



# Road Traffic Act 1991

## 1991 CHAPTER 40

### PART II

#### TRAFFIC IN LONDON

##### *Local plans and trunk road local plans*

#### **54 Duty of London authorities to prepare local plans**

- (1) Each London authority shall, after first receiving a copy of—
  - (a) the Secretary of State's traffic management guidance; and
  - (b) the network plan,prepare a statement ("the local plan") of their proposals with respect to the operation of those priority routes which are within their area and with respect to which they are the highway authority.
- (2) A local plan shall be in such form as may be specified by the Director.
- (3) Where the Director prepares and submits the network plan in parts, subsection (1) above applies separately with respect to each part of the network plan.
- (4) A local plan shall be prepared in accordance with the timetable set out in the network plan by virtue of section 53(5)(c) of this Act.
- (5) Where the Secretary of State asks a London authority to make provision in their local plan with respect to a trunk road within their area which is a priority route, that authority may make, or (as the case may be) vary, their local plan so that it also has effect in relation to that trunk road.
- (6) In preparing their local plan, a London authority shall have regard to—
  - (a) the Secretary of State's traffic management guidance; and
  - (b) the network plan.
- (7) A London authority's local plan shall, in particular—

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- (a) indicate which of their powers under the Highways Act 1980 or the Road Traffic Regulation Act 1984 they propose to exercise in relation to the priority routes to which their plan relates and the manner in which they propose to exercise them;
  - (b) identify any orders made under the Act of 1984 which are, in their opinion, inconsistent with their plan and indicate their proposals for varying or revoking them;
  - (c) indicate—
    - (i) which of their powers under the Act of 1980 or the Act of 1984 they propose to exercise in relation to those other roads in their area which are (or would otherwise be) likely to affect, or be affected by, traffic using any of the priority routes to which their plan relates; and
    - (ii) the manner in which they propose to exercise them;
  - (d) indicate how the proposals referred to in paragraphs (a), (b) and (c) relate, in particular, to the needs of people with a disability;
  - (e) specify—
    - (i) the period which they consider will be required to implement their plan, on the assumption that it is approved by the Director; and
    - (ii) a timetable (“the local plan timetable”) for implementing the different elements of their plan;
  - (f) specify a programme of maintenance of those traffic management measures which are derived from the exercise, on or in relation to the priority routes to which their plan relates, of powers under the Acts of 1980 and 1984;
  - (g) specify the amount of the expenditure which, in the opinion of the authority, they will incur as a direct result of implementing their plan; and
  - (h) deal with any other matter which they consider relevant to the proper and effective implementation of their plan.
- (8) In preparing their local plan, a London authority shall consult—
- (a) the relevant Commissioner or, if appropriate, both Commissioners;
  - (b) London Regional Transport;
  - (c) such organisations representing the interests of people with a disability who may be affected by the plan as appear to the authority to be appropriate; and
  - (d) any other London authority within whose area there is situated any road which is not a priority route but which is, in the authority’s opinion, likely to be affected by any of the priority routes to which their plan relates.
- (9) A London authority shall submit their local plan to the Director for his approval.
- (10) The Director shall not approve a local plan unless he is satisfied—
- (a) that it is consistent with the Secretary of State’s traffic management guidance and with the network plan;
  - (b) in the case of any provision which is inconsistent with the network plan or the Secretary of State’s traffic management guidance, that that provision is nevertheless appropriate for inclusion in the local plan;
  - (c) with the costing of the authority’s proposals; and
  - (d) with the local plan timetable.
- (11) Every London authority shall—
- (a) keep their local plan under review; and

- (b) consider whether it needs to be varied, particularly in the light of—
  - (i) any further guidance issued by the Secretary of State under section 51 of this Act; and
  - (ii) any variation of the network plan made by the Director under section 53(6) of this Act.

