
STATUTORY INSTRUMENTS

2020 No. 536

ROAD TRAFFIC

**The Traffic Orders Procedure (Coronavirus)
(Amendment) (England) Regulations 2020**

<i>Made</i>	- - - -	<i>at 6.25 a.m. on 22nd May 2020</i>
<i>Laid before Parliament</i>		<i>at 2.00 p.m. on 22nd May 2020</i>
<i>Coming into force</i>	- -	<i>23rd May 2020</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 16(2) and (2A), 35C(3), (4) and (4A), 46A(3), (4) and (4A) and 124(1) of, and Part III of Schedule 9 to, the Road Traffic Regulation Act 1984(1).

The Secretary of State has consulted with representative organisations in accordance with section 134(2) of that Act.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Traffic Orders Procedure (Coronavirus) (Amendment) (England) Regulations 2020 and come into force on 23rd May 2020.

(2) The Regulations apply in relation to England only.

Amendments to the Road Traffic (Temporary Restrictions) Procedure Regulations 1992

2.—(1) The Road Traffic (Temporary Restrictions) Procedure Regulations 1992(2) are amended as follows.

(2) In regulation 3 (procedure for making a temporary order), in paragraph (1) after “this Part” insert “and Part VI”.

(3) In regulations 4 (footpaths etc.), in paragraph (3) after “shall” insert “, subject to Part VI”.

(4) In regulation 8 (revocation orders), in paragraph (3) after “shall” insert “, subject to Part VI”.

(1) 1984 c. 27; sections 35C and 46A were inserted by the Road Traffic Act 1991 (c. 40) sections 41, 42; section 134(2) was amended by the New Roads and Street Works Act 1991 (c. 22), Sch 8, paragraph 77. In Schedule 9, paragraph 21 was amended by the Local Government Act 1985 (c. 51), Schedule 5, paragraph 4(39)(i) and by the New Roads and Street Works Act 1991, Schedule 8, paragraph 80 and Schedule 9; paragraph 23 was amended by the Local Government Act 1985, Schedule 5, paragraph 4(39)(j) and by S.I. 2000/1547; and paragraph 25 was amended by the New Roads and Street Works Act 1991, Schedule 8, paragraph 80.

(2) S.I. 1992/1215, amended by S.I. 2006/1177. There are other amendments which are not relevant.

(5) In regulation 9 (continuation of order by direction of the Secretary of State), in paragraph (2) after “shall” insert “, subject to Part VI.”.

(6) In regulation 10 (procedure for issue of temporary notice by a traffic authority), in paragraph (4) after “shall” insert “, subject to Part VI.”.

(7) In regulation 11 (footpaths etc.), after “shall” insert “, subject to Part VI.”.

(8) In regulation 13 (procedure for issue of temporary notice by concessionaire), in paragraph (4) after “shall” insert “, subject to Part VI.”.

(9) After Part V insert—

“PART VI

TEMPORARY PROVISIONS APPLICABLE DURING THE CORONAVIRUS PANDEMIC

Interpretation

16. In this Part “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Alternative publication and inspection requirements

17.—(1) Subject to regulation 18, paragraph (2) applies where—

- (a) a traffic authority is required to publish a notice in one or more newspapers in accordance with regulation 3(2) or (5), 8(3) or 9(2); and
- (b) the traffic authority considers that it would not be reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(2) Where this paragraph applies, a notice under those regulations must be published using such alternative arrangements as the traffic authority considers appropriate for the purpose of informing persons likely to be affected by its provisions.

(3) Paragraph (4) applies where, in relation to a notice—

- (a) a traffic authority is required by regulation 3(7) or 4(3) to comply with the requirements of Part I of the Schedule (display of notice of order); or
- (b) a traffic authority or concessionaire is required by regulation 10(4), 11 or 13(4) to comply with the requirements of Part II of the Schedule (display of notice issued under section 14(2) of the 1984 Act),

and the traffic authority or, as the case may be, concessionaire considers that it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(4) Where this paragraph applies, the traffic authority or concessionaire must use such alternative publicity arrangements as it considers appropriate for the purpose of informing persons likely to be affected by the provisions of the notice.

