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STATUTORY INSTRUMENTS

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**1995 No. 2767**

**ROAD TRAFFIC**

**The Control of Dogs on Roads Orders (Procedure)  
(England and Wales) Regulations 1995**

<i>Made</i>	- - - -	<i>19th October 1995</i>
<i>Laid before Parliament</i>		<i>2nd November 1995</i>
<i>Coming into force</i>	- -	<i>11th December 1995</i>

The Secretary of State for Transport, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by section 27(6) of the Road Traffic Act 1988<sup>(1)</sup> and of all other powers enabling them in that behalf, and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby make the following Regulations:

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**Commencement and citation**

1. These Regulations may be cited as the Control of Dogs on Roads Orders (Procedure) (England and Wales) Regulations 1995 and shall come into force on 11th December 1995.

**Revocation and transitional provisions**

2.—(1) Subject to paragraph (2) below, the Control of Dogs on Roads Orders (Procedure) (England and Wales) Regulations 1962<sup>(2)</sup> and the Control of Dogs on Roads Orders (Procedure) (England and Wales) (Amendment) Regulations 1965<sup>(3)</sup> are hereby revoked.

(2) Where a notice relating to an order has been published pursuant to regulation 3(b) or 11 of the Control of Dogs on Roads Orders (Procedure) (England and Wales) Regulations 1962, those Regulations shall continue to apply to that order as if they had not been revoked and nothing in these Regulations shall apply to the order.

**Interpretation**

3. A reference in regulation 2 or regulations 5 to 10 below to an order is a reference to an order or a proposed order, as appropriate and, in the case of a proposed order, any reference to the effect of the order (however expressed) is a reference to its effect if it were to be made.

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(1) 1988 c. 52.  
(2) S.I.1962/2340.  
(3) S.I. 1965/640.

### **Application of Regulations**

4. These Regulations apply to orders made or proposed to be made by a local authority falling within section 27(7)(a) of the Road Traffic Act 1988.

### **Procedure before making an order**

5. Before making an order, a local authority shall—
- (a) without prejudice to section 27(5) of the Road Traffic Act 1988, consult such organisations (if any) representing persons likely to be affected by any provision in the order as it thinks appropriate; and
  - (b) publish once at least, in a local newspaper circulating in the area in which any length of road to which the order relates is situated, a notice in the form and containing the particulars specified in Part I of the Schedule to these Regulations.

### **Inspection**

6.—(1) During the period mentioned in paragraph (2) below, there shall be made available for inspection at the principal offices of the local authority during normal office hours and at such other places (if any) within its area as it may think fit during such hours as it may determine for each such place, the following documents—

- (a) a copy of the notice published under regulation 5(b);
- (b) a copy of the order; and
- (c) a map which clearly indicates in distinguishing colours or markings all lengths of road to which the order relates.

(2) The period referred to in paragraph (1) above, is the period beginning on the date of publication of the notice under regulation 5(b), and ending at the expiration of the period during which objections to the order may be sent under regulation 7.

### **Objections**

7.—(1) Any person desiring to object to an order shall send to the local authority, at the address specified in the notice published under regulation 5(b), a written statement of his objection and the grounds on which it is made on or before the date specified in the notice.

(2) Before making an order the local authority shall consider all objections duly made under this regulation and not withdrawn.

### **Notification of decision to make an order by the local authority**

8.—(1) After the local authority has decided to make an order, the decision shall be notified in writing to—

- (a) the chief officer of police who is required to be consulted under section 27(5) of the Road Traffic Act 1988; and
- (b) each person who has duly objected to the order under regulation 7 and has not withdrawn his objection.

(2) Where an objection made under regulation 7 has not been, or not wholly been, acceded to, the local authority shall notify in writing the person making the objection of the reasons for the decision.

### **Procedure after order is made**

9. After an order is made, the local authority shall—

- (a) within 14 days of the making of the order publish in a local newspaper circulating in the area in which any length of road to which the order relates is situated a notice in the form and containing the particulars specified in Part II of the Schedule to these Regulations;
- (b) forthwith keep available for inspection at its principal offices during normal office hours a copy of the order as made and a map showing all lengths of road to which the order relates; and
- (c) forthwith take all such steps as are reasonably practicable to cause to be erected on or near to the lengths of road to which the order relates signs in such positions as the local authority may consider to be appropriate for ensuring that adequate information about the order is given to persons likely to be affected by its provisions.

**Special provision for certain orders**

**10.** Regulations 5,6,7,8(1)(b) and (2) shall not apply to—

- (a) an order which revokes and re-enacts another order or a provision of another order, but has no further affect, or
- (b) an order which revokes another order or a provision of another order, but has no other effect.

18th October 1995

*Steven Norris*  
Parliamentary Under Secretary of State,  
Department of Transport

19th October 1995

*William Hague*  
Secretary of State for Wales

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

SCHEDULE

FORMS OF NOTICE RELATING TO ORDERS

**PART I**

FORM OF NOTICE OF PROPOSAL TO MAKE AN ORDER

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

The (a)

The (b) propose to make an order under section 27 of the Road Traffic Act 1988 the effect of which will be (c)

A copy of the order, a notice of the order and a map showing the length(s) of road that will be affected are available for inspection at (d)

during the following hours (e)

Any objection to the proposal must be made in writing, must state the grounds upon which the objection is made and must be sent to the undersigned by (f)

(Name and address of Proper Officer of Local Authority)

## NOTES

- (a) Here insert title of the order;
- (b) Here insert name of local authority proposing to make the order;
- (c) Here insert a brief statement of general nature and effect of the order;
- (d) Here insert addresses where the order, notice of order and map will be available for inspection;
- (e) Here insert hours during which the order, notice of order and map will be available for inspection; and
- (f) Here insert date not less than 21 days from the date of first publication of the notice in the local newspaper.

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## **PART II**

FORM OF NOTICE OF MAKING OF AN ORDER

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

The (a)

On the (b) the (c)

made an order under section 27 of the Road Traffic Act 1988 the effect of which is to (d)

A copy of the order, notice of the order and a map showing the length(s) of road that will be affected are available for inspection at (e)

during the following hours (f)

(Name and address of Proper Officer of Local Authority)

#### NOTES

- (a) Here insert title of the order;
- (b) Here insert date of making of the order;
- (c) Here insert name of local authority making the order;
- (d) Here insert a brief statement of general nature and effect of the order;
- (e) Here insert addresses where the order, notice and map will be available for inspection; and
- (f) Here insert hours during which the order, notice of order and map will be available for inspection.

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke and re-enact with modifications the Control of Dogs on Roads Orders (Procedure) (England and Wales) Regulations 1962. The principal modification is that the regulations which gave local authorities the power to hold public inquiries and specified the procedure for such inquiries have not been re-enacted. The remaining modifications consist of minor drafting changes.

The Regulations apply to England and Wales and prescribe the procedure to be followed by local authorities when making orders under section 27 of the Road Traffic Act 1988. Such orders specify lengths of road on which dogs must be held on a lead.