

*Status: Point in time view as at 01/09/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1985, SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 8.

#### ROAD TRAFFIC

#### PART I

##### AMENDMENTS OF ENACTMENTS

###### *The Chronically Sick and Disabled Persons Act 1970*

1 In section 21(8) of the Chronically Sick and Disabled Persons Act 1970, after the  
word “county”, there shall be inserted the words “or metropolitan district”.

2 ..... F1

#### Textual Amendments

**F1** Sch. 5 para. 2 repealed by Road Traffic (Consequential Provisions) Act 1988 (c.54, SIF 107:1), ss. 3(1), 5, Sch. 1 Pt. I, Sch. 4 paras. 1, 2

###### *The Public Passenger Vehicles Act 1981*

3 (1) The Public Passenger Vehicles Act 1981 shall be amended as follows.

(2) In section 5(3)(b) for the words “and Wales county councils and the Greater London Council” there shall be substituted the words “non-metropolitan county councils, in Wales county councils”.

(3) For section 31(4)(a) there shall be substituted—

“(a) in metropolitan counties, metropolitan county passenger transport authorities;”

(4) In section 38(8), in the definition of “local authority”, after the words “county council”, there shall be inserted the words “or metropolitan district council”.

(5) In section 40(2)(c)(i), before the word “district”, there shall be inserted the word “non-metropolitan”.

(6) In section 47(7) in the definition of “local authority”, for the words “a county council or the Greater London Council” there shall be substituted the words “the council of a county, metropolitan district or London borough and the Common Council of the City of London”.

(7) In Schedule 1, in paragraph 2(2)(a), for the words “the Greater London Council or a county council” there shall be substituted the words “the council of a county,

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metropolitan district or London borough and the Common Council of the City of London”.

- (8) In Schedule 4, in paragraphs 2(1)(b) and 4(b), before the word “district” there shall be inserted the word “non-metropolitan”.

*The Road Traffic Regulation Act 1984*

- 4 (1) The Road Traffic Regulation Act 1984 shall be amended as follows.

<sup>F2</sup>(2) .....

- (3) In section 6—

<sup>F2</sup>(a) .....

- (b) for subsection (3)(a) there shall be substituted—

“(a) to the whole area of a local authority, or to particular parts of that area, or to particular places or streets or parts of streets in that area;”.

- (4) In section 9(5) for the words “the Greater London Council” there shall be substituted the words “a London borough council or the Common Council of the City of London”; and for the words “the Council” in each place where they occur there shall be substituted the words “the council”.

- (5) In section 10(5) for the words “the Greater London Council” there shall be substituted the words “a London borough council or the Common Council of the City of London”; and for the words “that Council” there shall be substituted the words “that council”.

- (6) In section 12—

- (a) in subsection (1) for the words “the Greater London Council” and “that Council” there shall be substituted the words “the local authority” and “that authority” respectively;

<sup>F2</sup>(b) .....

- (c) in subsection (3) for the words “the Council’s” and “the Council” there shall be substituted the words “the local authority’s” and “the authority” respectively;

- (d) in subsection (6) for the words “the Greater London Council” there shall be substituted the words “the local authority”; and

- (e) for subsection (10) there shall be substituted—

“(10) In this section—

“the commissioner of police”, in relation to the metropolitan police district, means the commissioner of police of the metropolis and, in relation to the City of London, means the commissioner of police for the City of London; and

“local authority” means the council of a London borough or the Common Council of the City of London.”

<sup>F3</sup>(7) .....

<sup>F2</sup>(8) .....

<sup>F2</sup>(9) .....

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(10) In section 26—

- (a) in subsection (2)(a), after the word “county”, there shall be inserted the words “or metropolitan district”;
- (b) in subsection (4)(a), after the word “county” in the first place where it occurs there shall be inserted the words “or metropolitan district”, and for the words “or in the” there shall be substituted the words “, metropolitan district or”;
- and
- (c) in subsection (5)(a) for the words “as respects places in the county” there shall be substituted the words “or metropolitan district as respects places in the county or district”.

F<sup>2</sup>(11) .....

F<sup>2</sup>(12) .....

(13) In section 31(2) for the words after “confirmation” there shall be substituted the words “by the Secretary of State”.

(14) In section 36(3), before the word “district”, there shall be inserted the word “non-metropolitan”.

