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5 December 2001

Dear Sir/Madam

HOME ZONES

Purpose

1. The purpose of this letter is to consult on the draft procedure regulations which will enable local authorities to designate Home Zones in their area as prescribed in the Transport (Scotland) Act 2001. A copy of the draft regulations is enclosed.

Background

2. Section 74 of the Transport (Scotland) Act 2001 provides that a local traffic authority may, with a view to implementing measures for securing any of the purposes mentioned in subsection 74(2) of the Act, designate as a home zone any road for which they are the traffic authority.

3. Section 74(4) also enables Scottish Ministers to make regulations prescribing the procedures to be followed by local authorities when designating roads as home zones. The purpose of the regulations is to make provision for or in connection with -

(a) specifying the roads, or classes of roads that may be designated;

(b) the procedure to be followed when making, varying or revoking designations (including provision as to consultation)

(c) the confirmation of designations by Scottish Ministers

(d) the preparation of reports and

(e) the times at which and manner in which such reports are to be published.

4. The regulations have therefore been drafted to take account of the above and ensure that in proposing a road as a home zone the local traffic authority publishes the detail of its proposals, consults fully including with all residents and tenants and, where necessary, holds a hearing to consider objections. The regulations especially provide for local authorities to consult early and at

every stage thereby giving residents, not only the option to object but also giving them real inclusion in formulating the plans.

Purposes of a Home Zone

5. The purposes of a home zone, as given in the Act are:

- To improve the safety of persons using the road or any area in the vicinity of the road;
- To improve or preserve the environment through which the road runs;
- To improve the facilities provided on, or in the vicinity of, the road in such a way as to bring benefits to any persons using the road (not being persons using motor vehicles) and;
- To any extent to implement their transport policies

Definition of a Home Zone

6. There is no official definition of a Home Zone, however, we see Home Zones as residential areas that seek to meet the needs of all road users equally, and where all road users, including pedestrians and cyclists as well as motorised traffic, share the road space. Streets in the zone are to be designed to remove barriers to local people using the space rather than it being dominated by the needs of passing local traffic. Streets within a zone will have been designed for social use, where residents have the opportunity to use the street for a variety of purposes, only one of which is for the movement and parking of motor vehicles. Children's play, social interaction, walking and cycling, will all be part of the normal use of the street. Vehicle movements are of course important but the vehicle will be regarded as a slow moving guest rather than the dominant feature of the street. The streets within a Home Zone are designed to be safer, to look better and to have attractive places for children to play and people to meet. They should be designed to achieve an improved quality of life by building the environment around the needs of people rather than traffic.

7. The Scottish Executive considers it vital that low vehicle speeds - no higher than 20 mph - should be a feature of Home Zones. However, it must be accepted that low speed limits will require to be self-enforcing as the police are unlikely to have the resources to carry out regular enforcement. Local authorities already have power to set 20 mph speed limits without the consent of the Scottish Ministers, although under current legislation consent is required for orders in respect of other speed limits lower than 30 mph. In addition, local authorities have power to construct a wide range of speed humps and traffic calming measures. The Scottish Executive wishes to make it easier to introduce such measures in Home Zones. It is proposed to remove the requirements with regard to signing and lighting in relation to road humps and traffic calming features in designated Home Zones.

8. Given the range of purposes for which a road designated as a home zone will be used, we consider it important that the regulations are subject to widespread consultation. In this respect I would be grateful if local authority Chief Executives especially could seek views of the various interests within Council Departments.

Commencement of Regulations

9. It is intended that these regulations will come into force on 1 April 2002. Comments on the draft regulations and whether they meet their intended purpose would be appreciated by, at latest, **1 February 2002**.

10. This letter and associated documents are also available on the Scottish Executive web site (www.scotland.gov.uk) under consultation papers.



