SCOTTISH STATUTORY INSTRUMENTS

2002 No. 177

TRANSPORT

The Home Zones (Scotland) Regulations 2002

Made - - - -	*18th April 2002*
Laid before the Scottish Parliament - - - -	*19th April 2002*
Coming into force - -	*20th May 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) Regulations 2002 and shall come into force on 20th May 2002.

Interpretation

2. In these Regulations—

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

"authority", in relation to a designated road, means the local traffic authority making, or proposing to make, the designation under the Act;

"designated road" means a road designated by a local traffic authority as a home zone under section 74(1) of the Act and "designate" 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;

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

(**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.

"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 Transport Act 1985(**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;

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

"writing" shall have the same meaning as in Schedule 2 to the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999(**7**) and shall also include communication by electronic means.

Class of designated road

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

Notice of intention to designate a road

4.—(1) The authority shall prepare in respect of any road that they intend to designate, a notice of their intention to designate that road.

(2) Any such notice prepared in terms of paragraph (1) shall provide details of the road affected and the proposals that the authority intend to implement in respect of that road.

(3) The authority shall intimate the notice prepared under paragraph (1) to all residents, tenants and owners of any private or commercial property on, adjoining or adjacent to the designated road and any other organisation or individual likely to be affected by the proposed designation as the authority thinks appropriate.

(4) Any person to whom a notice is intimated or their authorised representative shall be invited by the notice to comment upon its terms and the said person or their authorised representative may make written representations to the authority concerning the detail of the proposals contained in the notice as they consider appropriate.

(5) The authority shall consider any written representations made to them under paragraph (4) before consulting on their proposals under regulation 5.

Consultation

5.—(1) After preparing a notice of intention to designate a road under regulation 4 but before designating a road in any case specified in column (2) of an item in the table below, the authority shall consult the persons specified in column (3) of the item of their intention to so designate the road and provide the persons specified in column (3) with a plan of the area in the vicinity of the designated road that details the extent to which the designation will implement the measures for securing the purposes mentioned in section 74(2) of the Act.

(**4**) 1968 c. 73.
(**5**) 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**) S.I. 1999/1379.

TABLE

(1) *Item*	*(2)* *Case*	*(3)* *Consultee*
1.	Where the designation relates to, or 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 relates to, or appears to the authority to be likely to affect traffic on, a Crown road.	The appropriate Crown authority.
3.	Where the designation relates to, or 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.	Where it appears to the authority that the designation is likely to affect the passage on any road or place of— (a) ambulances; or	The chief officer of the Scottish Ambulance Service.
	(b) (b) fire-fighting vehicles.	In case (b) the fire authority.
5.	All cases	(a) (a) The chief constable of police of any police area in which any road to be designated is situated. (b) any resident, owner or tenant of any private or commercial property on, adjoining or adjacent to the designated road. (c) The Road Haulage Association. (d) The Freight Transport Association. (e) Such other organisations (if any) representing persons

(1) *Item*	*(2)* *Case*	*(3)* *Consultee*
		or individuals likely to be affected by any provision in the designation as the authority thinks appropriate.

(2) Any person consulted under paragraph (1) or their authorised representative may make such written representations to the authority on the measures contained in the proposed designation for securing any of the purposes mentioned in section 74(2) of the Act as they consider appropriate.

(3) Any representations made under paragraph (2) shall be submitted by any person consulted under paragraph (1) to the authority within 3 months.

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

(5) A copy of any report published under paragraph (4) 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 (2).

Publication of proposals

6. After complying with the requirements in regulation 5 but before designating the road 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 is required to consult under regulation 5;

(c) take such other steps as they 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 occupied by persons, 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.

(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.

(3) The objection period shall be a period of not less than 42 days from the date on which a notice is published under regulation 6(a).

Hearing

8.—(1) Before designating any road to which these Regulations apply 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 (referred to as "the reporter") appointed by the authority from a list of persons compiled by the Scottish Ministers for that purpose.

(3) At the conclusion of the hearing the reporter shall prepare a report and may make recommendations.

(4) The hearing shall be held in public.

(5) The date of the hearing shall not be earlier than 35 days, from the later of—

(a) the day after the end of the objection period mentioned in regulation 7(3), or

(b) the date when the notice of the hearing is first published under regulation 9(3).

Notice of hearing

9.—(1) Where a hearing is to be held the authority shall forthwith give notice in writing to any person who has objected to the making of the designation informing that person that, if within such period, not being less than 14 days, as is specified in the notice, intimation is given that the person desires to be heard in support of the objection, an opportunity will be afforded of being heard.

(2) If any objector given such notice intimates a desire to be heard the authority shall notify the objector in writing of the arrangements for the hearing not less than 21 days before the date on which the hearing is to take place.

(3) Where a hearing is to take place the authority shall, in addition, not less than 21 days before the date on which the hearing is due to begin, 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.

(4) Where a hearing is to take place and the objector fails to attend or fails to submit written representations the objection shall be deemed to be withdrawn.

(5) Where written representations have been submitted under regulation 10(3) or (4) the reporter may make a report and recommendations based upon the said written representations.

Procedure at hearing

10.—(1) Subject to paragraphs (2) to (4), the procedure at the hearing shall be determined by the reporter.

(2) The reporter may allow an objector or person interested in the subject matter of the hearing to be heard in person or be represented by an authorised representative.

(3) The reporter may consider any written representations submitted by any objector.