amendments

- F29 Words in Sch. 9 para. 8 substituted (23.5.2016) by Scotland Act 2016 (c. 11), s. 72(7), Sch. 2 para. 14(9)(a)
- F30 Words in Sch. 9 para. 8 substituted (23.5.2016) by Scotland Act 2016 (c. 11), s. 72(7), Sch. 2 para. 14(9)(b)
- F31 Words in Sch. 9 para. 8 substituted (23.5.2016) by Scotland Act 2016 (c. 11), s. 72(7), Sch. 2 para. 14(9)(c)
- F32 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), Sch. 17
- F33 Word in Sch. 9 para. 8 inserted (23.5.2016) by Scotland Act 2016 (c. 11), s. 72(7), Sch. 2 para. 14(9)(d)

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 [^{F34}national authority] may make an order under paragraph 7 above notwithstanding that [^{F35}the national authority] is not satisfied as mentioned in paragraph 8 above, if [^{F35}the national authority] is satisfied, having regard to any matters appearing to [^{F36}the national authority] to be relevant, that there are special circumstances which make it expedient that the order should be made.

Textual Amendments

- F34 Words in Sch. 9 para. 9 substituted (23.5.2016) by Scotland Act 2016 (c. 11), s. 72(7), Sch. 2 para. 14(10)(a)
- F35 Words in Sch. 9 para. 9 substituted (23.5.2016) by Scotland Act 2016 (c. 11), s. 72(7), Sch. 2 para. 14(10)(b)
- F36 Words in Sch. 9 para. 9 substituted (23.5.2016) by Scotland Act 2016 (c. 11), s. 72(7), Sch. 2 para. 14(10)(c)

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,

Status: Point in time view as at 31/01/2017.

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)

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.

^{F37}11

Textual Amendments

F37 Sch. 9 para. 11 repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(11)(a), **Sch. 18** (with ss. 54(5)(7), 55(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

12 Where the Secretary of State—

(a) gives a direction under paragraph 2 above requiring a county council [^{F38}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

F38 Words inserted by **Local Government Act 1985** (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(39)(e)**

[^{F39}12ZA A power conferred upon the Scottish Ministers by this Schedule, so far as it relates to the exercise of a power under this Act by virtue of section 22C, is exercisable only with the consent of the Secretary of State.]

Textual Amendments

F39 Sch. 9 para. 12ZA substituted for Sch. 9 para. 12A (23.5.2016) by **Scotland Act 2016** (c. 11), s. 72(7), **Sch. 2 para. 14(11)**

[^{F40}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

F40 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)

Status:

Point in time view as at 31/01/2017.

Changes to legislation:

There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part I.