SCOTTISH STATUTORY INSTRUMENTS

# 2003 No. 292

# TRANSPORT

## The Road User Charging (Consultation and Publication) (Scotland) Regulations 2003

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| *Made - - - -* | *5th June 2003* |
| *Laid before the Scottish Parliament - - - -* | *6th June 2003* |
| *Coming into force - -* | *1st July 2003* |

The Scottish Ministers, in exercise of the powers conferred by sections 50(3) and 81(2) of the Transport (Scotland) Act 2001(**1**), and of all other powers enabling them in that behalf, hereby make the following regulations:

### Citation and commencement

**1.** These Regulations may be cited as the Road User Charging (Consultation and Publication) (Scotland) Regulations 2003 and shall come into force on 1st July 2003.

### Interpretation

**2.**—(1) In these Regulations–

"the Act" means the Transport (Scotland) Act 2001;

"Crown road" and "the appropriate Crown Authority" have the same meanings as in section 131(7) of the Road Traffic Regulation Act 1984(**2**);

"fire authority" has the same meaning as in the Fire Services Act 1947(**3**);

"notice of proposals" in relation to a charging scheme means the notice required to be published under regulation 4(a);

"objector" means any person who has objected to a proposed charging scheme and has not withdrawn the objection;

"operative date" means the date or dates on which any provision of the charging scheme comes into force;

(**1**) 2001 asp 2.
(**2**) 1984 c. 27. 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 (c. 22), Schedule 8, paragraph 75.
(**3**) 1947 c. 41.

"Passenger Transport Authority" has the same meaning as in section 9(1) of the Transport Act 1968(**4**)

"police area" has the same meaning as in section 1(2) of the Police (Scotland) Act 1967(**5**);

"public passenger transport services" has the same meaning as in the Transport Act 1985(**6**);

"road to which the charging scheme relates" refers to any road that is, or is proposed to be, subject to a charge imposed by virtue of a charging scheme; and

"relevant map", in relation to a charging scheme, means a map complying with the requirements of Schedule 4.

(2) A reference in these Regulations to anything done in writing includes a reference to an electronic communication as detailed in the Electronic Communications Act 2000(**7**).

(3) 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.

(4) Any reference in these Regulations to a charging authority shall, in relation to a charging scheme made or proposed to be made jointly by more than one authority, be construed as a reference to those authorities.

**Consultation**

**3.**—(1) The charging authority shall in all cases consult–

(a) the chief constable of any police force for the police area in which any road to which the charging scheme relates is situated;

(b) the chief officer of the Scottish Ambulance Service;

(c) the fire authority;

(d) the Road Haulage Association;

(e) the Freight Transport Association;

(f) the Automobile Association;

(g) the Royal Automobile Club; and

(h) such other organisations representing persons or individuals likely to be affected by any provision in the proposed charging scheme as the charging authority thinks appropriate.

(2) In the cases specified in column 1 of the table below the charging authority shall also consult the person or persons specified in the corresponding entry in column 2 of that table.

**TABLE**

| *Column 1* | *Column 2* |
|---|---|
| Where the charging scheme appears to the charging authority to be likely to affect traffic on a road for which another authority is the local traffic authority. | The other authority. |

(**4**) 1968 c. 73, as substituted by the Transport Act 1985 ss. 57(6), 139(3), Sch. 3 para. 3, Sch. 8.
(**5**) 1967 c. 77.
(**6**) 1985 c. 67.
(**7**) 2000 c. 7.

| *Column 1* | *Column 2* |
|---|---|
| Where the charging scheme appears to the charging authority to be likely to affect traffic on a Crown road. | The appropriate Crown authority. |
| Where the charging scheme appears to the charging 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 Passenger Transport Authority, if any, for the area in which those services are provided. |

(3) In consulting any person as required by paragraphs (1) or (2) the charging authority shall provide that person with the information specified in paragraph (6).