F<sup>2</sup>(15) .....

(16) In section 39—

- (a) in subsection (3), after the words “district council”, there shall be inserted the words “, other than a metropolitan district council,”;
- (b) in subsection (4)—
  - (i) after “32” there shall be inserted “or 35”;
  - (ii) before the word “district” in the second place where it occurs there shall be inserted the word “non-metropolitan”; and
  - (iii) the words “or Wales” shall be omitted; and
- (c) in subsection (6), after the words “district council” in the first place where they occur, there shall be inserted the words “, other than a metropolitan district council,”.

(17) In section 43—

- (a) in subsection (1) for the words “the Council”, in both places where they occur, there shall be substituted the words “the local authority”;
- (b) in subsection (6) for the words “the Council” there shall be substituted the words “a local authority”, and the words “comprised within the area of a particular local authority” in paragraph (a) and the words after paragraph (c) shall be omitted;
- (c) in subsection (13) for the words “the Council” there shall be substituted the words “the local authority”;
- (d) in subsection (14) the definitions of “the Common Council” and “the Council” shall be omitted, and for the definition of “local authority” there shall be substituted—

““local authority” means the council of a London borough or the Common Council of the City of London;”; and

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- (e) in subsection (15) for the words “the Council” there shall be substituted the words “a local authority”, and after the word “designated” there shall be inserted the words “by the local authority”.
- (18) In section 44—
- (a) in subsection (1) for paragraph (a) there shall be substituted—
- “(a) in English counties, by the county council or metropolitan district council, and in Welsh counties, by the county council; and”
- (b) in subsection (3) for paragraph (b) there shall be substituted—
- “(b) may in relation to non-metropolitan counties in England and counties in Wales provide for certain functions of local authorities under the London provisions in respect of areas designated as controlled areas to be conferred on district councils or on both county councils and district councils, and may in consequence of any such distribution of functions make such incidental and supplementary provision as appears to Her Majesty to be necessary or expedient;”
- (19) In section 45—
- <sup>F2</sup>(a) .....
- (b) in subsection (7)(a), after the word “county”, there shall be inserted the words “, metropolitan district”.
- (20) ..... <sup>F4</sup>
- (21) ..... <sup>F5</sup>
- (22) In section 55(4)(c) for the words “any county council, to the Greater London Council” there shall be substituted the words “the council of any county, metropolitan district or London borough or to the Common Council of the City of London”.
- (23) In section 58(1), in the second column of the Table, after the words “county council”, there shall be inserted the words “or metropolitan district council”.
- (24) In section 59—
- (a) in subsection (1), after the word “county” in the first place where it occurs there shall be inserted the words “or metropolitan district”, and after the words “county council” there shall be inserted the words “or metropolitan district council”.
- (b) in subsection (2)—
- (i) in paragraph (a), after the words “the county council” in the first place where they occur, there shall be inserted the words “or metropolitan district council”, and for the words “the county council” in the second place where they occur there shall be substituted the words “that council”;
- (ii) in paragraph (b) for the words “send a copy of that application” there shall be substituted the words “in the case of an application to a county council, send a copy of it”; and
- (iii) before the words “the county council” in the third place where they occur there shall be inserted the words “, in that case,”;

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- (c) in subsection (4), after the words “county council” in both places where they occur, there shall be inserted the words “or metropolitan district council”;
  - (d) in subsection (5), after the words “county council”, there shall be inserted the words “or metropolitan district council”;
  - (e) in subsection (6), after the words “county council” in each place where they occur, there shall be inserted the words “or metropolitan district council”;
  - and
  - (f) in subsection (7), after the words “county council”, there shall be inserted the words “or metropolitan district council”.
- (25) In section 61(1) for the words “a county council or the Greater London Council” there shall be substituted the words “the council of a county, metropolitan district or London borough or the Common Council of the City of London”.
- (26) In section 73—
- (a) for subsection (1) there shall be substituted—
    - “(1) In connection with any order under section 6 or 9 of this Act made or proposed by them, the council of a London borough and the Common Council of the City of London may, as respects any road in their area which is not a trunk road affix any traffic sign to any lamp-post or other structure in the highway, whether or not belonging to the council.”; and
  - (b) in subsection (2) for the words from “Greater London” to “Council” there shall be substituted the words “their area which is required in connection with an order under section 6 or 9 of this Act, it shall be the duty of the council of a London borough and of the Common Council of the City of London”.
- (27) In section 74(1) for the words “Greater London” there shall be substituted the words “their area”, and the words “the Greater London Council or” and “, as the case may be,” shall be omitted.
- (28) In section 78(2), after the word “county” in the first place where it occurs, there shall be inserted the words “or metropolitan district”.
- <sup>F2</sup>(29) . . . . .
- (30) For section 94 there shall be substituted—

