
STATUTORY INSTRUMENTS

1992 No. 1215

ROAD TRAFFIC

**The Road Traffic (Temporary
Restrictions) Procedure Regulations 1992**

<i>Made</i>	- - - -	<i>8th June 1992</i>
<i>Laid before Parliament</i>		<i>9th June 1992</i>
<i>Coming into force</i>	- -	<i>1st July 1992</i>

The Secretary of State for Transport, as respects England, the Secretary of State for Wales, as respects Wales and the Secretary of State for Scotland, as respects Scotland, in exercise of the powers conferred by section 16(2) and (2A) of the Road Traffic Regulation Act 1984(1) (“the 1984 Act”) and of all other enabling powers, and after consultation with representative organisations in accordance with section 134(2) of the 1984 Act, hereby makes the following Regulations:—

PART I
GENERAL

Citation and Commencement

1. These Regulations may be cited as the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 and shall come into force on 1st July 1992.

General Interpretation

2.—(1) In these Regulations,

“the 1984 Act” means the Road Traffic Regulation Act 1984;

“the 1991 Act” means the New Roads and Street Works Act 1991(2);

(1) 1984 c. 27; sections 14, 15, 16(2) and 16(2A) are substituted by section 1 of the Road Traffic (Temporary Restrictions) Act 1991 c. 26, which comes into force on 1st July 1992 by virtue of S.I. 1992/1217; section 14 is extended by section 3(4) of the New Roads and Street Works Act 1991 (c. 22) and modified by the Trams and Trolley Vehicles (Modification of Enactments) Regulations 1992 (S.I. 1992/1217).

(2) 1991 c. 22.

“fire authority”, in relation to any area, means the authority discharging in the area the functions of fire authority under the Fire Services Act 1947(3);

“maximum duration” in relation to an order or notice means the longest period during which the order or notice could remain in force, on the assumption (in the case of an order) that—

- (a) it is not amended, and
- (b) the prohibition or restriction imposed by it is not continued under section 15(3), (5) or (8) of the 1984 Act.

and “footpath”, “cycle track” and “byway open to all traffic” have the same meanings as in section 15 of the 1984 Act.

(2) A reference in these Regulations to—

- (a) a concesssionaire, or
- (b) a road subject to a concession,

shall, in relation to England and Wales, be construed in accordance with section 1 of the 1991 Act.

(3) A reference in these Regulations to a concessionnaire shall, in relation to Scotland, be construed in accordance with section 28 of the 1991 Act.

(4) A reference in these Regulations to an order is a reference to an order or a proposed order as the context requires, and, in the case of a proposed order, any reference to the effect of the order (however expressed) is a reference to the effect that the proposed order would have were it to be made.

PART II

TEMPORARY ORDERS

Procedure for making a temporary order

3.—(1) Subject to the following provisions of this Part, this regulation makes provision for the procedure to be followed in connection with the making of an order under section 14 of the 1984 Act.

(2) Not less than 7 days before making an order, the traffic authority shall publish notice of their intention to make the order in one or more newspapers circulating in the area in which any road to which the order relates is situated.

(3) The notice mentioned in paragraph (2) above shall state—

- (a) the reason or purpose mentioned in section 14(1) of the 1984 Act for the making of the order;
- (b) the effect of the order and, where applicable, the alternative route or routes available for traffic; and
- (c) the date on which the order would come into force and its maximum duration.

(4) The traffic authority shall, on or before the day on which the order is made, give notice of the order—

- (a) to the chief officer of police of any police area in which any road to which the order relates is situated;
- (b) where the traffic authority is not the fire authority for the area in which any road to which the order relates is situated, to the chief officer of the fire authority for that area;

(3) 1947 c. 41; read with paragraph 2 of Schedule 11 to the Local Government Act 1985 (c. 51).

