

*Status: Point in time view as at 31/01/2017.*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 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 [F<sup>1</sup> NATIONAL AUTHORITY] TO CERTAIN ORDERS

##### Textual Amendments

- F1** Words in [Sch. 9 Pt. II](#) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), s. 72(7), [Sch. 2 para. 15\(2\)](#)

- 13 (1) Where in the case of any order proposed to be made by a local authority other than [F<sup>2</sup>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 [F<sup>3</sup>a road for which the [F<sup>4</sup>national authority] is the traffic authority], or
  - [F<sup>5</sup>(ba) applying to a road for which a strategic highways company is the traffic authority, or]
  - F<sup>6</sup>(c) .....
  - (d) being, in the case of an order for the purposes of section 84(1) of this Act—
    - F<sup>6</sup>(i) .....
    - (ii) a provision applying to any road a speed limit of less than 30 miles per hour, or
    - F<sup>7</sup>[( 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 [F<sup>4</sup>national authority] , 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

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road for a similar purpose was varied or revoked by an order made by, or made in pursuance of a direction given by, the [<sup>F4</sup>national authority] , then (except in a case to which sub-paragraph (2) [<sup>F8</sup>, (3) or (4)] 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 [<sup>F4</sup>national authority] .

- (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 [<sup>F9</sup>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 [<sup>F10</sup>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 [<sup>F10</sup>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.
- [<sup>F11</sup>(4) This sub-paragraph applies where it is proposed to include in the order provision mentioned in sub-paragraph (1)(ba), in which case the order must not be made without the consent of the strategic highways company.]

#### Textual Amendments

- F2** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(39\)\(f\)](#)
- F3** 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.](#)
- F4** Words in Sch. 9 para. 13(1) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), s. 72(7), [Sch. 2 para. 15\(3\)](#)

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- F5** Sch. 9 para. 13(1)(ba) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 100(4)(a)**; S.I. 2015/481, reg. 2(a)
- F6** Sch. 9 para. 13(1)(c)(d)(i) repealed (23.1.1993) by S.I. 1993/35, **art. 2(3)**.
- F7** 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.**
- F8** Words in Sch. 9 para. 13(1) substituted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 100(4)(b)**; S.I. 2015/481, reg. 2(a)
- F9** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 15(5)(a)**
- F10** Word(s) substituted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 15(5)(b)**
- F11** Sch. 9 para. 13(4) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 100(4)(c)**; S.I. 2015/481, reg. 2(a)

**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**

14 <sup>[F12]</sup>(1) Where in the case of any order proposed to be made by <sup>[F13]</sup>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, <sup>F14</sup> . . . 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 <sup>[F15]</sup>in a case to which sub-paragraph (2) 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 except with the consent of the Secretary of State. ]

<sup>[F16]</sup>(2) This sub-paragraph applies where it is proposed to include in the order provision mentioned in paragraph 13(1)(ba), in which case the order must not be made without the consent of the strategic highways company.]

**Textual Amendments**

- F12** Sch. 9 para. 14(1): Sch. 9 para. 14 renumbered as Sch. 9 para. 14(1) (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 100(5)(a)**; S.I. 2015/481, reg. 2(a)
- F13** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(39)(g)**
- F14** “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
- F15** Words in Sch. 9 para. 14(1) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 100(5)(b)**; S.I. 2015/481, reg. 2(a)
- F16** Sch. 9 para. 14(2) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 100(5)(c)**; S.I. 2015/481, reg. 2(a)

**Modifications etc. (not altering text)**

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

<sup>[F17]</sup>14A(1) This paragraph applies where a strategic highways company proposes, other than further to a direction under paragraph 2, to include provision mentioned in paragraph 13(1)(b) or (c) to (f) in an order made by it under sections 1, 6, 9, 83(2) or 84.

(2) Where this paragraph applies, the order must not be made without the consent of the Secretary of State.]

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#### Textual Amendments

**F17** Sch. 9 para. 14A inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 100(6)**; S.I. 2015/481, reg. 2(a)

- 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 [<sup>F18</sup>to 14A] above such orders made by such [<sup>F19</sup>traffic] authorities [<sup>F20</sup>in England and Wales ] 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.

#### Textual Amendments

**F18** Words in Sch. 9 para. 15(1) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 100(7)(a)**; S.I. 2015/481, reg. 2(a)

**F19** Word in Sch. 9 para. 15(1) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 100(7)(b)**; S.I. 2015/481, reg. 2(a)

**F20** Words in Sch. 9 para. 15(1) inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), s. 72(7), **Sch. 2 para. 15(5)**

#### 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**

- [<sup>F21</sup>15A(1) The Scottish Ministers may by order add to or remove from the orders for which their consent is required by paragraph 13 such orders made by such traffic authorities in Scotland as the Scottish Ministers may specify in the order.
- (2) An order under this paragraph may provide for the consent of the Scottish Ministers to be required (or not to be required) for an order for such purposes or in such circumstances as the Scottish Ministers may see fit to specify in the order under this paragraph.
- (3) An order under this paragraph removing an order from the orders for which the consent of the Scottish Ministers is for the time being required is subject to the affirmative procedure.
- (4) Any other order under this paragraph is subject to the negative procedure.]