**“94 Bollards and other obstructions in Greater London.**

- (1) Where an order under section 6 or 9 of this Act is made or proposed to be made by the Secretary of State, he may, to such extent as he considers necessary in connection with the order, authorise or require any person who is responsible for the maintenance of any road in Greater London which is not a trunk road—
  - (a) to place on the carriageway such bollards or other obstructions as the Secretary of State may consider appropriate for preventing the passage of vehicles, or vehicles of any class, at any point at which their passage (whether in any direction or in one direction only) is prohibited by any such order, and to maintain and light those obstructions; or

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- (b) to remove any obstruction placed by that person in pursuance of an authorisation or a requirement under this subsection.
- (2) Where an order under section 6 or 9 of this Act is made or proposed to be made by the council of a London borough, they may, to such extent as they consider necessary in connection with the order, authorise or require any person who is responsible for the maintenance of any road in their area which is not a trunk road and for which they are not the highway authority—
  - (a) to place on the carriageway such bollards or other obstructions as they may consider appropriate for preventing the passage of vehicles, or vehicles of any class, at any point at which their passage (whether in any direction or in one direction only) is prohibited by any such order, and to maintain and light those obstructions; or
  - (b) to remove any obstruction placed by that person in pursuance of an authorisation or a requirement under this subsection.
- (3) Subsections (2) and (3) of section 92 of this Act shall apply in relation to the placing of bollards or other obstructions under subsection (1) or (2) above, as if for any reference in them to subsection (1) of that section there were substituted a reference to subsection (1) or (2) above.
- (4) To such extent as the Secretary of State or, as the case may be, the council of a London borough may consider necessary in connection with an order under section 6 or 9 of this Act, whether made or proposed to be made by the Secretary of State or that council—
  - (a) the Secretary of State may do with respect to any trunk road anything which he might under subsection (1)(a) above require to be done with respect to any other road; and
  - (b) the council of the London borough may do with respect to any road in their area which is not a trunk road and for which they are the highway authority anything which they might under subsection (2) (a) above require to be done with respect to a road for which they are not the highway authority.
- (5) If a person fails to comply with a requirement to carry out any work under subsection (1) or (2), above, the Secretary of State or, as the case may be, the council of the London borough may carry out the work, and the expenses incurred by the Secretary of State or that council in doing so shall be recoverable summarily as a civil debt from that person.
- (6) Section 79 of this Act shall apply in relation to any such obstruction as is mentioned in subsection (1) or (2) above as it applies in relation to traffic signs; and the power of the Secretary of State under that section to make advances towards expenses incurred in relation to traffic signs shall be exercisable with respect to any expenses incurred by the council of a London borough by virtue of subsection (4) above.
- (7) In this section references to the council of a London borough include references to the Common Council of the City of London.”
- (31) In section 100—
  - (a) in subsection (2), before the word “district” in the first place where it occurs, there shall be inserted the word “non-metropolitan”; and

