

The BPA Traffic Regulation Orders Guide

Best Practice and a Path to the Future

1st Edition (July 2019)



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1. Foreword

It is critical that local authorities effectively exercise the powers they have to manage their networks – including their powers under the Road Traffic Regulation Act 1984 to make traffic regulation orders (TROs) – to ensure the best possible use of limited road space. The ability to make and amend TROs efficiently is a crucial tool in ensuring that our streets meet the needs of people using them.



We can also all see that the streets we use every day are changing rapidly and will need to continue to evolve for the foreseeable future. It is clear that changes from current technologies, such as low emission vehicles to emerging developments, such as connected and automated vehicles, will have a big impact on our streets and the restrictions that are placed on them. Local authorities need to deliver roads that support forms of mobility that we either use now or will use in the future, so that we all have safe, reliable journeys in a modern and efficient transport system.

I am pleased to see that the British Parking Association has produced this guide to making TROs as the output it owns within the TRO Discovery project. This project successfully delivered a series of parallel projects including others by the Department for Transport, Ordnance Survey, and GeoPlace. I hope that local authorities will find this guide a useful resource in setting out the various aspects of making TROs, and would encourage authorities to consider all the mechanisms by which they can produce clear, consistent, and useful orders.

Michael Ellis MP
Minister of State for Transport

2. Introduction

In an increasingly uncertain world we can be sure of this: vehicles are becoming increasingly connected and the move to automation will continue, and there's a great deal of work to be done to be ready.

These vehicles will need to be provided with sophisticated datasets to understand things like where to drive and where not to drive, where to stop and where not to stop. In many cases this data is currently created by local authorities and it seems highly likely that this will continue to be the case.

In the majority of cases, on-street traffic signs and lines reflect underlying traffic regulation orders (TROs) created by local authorities. Crucially, TROs are currently designed for humans to read, and any discrepancies are often little more than an inconvenience. That will all change.

Numerous incompatible systems are currently used to create TROs and any inconsistencies of approach will impede smooth and efficient journeys, as well as presenting a danger to road-users.

This Guide looks at the variety of approaches local authorities take to create TROs and make their information available to the public and others who require their information. It examines good practice and explores innovative methods to understand the pros and cons of these approaches.

Additionally, this Guide also gives local authorities insight into how they can develop their TROs from where they are now, towards where they may need to be in the near future.

Even while moving along the path towards creating data suitable for automated vehicles and more digitised services, there will be tangible benefits to all road-users – and to local authorities themselves.

2.1. What this Guide is and what it's not

This Guide is intended to provide an overview of the subject. The Guide is not, and could not be, exhaustive. There is not one correct way to create all TROs, and an approach which may be suitable in one circumstance would be inappropriate in another.

This Guide forms a basis of good practice and, just as importantly, will direct practitioners towards legislation, regulations and other resources that will enable them to devise their own solutions to real-world traffic management problems. Hyperlinks to these resources are provided throughout.

While setting out current best practice, this Guide will also have one eye on the future; particularly towards increased digital sophistication or 'digital maturity', which is discussed in Chapter 8.

It is intended that this Guide will be regularly updated over time, and what is considered to be best practice will also necessarily evolve.

2.2. The audience for the guide

Whilst attempting to make the subject accessible for as wide a range of readers as possible, the primary audience is local authorities (LAs) and parking managers, although many others will find the material interesting and useful such as traffic managers, map makers and utility companies. As such, a balance has been struck between readability, detail and breadth of coverage.

2.3. The TRO Discovery project

This Guide draws from the user research as part of the Department for Transport (DfT) TRO Discovery project, a collaborative initiative with the BPA, GeoPlace and Ordnance Survey. The Discovery Project was designed to collect evidence into the process by which TROs are made, and how TRO data is stored and used to help inform our response to the challenges of the 'digital by default' world of apps, connected and automated vehicles. There are three key strands to the TRO Discovery Project:

- **User research** - this is a wide-ranging exploration of the TRO landscape, intended to establish the current situation, current concerns and future needs. Findings of the user research have informed the contents of this guide.
 - **Data modelling** - developing from the user research, leading industry experts have reviewed the types of data structures that will need to be in place to support the digital future.
 - **The Guide** - also coming out of the user research, the project team has drawn together best practice from the industry and from the user research to create this Guide.
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2.4. The Devolved Nations

Although the effect of controls on traffic are very similar across the United Kingdom – speed limits, yellow lines, road signs, etc – the way that these controls are affected vary across the regions.

In general, England and Wales have few differences, although some do exist. In particular, the enforcement of moving contraventions is covered by [Schedule 7](#) Part 4 of the Traffic Management Act 2004. This has only currently been brought into effect in London by the Secretary of State for London and in Wales by the Welsh Government for Cardiff, with further conurbations in Wales expected to follow. All notices and signage in Wales must have a Welsh translation, with the translation of TROs being made available on request.

The general principles are similar in Scotland but with differences as to how this is achieved. Northern Ireland follows a different, more centralised approach.

Throughout this Guide, it is safe to assume that unless otherwise explicitly stated the text refers to England, Wales and Scotland. The position in Northern Ireland is briefly explained in Chapter 2.5.