- (c) where the order would be likely to have direct effect on traffic or any class of traffic on any road for the maintenance of which another traffic authority is responsible, to that other traffic authority; and
 - (d) where the order is likely to have a direct effect on traffic or any class of traffic on—
 - (i) a road which is subject to a concession, or
 - (ii) a road in respect of which an assignment has been granted under section 28(1) of the 1991 Act,
to the concessionaire.
- (5) Within 14 days after making the order the traffic authority shall publish a notice of the making of the order in one or more newspapers circulating in the area in which any road to which the order relates is situated.
- (6) The notice mentioned in paragraph (5) above shall state—
- (a) the reason or purpose mentioned in section 14(1) of the 1984 Act for the making of the order;
 - (b) the effect of the order and, where applicable, the alternative route or routes available for traffic; and
 - (c) the date on which the order will come into force and its maximum duration.
- (7) If and to the extent that it appears to the traffic authority that it would be desirable in the interests of giving adequate publicity to the order, the authority shall comply with the requirements of Part I of the Schedule to these Regulations in relation to each length of road to which the order relates.
- (8) When the order has been made, the traffic authority shall comply with the requirements of Part III of the Schedule to these Regulations (traffic signs).

Footpaths, bridleways, cycle tracks and byways open to all traffic

- 4.—(1) Regulation 3(4)(a) shall not apply to an order in so far as it relates to a footpath, bridleway or byway open to all traffic.
- (2) Regulations 3(4)(b), (c) and (d) and (7) shall not apply to an order in so far as it relates to a footpath, bridleway, cycle track or byway open to all traffic.
- (3) Where a traffic authority has made an order relating to a road which is a footpath, bridleway, cycle track or byway open to all traffic, the authority shall comply with the requirements of Part I of the Schedule to these Regulations in relation to each length of such road to which the order relates.

Tramcars and trolley vehicles

- 5.—(1) Where it appears to a traffic authority that an order would be likely to affect the operation of any tramcar or trolley vehicle the authority shall consult the operator of that vehicle before making the order.
- (2) In this regulation, “trolley vehicle” does not include a duobus as defined in the Tramcars and Trolley Vehicles (Modification of Enactments) Regulations 1992(4).

Orders to which no time limit applies

- 6.—(1) This regulation has effect in relation to an order to which the time limit of eighteen months in subsection (1) of section 15 of the 1984 Act does not apply by virtue of subsection (2) of that section.

- (2) Regulation 3 shall have effect in relation to the order as if—
- (a) for “7” in paragraph (2) there was substituted “21”,
 - (b) the words “and its maximum duration” in paragraph (3)(c) were omitted, and
 - (c) sub-paragraphs (a), (b) and (d) of paragraph (4) were omitted.
- (3) Before making the order, the traffic authority shall consult—
- (a) the chief officer of police of any police area in which any road to which the order relates is situated;
 - (b) where the traffic authority is not the fire authority for the area in which any road to which the order relates is situated, the chief officer of the fire authority for that area; and
 - (c) organisations representing persons who use any road to which the order relates or are likely to be otherwise affected by any provisions of the Order.
- (4) Not less than 21 days before making the order, the traffic authority shall publish notice of intention to make the order in the London Gazette (if it relates to a road in England or Wales) or the Edinburgh Gazette (if it relates to a road in Scotland).
- (5) Regulation 3(3) (with the omission of the words “and its maximum duration” in sub-paragraph (c)) shall apply to the notice mentioned in paragraph (4) above.

Continuation of restriction or prohibition imposed by notice

7. Where the only effect of an order is to continue in force a prohibition or restriction imposed by a notice under section 14(2) of the 1984 Act, regulation 3(2) shall not apply to the order.

Revocation orders

8.—(1) In this regulation—

“revocation order” means an order which revokes an order under section 14 of the 1984 Act and has no other effect;

“previous order”, in relation to a revocation order, means the order revoked by the revocation order.

(2) Regulations 3 to 6 shall not apply to a revocation order.

(3) Not less than 7 days before making a revocation order, the traffic authority shall publish notice of their intention to make the order in one or more local newspapers circulating in the area in which any road to which the previous order relates is situated.

(4) Within 7 days after making a revocation order, the traffic authority shall give notice of the making of the order to the person and bodies mentioned in regulation 6(3) and to any other traffic authority who consented to the making of the previous order under section 14(5)(b) of the 1984 Act.