## **55 The Director’s trunk road local plans**

- (1) Where any priority route, or part of a priority route, is a trunk road, the Secretary of State may give a direction to the Director requiring him to prepare a statement of the Director’s proposals with respect to the operation of that priority route or of such part of it as may be specified in the direction.
- (2) Subsection (1) above does not apply in relation to any trunk road in relation to which provision has been made by a London authority (under section 54(5) of this Act) in their local plan.
- (3) A statement prepared under subsection (1) above is referred to in this Part of this Act as a “trunk road local plan”.
- (4) The Director may from time to time vary any trunk road local plan.
- (5) In preparing any trunk road local plan or variation, the Director shall have regard to the Secretary of State’s traffic management guidance and the network plan and shall consult—
  - (a) the Secretary of State;
  - (b) the relevant Commissioner or, if appropriate, both Commissioners;
  - (c) any London authority within whose area is situated—
    - (i) any priority route to which the trunk road local plan will apply; or
    - (ii) any road which is not a priority route but which, in the opinion of the Director, is likely to be affected by any priority route to which the trunk road local plan will apply;
  - (d) such organisations representing the interests of people with a disability who may be affected by the plan as appear to him to be appropriate; and
  - (e) London Regional Transport.
- (6) Any trunk road local plan shall—
  - (a) indicate which powers under the Highways Act 1980 or the Road Traffic Regulation Act 1984 the Director proposes should be exercised in relation to the priority routes to which the plan relates and the manner in which he proposes they should be exercised;
  - (b) identify any orders made under the Act of 1984 which are, in his opinion, inconsistent with the plan and indicate his proposals for their variation or revocation;
  - (c) indicate—
    - (i) which powers under the Act of 1980 or the Act of 1984 he proposes should be exercised in relation to those other roads within London which are (or would otherwise be) likely to affect, or be affected by, traffic using any of the priority routes to which the plan relates; and
    - (ii) the manner in which he proposes they should be exercised;
  - (d) indicate how the proposals referred to in paragraphs (a), (b) and (c) relate, in particular, to the needs of people with a disability;

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- (e) specify—
    - (i) the period which he considers will be required to implement the plan; and
    - (ii) a timetable for implementing the different elements of the plan;
  - (f) specify a programme of maintenance of those traffic management measures, which are derived from the exercise, on or in relation to the priority routes to which the plan relates, of powers under the Acts of 1980 and 1984; and
  - (g) deal with any other matter which the Director considers relevant to the proper and effective implementation of the plan.
- (7) The Director shall, in relation to each of his trunk road local plans—
- (a) keep the plan under review; and
  - (b) consider whether it needs to be varied, particularly in the light of—
    - (i) any further guidance issued by the Secretary of State under section 51 of this Act; and
    - (ii) any variation of the network plan which he makes under section 53(6) of this Act.

## **56 The Minister’s trunk road local plans**

- (1) Where any priority route, or part of a priority route, is a trunk road with respect to which—
- (a) no provision has been made in a local plan; and
  - (b) no direction has been given under section 55(1) of this Act,
- the Secretary of State shall prepare a statement of his own proposals (“the Minister’s trunk road local plan”) with respect to the operation of that priority route or any part of it.
- (2) A Minister’s trunk road local plan may be varied at any time by the Secretary of State.
- (3) In preparing any such plan or variation, the Secretary of State shall consult—
- (a) the Director;
  - (b) any London authority within whose area is situated—
    - (i) any priority route to which the plan will apply; or
    - (ii) any road which is not a priority route but which, in the opinion of the Secretary of State, is likely to be affected by any priority route to which the plan will apply;
  - (c) the relevant Commissioner or, if appropriate, both Commissioners;
  - (d) such organisations representing the interests of people with a disability who may be affected by the plan as appear to him to be appropriate; and
  - (e) London Regional Transport.
- (4) A Minister’s trunk road local plan shall, in particular—
- (a) indicate which powers under the Highways Act 1980 or the Road Traffic Regulation Act 1984 the Secretary of State proposes should be exercised in relation to the priority routes to which the plan relates and the manner in which he proposes they should be exercised;
  - (b) identify any orders made under the Act of 1984 which are, in his opinion, inconsistent with the plan and indicate his proposals for their variation or revocation;