(5) Without prejudice to the generality of paragraphs (2) and (4), such alternative publicity arrangements may include—

- (a) online publication, including websites, online newspapers, email communication or social media;
- (b) leaflet distribution;
- (c) letter delivery, by post or otherwise.

Procedure for temporary orders made for purposes connected to coronavirus

18.—(1) Paragraph (2) applies where a traffic authority is satisfied in accordance with section 14(1) of the 1984 Act that an order under that section should be made for purposes connected to coronavirus.

(2) Where this paragraph applies, regulation 3 has effect in relation to the order as if it read—

“Procedure for making a temporary order

3.—(1) Subject to the following provisions of this Part, this regulation makes provision for the procedure to be followed in connection with the making of an order under section 14 of the 1984 Act for purposes connected to coronavirus.

(2) Not less than 7 days before making an order, the traffic authority must publish notice of its intention to make the order using such arrangements as the traffic authority considers appropriate for the purpose of informing persons likely to be affected by its provisions.

(3) The notice mentioned in paragraph (2) must state—

- (a) the reason or purpose mentioned in section 14(1) of the 1984 Act for making the order;
- (b) the effect of the order and, where applicable, the alternative route or routes available for traffic;
- (c) the date on which the order would come into force and its maximum duration; and
- (d) that it is also necessary to make the order for purposes connected to coronavirus and what those additional purposes are.

(4) The traffic authority must, on or before the day on which the order is made, give notice of the order—

- (a) to the chief officer of police of any police area in which any road to which the order relates is situated;
- (b) where the traffic authority is not the fire authority for the area in which any road to which the order relates is situated, to the chief officer of the fire authority for that area;
- (c) where the order would be likely to have direct effect on traffic, or any class of traffic, on any road for the maintenance of which another traffic authority is responsible, to that other traffic authority; and
- (d) where the order is likely to have a direct effect on traffic, or any class of traffic, on—
 - (i) a road which is subject to a concession, or
 - (ii) a road in respect of which an assignation has been granted under section 28(1) of the 1991 Act,

to the concessionaire.

(5) Subject to paragraph (8), within 14 days after making the order the traffic authority must publish a notice of the making of the order in one or more newspapers, whether in print or online, circulating in the area in which any road to which the order relates is situated.

(6) The notice mentioned in paragraph 5 must state—

- (a) the reason or purpose mentioned in section 14(1) of the 1984 Act for the making of the order;
 - (b) the effect of the order and, where applicable the alternative route or routes available for traffic; and
 - (c) the date on which the order will come into force and its maximum duration.
- (7) If and to the extent that—
- (a) it appears to the traffic authority that it would be desirable in the interests of giving adequate publicity to the order; and
 - (b) it is reasonably practicable to do so,

the authority must comply with the requirements of Part I of the Schedule (display of notice of order) in relation to each length of road to which the order relates.

(8) Where the traffic authority considers that it is not reasonably practicable to comply with paragraph (5) for reasons connected to the effects of coronavirus, including restrictions on movement, the traffic authority must publish a notice of the making of the order using such alternative arrangements as the traffic authority considers appropriate for the purpose of informing persons likely to be affected by its provisions.

(9) Without prejudice to the generality of paragraphs (2) and (8), such publishing arrangements may include—

- (a) in the case of paragraph (2), in one or more newspapers circulating in the area in which any road to which the order relates is situated;
- (b) online publication, including websites, online newspapers, email communication or social media;
- (c) leaflet distribution;
- (d) letter delivery, by post or otherwise.

(10) When the order has been made, the traffic authority must comply with the requirements of Part III of the Schedule (traffic signs).”.