Continuation of order by direction of the Secretary of State

9.—(1) This regulation has effect where the Secretary of State gives a direction under section 15(3) or (5) of the 1984 Act in relation to an order.

(2) The traffic authority shall within 14 days after the direction has been received publish notice of the direction in one or more newspapers circulating in the area in which any road to which the order relates is situated.

(3) The notice mentioned in paragraph (2) above shall state—

- (a) the reason or purpose mentioned in section 14(1) of the 1984 Act for the making of the order;

- (b) the effect of the order and, where applicable, the alternative route or routes available for traffic;
 - (c) the date on which the order came into force and the date upon which it would otherwise have expired had the direction not been given; and
 - (d) the date on which the order would expire if no further direction were to be given under section 15(3) or (5) of the 1984 Act and the order were neither revoked nor amended.
- (4) In the case of a direction given under section 15(3) of the 1984 Act the traffic authority shall, within 7 days after the date that the direction has been received, give notice of the direction to the persons and bodies to whom notice of the order was required to be given by regulation 3(4).

PART III

TEMPORARY NOTICES ISSUED BY A TRAFFIC AUTHORITY

Procedure for issue of temporary notice by a traffic authority

10.—(1) Subject to regulations 11 and 12, this regulation makes provision for the procedure to be followed in connection with the issue of a notice under section 14(2) of the 1984 Act by a traffic authority including a notice issued by virtue of section 15(8)(b)(ii) of the 1984 Act.

- (2) This notice shall state—
 - (a) the reason or purpose mentioned in section 14(1) of the 1984 Act for the issue of the notice;
 - (b) the effect of the notice and, where applicable, the alternative route or routes available for traffic; and
 - (c) the date of the notice and its maximum duration.
- (3) No later than the day on which the notice is issued, the traffic authority shall give notice of it—
 - (a) to the chief officer of police of any police area in which any road to which the order relates is situated;
 - (b) where the notice is likely to have direct effect on traffic or any class of traffic on any road for the maintenance of which another traffic authority is responsible, to that other traffic authority;
 - (c) where the traffic authority is not the fire authority for the area in which any road to which the order relates is situated, to the chief officer of the fire authority for that area; and
 - (d) where any road to which the notice relates is—
 - (i) a road subject to a concession; or
 - (ii) a road in respect of which an assignation has been granted under section 28(1) of the 1991 Act,
to the concessionaire.
- (4) If and to the extent that it appears to the traffic authority that it would be desirable in the interests of giving adequate publicity to the notice the authority shall comply with the requirements of Part II of the Schedule to these Regulations (display of notices) in relation to each length of road to which the notice relates.
- (5) The traffic authority shall comply with the requirements of Part III of the Schedule to these Regulations (traffic signs).

Footpaths, bridleways, cycle tracks and byways open to all traffic

11. Where a notice issued by a traffic authority under section 14(2) of the 1984 Act relates to a footpath, bridleway, cycle track or byway open to all traffic, the authority shall comply with the requirements of Part II of the Schedule to these Regulations in relation to each length of road to which the notice relates.

Tramcars and trolley vehicles

12.—(1) Where it appears to a traffic authority proposing to issue a notice under section 14(2) of the 1984 Act that the notice would be likely to affect the operation of any tramcar or trolley vehicle the authority shall consult the operator of the vehicle before issuing the notice.

(2) Paragraph (1) above shall not apply where it appears to the authority that the notice needs to be issued without delay.

(3) In this regulation, “trolley vehicle” does not include a duobus as defined in the Tramcars and Trolley Vehicles (Modification of Enactments) Regulations 1992(5).

PART IV

TEMPORARY NOTICES ISSUED BY A CONCESSIONAIRE

Procedure for issue of temporary notice by concessionaire

13.—(1) Subject to regulation 14, this regulation makes provision for the procedure to be followed in connection with the issue of a notice under section 14(2) of the 1984 Act by a concessionaire, including a notice issued by virtue of section 15(8)(b)(ii) of the 1984 Act.