- (c) indicate—
    - (i) which powers under the Act of 1980 or the Act of 1984 he proposes should be exercised in relation to those other roads within London which are (or would otherwise be) likely to affect, or be affected by, traffic using any of the priority routes to which the plan relates; and
    - (ii) the manner in which he proposes they should be exercised;
  - (d) indicate how the proposals referred to in paragraphs (a), (b) and (c) relate, in particular, to the needs of people with a disability;
  - (e) specify—
    - (i) the period which he considers will be required to implement the plan; and
    - (ii) a timetable for implementing the different elements of the plan;
  - (f) specify a programme of maintenance of those traffic management measures which are derived from the exercise, on or in relation to the priority routes to which the plan relates, of powers under the Acts of 1980 and 1984; and
  - (g) deal with any other matter which he considers relevant to the proper and effective implementation of the plan.
- (5) Where the Secretary of State considers that the implementation of any part of the plan requires a London authority to exercise any of its powers he may, in writing, ask the authority to exercise such powers as he may specify in his request.
- (6) Where—
  - (a) the Secretary of State has sent such a request to a London authority; but
  - (b) the authority have not, in his opinion, exercised the powers in question within a reasonable period,the Secretary of State may direct them to do so.
- (7) Where a London authority have failed to comply with a direction under subsection (6) above within such period as the Secretary of State considers could reasonably be required by them, he may himself exercise the powers in question.
- (8) Anything done by the Secretary of State in the exercise of those powers shall be treated for all purposes as if it had been done by the authority.
- (9) Where the Secretary of State proposes to exercise any of the powers of a London authority by virtue of subsection (7) above, he may direct that authority not to exercise those or any other such powers, in such circumstances or in relation to such matters, as may be specified in the direction.
- (10) Where, having intervened under subsection (7) above, the Secretary of State is satisfied that continued intervention by him is unnecessary—
  - (a) he shall notify the authority accordingly in writing; and
  - (b) with effect from the date on which that notice is served by him, any direction given by him with respect to his intervention shall cease to have effect.
- (11) Any reasonable administrative expenses incurred by the Secretary of State in the exercise of his powers under subsection (7) above shall be recoverable by him from the London authority as a civil debt.

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## **57 Implementation of local plans**

- (1) Where the Director has approved a London authority's local plan, or has himself prepared a local plan on behalf of a London authority under section 61 of this Act, it shall be the duty of that authority to—
  - (a) implement the plan as soon as is reasonably practicable; and
  - (b) continue to act in a manner which is compatible with it.
- (2) Every London authority shall provide the Director with such information, in such form and manner, as he may reasonably require with respect to the implementation or otherwise of their local plan.
- (3) Where a London authority's local plan has effect in relation to a trunk road, by virtue of section 54(5) of this Act, the duty imposed by subsection (1) above shall apply in relation to the plan so far as it has that effect only if the Director, with the consent of the Secretary of State, gives a direction to that effect.