(3) Where paragraph (2) applies and the order is one to which—

- (a) regulation 4 (footpaths, bridleways, cycle tracks and byways open to all traffic);
- (b) regulation 6 (orders to which no time limit applies); or
- (c) regulation 7 (continuation of restriction or prohibition imposed by notice),

applies, the references in regulation 4, 6 or 7, as applicable, to regulation 3 are to be read as references to regulation 3 as substituted by paragraph (2).

Expiry

19. Regulations 16 to 18 cease to have effect at the end of 30th April 2021.

Transitional provisions

20.—(1) Paragraph (2) applies where—

- (a) a notice is required to be—
 - (i) published under regulation 3(2) or (5), 8(3) or 9(2);
 - (ii) displayed in accordance with the requirements of Part I of the Schedule, under regulation 3(7) or 4(3); or
 - (iii) displayed in accordance with the requirements of Part II of the Schedule under regulation 10(4), 11 or 13(4),

and the notice has been published or displayed by virtue of regulation 17 on or before 30th April 2021.

(2) Where this paragraph applies, the notice is to be treated after that date as having been published or displayed under those regulations as if they had not been modified by regulation 17.

21.—(1) Paragraph (2) applies where—

(a) a notice is required to be—

(i) published under regulation 3(2) or (5), as substituted by regulation 18; or

(ii) displayed in accordance with the requirements of Part I of the Schedule under regulation 3(7), as substituted by regulation 18,

and a notice has been published or displayed by virtue of regulation 18 on or before 30th April 2021.

(2) Where this paragraph applies the notice is to be treated after that date as having been published or displayed under regulation 3 as if it had not been substituted by regulation 18.”.

Amendments to the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996

3.—(1) The Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996(3) are amended as follows.

(2) In regulation 4 (application of Regulations), in paragraph (1)—

(a) for “and IV” substitute “, IV and VI”, and

(b) for “Part V” substitute “, Part V and Part VI”.

(3) In regulations 5 and 15 (preliminary) for “Part IV” substitute “Parts IV and VI”.

(4) In regulation 21 (consolidation and minor orders), in paragraph (4) after “shall” insert “, subject to Part VI”.

(5) In regulation 22 (experimental orders), in paragraph (3) after “shall” insert “, subject to Part VI,”.

(6) In regulation 23 (orders giving permanent effect to experimental orders), in paragraph (3)(b) after “available for inspection” insert “, subject to Part VI,”.

(7) In regulation 25 (notices of variation), in paragraph (3) after “shall” insert “, subject to Part VI,”.

(8) After Part V (notices under sections 35C and 46A of the Road Traffic Regulation Act 1984) insert—

“PART VI

TEMPORARY PROVISIONS APPLICABLE DURING THE CORONAVIRUS PANDEMIC

Interpretation

26. In this Part “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(3) [S.I. 1996/2489](#). There are amendments which are not relevant.

Alternative publication and inspection requirements

27.—(1) Paragraph (2) applies where—

- (a) an order making authority is required to publish a notice in a newspaper in accordance with regulation 7(1)(a), 10(3)(a), 17(2)(a), 21(4)(a) or 25(3); and
- (b) the authority considers that it would not be reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(2) Where this paragraph applies, a notice under those regulations must be published using such alternative arrangements as the authority considers appropriate for the purpose of informing persons likely to be affected by its provisions.

(3) Without prejudice to the generality of paragraph (2), such alternative publishing arrangements may include—

- (a) online publication, including websites, online newspapers, email communication or social media;
- (b) leaflet distribution;
- (c) letter delivery, by post or otherwise.

(4) Paragraph (5) applies where—

- (a) an order making authority is required by regulation 7(3), 21(4)(b), 22(3) or 23(3)
 - (b) to comply with the requirements of Schedule 2 as to the making of deposited documents available for public inspection; and
- (b) the authority considers that it would not be reasonably practicable to comply with paragraph 1 of that Schedule (documents specified in paragraph 2 to be available for inspection at various locations) for reasons connected to the effects of coronavirus, including restrictions on movement.

