

## SCHEDULES

### SCHEDULE 5

#### ROAD TRAFFIC

#### PART II

##### SUPPLEMENTARY PROVISIONS RELATING TO ROAD TRAFFIC

###### *Designation of roads in Greater London*

- 5 (1) For the purpose of facilitating the movement of traffic in Greater London the Secretary of State may by order designate a road in that area under this paragraph; but before doing so he shall consult—
- (a) the council of the London borough in which the road is;
  - (b) the council of any other London borough or of any county where there is a road which the Secretary of State considers likely to be affected by the designation ; and
  - (c) any other body which the Secretary of State thinks it expedient to consult.
- (2) Where the council of a London borough proposes to exercise a power to which this paragraph applies, it shall give notice of its proposal to the Secretary of State in such manner as he may require; and the council shall not exercise that power unless—
- (a) it has given such notice; and
  - (b) either—
    - (i) the Secretary of State has approved the proposal; or
    - (ii) one month from the date of his receipt of the notice has expired without his having objected to the proposal.
- (3) Subject to sub-paragraphs (4) and (5) below, this paragraph applies to any power to prohibit, restrict or otherwise regulate traffic or any class of traffic or the use of any parking place or class of parking place—
- (a) on a designated road ; or
  - (b) on any other road if its use directly affects—
    - (i) traffic or any class of traffic using a designated road ; or
    - (ii) the use of any parking place or class of parking place on a designated road.
- (4) The Secretary of State may by an instrument in writing exclude any power from the application of this paragraph to the extent specified in the instrument, and any such instrument may in particular exclude a power—
- (a) as respects one or more than one London borough ;
  - (b) as respects all traffic or parking places or any class of traffic or parking place;
  - (c) as respects all designated roads or one or more of them.

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*Status: This is the original version (as it was originally enacted).*

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- (5) In relation to a road falling within sub-paragraph (3)(b) above, this paragraph does not apply to a power under section 14 or sections 32 to 38 of the 1984 Act.
- (6) If, contrary to the provisions of sub-paragraph (2) above, the council of a London borough places a traffic sign or carries out other works on or near a road, the Secretary of State may take such steps as he considers appropriate to remove the sign or reverse or modify the effect of the works; and any expenses reasonably incurred by him in doing so shall be recoverable by him from the council summarily as a civil debt.
- (7) In this paragraph references to a designated road are to a road designated under this paragraph.

*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 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 Greater London or, as the case may be, 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 other than trunk roads—
  - (a) the councils of London boroughs should exercise their powers to make, vary or revoke orders under or by virtue of sections 6, 9, 45, 46, 49(2) and (4), 83(2) and 84 of the 1984 Act; and
  - (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; and
  - (b) any association of London borough councils or district councils which the Secretary of State considers appropriate.
- (3) The council of a London borough shall, before exercising any power specified in sub-paragraph (1)(a) above, and 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 trunk road ; 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 trunk road, or the other local authority in the case of any other road; and
  - (d) comply with procedures prescribed by regulations made by the Secretary of State.
- (4) Where the council of a London borough or 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 Greater London or, as the case may be, 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 summarily as a civil debt.
- (6) Where, in the opinion of the Secretary of State—
- (a) the council of a London borough or 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.

#### *Procedures and objections*

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- (1) The power of the Secretary of State to make regulations under paragraph 21 or 23 of Schedule 9 to the 1984 Act (procedure as to certain orders) shall include power to make regulations for the purpose of sub-paragraph (3) of paragraph 6 above; and any such regulations for that purpose shall include provision by which a local authority required to be consulted under that sub-paragraph in connection with a proposed exercise of power may object to that exercise.
- (2) Where such a local authority objects in accordance with regulations under the said paragraph 21 or 23 to a proposed exercise of power by the council of a London borough or metropolitan district, that council shall notify the Secretary of State of its proposal and of the objection, unless either of them is withdrawn, and shall give him such particulars of them as he may require.
- (3) Upon receipt of a notification under sub-paragraph. (2) above, the Secretary of State shall determine whether the proposal in question should be abandoned or implemented, with or without modifications; and the council making the proposal shall comply with any such determination.
- (4) To assist him in making a determination the Secretary of State may consult such persons or bodies as he thinks fit and may hold an inquiry; and the provisions of section 129(1) to (3) of the 1984 Act shall apply in relation to an inquiry held under this paragraph as they apply to an inquiry held under that Act.

#### *Application of Part VI of Schedule 9 to the 1984 Act*

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- Part VI of Schedule 9 to the 1984 Act (validity of certain orders) shall apply to an order made by the Secretary of State by virtue of paragraph 6(5) or (6) above and falling within paragraph 34(1) of that Part as it applies to an order made by him by virtue of paragraph 3 of Part I of that Schedule.

