

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1985, Cross Heading: Guidance as to exercise of traffic powers in Greater London and metropolitan counties. (See end of Document for details)

SCHEDULES

SCHEDULE 5

ROAD TRAFFIC

^{F1}PART II

SUPPLEMENTARY PROVISIONS RELATING TO ROAD TRAFFIC

Textual Amendments

F1 Sch. 5 Pt. II repealed (so far as relating to Greater London) (3.7.2000) by 1999 c. 29, ss. 294(1)(c), 423, Sch. 34 Pt. VI (with s. 294(2)-(8), Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch. Pt. III

Guidance as to exercise of traffic powers in Greater London and metropolitan counties

- 6 (1) For the purpose of ensuring that the exercise by a council in [^{F1}Greater London or] a metropolitan county of the traffic powers specified below in relation to councils of its class does not have an adverse effect on traffic or any class of traffic or parking places or any class of parking place in any part of ^{F1}. . . that county, other than the area of that council, the Secretary of State may issue guidance as to the manner in which, in relation to roads [^{F2}other than those for which he is the traffic authority]—
- ^{F3}(a)
- (b) the councils of metropolitan districts should exercise their powers to make, vary or revoke orders under or by virtue of sections 1, 9, 19, 32, 35, 37, 38, 45, 46, 49(2) and (4), 53, 83(2) and 84 of that Act.
- (2) Before issuing any such guidance the Secretary of State shall consult—
- (a) the chief officers of police for the areas to which the guidance relates; [^{F4}and]
- ^{F4}(b)
- (3) ^{F5}. . . the council of a metropolitan district shall, before exercising any power specified in sub-paragraph (1)(b) above—
- (a) have regard to any guidance issued to it under this paragraph;
- (b) have regard to any direct effect which the proposed exercise would have on traffic or any class of traffic—
- (i) on a [^{F6}road for which the Secretary of State is the traffic authority];
or
- (ii) on any other road in the area of another local authority;
- (c) if the proposed exercise would have such an effect, consult the Secretary of State in the case of a [^{F7}road for which he is the traffic authority], or the other local authority in the case of any other road; and

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- (d) comply with procedures prescribed by regulations made by the Secretary of State.
- (4) Where the council of a ^{F8} . . . metropolitan district takes any action which, in the opinion of the Secretary of State—
- (a) is contrary to any guidance issued to the council under this paragraph; and
 - (b) has or is likely to have an adverse effect on traffic or any class of traffic or parking places or any class of parking place in any part of ^{F8} . . . that county, other than the area of that council,
- the Secretary of State may, after consulting the council, direct it to take such steps within a period specified by him as may be necessary to conform with that guidance.
- (5) If, in the opinion of the Secretary of State, a council fails to comply with a direction under sub-paragraph (4) above, he may exercise any of its powers for the purpose of giving effect to the direction; and any expenses reasonably incurred by him in doing so shall be recoverable by him from the council [^{F9}as a debt due to the Crown].
- (6) Where, in the opinion of the Secretary of State—
- (a) the council of a ^{F10} . . . metropolitan district fails to act in accordance with any guidance issued to it under this paragraph; and
 - (b) that failure has or is likely to have such an adverse effect as is mentioned in sub-paragraph (4)(b) above,
- the Secretary of State, after consulting the council, may exercise any of its powers for the purpose of conforming with that guidance; and any expenses reasonably incurred by him in doing so (including any expenses reasonably incurred in maintaining any traffic signs placed, or in continuing or maintaining any works commenced, by virtue of this sub-paragraph) shall be recoverable by him from the council summarily as a civil debt.

^{F11}(7)

Textual Amendments	
F1	Words in Sch. 5 para. 6(1) repealed (3.7.2000) by 1999 c. 29, ss. 294(1)(c), 423, Sch. 34 Pt. VI (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch. Pt. III
F2	Words in Sch. 5 para. 6(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), Sch. 8, Pt. IV, para. 116(2) ; S.I. 1991/2288, art. 3, Sch.
F3	Sch. 5 para. 6(1)(a) repealed (3.7.2000) by 1999 c. 29, ss. 294(1)(c), 423, Sch. 34 Pt. VI (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch. Pt. III
F4	Sch. 5 para. 6(2)(b) and the word “and” immediately preceding it repealed (3.7.2000) by 1999 c. 29, ss. 294(1)(c), 423, Sch. 34 Pt. VI (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch. Pt. III
F5	Words in Sch. 5 para. 6(3) repealed (3.7.2000) by 1999 c. 29, ss. 294(1)(c), 423, Sch. 34 Pt. VI (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch Pt. III
F6	Words in Sch. 5 para. 6(3)(b)(i) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), Sch. 8, Pt. IV, para. 116(3)(a) ; S.I. 1991/2288, art. 3, Sch.
F7	Words in Sch. 5 para. 6(3)(c) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), Sch. 8, Pt. IV, para. 116 (3)(b) ; S.I. 1991/2288, art. 3, Sch.
F8	Words in Sch. 5 para. 6(4) repealed (3.7.2000) by 1999 c. 29, ss. 294(1)(c), 423, Sch. 34 Pt. VI (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, Sch. Pt. III
F9	Words in Sch. 5 para. 6(5) substituted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, Sch. 7 para. 9(2) (with s. 79(1)); S.I. 1991/2054, art. 3, Sch.

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- F10** Words in Sch. 5 para. 6(6)(a) repealed (3.7.2000) by 1999 c. 29, ss. 294(1)(c), 423, **Sch. 34 Pt. VI** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch. Pt. III**
- F11** Sch. 5 para. 6(7) repealed (3.7.2000) by 1999 c. 29, ss. 294(1)(c), 423, **Sch. 34 Pt. VI** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch. Pt. III**

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