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- (b) in subsection (5)(a) for the words “the Greater London Council or the council of a county” there shall be substituted the words “the council of a county, metropolitan district or London borough or the Common Council of the City of London”.
- (32) In section 102(6) for the words from “by” in the first place where it occurs to “district” in the first place where it occurs there shall be substituted the words “by the council of a non-metropolitan district”.
- <sup>F2</sup>(33) . . . . .
- (34) In section 122(1) for the words “the Greater London Council and of every other” there shall be substituted the word “every”.
- (35) In section 125(4), after the word “county”, there shall be inserted the words “metropolitan district,”.
- (36) In section 129(4) for the words “the Greater London Council or any other” there shall be substituted the word “a”; and the words “council or” shall be omitted.
- <sup>F2</sup>(37) . . . . .
- (38) In Schedule 4—
- (a) in paragraph 1—
- (i) for the words “the Council” in each place where they occur there shall be substituted the words “the local authority”; and
- (ii) the words from “and to each” to “controlled area” shall be omitted;
- (b) in paragraphs 2 to 6 for the words “the Council” in each place where they occur there shall be substituted the words “the local authority”;
- (c) in paragraph 8 for the words “Greater London” there shall be substituted the words “their area”;
- (d) in paragraphs 15, 19 and 20(a) for the words “the Council” there shall be substituted the words “the local authority”.
- (39) In Schedule 9—
- (a) for paragraph 1 there shall be substituted—
- “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.”
- (b) in paragraph 4, for the words “the Greater London Council” in sub-paragraph (a) there shall be substituted the words “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”, and the words “the Council or, as the case may be,” in that sub-paragraph and the words “Council or” in sub-paragraph (b) shall be omitted;
- (c) in paragraph 5(1) for the words “the Greater London Council” there shall be substituted the words “the council of a London borough or the Common Council of the City of London”, and for the words “Greater London” in both places where they occur there shall be substituted the words “their area”;

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- (d) in paragraph 6(1)(c) for the number “50” in the first place where it occurs there shall be substituted the number “49”, and the words “, or on the application of,” and the words after “authority” shall be omitted.
- (e) in paragraph 12(a), after the words “county council”, there shall be inserted the words “or metropolitan district council”;
- (f) in paragraph 13(1) for the words “the Greater London Council” there shall be substituted the words “the council of a London borough and the Common Council of the City of London”;
- (g) in paragraph 14 for the words “the Greater London Council” there shall be substituted the words “the council of a London borough or the Common Council of the City of London”, and the number “50,” shall be omitted;
- (h) in paragraph 20(1) for the words “the Greater London Council or any other” there shall be substituted the word “a”, and the number “50,” shall be omitted;
- (i) in paragraph 21 for the words “the Greater London Council” there shall be substituted the words “the council of a London borough and the Common Council of the City of London”; and
- (j) in paragraph 23(1) for the words “the Greater London Council” there shall be substituted the words “the council of a London borough or the Common Council of the City of London”, and for the words “that Council” in both places where they occur there shall be substituted the words “that council”.

#### Textual Amendments

- F2** Sch. 5 para. 4(2)(3)(a)(6)(b)(8)(9)(11)(12)(15)(19)(a)(29)(33)(37) repealed (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch. 9](#); S.I. 1991/2288, art. 3, [Sch.](#)
- F3** Sch. 5 para. 4(7) repealed (1.7.1992) by [Road Traffic \(Temporary Restrictions\) Act 1991 \(c. 26\)](#), s. 2(2), [Sch. 2](#); S.I. 1992/1218, [art. 2](#)
- F4** Sch. 5 para. 4(20) repealed by [Road Traffic Regulations \(Parking\) Act 1986 \(c.27, SIF 107:1\)](#), s. [3\(2\)\(3\)\(4\)](#)
- F5** Sch. 5 para. 4(21) repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c.54, SIF 107:1\)](#), [ss. 3\(1\) 5](#), Sch. 1 Pt. I, Sch. 4 paras. 1, 2

## PART II

### SUPPLEMENTARY PROVISIONS RELATING TO ROAD TRAFFIC

#### *Designation of roads in Greater London*

- [<sup>F65</sup> (1) For the purpose of facilitating the movement of traffic in Greater London, the Secretary of State may by order designate a road in that area.
- (2) Before doing so, he shall consult—
- (a) the council of the London borough in which the road is;
  - (b) the council of any other London borough or of any county where there is a road which he considers is likely to be affected by the designation; and
  - (c) such other persons (if any) as he considers it appropriate to consult.