INVEST



Enquiries

11. Enquiries about any point in this circular can be made in writing or by e-mail to:

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Yours faithfully

SALLY THOMAS

Head of Cycling, Walking and Safer Streets Branch



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SCOTTISH STATUTORY INSTRUMENTS

2002 No.

TRANSPORT

The Home Zones (Scotland) Regulations 2002

<i>Made</i>	2002
<i>Laid before Parliament</i>	2002
<i>Coming into force</i>	1 st April 2002

The Scottish Ministers, in exercise of the powers conferred on them by section 74(4) of, the Transport (Scotland) Act 2001^(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Home Zones (Scotland) Regulations 2002, shall come into force on 1st April 2002

Interpretation

2.— In these Regulations the following expressions have the meanings hereby respectively assigned to them:—

“the Act” means the Transport (Scotland) Act 2001;

“authority”, in relation to a designated road, to which these Regulations apply means the local traffic authority making, or proposing to make, the designation under the Act;

“authorised representative” means any person or organisation instructed by any resident, owner or tenant of any private or commercial property on, adjoining or adjacent to the designated road authorised to make any comments or representations on behalf of the resident, owner or tenant”;

“designated road” means a road designated by a local traffic authority as a home zone under section 74(1) of the Act and “designation” shall be construed according to that definition;

^(a) 2001 (asp 2).

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“Crown road” and “the appropriate Crown Authority” have the same meanings as in section 131(7) of the Road Traffic Regulation Act 1984^(a);

“fire authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994^(b) or, where the area of the fire authority forms part of a combined area for fire-fighting purposes, the joint board for fire services for that combined area;

“notice of proposals” in relation to a designation, means the notice required to be published under regulations 7;

“public passenger transport services” has the same meaning as in section 63(10)(a) of the Transport Act 1985^(c);

“relevant map”, in relation to an designation, means the map required by regulation 14 to be prepared and kept in connection with that designation; and

“restricted road” has the same meaning as defined in section 82(1)(b) of the Road Traffic Regulation Act 1984^(c).

(2) Except where otherwise expressly provided, any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations and a reference in a regulation or Schedule to a numbered paragraph is a reference to the paragraph bearing that number in that regulation or Schedule.

Class of designated road

3- The authority may make a designation only in respect of restricted roads.

Notice of intention to designate a road

4. (1) The authority shall prepare in respect of any road which they intend to designate a notice of their intention to designate that road.

(2) Any such notice 1 shall provide details of the road affected and the proposals that the authority intend to implement in respect of that road.

(3) The authority shall intimate the notice prepared under paragraph 1 to all residents, tenants and owners of any private or commercial property on, adjoining or adjacent to the designated road.

^(a) 1991 c.22. Section 131(7) was amended by the Roads (Scotland) Act 1984 (c.54), Schedule 9, paragraph 93(41)(b) and the New Roads and Street Works Act 1991, Schedule 8, paragraph 75.

^(b) 1994 c.39.

^(c) 1985 c.67.

^c 1984 c.27. The classification or type of road is specified in The Restricted Roads (Classification or Type) (Scotland) Regulations 1985 (S.I. 1985/1888).

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(4) Any person to whom a notice is intimated or their authorised representative shall be invited by the notice to comment upon its terms and the said person or their authorised representative may make representations to the authority concerning the detail of the proposals contained in the notice as they consider appropriate.

(5) The authority shall consider any representations made to them under paragraph 4 before preparing and consulting on their proposals under regulation 5.

Consultation

5.—(1) After preparing a notice of intention to designate a road under regulation 4 but before designating a road in any case specified in column (2) of an item in the table below, the authority shall consult the persons specified in column (3) of the item of their intention to so designate the road and provide the persons specified in column (3) with a plan of the area detailing the purpose, design and facilities to be included in the designated area.

TABLE

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Case</i>	<i>(3)</i> <i>Consultee</i>
1.	Where the designation relates to, or appears to the authority to be likely to affect traffic on, a road for which another authority is the local traffic authority.	The other authority.
2.	Where the designation relates to, or appears to the authority to be likely to affect traffic on a Crown road.	The appropriate Crown authority.
3.	Where the designation relates to, or appears to the authority to be likely to affect traffic on a road on which public passenger transport services are provided.	The operator of the service and the appropriate Passenger Transport Authority.
4.	Where it appears to the authority that the designation is likely to affect the passage on any road or place of— (a) ambulances; or (b) fire-fighting vehicles.	The chief officer of the Scottish Ambulance Service In case (b) the fire authority.
5.	All cases	(a) any resident, owner or tenant of any private or commercial property within the designated area; (b) The Road Haulage Association; (c) The Freight Transport

Association

- (d) Such other organisations (if any) representing persons or individuals likely to be affected by any provision in the designation as the authority thinks appropriate.

