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SCOTTISH STATUTORY INSTRUMENTS

2002 No. 292

TRANSPORT

The Home Zones (Scotland) (No. 2) Regulations 2002

Made - - - -	*10th June 2002*
Laid before the Scottish Parliament - - - -	*10th June 2002*
Coming into force - -	*1st July 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 74(4) 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 Home Zones (Scotland) (No. 2) Regulations 2002 and shall come into force on 1st July 2002.

Interpretation

2.—(1) In these Regulations–

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

"authority" means the local traffic authority making, or proposing to make, a designation in respect of a road;

"designate" means designate as a home zone under section 74(1) of the Act, and "designated" and "designation" shall be construed accordingly;

"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" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(**3**) or, where the area of the fire authority forms part of a combined area for fire-fighting purposes, the joint board for fire services for that combined area;

(**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**) 1994 c. 39.

"notice of proposals" in relation to a designation, means the notice required to be published under regulation 6;

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

"public passenger transport services" has the same meaning as in section 63(10)(a) of the 1985 Act (**5**);

"relevant map", in relation to an designation, means the map required by regulation 13 to be prepared and kept in connection with that designation; and

"restricted road" has the same meaning as in section 82(1)(b) of the Road Traffic Regulation Act 1984(**6**).

(2) A reference in these Regulations to anything done in writing includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(**7**), which has been recorded and is consequently capable of being reproduced.

Class of road that may be designated

3. An authority may make a designation only in respect of a restricted road.

Preliminary consultation

4.—(1) If an authority proposes to designate any road, it shall carry out a preliminary consultation with those having an interest in land on, adjoining or adjacent to the road it proposes to designate as specified in paragraph (5) in accordance with the following paragraphs.

(2) The authority shall prepare a notice of their intention to designate that road.

(3) Any such notice shall provide details of the road that the authority intend to designate and the proposals that the authority intends to implement in respect of that road.

(4) The authority shall intimate the notice to all persons having an interest in land on, adjoining or adjacent to the road it intends to designate as specified in paragraph (5) and any other organisation or individual that the authority considers is likely to be affected by the proposed designation.

(5) The persons holding an interest in land to whom the authority shall intimate the notice are–

(a) in the case of lands and heritages entered in the valuation roll at the date of intimation, the persons appearing in the valuation roll in force at the time as being the owners, lessees and occupiers of those lands and heritages; and

(b) in the case of lands and heritages not entered in the valuation roll at the date of intimation, the owners and occupiers of those lands and heritages.

(6) The notice shall invite any person to whom it is intimated to comment upon the detail of the proposals contained in the notice, and the said person may make written representations to the authority concerning the detail of the proposals contained in the notice within such period as may be specified in the notice, which shall be not less than 28 days from the date on which notice is given.

(7) The authority shall consider any written representations made to it in accordance with paragraph (6), before consulting on its proposals under regulation 5.

(**4**) 1968 c. 73.
(**5**) The Transport Act 1985 (c. 67).
(**6**) The words in section 82(1) were substituted by the New Roads and Street Works Act 1991, section 168(1) and Schedule 8, paragraph 59. The classification or type of road is specified in the Restricted Roads (Classification or Type) (Scotland) Regulations 1985 (S.I.1985/1888).
(**7**) 2000 c. 7.

Detailed consultation

5.—(1) After considering any written representations made to it in accordance with regulation 4(6), if the authority intends to proceed to designate the relevant road, it shall carry out a consultation in accordance with this regulation.

(2) The authority shall, in any case specified in column (2) of an item in the table below, notify the persons specified in column (3) of the item in writing of its intention to designate the road and provide those persons with details of the proposals that the authority intends to implement in respect of that road, a plan of the area in the vicinity of that road and an explanation of the extent to which the designation will implement the measures for securing the purposes mentioned in section 74(2) of the Act.

