
 STATUTORY INSTRUMENTS

1984 No. 1431**HIGHWAYS, ENGLAND AND WALES****The Cycle Tracks Regulations 1984**

<i>Made - - - -</i>	<i>5th September 1984</i>
<i>Laid before Parliament</i>	<i>6th September 1984</i>
<i>Coming into Operation</i>	<i>12th September 1984</i>

The Secretary of State for Transport, as respects England, and the Secretary of State for Wales, as respects Wales, make these Regulations in exercise of the powers conferred by section 3(4) of the Cycle Tracks Act 1984 (a), and of all other enabling powers:—

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Citation and commencement

1. These Regulations may be cited as the Cycle Tracks Regulations 1984 and shall come into operation on 12th September 1984.

Interpretation and application

2.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them:—

“the Act” means the Cycle Tracks Act 1984;

“the appointed person” means the person appointed by the Secretary of State to hold an inquiry;

“the authority”, in relation to any order, means the local highway authority making or proposing to make the order under the Act;

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

“the objection period” means the period specified in the notice required by Regulation 4 of these Regulations within which objections to an order may be made;

“operational land” means, in relation to statutory undertakers—

(a) 1984 c.38.

- (a) land which is used for the purpose of carrying on their undertaking; and
- (b) land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings;

“order” means, in relation to anything occurring or falling to be done before its making, the order as proposed to be made, and in relation to anything occurring or falling to be done on or after its making, the order as made; and

“statutory undertakers” has the same meaning as in section 2(3) of the Act and “statutory undertakings” shall be construed accordingly.

(2) These Regulations apply to orders made or proposed to be made by a local highway authority under section 3 of the Act.

(3) Regulations 3, 4, 7 and 10 of these Regulations apply to orders made or proposed to be made under section 3(9) of the Act with the substitution for the expression “footpath” of the expression “cycle track”.

Procedure before making an order

3. Before making an order the authority shall consult with—

- (a) one or more organisations representing persons who use the footpath to which the order relates or are likely to be affected by any provisions of the order, unless it appears to the authority that there is no such organisation which can appropriately be consulted;
- (b) any other local authority, parish council or community council within whose area the said footpath is situated;
- (c) those statutory undertakers whose operational land is crossed by the said footpath; and
- (d) the chief officer of police of any police area in which the said footpath is situated.

Procedure after making an Order

4. On making an order the authority shall—

- (a) publish once at least in a local newspaper circulating in the locality in which the footpath to which the order relates is situated a notice which
 - (i) describes the general effect of the order stating that it has been made and requires confirmation;
 - (ii) names a place in the locality in which the footpath to which the order relates is situated where a copy of the order may be inspected free of charge at all reasonable hours; and
 - (iii) specifies the period (not being less than 28 days from the date of the first publication of the notice) during which, and the address to which, objections to the order can be made and states that all objections must be made in writing and must specify the grounds thereof.
- (b) cause a copy of the said notice to be displayed in a conspicuous position at the ends of so much of the footpath to which the order relates as is affected by the order,

- (c) cause a copy of the said notice to be displayed in one or more places where public notices are usually displayed in the locality concerned, and
- (d) send a copy of the said notice to all those consulted under Regulation 3 of these Regulations.

Objections

5.—(1) Objections to an order may be made during the objection period.

(2) Any person wishing to object to an order shall send within the objection period, and to the address specified in the notice required by Regulation 4 of these Regulations, a written statement of his objection and of the grounds thereof.

Local Inquiries

6.—(1) Where an order is submitted to the Secretary of State for confirmation he shall, subject to paragraph (2) below, cause a local inquiry to be held.

(2) The Secretary of State may, if satisfied that in the circumstances of the case the holding of an inquiry under this Regulation is unnecessary, dispense with such an inquiry.

Notice of Inquiry

7.—(1) A date, time and place for the holding of the inquiry shall be fixed and may be varied by the Secretary of State, who shall give not less than 42 days notice in writing of the date, time and place to every objector.

Provided that—

- (a) with the consent in writing of the objectors the Secretary of State may give such lesser period of notice as may be agreed with them; and
- (b) where it becomes necessary or advisable to vary the time or place fixed for the inquiry, the Secretary of State shall give such notice of the variation as may appear to him to be reasonable in the circumstances.

(2) The authority shall—

- (a) not later than 21 days before the date of the inquiry, display a copy of the notice of the inquiry in a conspicuous place near to the footpath to which the order relates and also in one or more places where public notices are usually displayed in the locality concerned; and
- (b) if the Secretary of State so directs, publish in one or more newspapers circulating in the locality in which the footpath to which the order relates is situated such notices of the inquiry as he may specify.

Appointment of Inspectors etc.

8. The Secretary of State may, if he thinks fit, by notice served on the objectors or by the notice announcing the holding of the inquiry, direct that a decision as to whether the order the subject matter of the inquiry should be confirmed and, if so, as to the modifications (if any) subject to which it should

be confirmed, may be made by the appointed person instead of by the Secretary of State; and a decision made by the appointed person shall be treated as a decision of the Secretary of State.

Considerations of Objections at the Inquiry

9.—(1) Any person interested in the subject matter of a local inquiry may appear at the inquiry either in person or by counsel, solicitor or other representative.

(2) Any person so interested may, whether or not he proposes to appear at the inquiry, send to the appointed person at the address given in the notice referred to in Regulation 4 of these Regulations such written representations as he may wish to make in relation to the subject matter of the inquiry with a view to their consideration by the appointed person at the inquiry.

(3) The appointed person may—

- (a) refuse to hear any person, or to consider any objection or representation made by any person, if he is satisfied that the views of that person or the objection or representation are frivolous, and
- (b) refuse to hear any person if he is satisfied that the views of that person have already been adequately stated by some other person at the inquiry.

Notice of final decision on Orders

10.—(1) As soon as practicable after—

- (a) receiving notice of a decision of the Secretary of State to confirm an order in pursuance of his powers under section 3(3)(a) of the Act, or
- (b) a decision to confirm an order is made by the authority in pursuance of its powers under section 3(3)(b) of the Act,

the authority shall give notice—

- (i) describing the general effect of the order as confirmed and stating that it has been confirmed (with or without modification) and the date on which it took effect; and
- (ii) naming a place in the locality in which the footpath to which the order relates is situated where a copy of the order as confirmed may be inspected free of charge at all reasonable hours.

(2) A notice under paragraph (1) above shall be given—

- (a) by publication in the manner required by Regulation 4(a) of these Regulations,
- (b) by causing a copy of such notice to be displayed in the like manner as the notices required to be displayed under Regulation 4(b) of those Regulations, and
- (c) in any case where the order was subject to a local inquiry, by sending a copy to all persons who, having appeared at the inquiry or having submitted written representations in accordance with Regulation 9(2) of these Regulations, asked to be notified of the decision.

5th September 1984.

Nicholas Ridley,
Secretary of State for Transport.

5th September 1984.

Nicholas Edwards,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the procedure to be followed in connection with the making of orders under section 3 of the Cycle Tracks Act 1984. Provision is made requiring consultation before the making and notice to be given after the making of such an order, for enabling the Secretary of State to cause local inquiries to be held and requiring notice of such inquiries to be given, dealing with the consideration of objections at inquiries, for enabling the Secretary of State to direct that the inquiry inspector take the decisions following such an inquiry and for notice to be given of the confirmation of such an order.

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