2.5. The term 'TRO'

For simplicity, throughout this Guide the term TRO will be used to encompass the wide range of orders that can be created. Other acronyms will be explained in their context. Additionally, a glossary is provided in [Appendix 1](#).

2.6. Non-proprietary terms

There are numerous companies currently servicing the TRO market and it is anticipated that this will increase as TROs become more important in the future of transportation.

The BPA does not endorse any particular companies and non-proprietary terms are used throughout this Guide.

2.7. Disclaimer

This Guide is not intended to be a comprehensive statement of the law. Readers will need to satisfy themselves on the correct course of action in their own particular circumstances. It is strongly recommended that legal advice is obtained, as required.

It is the intention of the BPA to review and update this Guide over time. However, it must be noted that changes of legislation, regulations and case law may well affect the applicability of advice between updates.

3. The legal basis

3.1. Introduction

In almost every case where a LA – formally acting as a ‘traffic authority’ – wishes to manage the behaviour of road users, it is necessary to make a TRO. There are several exceptions, the most prominent of which are dealt with below.

TROs have statutory basis and rely on acts of Parliament and other legislation. Details of the primary legislation, secondary legislation and other guidance that relate are given in [Appendix 2](#).

In most cases the Road Traffic Regulation Act 1984 [[RTRA84](#)] is the relevant primary legislation. This sets out, in quite broad terms, what can be regulated and gives the powers to do so.

The regulations governing the process of making a permanent TRO are set out in the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 [[LATOR\(EW\)](#)]. In Scotland this is the Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999 [[LATOR\(S\)](#)].

The following chapter deals with the creation of permanent orders, experimental orders, temporary orders and ‘other’ orders respectively.

In Northern Ireland, although the effect of regulations – in terms of how roads are signed and used – is generally the same, the legislation used and the legislative processes are different from the rest of the UK, and are set out separately and briefly below.

3.2. What is a TRO?

A Traffic Regulation Order (TRO) is a legal order made by a Local Authority which manages the behaviour of all road users.

TROs in Greater London have traditionally been called Traffic Management Orders (TMOs) but the difference has no special legal significance and the term TRO is used throughout this Guide to mean both TROs and TMOs.

Note that trunk roads remain the responsibility of the Secretary of State.

A TRO can be used to:

restrict or allow the stopping, waiting, loading/unloading of vehicles

restrict or require vehicle movements, e.g. no entry, or right-turn only

restrict or allow the access of specific vehicle types, e.g. weight, or exhaust emissions

prescribe minimum or maximum vehicle speeds.

3.3. Types of TRO

There are four fundamental types of TRO:



Note that while off-street orders used for LA car parks are created in a similar way to on-street TROs – and are also created under the RTRA84 – off-street orders are not covered in detail in this Guide.

3.4. When a TRO is not required

Although a TRO is required to create an enforceable restriction in many circumstances, there are situations when this is not the case because other regulations dictate that a sign or line is sufficient in itself. Some examples are:

- 30 mph speed limit on roads with “a system of street lighting”
- where the National Speed Limit applies
- box junctions
- pedestrian crossing white zig-zags
- yellow zig-zags for school entrances, etc
- stop and give way signs or markings at priority junctions
- keep left (or right) signs on bollards, etc
- certain regulatory signs for dual carriageways
- longitudinal double white lines.

In relation to LAs’ civil enforcement powers, the following do not require a TRO to be enforceable:

- bus stop clearways
- box junctions (London and Wales only)
- pedestrian crossing white zig-zags in relation to stopping offences
- yellow zig-zags for school entrances etc (inside London only*).

*Under the current regulations the civil enforcement of yellow zig-zags outside London does require a TRO to be in place.

Under [section 73](#) of the TMA 2004, the National Authorities – i.e. the Secretary of State in England and the Welsh Government respectively – have the power to make additional contraventions enforceable using LAs’ civil enforcement powers by the amendment of [schedule 7](#) of that Act.

3.5. Northern Ireland

Here is a brief overview of how TROs are implemented in Northern Ireland. It does not explore the full range of measures or controls that can be applied to the road, which are broadly like the rest of the UK.

In Northern Ireland, the Department for Infrastructure (DfI) is the central government department responsible, as the sole roads authority, for the management of all publicly adopted roads. Administratively it is also responsible for making traffic-related legislation and discharging most of the associated powers, apart from any function resting with the police. The DfI therefore uses its own legislation to make TROs.

The need for a TRO is identified by a local DfI office, known as a Division, which has a centralised role in traffic regulation, in contrast with the LA-based approach taken in the rest of the UK.

2.5.1. Permanent TROs

The relevant legislation for TROs is the Road Traffic Regulation (Northern Ireland) Order 1997 [[RTRO\(NI\)](#)], where part III, article 4 refers.

Although no statutory consultees are listed, paragraph 2 of schedule 1 says “the Department shall consult such persons as the Department considers appropriate”.

Paragraph 2 also requires that a notice containing the particulars of the draft order is published, and this notice must be advertised in a newspaper local to the proposed scheme. Beyond this, DfI generally consult with those most affected, and formally write to owners of affected properties (frontagers), the police, the local council, and anyone else it feels has an interest. Although not a statutory requirement, in practice a positive response is required from the police before an order is made.

A public inquiry may be held under article 65 if required to determine objections, but this power is rarely used.