(2) Any person consulted under paragraph 1 or their authorised representative may make such representations on the purpose, design or facilities to be included in the designated area as they consider appropriate.

(3) The authority shall prepare and publish a report detailing the persons consulted under paragraph 1 and any representations made under paragraph 2 and any report so prepared shall indicate the extent to which the authority will implement any proposals contained in any representations so made.

Publication of proposals

6 After the consultations referred to in regulation 4 but before designating the road the authority shall–

- (a) publish at least once in a local newspaper circulating in the area in which any road or other place to which the designation relates is situated a notice of proposals containing the particulars specified in Part I of Schedule 1;
- (b) take such other steps as they may consider appropriate for ensuring that adequate publicity about the designation is given to persons likely to be affected by its provisions and, without prejudice to the generality of this subparagraph, such other steps may include–
 - (i) publication of a notice in the Edinburgh Gazette;
 - (ii) the display of notices in accordance with Schedule 2 in roads or other places affected by the designation; or
 - (iii) the delivery of notices or letters to all residents, residents associations and premises occupied by persons, appearing to the authority to be likely to be affected by any provision in the designation;
- (c) make available for inspection in accordance with Schedule 3 the documents mentioned in that Schedule.

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Notice of proposals

7. Not later than the date on which all the provisions in regulation 6 have been complied with, the authority shall send a copy of the notice of proposals containing the information as detailed in Schedule 1 to each person whom it is required to consult under regulation 5.

Objections

8.—(1) Before the end of the objection period mentioned in paragraph (3), any person may object to the making of the designation.

(2) Any objection made under paragraph (1) shall contain a written statement of the grounds of the objection and shall be sent to the address specified in a notice published under regulation 5.

(3) The objection period shall be—

- (a) a period of not less than 28 days between the date on which a notice is published under regulation 5 and the date specified in that notice as the date by which any objection to the designation must be made; or
- (b) if later, a period of 28 days or such longer period as the authority may specify beginning with the date on which the authority has complied with all the provisions of regulation 5.

Hearing

9.—(1) Before designating any road to which these Regulations apply the authority shall hold a hearing in connection with that designation where an objection has been made under regulation 8 and not withdrawn.

(2) Any hearing shall be conducted by an independent person (referred to as “the reporter”) appointed by the authority from a list of persons compiled by the Scottish Ministers for that purpose.

(3) At the conclusion of the hearing the reporter shall prepare a report and make recommendations.

(4) The hearing shall be held in public.

(5) The date of the hearing shall not be earlier than 21 days, from the later of—

- (a) the day after the end of the objection period mentioned in regulation 6(3), or
- (b) the date when the notice of the hearing is first published under regulation 10 (3).

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Notice of hearing

10.—(1) Where a hearing is to be held the authority shall forthwith give notice in writing to any person who has objected to the making of the designation informing him that, if within such period, not being less than 14 days, as is specified in the notice, he intimates that he so desires, an opportunity will be afforded him of being heard in support of his objection.

(2) If any objector given such notice intimates his desire to be heard the authority shall notify him in writing of the arrangements for the hearing not less than 21 days before the date on which the hearing is to take place.

(3) Where a hearing is to take place the authority shall, in addition, not less than 21 days before the date on which the hearing is due to begin, publish at least once in a local newspaper circulating in the area in which any road or other place to which the designation relates is situated a notice of the hearing containing the particulars specified in Part II of Schedule 1.

(4) Where a hearing is to take place and the objector fails to attend or fails to submit written representations the objection shall be deemed to be withdrawn.

(5) Where written representations have been submitted under regulation 11(3) the reporter may make a report and recommendations based upon the said written representations.

Procedure at hearing

11.—(1) Subject to paragraphs (2) to (4), the procedure at the hearing shall be determined by the reporter.

(2) Any objector or person interested in the subject matter of the hearing may be heard in person or be represented by an authorised representative.

(3) Any objector or person so interested may, whether or not he proposes to appear at the hearing, send written representations for the consideration of the reporter at the hearing.

(4) The reporter may refuse to hear any person, or allow to be put forward for consideration at the hearing any representations made by any person, if he is satisfied that such representations are frivolous or vexatious or that such views have already been adequately stated by some other person at the hearing.

