STATUTORY INSTRUMENTS

1986 No. 181

ROAD TRAFFIC

The Control of Parking in Goods Vehicle Loading Areas Orders (Procedure) (England and Wales) Regulations 1986

Made - - - - -	*4th February* 1986
Laid before Parliament	*19th February* 1986
Coming into Operation	*1st April* 1986

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

	Regulation
Citation, commencement and revocation	1
Interpretation	2
Application of regulations	3

PART II

PROCEDURE BEFORE MAKING THE ORDER

Consultation	4
Publication of proposals	5
Objections	6
Public inquiries	7
Notice of public inquiry	8
Procedure at public inquiry	9
Consideration of objections	10
Modifications	11

PART III

THE FORM OF THE ORDER

Form of the order	12
Operative date of the order	13

PART IV

MAKING THE ORDER AND SUBSEQUENT PROCEDURE

Making the order	14
Notice of the making of the order	15

SCHEDULES

1. Particulars to be included in press notices

2. Requirement as to notices to be displayed in or near to the loading area
3. Requirements as to the availability of documents for inspection

The Secretary of State for Transport (as respects England) and the Secretary of State for Wales (as respects Wales), in exercise of their powers under section 124 of, and Part III of Schedule 9 to, the Road Traffic Regulation Act 1984(**a**), and of all other enabling powers, after consultation with representative organisations in accordance with section 134(2) of the said Act of 1984, and after consultation in accordance with paragraph 23 of Schedule 9 to that Act, hereby make the following Regulations:—

PART I

GENERAL

Citation, commencement and revocation

1.— (1) These Regulations may be cited as the Control of Parking in Goods Vehicle Loading Areas Orders (Procedure) (England and Wales) Regulations 1986 and shall come into operation on 1st April 1986.

(2) The Control of Parking in Goods Vehicle Loading Areas (Procedure) Regulations 1978(**b**) are hereby revoked.

Interpretation

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

"the 1984 Act" means the Road Traffic Regulation Act 1984;

"the authority", in relation to a control order, means the county or metropolitan district council, the council of a London borough or, as the case may be, the Common Council of the City of London, making or proposing to make the order under section 61 of the 1984 Act;

"control order" means an order under section 61(1) or (2) of the 1984 Act and, when used in relation to anything occurring or falling to be done before its making, refers to the order as proposed to be made or, when used in relation to anything occurring or falling to be done on or after its making, refers to the order as made;

"the loading area", in relation to a control order, means—

(a) where the order designates, or will designate, an area of land as an area to which subsections (2) to (5) and (8) of section 61 of the 1984 Act apply, that area of land,

(**a**) 1984 c. 27; Schedule 9 was amended by the Local Government Act 1985 (c. 51), Schedule 5, paragraph 4(39).
(**b**) S.I. 1978/1347.

(b) where the order contains or will contain provisions prohibiting the parking of vehicles in an area of land designated as aforesaid by a previous order under section 61 of the 1984 Act, that area of land,

(c) where the order varies or revokes, or will vary or revoke, an order under section 61 of the 1984 Act which applies to an area of land designated as aforesaid under that section, that area of land,

and where the order applies or will apply to more than one such area, the said expression means each such area;

"local authority" means outside Greater London, a district council, and in Greater London, a London borough council or the Common Council of the City of London;

"local newspaper", for the purposes of the procedure for a control order relating to a loading area in Greater London, includes any newspaper published in Greater London and circulating throughout the whole of Greater London (whether or not that newspaper also circulates outside Greater London);

"the notice of proposals" and "the notice of making", in relation to a control order, mean respectively the notices required to be published under regulations 5 and 15;

"obligatory revocation order" means an order which the authority are required by section 61(2)*(c)* of the 1984 Act to make;

"the objection period" means the period within which objections to a control order may be made in accordance with regulation 6 below;

"owner" has the meaning given in section 61(8) of the 1984 Act.

(2) Any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in the Regulations except where otherwise expressly provided.

Application of Regulations

3.— (1) These Regulations apply to control orders made or proposed to be made by a county or metropolitan district council or by the Council of a London borough or by the Common Council of the City of London.

(2) Except where otherwise stated, each regulation (so far as applicable) applies to every such order.

PART II

PROCEDURE BEFORE MAKING THE ORDER

Consultation

4.— (1) Before making a control order the authority shall consult with the local authority in whose area the loading area is situated.

(2) Paragraph (1) above does not apply to an obligatory revocation order.

(3) The consultation referred to in paragraph (1) above is additional to the consultation with the chief officer of police required by paragraph 20 of Schedule 9 to the 1984 Act.

(4) This regulation does not apply in relation to any loading area situated in Greater London or in a metropolitan county.

Publication of proposals

5.— (1) After the consultations referred to in regulation 4 and after obtaining the consent of the owner and occupier of the loading area but before making the control order the authority shall:—

(a) publish once at least in a local newspaper circulating in the area in which the loading area is situated a notice of proposals containing the particulars specified in Part I of Schedule 1;

(b) comply with the relevant requirements of Schedules 2 and 3 as to the display of notices in or near to the loading area and as to the availability of documents for inspection.