2.5.2. Temporary TROs

[Article 7](#) of the RTRO(NI) relates to temporary traffic regulations, which are mainly for roadworks purposes and are mostly used for road closures. Anything lasting less than two weeks is done ‘by notice’, where there is no requirement to advertise. Anything over two weeks is advertised in a newspaper circulating in the local area. In either case, local residents will be informed through a combination of letter drops, posters and temporary signing, with responsibility for undertaking this work resting with those seeking the temporary TRO or their agents. Temporary variable message signing may also be provided on busier, more significant roads.

2.5.3. Further details

Further details of the arrangements in place in Northern Ireland can be found at:

[Measures to regulate traffic RSPPG E063](#)

[Provision of parking places RSPPG E056](#)

[Traffic regulations RSPPG S001](#)

[Traffic management - procedures RSPPG S002](#)

[Special Events on or Near Public Roads RSPPG E076](#)

[Pilot traffic management studies RSPPG E036](#)

4. Permanent orders

4.1. Overview

A permanent TRO can be made under a number of sections of the Road Traffic Regulation Act 1984 [RTRA84], most notably [section 1](#) outside Greater London – [section 6](#) inside Greater London – and sections [32](#) and [45](#).

Procedures for making a TRO are set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 for England and Wales. In Scotland the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 applies.

There are numerous stages involved in creating a TRO. Some are more-or-less relevant to a given situation and some are omitted. It is therefore not possible or even desirable to provide a prescribed or standardised set of 'correct' steps or a sequence in creating a TRO, only pointers to good practice.

A flowchart of the steps in the creation of a 'typical' permanent TRO are set out in [Appendix 3](#).

4.2. Purposes

There are specific purposes that a TRO may be used for, listed in [section 1\(1\)](#) of the RTRA84; for:

- avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising
- preventing damage to the road or to any building on or near the road
- facilitating the passage on the road or any other road of any class of traffic (including pedestrians)
- preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property
- preserving the character of the road in a case where it is especially suitable for use by persons on horseback or on foot
- preserving or improving the amenities of the area through which the road runs
- any of the purposes specified in paragraphs (a) to (c) of [subsection \(1\)](#) of section 87 of the Environment Act 1995, relating to air quality.

These purposes are relatively broad but not all-encompassing and LAs making TROs are expected to have regard to these purposes.

In Greater London, in addition to the purposes in section 1(1) of the RTRA84, those listed in [Schedule 1](#) also apply.

4.3. Inception

3.3.1. Needs identified

There are many ways that the process of creating a TRO can start, including requests from LA elected members, LA officers, residents, special interest groups and developers. Some LAs have on-line forms to help to structure the process.

Using online forms helps to structure the process.

3.3.2. Scoping and options

Officers will almost always have more requests than resources, so some form of prioritisation is required. Personal injury or collision statistics are a good starting point but inevitably politics will have a part to play in all LAs.

Elected members or senior officers may decide not to follow the advice of practitioners. Certainly, in the case of elected members, this is a legitimate part of the democratic process (unless the decision is likely to be beyond their legal authority).

Get local groups such as disability/mobility and cycling groups involved at an early stage. It is also strongly recommended that those in the LA who enforce restrictions are consulted at an early stage as they have a wealth of real-world experience to draw on.

Consult at an early stage both local groups such as disability/mobility and cycling groups and those in the local authority who enforce restrictions, as they have a wealth of real-world experience to draw on.

Note that some restrictions, or combinations of restrictions, can be difficult to adequately sign in practice on-street. Although greater flexibility in the Traffic Signs Regulations and General Directions ([TSRGD](#)) has improved matters recently, it is important to ensure you can actually sign your restriction.

3.3.3. Approval for consultation

It is usual for a formal report to be produced at this stage, setting out the options and seeking approval for consultation. Getting elected ward members on-side is very often a pre-requisite for further progress, but even if not required is strongly recommended.

3.4. Design and consultation

3.4.1. Public consultation

It is generally desirable to reduce the length and complexity of consultation – but that does not mean that there is no benefit in it. Consulting with residents and special interest groups in a constructive manner at the earliest stages may ‘win hearts and minds’ and may allow useful feedback before the scheme is too far developed. Although there is no guarantee that early engagement will smooth the passage of a TRO this consultation usually helps and rarely makes things worse.

Consulting with residents and special interest groups in a constructive manner at the earliest stages helps to ‘win hearts and minds’ and may allow useful feedback before the scheme is too far developed.

Consultation in multiple languages appropriate to local need may be required or highly desirable in some circumstances and is mandatory in Wales, alongside consideration of plain English and sensory impairment requirements.

[Regulation 6\(1\)](#) of LATOR(EW) – and [regulation 4\(1\)](#) of LATOR(S) for Scotland – sets out a variety of bodies that must be consulted when the circumstances in the regulations are met:

- other highway/traffic authorities, e.g. adjacent LAs
- Crown authorities
- road concessionaires
- operators of tramcar or trolley vehicle services
- operators of bus services
- Transport for London
- chief officers of NHS trusts
- chief officers of fire brigades/authorities
- the Freight Transport Association (FTA)
- the Road Haulage Association (RHA)
- other organisations representing those likely to be affected by provisions in the order “as the order making authority thinks it appropriate to consult.”

