STATUTORY INSTRUMENTS

1982 No. 614 (S.86)

ROAD TRAFFIC

The Secretary of State's Traffic Orders (Procedure) (Scotland) Amendment Regulations 1982

Made - - - -	21*st April* 1982
Laid before Parliament	13*th May* 1982
Coming into Operation	7*th June* 1982

The Secretary of State in exercise of powers conferred on him by section 84C(5) and (6) of the Road Traffic Regulation Act 1967 (**a**) and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with the provisions of section 107(2) of that Act, hereby makes the following regulations:—

1. These regulations may be cited as the Secretary of State's Traffic Orders (Procedure) (Scotland) Amendment Regulations 1982 and shall come into operation on 7th June 1982.

2. The Secretary of State's Traffic Orders (Procedure) (Scotland) Regulations 1973 (**b**) (hereinafter referred to as "the 1973 regulations") shall be further amended so as to have effect in accordance with the provisions of these regulations.

3. In regulation 2(2) of the 1973 regulations the following definition shall be substituted for the definition of "consolidation order":—

' "consolidation order" means an order which revokes provisions of one or more existing orders, reproduces those provisions without any change of substance and makes no other provision, but so however that for the purpose of this definition the following shall not be regarded as a change of substance—

(i) the inclusion in the order (by way of an addition to the provisions of any existing order or orders) of an exemption in respect of a disabled person's vehicle of the same kind as is mentioned in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 1971 (**c**) ,

(ii) the substitution in the order for a prohibition or restriction in any existing order or orders of a prohibition or restriction of the type specified in regulation 13(3)(c) or (d);'.

(**a**) 1967 c.76; section 84C was inserted by section 130(5) of, and Part V of Schedule 14 to, the Transport Act 1968 (c.73).
(**b**) S.I. 1973/1121, amended by S.I. 1979/214.
(**c**) S.I. 1971/1521, amended by S.I. 1975/881 and 1975/1586.

4. In regulation 13 of the 1973 regulations:—

(1) the following sub-paragraph shall be inserted after paragraph (1)(ii):—

"(iiA) in a case where the consolidation order contains a substitution of the type specified in paragraph (3)(c) or (d) of this regulation a statement of the particulars of the prohibitions or restrictions which have been replaced by the consolidation order;";

(2) the word "or" at the end of paragraph (3)(a) shall be deleted and the full stop at the end of paragraph (3)(b) shall be replaced by a semi-colon;

(3) the following sub-paragraphs shall be inserted after paragraph (3)(b):—

"(c) to vary an order made under section 1 or 9 of the Act so as to substitute for a prohibition or restriction on the use of vehicles the weight of which (however described) exceeds a weight expressed in imperial units an identical prohibition or restriction on the use of vehicles the weight of which exceeds the metric equivalent to that weight;

(d) to vary an order made under section 1 or 9 of the Act so as to substitute for a prohibition or restriction on the use of vehicles the weight of which exceeds a specified unladen weight an identical prohibition or restriction on the use of vehicles the weight of which exceeds the corresponding maximum gross weight.";

(4) the following paragraphs shall be inserted after paragraph (3):—

"(4) For the purpose of this regulation a metric weight is equivalent to any weight expressed in imperial units when it is the metric equivalent of that weight (calculated by reference to the approximate values shown in Part I of Schedule 3 to The Units of Measurement Regulations 1980 (**a**)) but expressed in tonnes either to the nearest tonne or to the nearest 0.5 tonne.

(5) In this regulation:—

"the corresponding maximum gross weight" means the maximum gross weight expressed in metric units specified in Column 2 of Schedule 4 to these regulations opposite the equivalent unladen weight specified in Column 1 of the said Schedule;

"maximum gross weight" has the same meaning as in the Traffic Signs Regulations and General Directions 1981 (**b**);

"a specified unladen weight" means one of the weights specified in Column 1 of Schedule 4 to these regulations expressed in imperial units or its metric equivalent.".

5. In Part IV of Schedule 1 to the 1973 regulations after paragraph 2 there shall be inserted the following paragraph:—

"2A. In the case of an order to which regulation 13(3)(c) or (d) applies, a statement of the particulars of the prohibitions or restrictions which have been replaced.".

6. After Schedule 3 to the 1973 regulations there shall be inserted the following Schedule:—

(**a**) S.I. 1980/1070.
(**b**) S.I. 1981/859.

"Schedule 4

Column 1	Column 2
Specified unladen weight (in tons)	Corresponding maximum gross weight (in tonnes)
2	5
2.5	5
3	7.5
5	16.5
10	30

"

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
21st April 1982.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Secretary of State's Traffic Orders (Procedure) (Scotland) Regulations 1973 by providing that consultation on and publication of traffic orders are unnecessary where such an order varies an existing order:—

(1) By including the same prohibition or restriction on vehicles above a certain weight but now converted from imperial to metric units expressed either to the nearest tonne or to the nearest 0.5 tonne;

(2) By including the same prohibition or restriction on vehicles previously given by reference to a certain unladen weight but now converted to the equivalent gross weight (shown in Schedule 4 added to the 1973 Regulations).

The definition of "consolidation order" is amended so that the special procedure for consolidation orders is available where a consolidation order effects a variation of either of the types specified above. Where a variation or consolidation order effects a variation of either of the said types, the Secretary of State is required, when publishing a notice of the making of the order, to include details of the prohibitions or restrictions which have been replaced.

SI 1982/614
ISBN 0-11-026614-5