(2) Paragraph (1) above does not apply to an obligatory revocation order.

Objections

6.— (1) The period during which objections to the control order can be made shall begin not earlier than the date on which the authority have complied with the requirements of paragraph *(a)*, and have begun to display the notices required by paragraph *(b)*, of regulation 5, and shall continue for not less than 21 days.

(2) Any person desiring to object to the authority's proposal to make the order shall send within the period, and to the address, specified in the notice of proposals published as required by regulation 5 a written statement of his objections and of the grounds thereof.

Public inquiries

7.— (1) Before making the control order the authority may hold a public inquiry in connection with that order.

(2) The authority shall appoint as the person to hold the public inquiry a person selected by them from a panel of persons chosen by the Secretary of State for the purpose of holding public inquiries under Regulations made under paragraph 21 or 23 of Schedule 9 to the 1984 Act.

(3) This regulation does not apply in relation to an obligatory revocation order.

Notice of public inquiry

8.— (1) Where a public inquiry is to be held in connection with a control order, the authority shall, after complying with the requirements of regulation 5 and after the end of the objection period:—

(a) publish once at least in a local newspaper circulating in the area in which the loading area is situated a notice of the inquiry containing the particulars specified in Part II of Schedule 1;

(b) comply with the relevant requirements of Schedules 2 and 3 as to the display of notices in or near to the loading area and as to the availability of documents for inspection;

(c) not later than the date of the first publication of the notice required by sub-paragraph *(a)* above, inform in writing any person who has objected to the order in accordance with regulation 6 and who has not withdrawn the objection, of the date, time and place of the inquiry.

(2) There shall be at least 21 days between the date on which the requirements of paragraph (1) above have been complied with and the date on which the inquiry is due to begin.

Procedure at public inquiry

9.— (1) Any person interested in the subject matter of a public inquiry may appear at an inquiry either in person or by counsel, solicitor or other representative.

(2) Any person so interested may, whether or not he proposes to appear at the inquiry, send to the person appointed to hold the inquiry, at the address given in the notice of proposals for the receipt of objections, such written representations as he may wish to make in relation to the subject matter of the inquiry with a view to their consideration by that person at the inquiry.

(3) The person holding the inquiry may refuse to hear any person, or to consider any objection or representation made by any person, if he is satisfied that the views of that person or the objection or representation are frivolous or that such views have already been adequately stated by some other person at the inquiry.

(4) Subject as aforesaid, the procedure at the inquiry shall be in the discretion of the person holding it.

Consideration of objections

10. Before making the control order the authority shall consider all objections duly made in accordance with regulation 6 and not withdrawn and also the report and recommendations (if any) of the person holding any public inquiry in connection with the order.

Modifications

11.— (1) Subject to paragraph (2) below, the authority may make the control order with modifications (whether in consequence of any objections or otherwise), but where proposed modifications appear to the authority substantially to affect the character of the order, they shall, before making the order, take such steps as are reasonably required for informing persons likely to be concerned of the effect of the modifications and for giving to those persons an opportunity to make representations in connection therewith and shall consider all such representations which are made to them.

(2) Nothing in this regulation shall entitle the authority to make the control order with modifications unless the owner and occupier of the loading area have consented to the modifications.

PART III

THE FORM OF THE ORDER

Form of the order

12.— (1) The control order shall describe or otherwise identify the loading area to which it relates.

(2) The description of a loading area may be by reference to a map.

Operative date of the order

13.— (1) The control order shall specify the date on which it comes into operation or, in a case where different operative dates are provided for different provisions of the order, each of the dates on which a provision of the order comes into operation.

(2) No date on which an order, or a provision of an order, comes into operation shall be earlier than the date on which the notice of the making of the order is published in the local newspaper under regulation 15.

PART IV

MAKING THE ORDER AND SUBSEQUENT PROCEDURE

Making the order

14. Subject to the foregoing provisions of these Regulations the authority may make the control order and the order shall bear that authority's seal duly authenticated in accordance with the relevant standing orders of that authority.

Notice of the making of the order

15. When the authority have made the control order, they shall:—

(a) forthwith give notice in writing of the making of the order to the chief officer of police for the police area in which the loading area is situated;

(b) notify in writing each person who has duly objected to the order in accordance with regulation 6 and has not withdrawn his objection, of the authority's reasons for making the order in spite of his objection;

(c) within 14 days of the making of the order publish once in a local newspaper circulating in the area in which the loading area is situated a notice of the making of the order containing the particulars specified in Part III of Schedule 1;

(d) comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection;

(e) serve a copy of the order as made and of the notice of the making of the order on the owner and occupier of the loading area;

(f) take such steps as are necessary to secure—

(i) the placing of such traffic signs in such positions in or near to the loading area as the authority may consider requisite for securing that adequate information as to the effect of the order is given to persons using or proposing to use the loading area, and

(ii) in a case where an order contains provisions for revoking or varying a previous order, such removal or replacement of existing traffic signs as the authority may consider requisite for the purpose of avoiding confusion to users or intending users of the loading area or the continuance of traffic signs in incorrect positions.