Clearly this last point is very broad but should be given due consideration. LAs often have lists of local consultees, which can foster good relationships. However it should be noted that members of the interest groups do change, and silence might mean the list is out of date. Good practice and GDPR compliance requires that these lists should be checked regularly.

Additionally, and perhaps most importantly, under [Schedule 9 Paragraph 20](#) of the RTRA84 consultation must include a “chief officer of police of any police area in which any road or other place to which the order is to relate is situated”. In Scotland, [section 4](#) of LATOR(S) contains almost identical provisions.

The consent of the ‘national authority’ is required as set out in [Schedule 9 Part II](#) of RTRA84 in certain limited circumstances. These include for example where a scheme would restrict access to premises situated on or adjacent to the road for eight out of every 24 hours and for which objections have been received. The national authority in this context is the Secretary of State in England, or the devolved governments in Wales and Scotland.

3.4.2. Review the design

There is an opportunity if required to review the proposed design in the light of the feedback received. Minor adjustments at this point can avoid formal objections to the Notice of Proposals, or even a public inquiry.

Minor adjustments to a proposed TRO design at the review stage can avoid formal objections to the Notice of Proposals, or even a public inquiry.

3.4.3. Draft the TRO

The documents necessary to progress the TRO will mostly have been created during the process up to this point. However, it will be necessary to produce a draft ready for the next stages of the process.

If the LA legal services team have not been involved already in the TRO process, it is strongly recommended they are involved at this stage.

It's useful to get local authority legal services involved at the drafting stage of the TRO process, if they haven't already been involved.

3.4.4. Produce a decision report

Whatever person or body is overseeing the process is it highly likely that formal approval will be required to proceed with Notice of Proposals. Although a decision report may have many options, it will be necessary for the decision maker to make a choice because statutory consultations can have only a single option.

3.4.5. Approval to proceed

It is usual for a formal decision as to whether to proceed with the TRO to be made by an authorised person/body at this stage, if for no other reason than to instruct legal services in drawing up the Notice of Proposals.

3.4.6. The Notice of Proposals

[Section 7\(1\)\(a\)](#) of LATOR(EW) – and [regulation 5](#) of LATOR(S) for Scotland – requires that a “Notice of Proposals” must be published “in a newspaper circulating in the area in which any road or other place to which the order relates is situated”. [Schedule 1](#) sets out what must be in that notice. In London under section 7(1)(b), a “similar notice” must be published in the London Gazette if the order is being made under section 6.

Most of the requirements are uncontroversial but item 4 says the following (with different wording in Scotland):

- “Where the order relates to a road, the name or a brief description of the road and, where appropriate, a description of the length of it to which the order relates.”
-

This has traditionally been met by the text-based schedule but this becomes increasingly inconvenient with map-based schedules. Not only is it difficult to argue that a map is a “description of the length” but a map of sufficient detail is almost impossible to recreate in the pages of a newspaper for all but the simplest restriction.

There may be some room for innovation here but as this has not been tested in the courts, the safest course of action is to continue to use text-based descriptions. Nonetheless the user research workstream of the TRO Discovery project has highlighted the need for path towards a more commonly defined, digital, machine-processible and map-based future for TROs.

The TRO Discovery Project has highlighted the need for there to be a more commonly defined, digital, machine-processible future for TROs.

Some LAs tailor their committee/approval cycles to synchronise with the newspapers' cycles. Alternatively, LAs can batch-up TROs, quarterly or even annually – so that fewer adverts are required. This should reduce costs, although adverts will be larger and TROs will be delayed. LAs can choose to simplify matters and save money or be more responsive but probably not both. Ultimately this is a decision for each LA.

[Section 7\(1\)\(c\)](#) of LATOR(EW) – and [regulation 5\(1\)\(b\)](#) of LATOR(S) for Scotland – says that the LA must “take such other steps as it may consider appropriate for ensuring that adequate publicity about the order is given to persons likely to be affected by its provisions”. This is very broad and examples are given which “may include”:

- publication of a notice in the London Gazette even if not required [the Edinburgh Gazette in Scotland]
- the display of notices in roads or other places affected by the order
- the delivery of notices or letters to premises, or premises occupied by persons, appearing to the authority to be likely to be affected by any provision in the order.

Tailoring the committee/ approval cycles to synchronise with the newspapers' cycles can help save time and money.

So even under the current regulations, there is significant scope for tailoring consultation in an appropriate way.

Digital communication is not currently mentioned but is not prohibited and would be positively welcomed as part of a combination of approaches by road users. LAs are increasingly using digital methods such as council portals and social media.

Use digital methods such as council portals and social media to tell people about TROs proposals.

LAs with no local newspapers will need to devise suitable alternatives, for example the LA's own newsletter, supplemented by other means of communication.

The Notice of Proposals does include inviting “objections and other representations”, which is too often interpreted as “objections” only. It can be particularly useful for supporters of schemes to be actively encouraged to speak out at this time. If only objections are received and a decision report is to be drafted then it could distort or even misrepresent the true picture if the level of support is not also shown.


Encourage supporters of the scheme to actively speak out at the notice of proposals.

Under [Regulation 8](#) of LATOR(EW) – and [regulation 7\(3\)](#) of LATOR(S) for Scotland –LATOR(EW), public consultees must be given at least 21 days to make objections in writing. LAs may wish to extend this period for Summer holidays, Christmas, etc but are not obliged to.