TABLE

(1) *Item*	(2) *Case*	(3) *Consultee*
1.	Where the designation appears to the authority to be likely to affect traffic on a road for which another authority is the local traffic authority.	The other authority.
2.	Where the designation appears to the authority to be likely to affect traffic on a Crown road.	The appropriate Crown authority.
3.	Where the designation appears to the 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 appropriate Passenger Transport Authority.
4.	All cases	(a) (a) The chief constable of any police force for the police area in which any road to be designated is situated. (b) any person with an interest in land on, adjoining or adjacent to the road to be designated of the kind described in regulation 4(4). (c) The Road Haulage Association. (d) The Freight Transport Association. (e) Such other organisations (if any)

(1) *Item*	(2) *Case*	(3) *Consultee*
		representing persons or individuals likely to be affected by any provision in the designation as the authority thinks appropriate. (f) The chief officer of the Scottish Ambulance Service. (g) The fire authority.

(3) Any person notified of the authority's proposals under paragraph (2) may make written representations to the authority on the measures contained in the proposed designation.

(4) Any representations made under paragraph (3) shall be submitted to the authority within 3 months of the date on which the authority notified the relevant person in accordance with paragraph (2).

(5) Before publishing its proposals in accordance with regulation 6, the authority shall–

(a) consider any representations made under paragraph (3); and

(b) prepare and publish a report detailing the persons notified under paragraph (2), any representations made under paragraph (3) and the extent to which the authority will vary its proposals to take account of any representations so made.

(6) A copy of any report published under paragraph (5)(b) shall be–

(a) available for inspection at the authority's offices and any local library during normal office hours;

(b) if the authority considers it appropriate, available for inspection at such other places within the authority's area and during such times respectively at those places as the authority may determine;

(c) sent to any person who has made representations under paragraph (3).

Publication of proposals

6. After complying with the requirements in regulation 5, the authority shall–

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

(b) send a copy of the notice of proposals containing the particulars specified in Part I of Schedule 1 to each person whom it was required to consult under regulation 5;

(c) take such other steps as it may consider appropriate for ensuring that adequate publicity about the designation is given to persons likely to be affected by its provisions and, without prejudice to the generality of this sub-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 roads or other places affected by the designation; or

(iii) the delivery of notices or letters to all residents, residents associations and premises, appearing to the authority to be likely to be affected by any provision in the designation;

(d) make available for inspection in accordance with Schedule 3 the documents mentioned in that Schedule.

Objections

7.—(1) Before the end of the objection period mentioned in paragraph (3), any person may object to the making of the designation (any person making any such objection being hereinafter referred to as an "objector").

(2) Any objection made under paragraph (1) shall contain a written statement of the grounds of the objection and shall be sent to the address specified in the notice of proposals published in accordance with regulation 6(a).

(3) The objection period shall be such period of not less than 42 days from the date on which the relevant notice of proposals is published under regulation 6(a) as may be specified in that notice.

(4) If no objections have been made by the end of the objection period, or any objections made have been withdrawn by that date, the authority may proceed to make the designation of the relevant road.

Hearing

8.—(1) Before designating any road the authority shall hold a hearing in connection with that designation where an objection has been made under regulation 7 and not withdrawn.

(2) Any hearing shall be conducted by an independent person (hereinafter referred to as "the reporter") appointed by the authority from a list of persons compiled by the Scottish Ministers for that purpose.

(3) The date of the hearing shall not be earlier than 28 days after the publication of the notice referred to in regulation 9(1).

Notice of hearing

9.—(1) Where a hearing is to be held, not earlier than the expiry of the objection period referred to in regulation 7(3), the authority shall publish at least once in a local newspaper circulating in the area in which any road to which the designation relates is situated a notice of the hearing containing the particulars specified in Part II of Schedule 1.

(2) Where a hearing is to be held the authority shall forthwith give notice in writing to any objector informing that objector that–

(a) if within such period, being not less than 14 days, as is specified in the notice, intimation is given to the authority that the objector desires to be heard in support of the objection, an opportunity will be afforded of being heard;

(b) the objector may submit written representations in support of the objection as an alternative to being heard at the hearing and that any such written representations should be submitted prior to the date set for the hearing; and

(c) if the objector does not intimate that the objector wishes to be heard in support of the objection or submit written representations prior to the date set for the hearing, then the objection will be deemed to be withdrawn unless the objector confirms in writing that the objector wishes the objection to be maintained.