Consideration of objections and report

12.— Before making the designation the authority shall consider all objections made in accordance with regulation 8 and any report and recommendations that have been made by the reporter.

Confirmation by Scottish Ministers

13- (1) In any case where an objection has been made in accordance with regulation 8 and not withdrawn no designation shall be made by the authority unless confirmed by the Scottish Ministers.

(2) In considering whether or not to confirm the designation the Scottish Ministers shall take account of the report and recommendations made by the reporter

The relevant map

14. The authority shall prepare and keep in connection with the designation a map in accordance with the requirements set out in Schedule 4.

Date of designation

15.—(1) The designation shall specify—

- (a) the date on which it is made;
- (b) the date on which it comes into force or, in a case where different operative dates are provided for different provisions of the designation, each of the dates on which a provision of the designation comes into force.

(2) No date on which a designation, or a provision of a designation, comes into force shall be earlier than the date on which the notice of the making of the designation is published in the local newspaper under regulation 17.

Notice of making the designation

16.—(1) When the authority have made the designation they shall—

- (a) forthwith give notice in writing of the making of the designation to the chief constable of the police area in which any road or other place to which the designation relates is situated;
- (b) notify in writing each person, who has objected to the designation in accordance with regulation 7 and has not withdrawn his objection, of the authority's reasons for making the designation in spite of the objection;
- (c) within 14 days of the making of the designation publish once in a local newspaper circulating in the area in which any road or other place to which the designation relates is situated a notice of the making of the designation containing the particulars specified in Part III of Schedule 1;
- (d) if considered necessary within the same period publish a similar notice in the Edinburgh Gazette;

- (e) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection;
- (f) where the designation relates to any road, forthwith take such steps as are necessary to secure–
 - (i) the erection on or near the road 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 designation is given to persons using the road;
 - (ii) the maintenance of such signs for so long as the designation remains in force.

Varying and revoking designations

17. (1) At any time after making a designation the authority may vary or revoke the designation so made.

(2) Before varying or revoking any designation the authority shall follow the procedures set down in regulations 4 to 16 as though the references to making the designation were references to varying or revoking the designation.

Reports on the designation

18.- (1) The authority shall prepare and publish a report under section 74(3) of the Act within 12 months of the date on which the designation was made.

(2) Where the measures to be implemented for securing the purpose or purposes for which the designation was made have not been completed within 12 months the authority shall, in addition to preparing and publishing a report under paragraph 1, prepare and publish further reports under section 74(3) of the Act, at intervals of not more than 12 months until the said measures have been completed.

(3) Any report prepared under paragraphs (1) or (2) shall provide details on the extent to which any designations made comply with any guidance issued under section 79(1)(b) of the Act.

St Andrew's House
Edinburgh

2002

A member of the Scottish Executive

SCHEDULE 1

PART I

PARTICULARS TO BE INCLUDED IN THE NOTICE OF PROPOSALS

1. The name of the authority.
2. A description of the designated road.
3. A statement of the general nature and effect of the designation.
4. Where the designation relates to an off-street parking place, a brief description of that place and of its location.
5. Each address at which a copy of the designation, as drafted, a copy of the relevant map, and a copy of the authority's statement of reasons for proposing to make the designation can be inspected, and the times when inspection can take place at each such address.
6. The date of the end of the objection period calculated in accordance with regulation 8(3), the address at which objections to the designation can be lodged, and a statement that all objections must be made in writing and must specify the grounds thereof.

PART II

PARTICULARS TO BE INCLUDED IN THE NOTICE OF A PUBLIC HEARING
BEFORE AN INDEPENDENT PERSON

1. The name of the authority.
2. A description of the designated road.
3. A statement which refers to the published notice of proposals for the designation and which indicates that a public hearing will be held in connection with the designation.
4. A brief statement of the general nature and effect of the designation and of the name or other brief description of any road or other place to which the designation will apply.
5. The date, time and place of the hearing and the name of the person appointed to hold the hearing.
6. Each address at which a copy of the designation, as drafted, a copy of the relevant map, and a copy of the authority's statement of reasons for proposing to make the designation can be inspected, and the time when inspection can take place at each such address.