(2) The notice shall state—

- (a) the reason or purpose mentioned in section 14(1) of the 1984 Act for the issue of the notice;
- (b) the effect of the notice and, where applicable, the alternative route or routes available for traffic; and
- (c) the date of the notice and its maximum duration.

(3) No later than the day on which the notice is issued the concessionaire shall give notice of it—

- (a) to the chief officer of police of any police area in which any road to which the order relates is situated;
- (b) to the traffic authority for the area in which any road to which the order relates is situated;
- (c) where the notice is likely to have direct effect on traffic or any class of traffic on any road for the maintenance of which another traffic authority is responsible, to that other traffic authority; and
- (d) where the traffic authority referred to in subparagraph (b) above is not the fire authority for the area in which any road to which the order relates is situated, to the chief officer of the fire authority for that area.

(4) If and to the extent that it appears to the concessionaire that it would be desirable in the interests of giving adequate publicity to the notice the concessionaire shall comply with the requirements of Part II of the Schedule to these Regulations (display of notices) in relation to each length of road to which the notice relates.

(5) The concessionaire shall comply with the requirements of Part III of the Schedule to these Regulations (traffic signs).

Tramcars and trolley vehicles

14.—(1) Where it appears to a concessionaire proposing to issue a notice under section 14(2) of the 1984 Act that the notice would be likely to affect the operation of any tramcar or trolley vehicle the concessionaire shall consult the operator of the vehicle before issuing the notice.

(2) Paragraph (1) above shall not apply where it appears to the concessionaire that the notice needs to be issued without delay.

(3) In this regulation, “trolley vehicle” does not include a duobus as defined in the Tramcars and Trolley Vehicles (Modification of Enactments) Regulations 1992.

Signed by authority of the Secretary of State for Transport

4th June 1992

Kenneth Carlisle
Parliamentary under Secretary of State,
Department of Transport

8th June 1992

James Douglas-Hamilton
Parliamentary under Secretary of State for
Scotland, Scottish Office

9th June 1992

David Hunt
Secretary of State for Wales

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THE SCHEDULE

Regulations 3(7) and (8), 4(3), 10(4) and (5), and 13(4) and (5).

PART I

DISPLAY OF NOTICE OF ORDER

1. A notice shall be displayed in a prominent position at each end of the length of road to which the order relates and at the points at which it will be necessary for vehicles or pedestrians to diverge from the road, stating the effect of the order and, where applicable, the alternative route or routes available for traffic.

2. Each such notice shall be displayed throughout the period during which the order is in force and the traffic authority shall take all reasonable steps to ensure that the notices remain in a legible condition and continue to be so displayed for so long as the order remains in force or are promptly replaced as often as occasion requires during that period.

PART II

DISPLAY OF NOTICE ISSUED UNDER SECTION 14 OF THE 1984 ACT

3. In this Part of the Schedule, “the authority” in relation to a notice issued under section 14(2) of the 1984 Act, means the traffic authority or concessionaire who issued the notice.

4. A copy of the notice shall be displayed in a prominent position at each end of the length of the road to which the notice relates and at the points at which it will be necessary for vehicles or pedestrians to diverge from the road, stating the effect of the notice and, where applicable, the alternative route or routes available for traffic.

5. Each such notice shall be displayed throughout the period during which it is in force and the authority shall take all reasonable steps to ensure that the notices remain in a legible condition and continue to be so displayed for so long as the notice remains in force or are promptly replaced as often as occasion requires during that period.

PART III

TRAFFIC SIGNS

6.—(1) In this Part of the Schedule, “the authority”—

- (a) in relation to an order, means the traffic authority who made the order;
- (b) in relation to a notice issued under section 14(2) of the 1984 Act, means the traffic authority or the concessionaire who issued the notice.

(2) In this Part of the Schedule, a reference to an instrument is a reference to an order or notice issued under section 14(2) of the 1984 Act as applicable.

