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SCHEDULES

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 3

MINOR AMENDMENTS

Energy Act 1976 (c. 76)

- 14 After sections 1 to 4 of the Energy Act 1976 (powers to control production and supply of fuel, &c.) insert—

“5 Sections 1 to 4: territorial application

- (1) A power under sections 1 to 4 may be exercised in relation to anything which is wholly or partly situated in, or to activity wholly or partly in—
- (a) the United Kingdom,
 - (b) the territorial sea of the United Kingdom, or
 - (c) an area designated under the Continental Shelf Act 1964 (c. 29).
- (2) Subsection (1) is without prejudice to section 2(2)(b).”

Highways Act 1980 (c. 66)

- 15 15 (1) At the end of section 90H(2) of the Highways Act 1980 (traffic calming works regulations) add—

“(d) provide that, in such cases or circumstances as the regulations may specify, works may be constructed or removed only with the consent of a police officer of such class as the regulations may specify.”

- (2) In section 329(1) of that Act (interpretation) for the definition of “traffic calming works” substitute—

““traffic calming works”, in relation to a highway, means works affecting the movement of vehicular or other traffic for the purpose of—

- (a) promoting safety (including avoiding or reducing, or reducing the likelihood of, danger connected with terrorism within the meaning of section 1 of the Terrorism Act 2000 (c. 11)), or
- (b) preserving or improving the environment through which the highway runs;”.

Road Traffic Regulation Act 1984 (c. 27)

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

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(2) In Part 2 (traffic regulation: special cases) after section 22B insert—

“22C Terrorism

- (1) An order may be made under section 1(1)(a) for the purpose of avoiding or reducing, or reducing the likelihood of, danger connected with terrorism (for which purpose the reference to persons or other traffic using the road shall be treated as including a reference to persons or property on or near the road).
- (2) An order may be made under section 1(1)(b) for the purpose of preventing or reducing damage connected with terrorism.
- (3) An order under section 6 made for a purpose mentioned in section 1(1)(a) or (b) may be made for that purpose as qualified by subsection (1) or (2) above.
- (4) An order may be made under section 14(1)(b) for a purpose relating to danger or damage connected with terrorism.
- (5) A notice may be issued under section 14(2)(b) for a purpose relating to danger or damage connected with terrorism.
- (6) In this section “terrorism” has the meaning given by section 1 of the Terrorism Act 2000 (c. 11).
- (7) In Scotland an order made, or notice issued, by virtue of this section is to be made or issued not by the traffic authority, if the traffic authority is the Scottish Ministers, but by the Secretary of State.
- (8) In Wales an order made, or notice issued, by virtue of this section may be made or issued only with the consent of the Secretary of State if the traffic authority is the National Assembly for Wales.

22D Section 22C: supplemental

- (1) An order may be made by virtue of section 22C only on the recommendation of the chief officer of police for the area to which the order relates.
- (2) The following shall not apply in relation to an order made by virtue of section 22C—
 - (a) section 3,
 - (b) section 6(5),
 - (c) the words in section 14(4) from “but” to the end,
 - (d) section 121B, and
 - (e) paragraph 13(1)(a) of Schedule 9.
- (3) Sections 92 and 94 shall apply in relation to an order under section 14 made by virtue of section 22C as they apply in relation to an order under section 1 or 6.
- (4) An order made by virtue of section 22C, or an authorisation or requirement by virtue of subsection (3) above, may authorise the undertaking of works for the purpose of, or for a purpose ancillary to, another provision of the order, authorisation or requirement.
- (5) An order made by virtue of section 22C may—

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- (a) enable a constable to direct that a provision of the order shall (to such extent as the constable may specify) be commenced, suspended or revived;
- (b) confer a discretion on a constable;
- (c) make provision conferring a power on a constable in relation to the placing of structures or signs (which may, in particular, apply a provision of this Act with or without modifications)."

(3) In section 67 (traffic signs: emergencies &c.) after subsection (1) insert—

“(1A) In subsection (1)—

- (a) “extraordinary circumstances” includes terrorism or the prospect of terrorism within the meaning of section 1 of the Terrorism Act 2000 (c. 11), and
- (b) the reference to 7 days shall, in the application of the subsection in connection with terrorism or the prospect of terrorism, be taken as a reference to 28 days;

but this subsection does not apply to a power under subsection (1) in so far as exercisable by a traffic officer by virtue of section 7 of the Traffic Management Act 2004 (c. 18).”

(4) In Schedule 9 (reserve powers of Secretary of State, Scottish Ministers and National Assembly for Wales)—

- (a) in paragraph 1, after “sections 1, 6, 9,” insert “ 14 (in so far as the power under that section is exercisable by virtue of section 22C), ”, and—
- (b) after paragraph 12 insert—

“12A Article 2 of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (SI 1999/1750) shall not apply to a provision of this Schedule in so far as it relates to the exercise of a power under this Act by virtue of section 22C.

12B A power conferred upon the Secretary of State by this Schedule shall, in so far as it relates to the exercise of a power under this Act by virtue of section 22C, be exercisable in relation to Wales by the National Assembly for Wales with the consent of the Secretary of State.”.

Roads (Scotland) Act 1984 (c. 54)

17 (1) After section 39B of the Roads (Scotland) Act 1984 (traffic calming works regulations) insert—

“39BA Prescribing of works for anti-terrorism purposes

(1) Where—

- (a) the construction of any traffic calming works is for the purpose of avoiding or reducing, or reducing the likelihood of, danger connected with terrorism within the meaning of section 1 of the Terrorism Act 2000, and
- (b) the function of constructing those works would, but for this section, be exercisable by the Scottish Ministers,

that function shall instead be exercisable by the Secretary of State.

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- (2) The power to make regulations under section 39B of this Act—
- (a) for the purpose of, or in connection with, avoiding or reducing, or reducing the likelihood of, danger connected with terrorism within the meaning of section 1 of the Terrorism Act 2000, and
 - (b) which would, but for this section, be exercisable by the Scottish Ministers,
- shall instead be exercisable by the Secretary of State.
- (3) Regulations under section 39B of this Act may, if they are made by virtue of subsection (2) above, provide that, in such circumstances as the regulations may specify, works may be constructed or removed only with the consent of a police officer of such class as the regulations may specify.”
- (2) In section 40 of that Act (interpretation of sections 36 to 39C) for the definition of “traffic calming works” substitute—
- ““traffic calming works”, in relation to a road, means works affecting the movement of vehicular or other traffic for the purpose of—
- (a) promoting safety (including avoiding or reducing, or reducing the likelihood of, danger connected with terrorism within the meaning of section 1 of the Terrorism Act 2000 (c. 11)), or
 - (b) preserving or improving the environment through which the road runs.”

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