

Consultation on The Local Authorities Traffic Orders (Procedure) (Scotland) Amendment Regulations 2003

- Covering Letter
- Draft Regulations



SCOTTISH EXECUTIVE

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Your ref:
Our ref: ZFR/3/1

1 August 2003

Dear Sir/Madam

**THE LOCAL AUTHORITIES' TRAFFIC REGULATION ORDER (PROCEDURES)
(SCOTLAND) REGULATIONS 1999**

In November of last year, the Scottish Executive consulted on the need to make amendments to the Local Authorities' Traffic Regulation Order (Procedures) (Scotland) Regulations 1999 (the Regulations) following concerns that the two year time limit contained therein may be restrictive and could have an adverse impact on authorities promoting traffic regulation orders.

The general consensus of those that responded was to introduce an amendment allowing Local Road Authorities to apply to Scottish Ministers, **in exceptional circumstances only**, to extend the two-year limit for a further period, by progression of six-month periods for an additional period, not longer than two years. This would be broadly similar to legislative provisions currently available to roads authorities to extend certain types of temporary traffic regulation orders. A copy of the draft amending regulations is enclosed.

Before finalising any amendments, your views on a further matter are invited. As the regulations currently stand, any traffic regulation order must be made within two years of it first being advertised. The amendments proposed earlier in this letter would allow, in exceptional circumstances, two years to be extended to a maximum of four. Accordingly, specific comments are sought on whether or not local authorities should be allowed to apply to Scottish Ministers for an extension up to and including the last day before expiry of the two year (or subsequent six month) period or whether applications for extensions should be limited to within one calendar month of expiry of the two year or subsequent six month) period.

Comments should be sent, no later than 1 September 2003 to:-

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SCOTTISH STATUTORY INSTRUMENTS

ROAD TRAFFIC

The Local Authorities' Traffic Orders (Procedure) (Scotland) Amendment Regulations 2003

<i>Made</i>	2003
<i>Laid before the Scottish Parliament</i>	2003
<i>Coming into force</i>	2003

The Scottish Ministers, in exercise of the powers conferred by section 124 of, and Part III of Schedule 9 to, the Road Traffic Regulation Act 1984^(a), and of all other powers enabling them in that behalf, after consultation with representative organisations in accordance with section 134(2) of the said Act of 1984, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Local Authorities' Traffic Orders (Procedure) (Scotland) Amendment Regulations 2003 shall come into force on 2003.

Amendment of the 1999 Regulations

2. After regulation 16(3) of the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999^(b) there shall be added—

“(4) paragraph 3 shall not apply where an application for an extension has been made to the Scottish Ministers within the two year period specified in paragraph 3.

(5) The Scottish Ministers may on cause shown extend the two year period specified in paragraph 3 for a further period not exceeding 6 months and Scottish Ministers may grant a total of 4 such extensions to the authority.

(6) If the application for an extension is refused the order must be made within the time period specified in paragraph 3 or within one month after intimation of the refusal whichever is the later.

St Andrew's House
Edinburgh

Authorised to sign for the Scottish Ministers

^(a) 1984 c.27; there are amendments to section 124 not relevant to these Regulations. Part III of Schedule 9 was amended by the Local Government Act 1985 (c.51), Schedule 5, paragraph 39 and the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 80 and Schedule 9. The functions of the Secretary of State transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

^(b) S.I. 1999/614 as amended by S.S.I. 2002/31.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 ("the 1999 Regulations") which prescribe the procedure to be followed by local traffic authorities in Scotland for making the main types of traffic and parking orders under the Road Traffic Regulation Act 1984. The 1999 Regulations replaced with significant modifications the Local Roads Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1987 ("the 1987 Regulations").

Regulation 2 amends regulation 16 of the 1999 Regulations by introducing further paragraphs to allow authorities to apply to Scottish Ministers, on cause shown, for up to 4 six month extensions where the order cannot be made within the 2 year period specified in regulation 16(3).