## **58 Implementation by Director of certain plans**

- (1) Where the Secretary of State gives a direction to the Director requiring him to implement any trunk road local plan, or Minister's trunk road local plan, or part of any such plan, it shall be the duty of the Director to implement the provisions of the plan or (as the case may be) of that part of the plan, so far as they have effect in relation to any trunk road, as soon as is reasonably practicable.
- (2) Any direction given under subsection (1) above may require any provision to which it applies to be implemented to such limited extent as may be specified in the direction.
- (3) In so doing, the Director shall have all the powers which the Secretary of State would have in relation to any trunk road with respect to which the plan has effect, so far as may be necessary or expedient for the purpose of implementing the provisions of the plan.
- (4) Anything done by the Director in purported exercise of those powers shall be taken to have been done by the Secretary of State.
- (5) Where the Director considers that the implementation of any part of the plan requires a London authority to exercise any of its powers he may, in writing, ask the authority to exercise such powers as he may specify in his request.
- (6) Where—
  - (a) the Director has sent such a request to a London authority; but
  - (b) the authority have not, in his opinion, exercised the powers in question within a reasonable period,the Director may direct them to do so.
- (7) Where a London authority have failed to comply with a direction under subsection (6) above within such period as the Director considers could reasonably be required by them, he may himself exercise the powers in question.
- (8) Anything done by the Director in the exercise of those powers shall be treated for all purposes as if it had been done by the London authority.
- (9) Where the Director proposes to exercise any of the powers of a London authority by virtue of subsection (7) above, he may direct that authority not to exercise those or

any other such powers, in such circumstances or in relation to such matters, as may be specified in the direction.

- (10) Where, having intervened under subsection (7) above, the Director is satisfied that continued intervention by him is unnecessary—
  - (a) he shall notify the London authority accordingly in writing; and
  - (b) with effect from the date on which that notice is served by him, any direction given by him with respect to his intervention shall cease to have effect.
- (11) Any reasonable administrative expenses incurred by the Director in the exercise of his powers under subsection (7) above shall be recoverable by him from the London authority as a civil debt.
- (12) Where the Secretary of State implements any of the provisions of a trunk road local plan, he shall have in relation to those provisions the powers conferred upon the Director by subsections (5) to (11) above.

## **59 Variation of local plans**

- (1) A London authority may vary their local plan, but only with the written consent of the Director.
- (2) The Director may give a direction to any London authority requiring them to vary their local plan in such manner as may be specified in the direction.
- (3) In varying their local plan, a London authority shall have regard to the Secretary of State's traffic management guidance and to the network plan.
- (4) Before varying their local plan, a London authority shall consult—
  - (a) the relevant Commissioner or, if appropriate, both Commissioners;
  - (b) London Regional Transport;
  - (c) such organisations representing the interests of people with a disability who may be affected by the plan as appear to the authority to be appropriate; and
  - (d) any other London authority within whose area there is situated any road which is not a priority route but which is, in the authority's opinion, likely to be affected by the proposed variation.
- (5) Where a London authority fail, within a reasonable time, to comply with any direction given under subsection (2) above, the Director may vary the local plan on their behalf.
- (6) Before varying a local plan on behalf of a London authority the Director shall consult—
  - (a) that authority;
  - (b) the relevant Commissioner or, if appropriate, both Commissioners;
  - (c) London Regional Transport;
  - (d) such organisations representing the interests of people with a disability who may be affected by the plan as appear to the Director to be appropriate; and
  - (e) any other London authority within whose area there is situated any road which is not a priority route but which is, in his opinion, likely to be affected by the proposed variation.
- (7) Any reasonable administrative expenses incurred by the Director under subsection (5) above shall be recoverable by him from the London authority concerned as a civil debt.

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## **60 Proposed action by London authorities likely to affect priority routes**

- (1) No London authority 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 priority route unless the requirements of subsection (3) below have been satisfied.
- (2) Subsection (1) above does not apply where the exercise of the power—
  - (a) accords with the provisions of the authority's approved local plan; or
  - (b) is in response to a request made, or direction given, under this Act by the Director or the Secretary of State.
- (3) The requirements mentioned in subsection (1) above are that—
  - (a) the authority have given notice to the Director, in such manner as he may require, of their proposal to exercise the power in the way in question; and
  - (b) either—
    - (i) the Director has approved their 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.
- (4) The Secretary of State may by an instrument in writing exclude any power from the application of this section to the extent specified in the instrument.
- (5) Any such instrument may, in particular, exclude a power as respects—
  - (a) all or any of the London authorities;
  - (b) all or any of the priority routes; or
  - (c) the exercise of the power in such manner or circumstances as may be specified in the instrument.
- (6) If a London authority exercise any power in contravention of this section, the Director may take such steps as he considers appropriate to reverse or modify the effect of the exercise of that power.
- (7) Any reasonable expenses incurred by the Director in taking any steps under subsection (6) above shall be recoverable by him from the London authority concerned as a civil debt.