7. The authority shall take such steps as are necessary to secure—

- (a) before the instrument comes into force, the placing on or near each road to which the instrument relates of such traffic signs in such positions as the authority may consider requisite for the purposes of securing that adequate information as to the effect of the instrument is made available to persons using the road;
- (b) the maintenance of such signs so long as the instrument continues in force; and

- (c) in a case where the instrument contains provisions suspending statutory provisions to which section 14(7) of the 1984 Act applies, such removal, replacement or covering up of existing traffic signs as the authority may consider requisite for the purpose of avoiding confusion to the users of the road.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 14, 15 and 16 of the Road Traffic Regulation Act 1984 enable a traffic authority (as defined in section 121A of the Road Traffic Regulation Act 1984) to regulate traffic for temporary periods by order or notice. The New Roads and Street Works Act 1991 extends the power to issue such notices to concessionaires (as defined in that Act). New sections 14 and 15 are substituted and section 16 is amended by the Road Traffic (Temporary Restrictions) Act 1991 which comes into force on 1st July 1992.

Schedule 3 to the 1984 Act which set out the procedure relating to temporary orders and notices is repealed by the 1991 Act. It is replaced by a new provision in section 16 of the 1984 Act which gives the Secretary of State power to make procedure regulations.

These Regulations lay down the procedure to be followed in connection with the exercise of the powers in sections 14 and 15 of the 1984 Act to regulate traffic for temporary periods by order or notice. The Regulations extend to England, Wales and Scotland. The regulations are to some extent based on Schedule 3 to the 1984 Act as originally enacted and the procedures for making permanent traffic orders set out in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1989(S.I.1989/1120).

Regulation 3 lays down the general procedure to be followed before a temporary order is made. It provides for advance publication of proposals in local newspapers and notification to various bodies (including the chief officer of the fire authority where the traffic authority is not the fire authority) and to any concessionaire affected; and for a subsequent notice of the making of the order. In line with the procedures in England and Wales for permanent traffic orders, the requirements for the posting of street notices have been made discretionary rather than mandatory, with certain exceptions.

Regulation 4 modifies the application of regulation 3 with respect to orders relating to footpaths, bridleways, cycle tracks or byways open to all traffic by providing that the posting of street notices is to be obligatory in the case of such orders.

Regulation 5 requires the operator of a tramcar or trolley vehicle to be consulted by the traffic authority before any temporary order is made where it appears that the operation of the vehicle is like to be affected.

Regulation 6 relates to temporary orders to which section 15(2) of the 1984 Act, as amended applies, namely those which may extend beyond a period of 18 months. In such cases, the period of advance notice for publicity in local newspapers is extended from 7 days to 21 days, and the requirement for prior notification with various bodies is replaced by a requirement to consult the chief officer of police, the chief officer of the fire authority (where the traffic authority is not the fire authority) and organisations representing road users. An additional requirement is imposed to publish prior notice of intention to make the order in the London Gazette or Edinburgh Gazette, as appropriate, along similar lines to the existing requirement for permanent and experimental orders.

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Regulation 7 makes provision for cases where a temporary order is made for the purpose of continuing in force a prohibition or restriction imposed by a temporary notice under section 14. This continues the previous arrangement whereby the requirement to give prior notice in local newspapers is waived.

Regulation 8 makes provision with respect to the revocation of orders.

Regulation 9 deals with circumstances where the Secretary of State directs the continuation of an order under section 15(3) or (5) of the 1984 Act as amended. This includes a requirement to publish notice of the direction in local newspapers and to give notice to the persons or bodies referred to in regulation 3(4).

Regulations 10 to 12 make provision in connection with temporary notices issued by traffic authorities. Similar requirements are imposed with respect to notifying relevant bodies and posting street notices as in the case of temporary orders. Here again, the requirement for street notices is obligatory in the case of temporary regulation by notice on footpaths, bridleways, cycle tracks and byways open to all traffic, but discretionary in all other cases; and there is a requirement to consult tramcar or trolley vehicle operators before introducing temporary traffic regulation, by notice, which would be likely to affect the operation of any such vehicle, unless it appears to the authority that the notice needs to be issued without delay.

Regulations 13 and 14 make equivalent provision in connection with notices issued by concessionaires.

The Schedule makes provision for the display of street notices in the case of temporary regulation by order or by notice, and for the display of appropriate traffic signs for the duration of the restriction.