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- (3) No council of a London borough shall exercise any power under the Highways Act 1980 or the Road Traffic Regulation Act 1984 in a way which will affect, or be likely to affect, a designated road unless the requirements of sub-paragraph (4) below have been satisfied.
- (4) The requirements are that—
  - (a) the council concerned has given notice to the Director, in such manner as he may require, of its proposal to exercise the power in the way in question; and
  - (b) either—
    - (i) the Director has approved the proposal; or
    - (ii) the period of one month beginning with the date on which he received notice of the proposal has expired without his having objected to it.
- (5) The Secretary of State may by an instrument in writing exclude any power from the application of this paragraph to the extent specified in the instrument.
- (6) Any such instrument may, in particular, exclude a power as respects—
  - (a) all or any of the London boroughs;
  - (b) all or any of the designated roads; or
  - (c) the exercise of the power in such manner or circumstances as may be specified in the instrument.
- (7) This paragraph does not apply to the exercise of a power under section 14 or sections 32 to 38 of the 1984 Act in relation to a road which is not a designated road.
- (8) If the council of a London borough exercises any power in contravention of this paragraph, the Director may take such steps as he considers appropriate to reverse or modify the effect of the exercise of that power.
- (9) Any reasonable expenses incurred by the Director in taking any steps under sub-paragraph (8) shall be recoverable by him from the council as a civil debt.
- (10) In this paragraph—

“designated road” means a road designated under this paragraph; and  
“Director” means the Traffic Director for London.]

#### Textual Amendments

- F6** Sch. 5 para. 5 substituted (1.9.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, **Sch. 7 para. 8(1)** (with s. 79(1)); S.I. 1992/2010, **art.2**

#### *Guidance as to exercise of traffic powers in Greater London and metropolitan counties*

- 6 (1) For the purpose of ensuring that the exercise by a council in Greater London or a metropolitan county of the traffic powers specified below in relation to councils of its class does not have an adverse effect on traffic or any class of traffic or parking places or any class of parking place in any part of Greater London or, as the case may be, that county, other than the area of that council, the Secretary of State may

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issue guidance as to the manner in which, in relation to roads [<sup>F7</sup>other than those for which he is the traffic authority]—

- (a) the councils of London boroughs should exercise their powers to make, vary or revoke orders under or by virtue of sections 6, 9, 45, 46, 49(2) and (4), 83(2) and 84 of the 1984 Act; and
- (b) the councils of metropolitan districts should exercise their powers to make, vary or revoke orders under or by virtue of sections 1, 9, 19, 32, 35, 37, 38, 45, 46, 49(2) and (4), 53, 83(2) and 84 of that Act.

(2) Before issuing any such guidance the Secretary of State shall consult—

- (a) the chief officers of police for the areas to which the guidance relates; and
- (b) any association of London borough councils or district councils which the Secretary of State considers appropriate.

(3) The council of a London borough shall, before exercising any power specified in sub-paragraph (1)(a) above, and the council of a metropolitan district shall, before exercising any power specified in sub-paragraph (1)(b) above—

- (a) have regard to any guidance issued to it under this paragraph;
- (b) have regard to any direct effect which the proposed exercise would have on traffic or any class of traffic—
  - (i) on a [<sup>F8</sup>road for which the Secretary of State is the traffic authority];
  - or
  - (ii) on any other road in the area of another local authority;
- (c) if the proposed exercise would have such an effect, consult the Secretary of State in the case of a [<sup>F9</sup>road for which he is the traffic authority], or the other local authority in the case of any other road; and
- (d) comply with procedures prescribed by regulations made by the Secretary of State.

(4) Where the council of a London borough or metropolitan district takes any action which, in the opinion of the Secretary of State—

- (a) is contrary to any guidance issued to the council under this paragraph; and
- (b) has or is likely to have an adverse effect on traffic or any class of traffic or parking places or any class of parking place in any part of Greater London or, as the case may be, that county, other than the area of that council,

the Secretary of State may, after consulting the council, direct it to take such steps within a period specified by him as may be necessary to conform with that guidance.

(5) If, in the opinion of the Secretary of State, a council fails to comply with a direction under sub-paragraph (4) above, he may exercise any of its powers for the purpose of giving effect to the direction; and any expenses reasonably incurred by him in doing so shall be recoverable by him from the council [<sup>F10</sup>as a debt due to the Crown].

(6) Where, in the opinion of the Secretary of State—

- (a) the council of a London borough or metropolitan district fails to act in accordance with any guidance issued to it under this paragraph; and
- (b) that failure has or is likely to have such an adverse effect as is mentioned in sub-paragraph (4)(b) above,

the Secretary of State, after consulting the council, may exercise any of its powers for the purpose of conforming with that guidance; and any expenses reasonably incurred by him in doing so (including any expenses reasonably incurred in maintaining any

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traffic signs placed, or in continuing or maintaining any works commenced, by virtue of this sub-paragraph) shall be recoverable by him from the council summarily as a civil debt.

