

Status: Point in time view as at 12/04/2019.

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

VALIDITY OF CERTAIN ORDERS

Modifications etc. (not altering text)

- C1** Pt. VI (paras. 34–37) extended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(2), **Sch. 5 para. 8**
- C2** Pt. VI (paras. 34–37) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8(2), **Sch. 5 para. 12(4)**
- C3** Pt. VI (paras. 34–37) 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)**)
- C4** Sch. 9 Pt. VI applied (with modifications)(6.3.1992) by [Aberdeen Harbour Order Confirmation Act 1992 \(c. ii\), s. 1, Sch. s. 3\(2\)](#).

- 34 (1) This Part of this Schedule applies—
- to any order made under or by virtue of any of the following provisions of this Act, namely, sections 1, 6, 9 [^{F1}16A], 19, 32, 37 and 38, and
 - to any designation order.
- (2) In this Part of this Schedule—
- “the relevant powers”, in relation to any such order as is mentioned in sub-paragraph (1)(a) above, means the powers with respect to such an order conferred by this Act, and, in relation to a designation order, means the powers of sections 45, 46, 49, ^{F2}. . . and 53 of this Act, and
 - “the relevant requirements”, in relation to any such order as is mentioned in sub-paragraph (1)(a) above, means any requirement of, or of any instrument made under, any provision of this Act with respect to such an order, and, in relation to a designation order, means any requirement of sections 45, 46, 49, ^{F2}. . . and 53 of this Act or of Parts I to III of this Schedule or of any regulations made under Part III of this Schedule.

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Textual Amendments

- F1** Figure in Sch. 9 para. 34(1)(a) inserted (3.5.1994) by 1994 c. 11, s. 3(1), **Sch. para. 5(3)**
F2 “50” repealed by **Local Government Act 1985** (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

- 35 If any person desires to question the validity of, or of any provision contained in, an order to which this Part of this Schedule applies, on the grounds—
- (a) that it is not within the relevant powers, or
 - (b) that any of the relevant requirements has not been complied with in relation to the order,
- he may, within 6 weeks from the date on which the order is made, make an application for the purpose to the High Court or, in Scotland, to the Court of Session.

Modifications etc. (not altering text)

- C5** Sch. 9 para. 35 applied (with modifications) (3.11.1994) by 1994 c. 40, **ss. 34(8), 82(3)**

- 36 (1) On any application under this Part of this Schedule the court—
- (a) may, by interim order, suspend the operation of the order to which the application relates, or of any provision of that order, until the final determination of the proceedings; and
 - (b) if satisfied that the order, or any provision of the order, is not within the relevant powers, or that the interests of the applicant have been substantially prejudiced by failure to comply with any of the relevant requirements, may quash the order or any provision of the order.
- (2) An order to which this Part of this Schedule applies, or a provision of any such order, may be suspended or quashed under sub-paragraph (1) above either generally or so far as may be necessary for the protection of the interests of the applicant.

Modifications etc. (not altering text)

- C6** Sch. 9 para. 36 applied (with modifications) (3.11.1994) by 1994 c. 40, **ss. 34(8), 82(3)**

- 37 Except as provided by this Part of this Schedule, an order to which this Part of this Schedule applies shall not, either before or after it has been made, be questioned in any legal proceedings whatever.

Modifications etc. (not altering text)

- C7** Sch. 9 para. 37 applied (with modifications) (3.11.1994) by 1994 c. 40, **ss. 34(8), 82(3)**

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