

## SCHEDULES

### FIRST SCHEDULE

#### PROVISIONS AS TO MAKING, CONFIRMATION, COMING INTO OPERATION AND VALIDITY OF CERTAIN INSTRUMENTS

#### PART II

##### *Orders Restricting Traffic on certain Roads*

- 5 (1) Before an order under subsection (3) of section ninety-three of this Act is submitted to the Minister of Transport for confirmation, the authority by whom the order was made shall give notice in the prescribed form stating the effect of the order and that it has been made and is about to be submitted for confirmation, naming places in the locality to which the order relates where copies of the order may be inspected, and specifying the time (not being less than twenty-eight days) within which, and the manner in which, representations or objections with respect to the order may be made.
- (2) The notice to be given under the last foregoing sub-paragraph shall be given by publication in the London Gazette and in at least one local newspaper circulating in the locality in which the highway to which the order relates is situated.
- (3) If no representations or objections are duly made under the foregoing provisions of this paragraph, or if all representations or objections so made are withdrawn, the Minister of Transport may, if he thinks fit, confirm the order with or without modifications.
- (4) If any representation or objection duly made is not withdrawn, the said Minister may, and if the objection or representation was made by the highway authority shall, cause a local inquiry to be held, and after considering the representation or objection and, if such an inquiry is held, the report of the person appointed to hold it, may confirm the order with or without modifications.
- (5) Notwithstanding anything in the foregoing provisions of this paragraph, the said Minister shall not confirm an order under subsection (3) of section ninety-three of this Act with such modifications as to make the restrictions thereby imposed less stringent than those imposed by the order as submitted except after consultation with the authority by whom the order was made; and the said Minister shall not confirm such an order with such modifications as to make the said restrictions more stringent than those imposed as aforesaid except after—
- (a) giving such notice as appears to him requisite of his proposal so to modify the order;
  - (b) if he thinks fit, holding a local inquiry or affording to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by him for the purpose; and

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (c) considering the report of any person appointed under this sub-paragraph to hold an inquiry or to hear representations or objections, as the case may be.
- (6) As soon as may be after any such order as aforesaid has been confirmed, the authority by whom the order was made shall publish, in such manner as may be prescribed, notice of the fact that the order has been confirmed and of its effect, and naming a place where a copy thereof as confirmed may be inspected at all reasonable hours.
- 6 (1) Before the Minister of Transport makes an order under subsection (5) of section ninety-three of this Act he shall prepare a draft of the order and shall give notice, in the manner specified in sub-paragraph (2) of the last foregoing paragraph, stating that he proposes to make the order and the effect thereof, naming places in the locality to which the order relates where copies of the draft order may be inspected, and specifying the time (not being less than twenty-eight days) within which, and the manner in which, representations or objections with respect to the draft order may be made.
- (2) Sub-paragraphs (3), (4) and (6) of the last foregoing paragraph shall apply in relation to the making of an order under subsection (5) of section ninety-three of this Act, but subject to the following modifications:—
  - (a) for references to the last foregoing paragraph and to the confirming of an order there shall be substituted respectively references to this paragraph and to the making of an order;
  - (b) the reference in the said sub-paragraph (4) to the highway authority shall include a reference to the county or county borough council where that council is not the highway authority; and
  - (c) if any representation or objection duly made by the highway authority or the county or county borough council is not withdrawn, the order shall be subject to special parliamentary procedure.
- 7 (1) The Minister of Transport may, subject to the provisions of this Part of this Schedule, by regulations make such provision as to the procedure on the submission and confirmation of orders to which this Part of this Schedule applies as appears to him to be expedient.
- (2) In this Part of this Schedule the expression " prescribed " means prescribed by regulations made by the Minister of Transport.