[<sup>F11</sup>(7) Sub-paragraphs (3) to (6) above shall not apply in relation to the exercise of any power, by the council of a London borough, in complying with the duty imposed on them by section 57(1) of the Road Traffic Act 1991 (implementation of local plans).]

#### Textual Amendments

- F7** Words in Sch. 5 para. 6(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), Sch. 8, Pt. IV, para. 116(2); S.I. 1991/2288, art. 3, Sch.
- F8** Words in Sch. 5 para. 6(3)(b)(i) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), Sch. 8, Pt. IV, para. 116(3)(a); S.I. 1991/2288, art. 3, Sch.
- F9** Words in Sch. 5 para. 6(3)(c) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), Sch. 8, Pt. IV, para. 116 (3)(b); S.I. 1991/2288, art. 3, Sch.
- F10** Words in Sch. 5 para. 6(5) substituted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, Sch. 7 para. 9(2) (with s. 79(1)); S.I. 1991/2054, art. 3, Sch.
- F11** Sch. 5 para. 6(7) inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, Sch. 7 para. 9(3) (with s. 79(1)); S.I. 1991/2054, art. 3, Sch.

#### Procedures and objections

- 7 (1) The power of the Secretary of State to make regulations under paragraph 21 or 23 of Schedule 9 to the 1984 Act (procedure as to certain orders) shall include power to make regulations for the purpose of sub-paragraph (3) of paragraph 6 above; and any such regulations for that purpose shall include provision by which a local authority required to be consulted under that sub-paragraph in connection with a proposed exercise of power may object to that exercise.
- (2) Where such a local authority objects in accordance with regulations under the said paragraph 21 or 23 to a proposed exercise of power by the council of a London borough or metropolitan district, that council shall notify the Secretary of State of its proposal and of the objection, unless either of them is withdrawn, and shall give him such particulars of them as he may require.
- (3) Upon receipt of a notification under sub-paragraph (2) above, the Secretary of State shall determine whether the proposal in question should be abandoned or implemented, with or without modifications; and the council making the proposal shall comply with any such determination.
- (4) To assist him in making a determination the Secretary of State may consult such persons or bodies as he thinks fit and may hold an inquiry; and the provisions of section 129(1) to (3) of the 1984 Act shall apply in relation to an inquiry held under this paragraph as they apply to an inquiry held under that Act.

#### Application of Part VI of Schedule 9 to the 1984 Act

- 8 Part VI of Schedule 9 to the 1984 Act (validity of certain orders) shall apply to an order made by the Secretary of State by virtue of paragraph 6(5) or (6) above and falling within paragraph 34(1) of that Part as it applies to an order made by him by virtue of paragraph 3 of Part I of that Schedule.

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*Status: Point in time view as at 01/09/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1985, SCHEDULE 5. (See end of Document for details)*

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*Supplementary*

- 9 In exercising any power under or by virtue of paragraph 6 or 7 above in relation to a council the Secretary of State shall have regard to the duty of that council under section 122 of the 1984 Act; and in the event of any conflict between that duty and any provision of those paragraphs, that provision shall prevail.

*Reserve powers of the Secretary of State as to traffic control systems in Greater London and metropolitan counties*

- 10 (1) Where the Secretary of State is not satisfied in the case of Greater London or a metropolitan county that all the local authorities in that area have made joint arrangements for the exercise of such of their functions under Part V of the 1984 Act as are necessary to secure the control, management, development and extension of any system of traffic control which relates to two or more of those authorities, he may make an order under this paragraph.
- (2) An order under this paragraph may transfer to the Secretary of State such functions of the local authorities in question under that Part of that Act as he considers necessary to enable him to secure the control, management, development and extension of that system.
- (3) The Secretary of State may delegate, with or without restrictions, the exercise of any function transferred to him under this paragraph to the local authority from which it was transferred.
- (4) Before exercising any function transferred to him under this paragraph, the Secretary of State shall consult any local authority appearing to him to be likely to be affected unless it appears to him that the exercise of the function will only have a temporary effect on the system of traffic control in question; and any local authority from which a function has been so transferred shall consult the Secretary of State before exercising any function under the 1984 Act in any manner which may affect the exercise by the Secretary of State of any function so transferred.
- (5) Any expenses reasonably incurred by the Secretary of State in exercising the functions transferred by an order under this paragraph may be recovered by him from the local authorities from which the functions were transferred in such proportions as may be agreed between the local authorities or, in default of agreement, as may be determined by him.
- (6) A sum recoverable by the Secretary of State under sub-paragraph (5) above may be recovered by him [<sup>F12</sup>as a debt due to the Crown].
- (7) The Secretary of State shall revoke an order made under this paragraph in relation to a system of traffic control in operation in Greater London or a metropolitan county if at any time he is satisfied that all the local authorities in that area have made joint arrangements for the exercise of such of their functions under Part V of the 1984 Act as are necessary to secure the control, management, development and extension of the system.
- (8) An order under this paragraph may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions for the transfer of property, staff, rights and liabilities and provision amending any enactment or any instrument made under any enactment.

