
STATUTORY INSTRUMENTS

1990 No. 1656

**The Secretary of State's Traffic Orders (Procedure)
(England and Wales) Regulations 1990**

PART II

Procedure before making an order

Preliminary

4. This Part of these Regulations has effect subject to Part IV of these Regulations (which contains provisions relating to particular orders).

Consultation

5.—(1) Before making any order to which these Regulations apply the Secretary of State shall consult with the chief officer of any police area in which any road or other place to which the order is to relate is situated.

(2) The consultation referred to in paragraph (1) of this regulation is additional to any consultation required by the 1984 Act.

Publication of proposals

6.—(1) Before making an order the Secretary of State shall—

- (a) publish once at least in a local newspaper circulating in the area in which any road or other place to which the order relates is situated a notice of proposals containing the particulars specified in Part I of Schedule 1;
- (b) publish a similar notice in the London Gazette;
- (c) send to the relevant local authority a copy of the notice and a copy of the order as drafted;
- (d) if it appears to the Secretary of State that it would be desirable in the interests of giving adequate publicity to the order, comply with the relevant requirements of Schedule 2 as to the notices to be displayed in each road to which the order relates;
- (e) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection.

(2) Where the order is one which relates to a road, or to roads, situated in more than one locality, it shall be sufficient for the purposes of this regulation if the notice published in each local newspaper states the general nature and effect of the order so far as it affects the road or roads situated in the locality in which that newspaper circulates and names or otherwise describes only the road or roads so affected in that locality, but the notice in the London Gazette shall state the general nature and effect of the entire order and name or otherwise describe the whole road, or all the roads, to which the order relates.

Objections

7.—(1) Any person desiring to object to an order shall send to the address specified in the notice of proposals published under regulation 6 a written statement of his objection and the grounds on which it is made.

(2) The statement shall be sent to that address on or before—

- (a) the date specified in the notice of proposals published under regulation 6, or
- (b) the expiration of 21 days after the Secretary of State has complied with regulation 6(1) (a) and (b),

whichever is the later.

Notice of public inquiry

8.—(1) Where the Secretary of State decides, before publishing the notice of proposals under regulation 6, to hold a public inquiry, the notice of proposals shall contain, in addition to the particulars required by that regulation, the particulars specified in Part II of Schedule 1.

(2) In all other cases where, in connection with an order, a public inquiry is to be held the Secretary of State shall, after complying with the requirements of regulation 6—

- (a) publish once at least in a local newspaper circulating in the area in which any road or other place to which the order relates is situated a notice of the inquiry containing the particulars specified in Part III of Schedule 1;
- (b) publish a similar notice in the London Gazette;
- (c) not later than the date of the first publication of the notice required by sub-paragraph (a) of this paragraph, inform in writing any person who has objected to the order in accordance with regulation 7 and who has not withdrawn the objection, of the date, time and place of the inquiry;
- (d) send to the relevant local authority a copy of the notice;
- (e) if it appears to the Secretary of State that it would be desirable in the interests of giving adequate publicity to the inquiry, comply with the relevant requirements of Schedule 2 as to the notices to be displayed in each road to which the order relates;
- (f) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection.

(3) Paragraph (2) of regulation 6 shall apply in relation to the publication of a notice under paragraph (2) of this regulation as it applies in relation to the publication of a notice of proposals under regulation 6.

(4) Where the notice of proposals published under regulation 6 announces the holding of a public inquiry, there shall be at least 42 days between the date that the Secretary of State complies with paragraph (1)(a) and (b) of that regulation and the date when the public inquiry is due to begin.

(5) Where a notice of a public inquiry is published under sub-paragraphs (a) and (b) of paragraph (2), there shall be at least 42 days between whichever is the later of—

- (a) the last day on which an objection can be sent under regulation 7, or
- (b) the date when the Secretary of State complies with those sub-paragraphs,

and the date that the inquiry is due to begin.

Procedure at a public inquiry

9.—(1) Any person interested in the subject matter of a public 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 address given in the notice of proposals published under regulation 6(1) for the receipt of objections, 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 that person at the inquiry.

(3) The person holding the inquiry may 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 or that such views have already been adequately stated by some other person at the inquiry.

(4) Subject as aforesaid, the procedure at the inquiry shall be in the discretion of the person holding it.

Consideration of objections

10. Before making the order the Secretary of State shall consider all objections duly made in accordance with regulation 7 and not withdrawn and also the report and recommendations (if any) of the person holding any public inquiry in connection with the order.

Modifications

11.—(1) The Secretary of State may make the order with modifications (whether in consequence of any objections or otherwise).

(2) Where the Secretary of State proposes to make an order with modifications which appear to him to make a substantial change in the order, he shall before making the order take such steps as appear to him to be appropriate for—

- (a) informing the persons likely to be affected by the modifications, and
- (b) giving to those persons an opportunity to make representations in connection with the modifications,

and shall consider any such representations which are made to him.

(3) In this regulation, “modifications” shall be construed as including additions, exceptions and other modifications of any description.