

EXPLANATORY MEMORANDUM TO
THE TRAFFIC SIGNS (AMENDMENT) (ENGLAND AND WALES) REGULATIONS
AND GENERAL DIRECTIONS 2017

2017 No. 1086

1. Introduction

- 1.1 This explanatory memorandum has been prepared by The Department for Transport and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This instrument amends the Traffic Signs Regulations 2016 and the Traffic Signs Directions 2016, together cited as the Traffic Signs Regulations and General Directions 2016 – SI 2016/362 (“TSRGD 2016”), to correct errors and improve clarity.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 As this instrument corrects errors it is being issued free of charge to all known recipients of TSRGD 2016.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 By virtue of section 64 of the Road Traffic Regulation Act 1984 (“RTRA”), the design of a traffic sign placed in Great Britain must be specified through regulations (currently being the TSRGD 2016) made by the relevant national authority (unless the sign is specifically authorised). Section 65 gives power to the relevant national authority to give general directions to traffic authorities about how traffic signs are placed. Traffic authorities are responsible for the management of their traffic network to enable expeditious movement of traffic, including pedestrians and cyclists, as required. Once the amendments to the RTRA made by the Wales Act 2017 (c. 4) are in force, Welsh Ministers will be the national authority as respects Wales for functions of the national authority under section 64 and 65 (provided the function is being exercised within devolved competence).

5. Extent and Territorial Application

- 5.1 The extent of this instrument is England and Wales.
- 5.2 The territorial application of this instrument is England and Wales.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

- 7.1 Traffic signs are strictly regulated to ensure consistency of traffic sign design and use, in order to maximise accessibility to road users.
- 7.2 This instrument corrects a number of errors contained in TSRGD 2016 and makes some other changes for clarity. The most urgent correction relates to no entry signs. Under TSRGD 2016's predecessor, the breach of a no entry sign relating to the use of a motor vehicle was punishable by discretionary disqualification and endorsement with three penalty points. This should have been carried over into TSRGD 2016 but was not. This error has been rectified through the application of section 36 of the Road Traffic Act 1988 to the sign and specifying the sign for the purposes of column 5 of the entry in Schedule 2 to the Road Traffic Offenders Act 1988. The other errors that have been corrected and the clarification that has been given are set out in the Explanatory Note to the instrument.

Consolidation

- 7.3 This instrument corrects errors in TSRGD 2016. Given this, and given that TSRGD 2016 was a major consolidation and updating exercise, a consolidation has not been done by the present amending instrument.

8. Consultation outcome

- 8.1 Due to the limited scope of the amending instrument, a 4-week consultation was carried out during November and December 2016, involving a small number of prominent traffic signs industry experts. Those consulted included: the police, the Devolved Administrations, the Local Government Association, Highways England, the Office of Rail and Road, the Institute of Highway Engineers and the Association for Road Traffic Safety and Management.
- 8.2 The consultation sought comments on a number of errors in TSRGD 2016 that had been identified by practitioners since the introduction of that instrument. Some further potential errors were identified during the consultation. Some have been corrected by this instrument, others remain under consideration.

9. Guidance

- 9.1 These amendments will be set out in an updated edition of the DfT Circular that concerns TSRGD 2016. This Circular is aimed at traffic authorities and their agents. It can be downloaded from <https://www.gov.uk/government/publications/traffic-signs-regulations-and-general-directions-2016-an-overview>

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 The impact on the public sector is minimal. The changes correct errors. Highway authorities have the choice whether or not to place traffic signs.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 TSRGD 2016 must be reviewed by the Secretary of State from time to time by virtue of review provisions contained in it. The first review must be done within 5 years of the coming into force of TSRGD 2016 (which was 22nd April 2016). The Department will be kept informally updated by highway authorities on how the provisions are working in practice.

13. Contact

13.1 Sally Gibbons at the Department for Transport Tel: 0207 944 2917 or e-mail: sally.gibbons@dft.gsi.gov.uk can answer any queries regarding the instrument.