*Status: Point in time view as at 01/09/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1985, SCHEDULE 5. (See end of Document for details)*

#### Textual Amendments

- F12** Words in [Sch. 5 para. 10\(6\)](#) substituted (1.10.1991) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 81, [Sch. 7 para.10](#) (with s. 79(1)); S.I. 1991/2054, art.3, [Sch.](#)

#### Information

- 11 The council of a London borough or metropolitan district shall furnish the Secretary of State with such information as he may request for the purpose of exercising his powers under paragraphs 6(4), (5) and (6) and 10 above; and if any such information is not furnished by the council within a time specified by the Secretary of State, he may take such steps as he considers necessary or expedient to obtain the information himself and may recover from the council [<sup>F13</sup>as a debt due to the Crown] any expenses reasonably incurred by him in doing so.

#### Textual Amendments

- F13** Words in [Sch. 5 para. 11](#) substituted (1.10.1991) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 81, [Sch. 7 para.11](#) (with s. 79(1)); S.I. 1991/2054, art.3, [Sch.](#)

#### Transitional provisions concerning certain orders under the 1984 Act

- 12 (1) After the passing of this Act a metropolitan county council or the Greater London Council shall obtain the consent of the Secretary of State before making any order to which this paragraph applies if an objection to the council's proposal to make the order has been duly made by a successor authority (whether before or after the passing of this Act) and has not been withdrawn; and for the purposes of this provision an objection is not duly made unless it is made in accordance with regulations made or having effect as if made under paragraph 21 or, as the case may be, 23 of Schedule 9 to the 1984 Act.
- (2) The orders to which this paragraph applies are—
- in the case of a metropolitan county council those made under or by virtue of section 1, 9, 19, 32, 35, 37, 38, 45, 46, 49(2) or (4), 53, 83(2) or 84 of the 1984 Act; and
  - in the case of the Greater London Council, those made under or by virtue of section 6, 9, 35, 38, 46, 49(2) or (4), 50, 83(2) or 84 of that Act.
- (3) In this paragraph “successor authority” means—
- in relation to the Greater London Council, the council of a London borough to which the order in question relates; and
  - in relation to a metropolitan county council, the council of a metropolitan district to which the order relates.
- (4) In relation to any order to which Part VI of Schedule 9 to the 1984 Act (validity of orders) applies the requirements of this paragraph shall be included amongst the requirements which are the relevant requirements for the purposes of that Part.

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*Status: Point in time view as at 01/09/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1985, SCHEDULE 5. (See end of Document for details)*

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### *Interpretation*

- 13 In this Part of this Schedule—
- (a) “the 1984 Act” means the <sup>M1</sup>Road Traffic Regulation Act 1984;
  - (b) “parking place”, “traffic sign” and “road” have the meanings assigned to them respectively by sections 32(4)(b), 64(1) and 142(1) of the 1984 Act;
  - (c) “local authority” means the council of a metropolitan district or London borough; and
  - (d) references to a London borough include references to the City and references to the council of a London borough include references to the Common Council.

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#### **Marginal Citations**

**M1** 1984 c. 27.

### *Commencement*

- 14 Any power conferred on the Secretary of State by this Schedule may be exercised at any time after the passing of this Act so as to take effect on or after the abolition date.

**Status:**

Point in time view as at 01/09/1992.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government Act 1985, SCHEDULE 5.