

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 4

CONTROL OF OFF-STREET PARKING

PART I

PROVISIONS AS TO THE MAKING OF REGULATIONS UNDER SECTION 43

1 Before deciding to propose the making of regulations under section 43 of this Act with respect to any matter, [^{F1}the local authority] shall consult with such representative organisations as they think fit and, if after such consultation they decide to make such a proposal, they shall cause to be published in the London Gazette and in one or more daily newspapers circulating throughout Greater London a notice stating that they propose to make such regulations, giving a summary of their effect, and specifying—

- (a) a place at which provisional draft regulations may be inspected at all reasonable hours and from which a copy of those draft regulations may be obtained on request; and
- (b) a date (not being earlier than six weeks after the date of publication of the notice) by which representations with respect to the draft regulations, which should include the grounds for any objection thereto, must be sent in writing to [^{F1}the local authority];

and on causing such a notice to be published [^{F1}the local authority] shall send a copy of the notice and of the draft regulations to the Secretary of State ^{F2}. . . ; and [^{F1}the local authority] shall not make any regulations in pursuance of the proposal to which the notice relates before the expiration of the period of twelve weeks beginning with the date when the notice is published.

Textual Amendments

- F1** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(38\)\(a\)\(i\)](#)
- F2** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), 102(2)(3), [Sch. 5 para. 4\(38\)\(a\)\(ii\)](#), Sch. 17

2 As soon as may be after the date specified by the notice for the making of representations with respect to the draft regulations, [^{F3}the local authority] shall send to the Secretary of State copies of all representations received by them by that date or, if no representations have been so received, shall inform the Secretary of State in writing of that fact.

Textual Amendments

- F3** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(38\)\(b\)](#)

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- 3 In the case of any proposal, the Secretary of State may at any time before the expiration of the period of twelve weeks give to [^{F4}the local authority] a direction in writing that, except with the consent of the Secretary of State, regulations shall not be made in pursuance of that proposal—
- (a) with respect to all, or with respect to such as may be specified, of the matters to which the proposal relates; or
 - (b) in relation to, or to a specified part of, any specified area which has been or is proposed to be designated as a controlled area;
- and on any such direction being given the Secretary of State shall cause notice thereof to be published in the London Gazette and [^{F4}the local authority] shall comply with that direction.

Textual Amendments

F4 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 2, 8\(1\), Sch. 5 para. 4\(38\)\(b\)](#)

- 4 (1) Where in the case of any proposal the Secretary of State has given a direction, he shall as soon thereafter as he is in a position to do so notify [^{F5}the local authority] in writing with respect to each of the matters or areas to which the direction relates either—
- (a) that he consents to the making of regulations with respect to that matter or in relation to that area in pursuance of that proposal; or
 - (b) that he is not prepared in any circumstances to consent to the making of such regulations in pursuance of that proposal; or
 - (c) that subject to sub-paragraph (2) below he is prepared to consider consenting to the making of such regulations in pursuance of that proposal if a revised draft is submitted to him for the purpose incorporating modifications of a specified nature or in other specified circumstances;
- and before deciding the notification to be given to [^{F5}the local authority] under this paragraph with respect to any matter or in relation to any area the Secretary of State may if he thinks fit appoint a person to hold any inquiry in connection with that matter or area, and subsections (2) to (5) of section 250 of the ^{M1}Local Government Act 1972 shall apply to any such inquiry as they apply to such an inquiry as is referred to in subsection (1) of that section, with the substitution for any reference to a department of a reference to the Secretary of State.
- (2) The Secretary of State shall not consider any such revised draft as is referred to in sub-paragraph (1)(c) above unless he is satisfied that [^{F5}the local authority]—
- (a) have taken appropriate steps to inform any persons affected by the modifications incorporated in the revised draft of the nature of those modifications and have afforded those persons a reasonable opportunity to make representations with respect to the revised draft regulations; and
 - (b) have supplied the Secretary of State with copies of any such representations made.

Textual Amendments

F5 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 2, 8\(1\), Sch. 5 para. 4\(38\)\(b\)](#)

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Marginal Citations

M1 1972 c. 70(81:1).

- 5 (1) In the case of any proposal, [^{F6}the local authority] may if they think fit at any time after the expiration of the period of twelve weeks make regulations in pursuance of that proposal with respect to any matter or in relation to any area which is not the subject of a direction under paragraph 3, or which is the subject of a consent under paragraph 4(1)(a) above, being regulations either—
- (a) in the form of the provisional draft with any modifications necessary in consequence of any such direction with respect to any other matter or area; or
 - (b) subject to sub-paragraph (2) below, in the form of that draft modified in such manner as [^{F6}the local authority] think fit, whether as a result of any representations to which paragraph 2 above applies or otherwise.
- (2) [^{F6}The local authority] shall not make any regulations by virtue of subparagraph (1) (b) above unless a draft of the regulations in the form in which they are to be made has been submitted to the Secretary of State and the Secretary of State has given his consent to their being made.

Textual Amendments

F6 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(38\)\(b\)](#)

- 6 In deciding in the case of any proposal whether or not to make any regulations in pursuance thereof by virtue of paragraph 5 above [^{F7}the local authority] shall have regard to any representations to which paragraph 2 above applies; and in deciding whether or not to give any consent under this Part of this Schedule to the making of regulations by [^{F7}the local authority] in pursuance of any such proposal, the Secretary of State shall have regard to any such representations, to the report of any person appointed to hold an inquiry under paragraph 4 above in connection with the proposal in question, and to any such representations as are referred to in subparagraph (2) of paragraph 4; and the Secretary of State shall cause notice of the giving by him of any consent under this Part of this Schedule to be published in the London Gazette.

Textual Amendments

F7 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 4\(38\)\(b\)](#)

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