Under [regulation 7\(3\)](#) of LATOR(EW) – and [regulation 5\(1\)\(c\)](#) of LATOR(S) for Scotland –various documents must be “deposited” for public inspection, generally at the LA's administrative centre. Those documents are set out in [schedule 2](#). These documents must be made available from the date of publication of the Notice of Proposals through to six weeks after the TRO is made (or six weeks after the LA decides not to make the TRO). In Scotland, deposited documents must be made available only up to the end of the objection period.

One of the documents to be deposited is a 'statement of reasons' (SoR), saying why the LA is proposing to make the TRO. This may be seen by some LAs as a burden, but stakeholders often find this the only way of working out what the LA is trying to accomplish. This is particularly helpful where the LA objectives are less clear from the outset. Ideally the SoR should refer to one or more of the legal purposes, set out in chapter 3.2.

Different LAs have different views on the efficacy of street notices. There are clear advantages in small areas but these notices are less suited to city-wide changes, A-roads, etc. Some LAs have tried to improve the visibility and user-friendliness of street notices by, using different coloured paper to stand out and printing coloured maps.



Improve the visibility and user-friendliness of street notices by using different coloured paper to stand out and printing coloured maps.

The way that people access information is changing rapidly. More often than not, information is being consumed through digital means such as social media, websites and emails. It is recommended that despite the requirement to use traditional methods, LAs regularly review new technologies to reach the widest possible consultee group.

3.5. Objections

3.5.1. Analyse any objections

Some objections are more constructive than others and some may be considered by those receiving them as vexatious. Often, an objector withdraws their objections when the TRO proposals are explained in detail, particularly if they have simply misunderstood the impact of the proposal. It is probably not reasonable to assume that silence from an objector is a withdrawal of the objection, and safer to get withdrawals in writing, for example via email.

3.5.2. Determine any objections

Objections are covered by [regulations 8 to 14](#) of the LATOR(EW) and [regulation 7](#) of LATOR(S). LAs are responsible for putting in place and operating the mechanisms for handling objections. These can be more light-touch or onerous as the LA sees fit. Regulation 13 states simply that:

- before making an order, the order making authority shall consider... all objections duly made under regulation 8 (or regulation 7 in Scotland) and not withdrawn.

LAs will generally have long-standing systems in place for handling objections. It is the LA's judgement of whether these give the appropriate combination of control and flexibility. The details of the procedures will be set out in the LA's constitution and/or scheme of delegation. Those involved in decisions on objections include members, delegated senior officers or a combination of these.

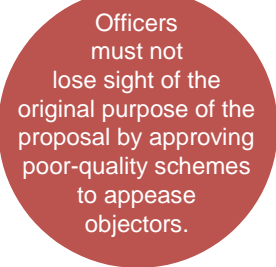
An approach used in a number of LAs is for the number of objections to decide how objections should be handled, e.g. up to five follows one path and over five objections follow another. There is no legal requirement for elected members to determine objections if an explicit scheme of delegation is put in place by the LA.

Whilst it may be legal services, committee services or member services that control this process, it is worth reiterating that committee cycles and approval processes are not set out in legislation so LAs have autonomy over this.

It is important that LAs have a genuinely open mind in relation to objections. If the consultation does not appear to be genuine then a legal challenge may be successful.

3.5.3. Revise the design, if required

It may be expedient to revise the design of a TRO at this point to overcome any significant objections. However, officers must not lose sight of the original purpose of the proposal and approve a poor-quality scheme to appease objectors. Conversely, genuinely constructive suggestions should be embraced.



Officers must not lose sight of the original purpose of the proposal by approving poor-quality schemes to appease objectors.

An amendment made based on objections that extends the restrictions of an original plan may need to be re-advertised and re-consulted.

3.6. Making the TRO

3.6.1. Decision to proceed

Once the objections have been assessed and formally accepted or rejected, a decision to proceed is required by the decision-maker. Objectors must be notified of the decision. There are three outcomes of this stage: a) to make the TRO as consulted on, b) to make a less onerous and/or less extensive order, or c) to abandon the order. If any other revision is required, the process must be re-started.

3.6.2. Sealing the Order

Legal services will usually arrange for the sealing or signing of the TRO, although this can be undertaken by other officers when explicitly delegated.

3.6.3. Notice of Making

Under [regulation 17](#) of LATOR(EW) and [regulation 17](#) of LATOR(S), the LA must place a Notice of Making in a local newspaper within 14 days of making the TRO, in a similar way to the Notice of Proposals. In London, for TROs made under section 6 of RTRA84, a second advert in the London Gazette is required. Where appropriate there is an opportunity for the Notice of Making to refer to the provisions of the Notice of Proposals rather than repeating them in full, particularly where the proposals are particularly lengthy.

Note that the TRO must be made within two years of the publication of the Notice of Proposals LATOR(EW) regulation 16(2).

In Scotland, [regulation 16\(3\)](#) of LATOR(S) is amended by the [Local Authorities' Traffic Orders \(Procedure\) \(Scotland\) Amendment Regulations 2005](#) to allow the Scottish Ministers to grant up to a further four six-month extensions.