(5) Where this paragraph applies, the order making authority must make appropriate alternative arrangements for making the documents specified in paragraph 2 of Schedule 2 and, as the case may be, documents specified in regulation 23(3)(c) and (e) available for public inspection.

Expiry

28. Regulations 26 and 27 cease to have effect at the end of 30th April 2021.

Transitional provisions

29.—(1) Paragraph (2) applies where—

- (a) a notice is required to be published under regulation 7(1)(a), 10(3)(a), (17)(2)(a), 21(4)(a) or 25(3); or
- (b) documents are required to be made available for inspection in compliance with the requirements of Schedule 2 under regulation 7(3), 21(4)(b), 22(3) or 23(3)(b),

and the notice has been published or the documents made available for inspection by virtue of regulation 27 on or before 30th April 2021.

(2) Where this paragraph applies the notice and documents are to be treated after that date as having been published, or made available for inspection, under those regulations as if they had not been modified by regulation 27.”.

Amendments to the Secretary of State’s Traffic Orders (Procedure) (England and Wales) Regulations 1990

4.—(1) The Secretary of State’s Traffic Orders (Procedure) (England and Wales) Regulations 1990(4) are amended as follows.

(2) In regulations 4 and 12 (preliminary), after “particular orders” insert “and Part VI”.

(3) In regulation 19 (special provisions for orders giving permanent effect to experimental orders), in paragraph (3)(c) after “available for inspection” insert “, subject to Part VI,”.

(4) After Part V (transitional provisions) insert—

“PART VI

TEMPORARY PROVISIONS APPLICABLE DURING THE CORONAVIRUS PANDEMIC

Interpretation

25. In this Part “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Alternative publication and inspection requirements

26.—(1) Paragraph (2) applies where—

- (a) the Secretary of State or the strategic highways company is required to publish a notice in a local newspaper in accordance with regulation 6(1)(a), 8(2)(a) or 14(1)(c); and
- (b) the Secretary of State or, as the case may be, the strategic highways company considers that it would not be reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

(2) Where this paragraph applies, a notice under those regulations must be published using such alternative arrangements as the Secretary of State or, as the case may be, the strategic highways company considers appropriate for the purpose of informing persons likely to be affected by its provisions.

(3) Without prejudice to the generality of paragraph (2), such alternative publishing arrangements may include—

- (a) online publication, including websites, online newspapers, email communication, or social media;
- (b) leaflet distribution;
- (c) letter delivery, by post or otherwise.

(4) Where a notice is published in accordance with paragraph (2), regulations 13 and 18, paragraph 3 of Part II of Schedule 2 and paragraph 3 of Schedule 3 have effect, in so far as they apply to the notice, as if “in a local newspaper” or, as the case may be, “in the local newspaper” were substituted with “in accordance with regulation 14(1)(c)”.

(5) Paragraph (6) applies—

- (a) where the Secretary of State or, as the case may be, the strategic highways company is —

(4) [S.I. 1990/1656](#), amended by [S.I. 2015/377](#). There are other amendments which are not relevant.

- (i) required by regulation 6(1)(d) or 8(2)(e) to comply with the relevant requirements of Schedule 2 as to the notices to be displayed in each road to which an order relates; or
 - (ii) required by regulation 6(1)(e), 8(2)(f), 14(1)(e) or 19(3)(c) to comply with the relevant requirements of Schedule 3 as to the availability of documents for inspection; and
- (b) the Secretary of State or the strategic highways company considers that it would not be reasonably practicable to comply with paragraphs 1 or 2 of Part II of Schedule 2 or, as the case may be, paragraph 1 of Schedule 3, for reasons connected to the effects of coronavirus including restrictions on movement.
- (6) Where this paragraph applies, the Secretary of State or the strategic highways authority must make appropriate alternative arrangements for—
- (a) displaying the required notices;
 - (b) making the documents specified in paragraph 1 of Schedule 3 and, as the case may be, documents specified in regulation 19(3)(b) and (d) available for public inspection.

