

Status: Point in time view as at 17/12/2014.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part II. (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 II

CONSENT OF SECRETARY OF STATE TO CERTAIN ORDERS

- 13 (1) Where in the case of any order proposed to be made by a local authority other than [^{F1}the council of a London borough and the Common Council of the City of London] under or by virtue of any of the following provisions of this Act, namely, sections 1, 9, 19, 29, 32, 35, 37, 38, 45, 46, 49, 83(2) and 84, it is proposed to include in the order any provision—
- (a) so prohibiting or restricting the use of a road as to prevent, for more than 8 hours in any period of 24 hours, access for vehicles of any class to any premises situated on or adjacent to that road or any other premises accessible for vehicles of that class from, and only from, that road, or
 - (b) applying to a [^{F2}a road for which the Secretary of State is the traffic authority], or
 - ^{F3}(c)
 - (d) being, in the case of an order for the purposes of section 84(1) of this Act—
 - ^{F3}(i)
 - (ii) a provision applying to any road a speed limit of less than 30 miles per hour, or
 - [^{F4}(iii) a provision imposing a prohibition by virtue of paragraph (b) or (c) of that subsection, or]
 - (e) varying or revoking, within 12 months of its making, any order made by, or made in pursuance of a direction given by, the Secretary of State, or
 - (f) making provision as respects any length of road for any purpose within 12 months after the date when a previous order made as respects that length of road for a similar purpose was varied or revoked by an order made by, or made in pursuance of a direction given by, the Secretary of State,
- then (except in a case to which sub-paragraph (2) or sub-paragraph (3) below applies, or where the provision is to be included in pursuance of a direction under paragraph 2 of this Schedule) the order shall not be made without the consent of the Secretary of State.

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- (2) This sub-paragraph applies where—
- (a) it is proposed to include in the order any such provision as is mentioned in sub-paragraph (1)(a) above, and
 - (b) either—
 - (i) no owner, lessee or occupier of premises such as are mentioned in sub-paragraph (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.
- (3) This sub-paragraph applies in the case of any order proposed to be made under section 9 of this Act where—
- (a) it is proposed to include in the order any such provision as is mentioned in sub-paragraph (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 [^{F5}vehicle being used in the provision of a local service within the meaning of the Transport Act 1985] on that road, and
 - (c) either—
 - (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 [^{F6}local service (within the meaning of the Transport Act 1985)] 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 [^{F6}vehicle] being used in that service in the road, or
 - (ii) any such person who has submitted an objection on that ground has withdrawn it.

Textual Amendments

- F1** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(f\)](#)
- F2** Words in Sch. 9 para. 13(1)(b) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 80\(2\)](#); which substitution is in force for Scotland only by [S.I. 1991/2286, art. 2\(2\)](#), [Sch. 2](#) and for England and Wales only by [S.I. 1991/2288, art. 3](#), [Sch. 1991/2286, art. 2\(2\)](#), [Sch. 2](#) and for England and Wales only by [S.I. 1991/2288, art. 3](#), [Sch. 1991/2286, art. 2\(2\)](#), [Sch. 2](#)
- F3** Sch. 9 para. 13(1)(c)(d)(i) repealed (23.1.1993) by [S.I. 1993/35, art. 2\(3\)](#).
- F4** Sch. 9 para. 13(1)(d)(iii) inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4, para. 37](#); [S.I. 1992/1286, art. 2](#), [Sch. 1992/1286, art. 2](#), [Sch. 1992/1286, art. 2](#)
- F5** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), [Sch. 1 para. 15\(5\)\(a\)](#)
- F6** Word(s) substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), [Sch. 1 para. 15\(5\)\(b\)](#)

Modifications etc. (not altering text)

- C1** Sch. 9 para. 13: Transfer of certain functions (1.7.1999) by [S.I. 1999/1750, arts. 1, 2](#), [Sch. 1 \(art. 7\)](#); [S.I. 1998/3178, art. 3](#)
- C2** Sch. 9 para. 13 restricted (16.6.1999) by [S.I. 1999/1608, art. 2](#)

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- 14 Where in the case of any order proposed to be made by [^{F7}the council of a London borough or the Common Council of the City of London] under or by virtue of any of the following provisions of this Act namely, sections 6, 9, 35, 38, 45, 46, 49, ^{F8} . . . 83(2) and 84, it is proposed to include in the order any provision such as is mentioned in sub-paragraphs (b) to (f) of paragraph 13(1) above, then (except where the provision is to be included in pursuance of a direction under paragraph 2 of this Schedule) the order shall not be made except with the consent of the Secretary of State.

Textual Amendments

- F7** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(g\)](#)
F8 “50,” repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), 102(2)(3), [Sch. 5 para. 4\(39\)\(g\)](#), Sch. 17

Modifications etc. (not altering text)

- C3** Sch. 9 para. 14 restricted (16.6.1999) by [S.I. 1999/1608](#), [art. 2](#)

- 15 (1) The Secretary of State may by order add to or remove from the orders for which his consent is required by paragraphs 13 and 14 above such orders made by such local authorities for such purposes or in such circumstances as he may see fit to specify in his order.
- (2) No order under this paragraph removing any order from the orders for which the consent of the Secretary of State is for the time being required shall be made unless a draft of the order has been approved by a resolution of each House of Parliament.
- (3) Any other order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

- C4** Sch. 9 para. 15: 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](#)

- 16 (1) In consenting to any order submitted to him for his consent under this Part of this Schedule, the Secretary of State may consent to the order either in the form in which it is submitted to him or with such modifications as he thinks fit, which may include additions, exceptions, or other modifications of any description.
- (2) Where the Secretary of State proposes to consent to such an order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the local authority in question and other persons likely to be concerned.

Modifications etc. (not altering text)

- C5** Sch. 9 para. 16: 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](#)

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- 17 (1) The Secretary of State may by order grant a general consent for the making of orders requiring his consent under this Part of this Schedule—
- (a) of such descriptions, or
 - (b) with respect to such matters only, or
 - (c) made by such local authorities, or by authorities of such classes of descriptions, or
 - (d) made in such circumstances, or
 - (e) complying with such requirements,
- as may be specified in the order.
- (2) Any order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C6 Sch. 9 para. 17: 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**

- 18 The power to make an order conferred by paragraph 15 or 17 above shall be exercisable by statutory instrument.
- 19 In this Part of this Schedule “principal road” means a road for the time being classified as a principal road—
- (a) by virtue of section 12 of the ^{M1}Highways Act 1980 (whether as falling within subsection (1) or as being so classified under subsection (3)), or
 - (b) by the Secretary of State under section [^{F9}11(1) of the ^{M2}Roads (Scotland) Act 1984].

Textual Amendments

F9 Words substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(45)(a)**

Marginal Citations

M1 1980 c. 66(59).

M2 1984 c. 54(108).

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