#### Textual Amendments

**F21** Sch. 9 para. 15A inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), s. 72(7), **Sch. 2 para. 15(6)**

- 16 (1) In consenting to any order submitted [<sup>F22</sup>for ] consent under this Part of this Schedule, the Secretary of State [<sup>F23</sup>or the Scottish Ministers] may consent to the order either in the form in which it is submitted <sup>F24</sup>... or with such modifications as he [<sup>F25</sup>or they

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think] fit, which may include additions, exceptions, or other modifications of any description.

(2) [<sup>F26</sup>Sub-paragraph (3) applies where] the Secretary of State [<sup>F27</sup>or the Scottish Ministers propose] to consent to such an order with modifications which appear to him [<sup>F28</sup>or them] substantially to affect the character of the order as submitted <sup>F29</sup>...

[<sup>F30</sup>(3) The Secretary of State or the Scottish Ministers ]shall, before doing so, take such steps as appear to him [<sup>F31</sup> or them] to be sufficient and reasonably practicable for informing the [<sup>F32</sup>traffic] authority in question and other persons likely to be concerned.

#### Textual Amendments

- F22** Word in Sch. 9 para. 16(1) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\), s. 72\(7\), Sch. 2 para. 15\(8\)\(a\)](#)
- F23** Words in Sch. 9 para. 16(1) inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\), s. 72\(7\), Sch. 2 para. 15\(8\)\(b\)](#)
- F24** Words in Sch. 9 para. 16(1) omitted (23.5.2016) by virtue of [Scotland Act 2016 \(c. 11\), s. 72\(7\), Sch. 2 para. 15\(8\)\(c\)](#)
- F25** Words in Sch. 9 para. 16(1) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\), s. 72\(7\), Sch. 2 para. 15\(8\)\(d\)](#)
- F26** Words in Sch. 9 para. 16(2) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\), s. 72\(7\), Sch. 2 para. 15\(9\)\(a\)](#)
- F27** Words in Sch. 9 para. 16(2) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\), s. 72\(7\), Sch. 2 para. 15\(9\)\(b\)](#)
- F28** Words in Sch. 9 para. 16(2) inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\), s. 72\(7\), Sch. 2 para. 15\(9\)\(c\)](#)
- F29** Words in Sch. 9 para. 16(2) omitted (23.5.2016) by virtue of [Scotland Act 2016 \(c. 11\), s. 72\(7\), Sch. 2 para. 15\(9\)\(d\)](#)
- F30** Sch. 9 para. 16(3) substituted for word (23.5.2016) by [Scotland Act 2016 \(c. 11\), s. 72\(7\), Sch. 2 para. 15\(9\)\(e\)](#)
- F31** Words in Sch. 9 para. 16(2) inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\), s. 72\(7\), Sch. 2 para. 15\(9\)\(f\)](#)
- F32** Word in Sch. 9 para. 16(2) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 100\(8\); S.I. 2015/481, reg. 2\(a\)](#)

#### 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](#)

- 17 (1) The Secretary of State [<sup>F33</sup>or the Scottish Ministers] may by order grant a general consent for the making of orders requiring <sup>F34</sup>... 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.

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- (2) Any order [<sup>F35</sup>of the Secretary of State] under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F36</sup>(3) Any order of the Scottish Ministers under this paragraph is subject to the negative procedure.]

**Textual Amendments**

- F33** Words in Sch. 9 para. 17(1) inserted (23.5.2016) by Scotland Act 2016 (c. 11), s. 72(7), **Sch. 2 para. 15(11)(a)**
- F34** Word in Sch. 9 para. 17(1) omitted (23.5.2016) by virtue of Scotland Act 2016 (c. 11), s. 72(7), **Sch. 2 para. 15(11)(b)**
- F35** Words in Sch. 9 para. 17(2) inserted (23.5.2016) by Scotland Act 2016 (c. 11), s. 72(7), **Sch. 2 para. 15(12)**
- F36** Sch. 9 para. 17(3) inserted (23.5.2016) by Scotland Act 2016 (c. 11), s. 72(7), **Sch. 2 para. 15(13)**

**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 [<sup>F37</sup>of the Secretary of State] to make an order conferred by paragraph 15 or 17 above shall be exercisable by statutory instrument.

**Textual Amendments**

- F37** Words in Sch. 9 para. 18 inserted (23.5.2016) by Scotland Act 2016 (c. 11), s. 72(7), **Sch. 2 para. 15(14)**

- 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 <sup>M1</sup>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 [<sup>F38</sup>11(1) of the <sup>M2</sup>Roads (Scotland) Act 1984].

**Textual Amendments**

- F38** 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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