Expiry

27. Regulations 25 and 26 cease to have effect at the end of 30th April 2021.

Transitional provisions

- 28.—(1) Paragraph (2) applies where—

- (a) a notice is required to be—
 - (i) published under regulation 6(1)(a), 8(2)(a) or 14(1)(c); or
 - (ii) displayed in accordance with the requirements of Schedule 2 under regulation 6(1)(d) or 8(2)(e),

and the notice has been published or displayed by virtue of regulation 26 on or before 30th April 2021.

(2) Where this paragraph applies, the notice is to be treated after that date as having been published or displayed under those regulations as if they had not been modified by regulation 26.

- 29.—(1) Paragraph (2) applies where documents—

- (a) are required to be available for inspection in compliance with the requirements of Schedule 3 under regulation 6(1)(e), 8(2)(f), 14(1)(e) or 19(3)(c); and
- (b) have been made so available by virtue of regulation 26 on or before 30th April 2021.

(2) Where this paragraph applies the documents are to be treated after that date as having been made available for inspection under those regulations as if they had not been modified by regulation 26.”.

Signed by authority of the Secretary of State for Transport

At 6.25 a.m. on 22nd May 2020

Vere
Parliamentary Under Secretary of State
Department for Transport

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision with respect to certain traffic orders made and notices given in England, under the Road Traffic Regulation Act 1984. They are being introduced as an emergency measure in response to the effects of coronavirus.

They amend the procedure for making traffic orders and giving notices by providing an alternative means of publicising orders in circumstances where it is not reasonably practicable to follow the current publicity requirements as a result of coronavirus. They also simplify the procedure for making temporary traffic orders that are made for purposes connected to coronavirus.

These Regulations amend—

- (a) the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 (“the 1992 Regulations”);
- (b) the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 (“the 1996 Regulations”); and
- (c) the Secretary of State’s Traffic Orders (Procedure) (England and Wales) Regulations 1990 (“the 1990 Regulations”).

Regulation 2 amends the 1992 Regulations, which set out procedures in connection with the making of temporary traffic orders and the giving of notices by inserting a new Part VI into those Regulations. The new regulation 17 relates to the publicity requirements for traffic regulation orders and notices. The amendments provide a traffic authority with the option of using alternative arrangements for publicising a notice relating to a traffic order, where it is not reasonably practicable to publish in a newspaper circulating in the area, or to post notices on site, for reasons connected to the effects of coronavirus, including restrictions on movement.

The new regulation 18 inserted by regulation 2 relates to temporary traffic orders which are made for purposes connected to coronavirus. A simplified procedure applies to the making of orders that fall within this purpose.

Regulation 3 amends the 1996 Regulations, which set out procedures for making permanent and experimental traffic orders, by inserting a new Part VI into those Regulations. The amendments provide an order making authority with the option of using alternative arrangements for publicising a notice relating to a traffic order, where it is not reasonably practicable to publish in a newspaper circulating in the area for reasons connected to the effects of coronavirus, including restrictions on movement. They also permit a traffic authority to use alternative means to make documents available to the public, where it is not reasonably practicable to make documents available for inspection at a specific address, for reasons connected to the effects of coronavirus.

Regulation 4 amends the 1990 Regulations, which set out procedures for certain traffic orders made by the Secretary of State or the strategic highways company (Highways England) in relation to trunk roads and countryside roads, and orders under the Secretary of State’s reserve powers in Schedule 9 to the 1984 Act. These amendments are to the same effect as the amendments to the 1996 Regulations.

The amendments made by these Regulations will cease to have effect at the end of 30th April 2021. These Regulations provide for transitional provisions to preserve continuity following the expiry of the amendments.

A full impact assessment has not been produced for these Regulations as no, or no significant impact on the private, voluntary or public sectors is foreseen.

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Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

An Explanatory Memorandum is published alongside these Regulations on the UK legislation website at www.legislation.gov.uk.