3.7. Implementation

3.7.1. Signs and lines

There is a discussion of sign and line issues in chapter 10.

Ideally, changes to signs/lines would take place on the date that the TRO becomes enforceable, but this is rarely achievable in practice. If signs/lines are installed before the TRO is in force then the enforcement of existing restrictions may need to stop completely or partially. If the signs/lines are delayed then enforcement of the new restrictions cannot be carried out, which will be important in a more digital future. A balance must be struck in this process informed by local circumstances.

Although signs and lines are covered at this stage in the Guide, in practice it is necessary to plan much earlier in the process, the timing of which will depend on the contractor arrangements in the LA. It may be prudent to establish times when contractors are less busy.

Think about signs and lines at an early stage of the process.

Site surveys are essential for confirming signs and lines have been installed correctly.

3.7.2. Making the TRO available

There is a discussion of the publishing of TROs in Chapter 9.

3.8. Post-implementation

3.8.1. Appeal to the High Court

The Notice of Making must include a statement that anyone wishing to question the validity of the TRO “may, within six weeks from the date on which the order is made, apply for the purpose to the High Court”. Appeals to the High Court only happen on rare occasions in practice.

The equivalent of the High Court in Scotland is the Court of Session – [LOTAP\(S\) Schedule 1, Part III, Item 6](#).

3.8.2. Scheme evaluation

Once a TRO and its associated scheme are in place it is tempting to forget about it and move onto the next scheme. However, post-implementation reviews are not only best practice but are often set out as part of the scheme. There are many ways of evaluating the success of a scheme but post-implementation feedback from consultees, objectors and elected members is a good place to start.

Build post-implementation reviews into the scheme.

3.9. Public Inquiries

[Regulation 9](#) of the LATOR(EW) – [regulation 8](#) of LATOR(S) – sets out circumstances in which a LA must hold a public inquiry – in Scotland a hearing – if it receives an objection which is not considered frivolous, irrelevant or withdrawn. In summary, these are:

- If... its effect is to prohibit the loading or unloading of vehicles or vehicles of any class in a road on any day of the week —
 - at all times
 - before 07.00 hours
 - between 10.00 and 16.00 hours
 - after 19.00 hours
 - its effect is to prohibit or restrict the passage of public service vehicles along a road.

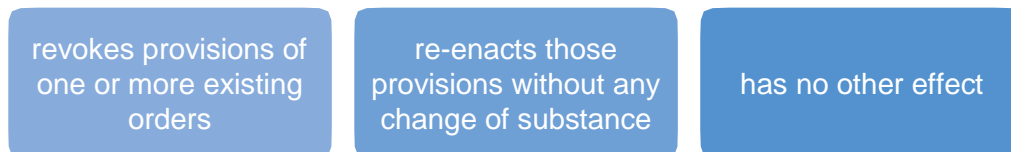
There are numerous provisos and sub-clauses to regulation 9, which should be read to gain a full perspective of the process.

It is possible for a LA to hold an inquiry at its own insistence, but this is very rare due to the timescale and expense.

3.10. Consolidation

TROs can be consolidated under [Regulation 21](#) of the LATOR(EW) – [regulation 19](#) of LATOR(S) – without the requirement to consult and invite objections – other than the “chief officer of police”, as above.

A consolidation is one which:



It is also possible to use the provisions of Regulation 21 if the only changes proposed are one or more of those described in [Part I of Schedule 4](#) of LATOR(EW) – [Part I of Schedule 6](#) of LATOR(S) in Scotland – although none of these are particularly common. Therefore in almost all cases the consolidation must not bring about any “change of substance”. The most common use of consolidations is to create a system for making ad hoc amendments to a main TRO, then tidying-up periodically.

For example, a LA may have an existing TRO containing all their on-street restrictions called the...

Anytown (Waiting and Loading)(Consolidation) Order 2018

New restrictions are added and removed in the...

Anytown (Waiting and Loading)(Consolidation) (Amendment No. 1) Order 2018

... and...

Anytown (Waiting and Loading)(Consolidation) (Amendment No. 2) Order 2018.

Because these two new TROs amend the main order they can be very short, only containing the essentials and not needing to duplicate anything in the main TRO. Assuming the two amendments have been carefully drafted to avoid duplications or contradictions, it is an essentially administrative process to create the...

Anytown (Waiting and Loading)(Consolidation) Order 2019

... so that everything is now in the same place.

In a large LA, the number of amendments can run into dozens or even hundreds per year, so regular consolidation will help to keep things consistent.

Where an amendment has provisions that differ from the main order, consolidation is still possible, however more care must be taken to ensure that there is no change of substance.

If it is decided that changes will be made at the same time as consolidation then the full TRO consultation process must be used, and so this would not be considered as a mere consolidation.

Consolidations can be very useful to correct minor errors – typos, unclear wording, etc – providing again there is no “change of substance”.

Note that the TRO must still be “made” and the made order must still be advertised under Regulation 17.

3.11. Revocations

Care must be taken when handling revocations of previous TROs. Revoking a complete TRO is relatively straightforward, as only the title of the old TRO needs to be stated in the Revocations section of the new TRO.

However, it is necessary to carefully check that all the provisions of the old TRO are contained in the new TRO, including those contained in the articles as well as the schedules.