Nicholas Ridley,
Secretary of State for Transport

3rd February 1986.

Nicholas Edwards,
Secretary of State for Wales

4th February 1986.

SCHEDULE I

Regulations 5(1), 8(1) and 15*(c)*

PARTICULARS TO BE INCLUDED IN PRESS NOTICES

PART I—PARTICULARS TO BE INCLUDED IN THE NOTICE OF PROPOSALS

1. The name of the authority.

2. The title of the order.

3. A statement of the general nature and effect of the order.

4. A brief description of the loading area.

5. Each address at which a copy of the order, as drafted, a copy of any map referred to in the order, and a copy of the authority's statement of reasons for proposing to make the order can be inspected, and the times when inspection can take place at each such address.

6. The period during which, and the address to which, objections to the order can be made, 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 INQUIRY

1. The name of the authority.

2. The title of the order.

3. A statement which refers to the published notice of proposals for the order and which indicates that a public inquiry will be held in connection with the order.

4. A brief statement of the general nature and effect of the order and a brief description of the loading area to which the order will apply.

5. The date, time and place of the inquiry and the name of the person appointed to hold the inquiry.

6. Each address at which a copy of the order, as drafted, a copy of any map referred to in the order, and a copy of the authority's statement of reasons for proposing to make the order can be inspected, and the times when inspection can take place at each such address.

PART III—PARTICULARS TO BE INCLUDED IN THE NOTICE OF MAKING THE ORDER

1. The name of the authority.

2. The title of the order.

3. A statement of the general nature and effect of the order and of its operative date or dates.

4. A brief description of the loading area to which the order relates.

5. Each address at which a copy of the order as made, and a copy of any map referred to in the order can be inspected, and the times when inspection can take place at each such address.

Regulation 8(1) SCHEDULE 2

REQUIREMENTS AS TO NOTICES TO BE DISPLAYED IN OR NEAR TO THE LOADING AREA

PART I—PARTICULARS TO BE INCLUDED IN THE NOTICE

1. The name of the authority.

2. The title of the order.

3. A brief statement of the effect of the order.

4. An address at which a copy of the order, a copy of any map referred to in the order and a copy of the authority's statement of reasons for proposing to make the order 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 period during which, objections to the order can be made, 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 inquiry, the date, time and place of the inquiry and the name of the person appointed to hold the inquiry.

PART II–OTHER REQUIREMENTS AS TO THE DISPLAY OF THE NOTICE

1. The notice shall be displayed in a prominent position in or near to the loading area to which the order applies and in such other positions as the authority think requisite for securing that adequate information about the subject matter of the notices is given to persons using or intending to use the loading area.

2. The notice shall first be displayed as aforesaid not later than the first publication of the corresponding notice 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 inquiry, until the date on which the inquiry begins.

SCHEDULE 3 Regulation 8(1)

REQUIREMENTS AS TO THE AVAILABILITY OF DOCUMENTS FOR INSPECTION

1. There shall be available for inspection at the authority's offices 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 order as drafted or made (as the case may be);

(b) a copy of any map referred to in the order;

(c) in the case of an order which varies or revokes a previous order, a copy of that order and of any map referred to in it;

(d) in the case of a proposed order, a copy of a statement setting out the authority's reasons for proposing to make the order; and

(e) in the case of an order made after the holding of a public inquiry, a copy of the report and the recommendations (if any) of the person appointed to hold the inquiry.

2. The said documents shall be made available as aforesaid not later than 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 public inquiry, until the date on which the inquiry begins; and

(c) where the notice is a notice of making the order, until the end of 6 weeks from the date on which the order is made.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations lay down the procedure to be followed by the county or metropolitan district council, the council of a London borough or the Common Council of the City of London in connection with the making by them of orders under section 61(1) of the Road Traffic Regulation Act 1984 for controlling the parking of vehicles in areas used for loading or unloading goods vehicles.

Regulations 4 to 11 prescribe the procedure before the order is made. They provide for preliminary consultation with the local authority (regulation 4), publication of proposals (regulation 5), objections to the order (regulation 6), public inquiries (regulations 7 to 9), the consideration of objections and of the report of any inquiry, and the making of modifications to the proposals (regulations 10 and 11).

Regulations 12 and 13 deal with the form of the order and its operative date or dates.

Regulations 14 and 15 contain provisions with respect to the making of the order, the publication of notice of its making and the erection of traffic signs to convey information as to the effect of the order.

Schedules 1 to 3 detail the requirements as to the material to be included in the notices relating to the orders, as to the display of notices in or near to the loading areas and as to the documents to be made available for inspection.

SI 1986/181
ISBN 0-11-066181-8