(4) Any person consulted under paragraphs (1) or (2) may make such representations on the proposed charging scheme to the charging authority as they consider appropriate.

(5) Any representations made by a person under paragraph (4) shall be submitted to the charging authority within 3 months of the date on which the charging authority provides that person with the information specified in paragraph (6).

(6) Each person consulted under paragraph (1) or (2) shall be provided by the charging authority with the following:–

(a) a draft of the order which would make the proposed charging scheme;

(b) a copy of the relevant map;

(c) a copy of a statement by the charging authority setting out the reasons why the proposed charging scheme should be made; and

(d) any other information on the proposed charging scheme which the charging authority considers necessary or appropriate.

(7) The charging authority shall prepare and publish a report detailing the persons consulted under paragraphs (1) and (2) and any representations made under paragraph (4) and any report so prepared shall indicate the extent to which the charging authority will implement any proposals contained in any representations so made.

**Publication of proposals**

**4.** After completing the consultations referred to in regulation 3 but before submitting the order making the charging scheme to Scottish Ministers in accordance with section 51(1) of the Act the charging authority shall–

(a) publish at least once in a local newspaper circulating in any area in which there is situated a road to which the proposed charging scheme relates, a notice of proposals containing the particulars specified in Part I of Schedule 1;

(b) send a copy of the report prepared under regulation 3(7) to the persons consulted under regulation 3(1) and (2);

(c) take such other steps as they consider appropriate for ensuring that adequate publicity about the charging scheme is given to persons likely to be affected by its provisions and, without prejudice to the generality of this paragraph, 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 any road to which the charging scheme relates;

(iii) the delivery of notices or letters to all persons appearing to the charging authority to be likely to be significantly affected by any provision in the proposed charging scheme; and

(iv) posting a copy of a draft of the order which would make the proposed charging scheme and a description of the consultation arrangements on any internet web site for the charging authority; and

(d) comply with the requirements of paragraph 1(a),(b) and (c) of Schedule 3.

**Objections**

**5.**—(1) Before the end of the objection period mentioned in paragraph (3), any person may object to the making of the proposed charging scheme.

(2) Any objection made under paragraph (1) shall be in writing and contain a statement of the grounds of the objection and shall be sent to the address specified in the notice published under regulation 4(a), as required by paragraph 5 of Part 1 of Schedule 1.

(3) The objection period shall be such period as may be specified in the notice published under regulation 4(a), being a period of not fewer than 28 days beginning with the date on which that notice is published.

(4) At the end of the objection period specified in paragraph (3) the charging authority shall prepare and publish a report detailing–

(a) the number of objections received;

(b) a summary of the general nature of the objections received;

(c) the charging authority's response to the objections received; and

(d) whether the charging authority intend to cause an inquiry to be held under section 52(4) of the Act and, if so, the date, time and place at which, and the person or persons by whom, the inquiry will be held.

(5) A copy of any report prepared under paragraph (4) shall be submitted to the Scottish Ministers and shall be made available for public inspection in accordance with paragraph 1(d) of Schedule 3.

**Making of Order**

**6.**—(1) The order making the charging scheme shall specify the date on which it is made.

(2) Within 7 days of making the order the charging authority shall submit to the Scottish Ministers for their confirmation the order making the charging scheme.

(3) The charging authority must provide the Scottish Ministers with any information requested by the Scottish Ministers for the purpose of enabling them to decide whether or not to confirm the order.

(4) The order making the charging scheme shall come into force following confirmation by the Scottish Ministers on such date or dates as the charging authority may determine.

**Notice of making of the charging scheme**

**7.** When the order making the charging scheme has been confirmed by the Scottish Ministers the charging authority shall–

(a) as soon as reasonably practicable–

(i) give notice in writing of the making of the charging scheme to the chief constable of the police area in which any road to which the charging scheme relates is situated;

(ii) give notice in writing to each objector of the charging authority's reasons for making the charging scheme notwithstanding the objection; and