

**EXPLANATORY MEMORANDUM TO**  
**THE BIRMINGHAM COMMONWEALTH GAMES (CONCURRENT EXERCISE**  
**OF TRAFFIC MANAGEMENT POWERS) REGULATIONS 2022**

**2022 No. 80**

**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.

**2. Purpose of the instrument**

2.1 The Secretary of State has directed the West Midlands Combined Authority (“the Authority”) to produce a plan to address transport matters relating to the Birmingham Commonwealth Games 2022 (“the Games”). This instrument enables the Authority to exercise traffic management powers concurrently with local traffic authorities (“LTAs”) to effectively manage traffic for the Games.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

3.1 None.

**4. Extent and Territorial Application**

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

**5. European Convention on Human Rights**

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

**6. Legislative Context**

6.1 Section 26 of the Birmingham Commonwealth Games Act 2020 (c. 10) (“the Act”) provides that traffic management powers under the Road Traffic Regulation Act 1984 (c. 27) can be used for temporary prohibition or restriction on roads for the purposes of implementing a Games transport plan, facilitating transport services in connection with the Games and facilitating travel by any person for a purpose connected to the Games (“Games purposes”).

6.2 Section 27 of the Act allows the Secretary of State to make regulations to enable the Authority to exercise these powers concurrently with LTAs, should LTAs consent to this. This instrument is being made to give effect to section 27(2) of the Act by specifying the LTAs, all of which have given consent.

## **7. Policy background**

### *What is being done and why?*

- 7.1 The Act extends the circumstances under which traffic authorities for roads in England can make a temporary traffic regulation order (“TTRO”) or issue a temporary traffic regulation notice (“TTRN”) to include Games purposes. This is because there are various essential games-time activities, such as facilitating transport for athletes and officials and implementing measures to minimise disruption for regular transport users, that cannot be delivered expeditiously without road traffic regulation powers.
- 7.2 Both TTROs and TTRNs can be used to impose directions, restrictions or prohibitions upon road use, including footpaths, cycle tracks and other types of highways, that the traffic authority may consider necessary. They can apply to identified classes of vehicle, motorised or not, or pedestrians. TTROs provide for longer-term temporary restrictions but a proposal to make one needs to be publicised 7 days prior to it being made, whereas TTRNs are a short-term measure that can be used where the traffic authority is satisfied that the restriction or prohibition should come into force without delay.
- 7.3 The Authority was directed by the Secretary of State to prepare a Games transport plan on 23rd October 2020. While the Authority is not a traffic authority, the Act provides a means for it to make a TTRO or issue a TTRN for Games purposes. LTAs that are affected by games-time transport operations have agreed that the Authority may exercise the powers to make TTROs and issue TTRNs for Games purposes concurrently on roads for which they are responsible. Agreement from the relevant LTA is also required for specific TTROs and TTRNs that the Authority wishes to make or issue.
- 7.4 It is expected that exercising these powers concurrently will lead to more efficient and coordinated action between LTAs and the Authority in terms of games traffic management measures, particularly where such measures cross LTA boundaries.

## **8. European Union Withdrawal and Future Relationship**

- 8.1 This instrument does not relate to withdrawal from the European Union.

## **9. Consolidation**

- 9.1 No consolidation is being done as it is not relevant to this instrument.

## **10. Consultation outcome**

- 10.1 No consultation was undertaken. However, this instrument is being made following consent from LTAs that the Authority may exercise games traffic management powers concurrently.

## **11. Guidance**

- 11.1 Guidance is not required.

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because it is not expected to have a significant impact on the private, public or voluntary sectors.

### **13. Regulating small business**

13.1 This instrument does not apply to activities that are undertaken by small businesses.

### **14. Monitoring & review**

14.1 Formal monitoring of this instrument is not planned. The Authority and LTAs will take forward traffic management planning for the Games, including the specific TTROs and TTRNs that are required and whether these are made or issued more appropriately by the LTA or by the Authority. The Act provides that TTROs and TTRNs made for Games purposes may only take effect during a 38-day period (7th July – 13th August 2022) so the application of this instrument is limited. However, should a formal ‘lessons learned’ exercise take place at a later date, as is common following major sporting events such as the Commonwealth Games, this will include a review of all supporting legislation, of which this instrument is a part.

14.2 This instrument does not include a statutory review clause.

### **15. Contact**

15.1 David Taylor at the Department for Transport, 07977 420406 or [david.taylor@dft.gov.uk](mailto:david.taylor@dft.gov.uk), can be contacted with any queries regarding the instrument.

15.2 Andy Rhind, Deputy Director for Midlands, South West and Regional Programmes at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.

15.3 Baroness Vere of Norbiton, Parliamentary Under Secretary of State at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.