SCOTTISH STATUTORY INSTRUMENTS

2005 No.299

ROAD TRAFFIC

The Road Traffic (Temporary Restrictions) Procedure Amendment (Scotland) Regulations 2005

Made - - - -	*1st June 2005*
Laid before the Scottish Parliament - - - -	*2nd June 2005*
Coming into force - -	*25th June 2005*

The Scottish Ministers, in exercise of the powers conferred by section 16(2) and (2A) of the Road Traffic Regulation Act 1984 ("the 1984 Act")(**1**), and of all other powers enabling them in that behalf, after consultation with representative organisations in accordance with section 134(2) of the 1984 Act, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Road Traffic (Temporary Restrictions) Procedure Amendment (Scotland) Regulations 2005 and shall come into force on 25th June 2005.

(2) These Regulations extend to Scotland only.

Amendment of the Road Traffic (Temporary Restrictions) Procedure Regulations 1992

2.—(1) The Road Traffic (Temporary Restrictions) Procedure Regulations 1992(**2**) are amended in accordance with this regulation.

(2) After regulation 14 (tramcars and trolley vehicles) insert–

"PART V

Application of these Regulations to Scotland

15.—(1) These Regulations shall apply to Scotland subject to the following amendments.

(**1**) 1984 c. 27. Sections 16(2) and 16(2A) were substituted by section 1 of the Road Traffic (Temporary Restrictions) Act 1991 (c. 26). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 1999 (S.I.1999/1750), article 2 and Schedule 1 only so far as the functions are exercisable in relation to the imposition of speed limits.

(**2**) S.I. 1992/1215.

(2) In regulation 3 (procedure for making a temporary order)–

(a) in paragraph (1) after "Subject to the following provisions of this Part" insert "and Part V";

(b) paragraphs (2) and (3) shall not apply to Scotland;

(c) for paragraph (5) substitute–

"(5) Within 14 days after making the order but before the order comes into operation 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."; and

(d) for paragraph (6) substitute–

"(6) The notice mentioned in paragraph (5) above–

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

(b) shall state the effect of the order;

(c) shall state the date on which the order is in force and its maximum duration; and

(d) may also contain the alternative route or routes available for traffic, or details as to where this information may be found.".

(3) In regulation 6 (orders to which no time limit applies)–

(a) for paragraph (2) substitute–

"(2) Regulation 3 shall have effect in relation to the order as if sub-paragraphs (a), (b) and (d) of paragraph (4) were omitted."; and

(b) paragraphs (4) and (5) shall not apply to Scotland.

(4) For regulation 7 (continuation of restriction or prohibition imposed by notice) substitute–

"**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(5) shall apply with the omission of the words, "but before the order comes into operation.".

(5) In regulation 9 (continuation of order by direction of the Secretary of State), for paragraph (3) substitute–

"(3) The notice mentioned in paragraph (2) above–

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

(b) shall state the effect of the order;

(c) shall state 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;

(d) shall state 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; and

(e) may also contain the alternative route or routes available for traffic, or details as to where this information may be found.".

(6) In regulation 10 (procedure for issue of temporary notice by a traffic authority), for paragraph (2) substitute–