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*Status: This is the original version (as it was originally enacted).*

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*Supplementary*

- 9 In exercising any power under or by virtue of paragraph 6 or 7 above in relation to a council the Secretary of State shall have regard to the duty of that council under section 122 of the 1984 Act; and in the event of any conflict between that duty and any provision of those paragraphs, that provision shall prevail.

*Reserve powers of the Secretary of State as to traffic control  
systems in Greater London and metropolitan counties*

- 10 (1) Where the Secretary of State is not satisfied in the case of Greater London or a metropolitan county that all the local authorities in that area have made joint arrangements for the exercise of such of their functions under Part V of the 1984 Act as are necessary to secure the control, management, development and extension of any system of traffic control which relates to two or more of those authorities, he may make an order under this paragraph.
- (2) An order under this paragraph may transfer to the Secretary of State such functions of the local authorities in question under that Part of that Act as he considers necessary to enable him to secure the control, management, development and extension of that system.
- (3) The Secretary of State may delegate, with or without restrictions, the exercise of any function transferred to him under this paragraph to the local authority from which it was transferred.
- (4) Before exercising any function transferred to him under this paragraph, the Secretary of State shall consult any local authority appearing to him to be likely to be affected unless it appears to him that the exercise of the function will only have a temporary effect on the system of traffic control in question; and any local authority from which a function has been so transferred shall consult the Secretary of State before exercising any function under the 1984 Act in any manner which may affect the exercise by the Secretary of State of any function so transferred.
- (5) Any expenses reasonably incurred by the Secretary of State in exercising the functions transferred by an order under this paragraph may be recovered by him from the local authorities from which the functions were transferred in such proportions as may be agreed between the local authorities or, in default of agreement, as may be determined by him.
- (6) A sum recoverable by the Secretary of State under sub-paragraph (5) above may be recovered by him summarily as a civil debt.
- (7) The Secretary of State shall revoke an order made under this paragraph in relation to a system of traffic control in operation in Greater London or a metropolitan county if at any time he is satisfied that all the local authorities in that area have made joint arrangements for the exercise of such of their functions under Part V of the 1984 Act as are necessary to secure the control, management, development and extension of the system.
- (8) An order under this paragraph may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions for the transfer of property, staff, rights and liabilities and provision amending any enactment or any instrument made under any enactment.

### *Information*

- 11 The council of a London borough or metropolitan district shall furnish the Secretary of State with such information as he may request for the purpose of exercising his powers under paragraphs 6(4), (5) and (6) and 10 above ; and if any such information is not furnished by the council within a time specified by the Secretary of State, he may take such steps as he considers necessary or expedient to obtain the information himself and may recover from the council summarily as a civil debt any expenses reasonably incurred by him in doing so.

### *Transitional provisions concerning certain orders under the 1984 Act*

- 12 (1) After the passing of this Act a metropolitan county council or the Greater London Council shall obtain the consent of the Secretary of State before making any order to which this paragraph applies if an objection to the council's proposal to make the order has been duly made by a successor authority (whether before or after the passing of this Act) and has not been withdrawn; and for the purposes of this provision an objection is not duly made unless it is made in accordance with regulations made or having effect as if made under paragraph 21 or, as the case may be, 23 of Schedule 9 to the 1984 Act.
- (2) The orders to which this paragraph applies are—
- (a) in the case of a metropolitan county council those made under or by virtue of section 1, 9, 19, 32, 35, 37, 38, 45, 46, 49(2) or (4), 53, 83(2) or 84 of the 1984 Act; and
  - (b) in the case of the Greater London Council, those made under or by virtue of section 6, 9, 35, 38, 46, 49(2) or (4), 50, 83(2) or 84 of that Act.
- (3) In this paragraph " successor authority " means—
- (a) in relation to the Greater London Council, the council of a London borough to which the order in question relates ; and
  - (b) in relation to a metropolitan county council, the council of a metropolitan district to which the order relates.
- (4) In relation to any order to which Part VI of Schedule 9 to the 1984 Act (validity of orders) applies the requirements of this paragraph shall be included amongst the requirements which are the relevant requirements for the purposes of that Part.

### *Interpretation*

- 13 In this Part of this Schedule—
- (a) "the 1984 Act" means the Road Traffic Regulation Act 1984 ;
  - (b) " parking place ", " traffic sign " and " road " have the meanings assigned to them respectively by sections 32(4)(b), 64(1) and 142(1) of the 1984 Act;
  - (c) " local authority " means the council of a metropolitan district or London borough ; and
  - (d) references to a London borough include references to the City and references to the council of a London borough include references to the Common Council.

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### *Commencement*

- 14 Any power conferred on the Secretary of State by this Schedule may be exercised at any time after the passing of this Act so as to take effect on or after the abolition date.