

Status: Point in time view as at 23/02/2017.

Changes to legislation: There are currently no known outstanding effects for the High Speed Rail (London - West Midlands) Act 2017, Cross Heading: Power of Secretary of State to direct traffic authority to make traffic regulation order. (See end of Document for details)

SCHEDULES

SCHEDULE 25

TRAFFIC REGULATION

Power of Secretary of State to direct traffic authority to make traffic regulation order

- 4 (1) The Secretary of State may give a direction to a traffic authority requiring the authority to make a traffic regulation order if the Secretary of State considers that the making of such an order is—
- (a) necessary for the purposes of the timely, efficient and cost-effective construction of Phase One of High Speed 2, and
 - (b) reasonable in the circumstances.
- (2) Paragraph 1(2) does not apply (if it otherwise would) to the making of a traffic regulation order in pursuance of a direction under this paragraph.
- (3) Where a traffic authority makes a traffic regulation order in pursuance of a direction under this paragraph (a “relevant order”), the authority may not without the Secretary of State's consent make a further traffic regulation order which contains—
- (a) provision varying or revoking the relevant order, or
 - (b) provision as respects any length of road for any purpose where—
 - (i) an order has been made as respects that length of road for a similar purpose, and
 - (ii) that order has been varied or revoked by the relevant order.
- (4) The power to give a direction under this paragraph includes power to vary or revoke a previous direction given under this paragraph.
- 5 (1) This paragraph applies where, in pursuance of a direction under paragraph 4, a traffic authority is required to make an order under section 1, 6 or 9 of RTRA 1984.
- (2) The order is to be treated for the purposes of Part 3 and paragraph 28 of Schedule 9 to RTRA 1984, and regulations made under Part 3 of that Schedule, as if it were required to be made in pursuance of a direction under paragraph 2 of that Schedule.
- (3) The provisions mentioned in sub-paragraph (2) have effect accordingly, but as if—
- (a) paragraph 26(1) of Schedule 9 to RTRA 1984 (which requires the Secretary of State to take account of objections) were omitted,
 - (b) for the purposes of the application of paragraph 28 of Schedule 9 to RTRA 1984 (provision about the variation or revocation of certain orders)—
 - (i) the reference in that paragraph to Part 2 of that Schedule included a reference to paragraph 4(3) of this Schedule, and
 - (ii) any reference in that Part to paragraph 13(1)(e) and (f) of that Schedule were read instead as a reference to paragraph 4(3) of this Schedule, and

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- (c) any provision in regulations made under Part 3 of Schedule 9 to RTRA 1984 relating to the holding of a public inquiry were omitted.
- (4) Paragraph 35 of Schedule 9 to RTRA 1984 (provision for questioning validity of orders) has effect, in its application to the order, as if—
- (a) the reference in sub-paragraph (a) to the relevant powers were to those powers as they apply in the case of an order made in pursuance of a direction under paragraph 4 above, and
 - (b) the reference in sub-paragraph (b) to the relevant requirements were to those requirements as modified by sub-paragraph (3) above.
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- (1) This paragraph applies where, in pursuance of a direction under paragraph 4, a traffic authority is required to make an order under section 14 of RTRA 1984.
 - (2) Section 15 of RTRA 1984 (duration of orders under section 14) does not apply to the order.
 - (3) The order has effect for the period specified or described in the direction.
 - (4) The period specified or described by virtue of sub-paragraph (3) must be such as the Secretary of State considers is reasonable for the purposes of the construction of Phase One of High Speed 2.

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