If provisions are found that need to be retained then they could be written directly into the new TRO. Alternatively, the old TRO could be retained and only some of its provisions revoked or amended.

Partially revoking TROs can lead to legacy provisions that are very easily overlooked over time. Similarly, when consolidating TROs it is possible to forget to include partially-revoked TROs.



Remember to include partially revoked TROs when consolidating TROs.

3.12. Minor Orders

Under [regulation 21](#) of LATOR(EW) – [regulation 19](#) of LATOR(S) in Scotland – there are a number of circumstances where the ‘minor orders’ process can be used, which removes consultation requirements. The circumstances for minor orders are not very common but it is worth knowing those that exist.

3.13. Variation of Charges by Notice

Under [regulation 25](#) of the LATOR(EW) it is possible to vary existing on-street [section 46A of RTRA84] or off-street [section 35C of RTRA84] parking charges by notice, i.e. without the need to consult (other than the police).

In Scotland, the [Local Authorities’ Variation of Charges at Off-street and Designated Parking Places \(Notice Procedure\) \(Scotland\) Regulations 1997](#) refer.

This is primarily intended for annual tariff reviews, where the full order-making process will not fit in with LAs’ budget-setting process. Note that these provisions can only be used for changes to the charges and nothing else.

3.14. Scotland

Under Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999, a LA may hold a ‘hearing’ in connection with the order, under [section 8](#). This is analogous to, but different from, the public inquiry process in England and Wales.

4 Experimental Orders

4.1. Overview

Many of the issues encountered when creating an experimental TRO (ETRO) are the same as when creating a permanent TRO, so much of Chapter 3 remains relevant here.

ETROs are made under sections [9 and 10](#) of the RTRA84 and sections [22 and 23](#) of the LATOR(EW).

The key benefit for a LA of using an ETRO is the significantly reduced consultation process because public consultation is carried out after the order becomes live, with the restrictions already in place.

An ETRO can have a maximum timespan of 18 months; a shorter time is available though not often used as the ETRO can always be revoked.

ETROs can be used when:

- restrictions may need to be removed quickly if the restrictions are found to be ineffective or have unacceptable side-effects
- it is anticipated that restrictions may need to be amended in the light of experience
- it is considered to be more effective to consult with the restrictions in place than with them simply being 'on paper'
- restrictions need to be put in place quickly but a temporary TRO is not appropriate.

However, note that:

- the restriction must be of a genuinely experimental nature
 - it should not simply be used to circumvent the usual consultation/notice procedures for permanent TROs.
-

If ETROs are not used in a responsible manner then legal challenges may follow, which could cause reputational damage to the LA in question and to the system as a whole.

Any restrictions made under sections 6, 45, 46 or 49 of the RTRA84 can be covered by an ETRO in Greater London. Outside London, only restrictions made under section 1 are available. Therefore an ETRO cannot be used to create charged parking outside Greater London.

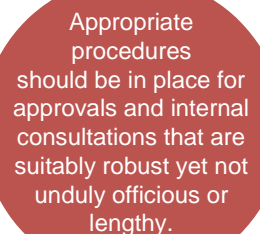
In Scotland, under [regulation 20](#) of LATOR(S), the removal of the requirements in relation to regulations 5, 6 and 7 – publication, notice and objections – only apply to the revocation or reduction in stringency or extension of an ETRO.

4.2. Making

4.2.1. Inception

The process of making an ETRO is shorter than for making a permanent TRO, however this does not mean that scheme preparation is less important. Arguably, the ability to put restrictions ‘on the ground’ without public consultation makes planning and key stakeholder involvement even more important.

As with permanent TROs in Chapter 3, LAs must ensure that they have appropriate procedures in place for approvals and internal consultations that are suitably robust yet not unduly officious or lengthy.



Appropriate procedures should be in place for approvals and internal consultations that are suitably robust yet not unduly officious or lengthy.

4.2.2. Consultation

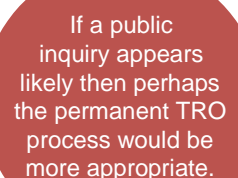
It is necessary to consult with the police and relevant bodies in accordance with [regulation 6](#) of the LATOR(EW), see Chapter 3. However, regulations 7 and 8 do not apply to ETROs, therefore there is no requirement to publish a formal Notice of Proposals and to invite objections and representations before the restrictions are implemented. This does not stop a LA from consulting more widely as appropriate, which would be encouraged.

Under [regulation 22\(2\)](#), the order is made and a Notice of Making must be published in a local newspaper, in the same way as for a permanent TRO. The provisions of an ETRO cannot come into force until seven days after the Notice of Making is published.

Once an ETRO comes into force, there is a six month period in which objections can be made. If the ETRO is subsequently modified, objections can be made in this period starting from the date of the changes.

There are no circumstances under which a public inquiry has to be held before making an ETRO. However, a public inquiry will be required if an objection is received within the first six months of making the ETRO and not withdrawn, and the authority intends to make the order permanent without any modifications to address the objection. Making modifications or the withdrawal of the objection following correspondence with the objector will remove the need for an inquiry.