PART III

**PARTICULARS TO BE INCLUDED IN THE NOTICE OF MAKING THE
DESIGNATION**

1. The name of the authority.
2. A description of the designated road.
3. The date of the making of the designation and its operative date or dates.
4. The issue number, if any, and date of issue of the newspaper or if applicable of the Edinburgh Gazette containing the relevant notice of proposals previously published pursuant to regulation 6.
5. Each address at which a copy of the designation, as made, and a copy of the relevant map can be inspected, and the times when inspection can take place at each such address.

SCHEDULE 2

REQUIREMENTS AS TO NOTICES TO BE DISPLAYED IN A ROAD OR OTHER PLACE

PART I

PARTICULARS TO BE INCLUDED IN THE NOTICE

1. The name of the authority.
2. A description of the designated road.
3. A statement of the effect of the designation in relation to the road or other place where it is displayed including details of its purpose design and facilities.
4. An address at which a copy of the designation, a copy of the relevant map and a copy of the authority's statement of reasons for proposing to make the designation can be inspected, and the times when such inspection can take place.
5. Where the notice is a notice of proposals, the address to which, and the date on or before which objections to the designation can be made, such date being the date of the end of the objection period mentioned in regulation 7(3), and a statement that all objections must be made in writing and must specify the grounds thereof.
6. Where the notice announces the holding of a public hearing by an independent person, the date, time and place of the hearing and the name of the person appointed to hold the hearing.

PART II

OTHER REQUIREMENTS AS TO THE DISPLAY OF THE NOTICE

1. Where the designation relates to any road, the notice shall be displayed in a prominent position at or near each end of the road and in such other positions as the authority think requisite for securing that adequate information about the subject matter of the notice is given to persons using the road.
2. Where the designation relates to an off street parking place, the notice shall be displayed in one or more prominent positions in the road or roads giving access to the parking place, and, where the parking place is in public use, in the parking place itself.
3. The notice shall first be displayed as aforesaid at the same time as the corresponding notice is first published in the local newspaper and the authority shall take all reasonable steps to ensure that it remains in a legible condition and continues to be so displayed–
 - (a) in the case of a notice of proposals, until the end of the objection period;
 - (b) in the case of a notice announcing the holding of a public hearing before an independent person, until the date on which the hearing begins.

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Regulations 6(1)(c)

SCHEDULE 3

REQUIREMENTS AS TO THE AVAILABILITY OF DOCUMENTS FOR INSPECTION

1. There shall be available for inspection at the authority's offices, a local library and the offices of any residents association during normal office hours, and (if the authority think fit) at such other places within the authority's area and during such times respectively at those places as the authority may determine, the following documents:–

- (a) a copy of the designation as drafted or made, as the case may be;
- (b) a copy of the relevant map;
- (c) in the case of a designation which varies or revokes a previous designation, a copy of that designation and of its relevant map;
- (d) in the case of a proposed designation, a copy of a statement setting out the authority's reasons for proposing to make the designation; and
- (e) in the case of a designation made after the holding of a hearing, a copy of the report and the recommendations (if any) of the reporter.

2. The said documents shall be made available as aforesaid not later than the date of the first publication in the local newspaper of the notice in connection with which they are required to be made available, and they shall continue to be so available–

- (a) where the notice is a notice of proposals, until the end of the objection period;
- (b) where the notice is one announcing the holding of a hearing, until the date on which the hearing begins; and
- (c) where the notice is a notice of making the designation, until the end of 6 weeks from the date on which the designation is made.

SCHEDULE 4

REQUIREMENTS AS TO THE MAP

- 1.—(1) The map shall clearly indicate by distinctive colours, symbols or markings—
- (a) each road to which the designation relates;
 - (b) in a case where any provision of the designation prohibits the use of a road by all vehicles, or by all vehicles of a particular class, the alternative route available for the vehicles to be which the provision applies; and
 - (c) in a case where the designation does not relate to a road, the location of the site or other place to which the designation applies and the relationship of that site or place to adjacent roads and premises.
- (2) Where the relevant map is neither specifically referred to in the text of the designation nor made a part of the designation, the map shall be for the purposes of illustration only and the matter indicated on it shall not prevail over the actual text of the designation in the event of any discrepancy between the map and the text.

EXPLANATORY NOTE

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