## **61 Intervention powers**

- (1) Where it appears to the Director that a London authority have failed—
  - (a) to prepare a local plan in accordance with the requirements of section 54 of this Act; or
  - (b) to submit their local plan to him in accordance with those requirements,he may direct the authority to do so within such period as he may specify in the direction.
- (2) Where the Director has given such a direction, but the London authority concerned have not complied with it within a reasonable time, he may himself prepare a local plan on their behalf.
- (3) Where the Director refuses to approve a local plan under section 54 of this Act, the London authority concerned shall prepare and submit a new local plan under that section unless the Director serves written notice on them of his intention to exercise his powers under subsection (5) below.



- (4) In preparing any local plan in compliance with subsection (3) above, the London authority shall comply with any directions given to them by the Director.
- (5) If the Director—
- (a) has refused to approve a local plan which has been prepared in accordance with the requirements of section 54 of this Act; and
  - (b) has served on the London authority concerned a notice of the kind mentioned in subsection (3) above,
- he may himself prepare a local plan on behalf of that authority.
- (6) Where the Director prepares a local plan on behalf of a London authority under this section—
- (a) he shall consult—
    - (i) that authority;
    - (ii) the relevant Commissioner or, if appropriate, both Commissioners;
    - (iii) London Regional Transport;
    - (iv) such organisations representing the interests of people with a disability who may be affected by the plan as appear to the Director to be appropriate; and
    - (v) any other London authority within whose area there is situated any road which is not a priority route but which is, in his opinion, likely to be affected by any of the priority routes to which the plan relates; and
  - (b) any reasonable administrative expenses incurred by him in preparing the plan shall be recoverable by him from the authority as a civil debt.

## **62 Failure to implement local plans**

- (1) Where it appears to the Director that a London authority—
- (a) have not implemented, or are unlikely to implement, their local plan in accordance with the local plan timetable; or
  - (b) have not implemented, or are unlikely to implement, it in a satisfactory manner,
- he may direct the authority to take such steps as are required to implement it in accordance with the local plan timetable, or (as the case may be) to implement it in a satisfactory manner, in accordance with such other timetable as he may draw up and specify in the direction.
- (2) Where it appears to the Director that a London authority have acted in a manner which is incompatible with their local plan, he may direct them to take such steps as he considers appropriate with a view to securing, so far as is reasonably practicable, that the effects of that action are removed.
- (3) Where a London authority have failed to comply with a direction under subsection (1) or (2) above, the Director may (with the consent of the Secretary of State) take any steps which still remain to be taken by the authority in accordance with the terms of the direction.
- (4) The Secretary of State may limit his consent to the implementation by the Director of part only of the local plan, and where he does so the Director's powers under subsection (3) above shall be limited to implementing that part.

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- (5) For the purposes of enabling him to exercise the powers given to him by subsection (3) above, the Director shall have all the powers which the London authority concerned have in connection with the implementation of their local plan.
- (6) Anything done by the Director in the exercise of those powers shall be treated for all purposes as if it had been done by the London authority.
- (7) Where the Director proposes to exercise any of the powers of a London authority by virtue of subsection (5) above, he may direct that authority not to exercise those or any other powers, in such circumstances or in relation to such matters, as may be specified in the direction.
- (8) Where, having intervened under subsection (3) above, the Director is satisfied that continued intervention by him is unnecessary—
  - (a) he shall notify the London authority accordingly in writing; and
  - (b) with effect from the date on which that notice is served by him, any direction given by him with respect to his intervention shall cease to have effect.
- (9) Any reasonable administrative expenses incurred by the Director in the exercise of his powers under this section shall be recoverable by him from the London authority as a civil debt.