Where it is decided to hold a public inquiry before making the order, or one is required after making the order following an objection as above, the requirements for permanent order public inquiries apply with the exception – under regulation 22(1) – of requirements relating to the giving of notice and publication of proposals and the right to make objections in response. In practice, however, the public inquiry process diminishes the benefits of using the ETRO process. If a public inquiry appears likely then perhaps the permanent TRO process would be more appropriate.




If a public inquiry appears likely then perhaps the permanent TRO process would be more appropriate.

As with permanent TROs, the national authority’s consent is required under certain limited circumstances as detailed in Schedule 9 Part II of RTRA84.

An experimental order cannot be made for more than 18 months. For experimental orders below this maximum, an authority can extend the order up to the maximum 18 months provided that it is still in force at the time it was extended.

An ETRO order can be made permanent under regulation 23. As long as the requirements specified in paragraph 3 of regulation 23 have been complied with, there is no need to comply with regulations 6 (consultation), 7 (notice of proposals) and 8 (objections) when making the order permanent.

An ETRO has a lifespan of up to 18 months unless revoked, amended or made permanent. There are circumstances in which the natural expiry of an ETRO is desirable but they are few. Unless they are carefully monitored then signs and lines left on-street will give the impression of the presence of an extant TRO, leading to unlawful enforcement. Therefore, the timely removal of signs and lines – and the associated costs – need to be factored into the creation of ETROs.



Remember to arrange the removal of signs and lines and factor in the associated costs.

4.3. Extension

Inside Greater London, the Secretary of State can, at the request of a London council, direct that an ETRO continues in force for “a further period not exceeding six months from the date when it would otherwise cease to be in force”. The Secretary of State does not have the power to extend an ETRO outside Greater London.

The power to extend an ETRO is limited to situations where the council is holding a public inquiry to consider making an ETRO permanent, but it cannot conclude the inquiry and make a permanent order before the ETRO expires. An ETRO inside Greater London could therefore potentially last for up to 24 months.

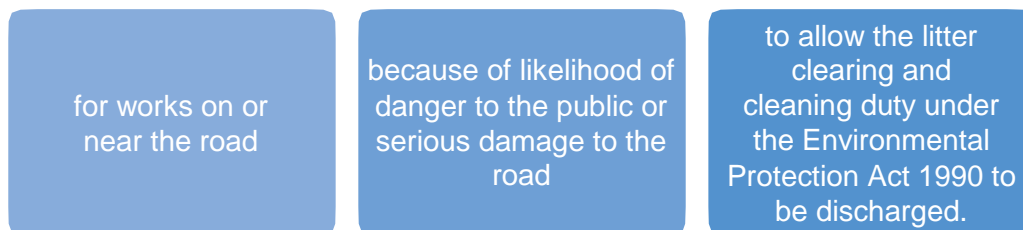
5. Temporary Orders

5.1. Overview

Although temporary TROs (TTROs) differ significantly from permanent TROs, there are similarities, so much of Chapter 3 remains relevant here.

TTROs are made under [section 14](#) of RTRA84 and The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 [[RT\(TR\)PR](#)].

They can be used:



A flowchart of the steps in the creation of a ‘typical’ TTRO is set out at [Appendix 4](#).

5.2. Orders and Notices

A TTRO may be made by order under [section 14 \(1\)](#) or by notice under section 14 (2).

A TTRO by notice can be made by a LA “...where it appears to them... that the restriction or prohibition should come into force without delay.” There is no more qualification than that in the RTRA84. A TTRO by notice cannot last for more than five days for most purposes, although can last for up to 21 days in the case of “the likelihood of danger to the public or serious damage to the road”.

There is nothing to stop a TTRO by order for works that are expected to last five days or less. This is particularly useful if there is a possibility that the works may overrun beyond five days, in which case the TTRO by notice would have expired before the end of the works.

5.3. Procedures

At least seven days before making an order, the LA must publish a notice of its intention to make the TTRO in one or more local newspapers. This is not the same as the “Notice of Proposals” as defined for permanent TROs although it essentially serves the same purpose in alerting the public to the proposed order. The notice must state the reason for the order, the effect of the order, the date it is due to come into force, and its maximum duration.

On or before the day the order is made, the authority must give notice of it to the chief officer of police of any police area in which any road to which the order relates is situated. Depending on certain conditions, the authority may also need to give notice of the order to the chief officer of the fire authority for the area, other traffic authorities (and, if there is one, the concessionaire for the road).

Within 14 days of making the order the authority must publish a second notice of the making of the order in one or more local newspapers. This is not the same as a “Notice of Making” as defined for permanent and experimental orders. The notice must include the same type of information as contained in the first one, updated if required.

If the authority considers that notices would be desirable in the interests of giving adequate publicity to the order, it will need to display these in prominent positions at each end of the affected road and at junctions along it stating the effect of the order and, where applicable, any alternative routes available for traffic and ensure that these signs remain legible for the duration of the order.

A temporary order can last for up to 18 months unless it is for a footpath, bridleway, cycle track or byway open to all traffic (BOAT), in which case the maximum duration is six months. However, for works “on or near the road” that are not on a footpath, bridleway, cycle track or BOAT there is no upper limit if the original order states that the authority is satisfied that the proposed works will take longer than 18 months. Such an order, made without any suggested end date, is essentially for an indefinite period, but the LA must revoke the order as soon as the works are completed.

5.4. Extensions

Where an order that is time-limited to 18 months is still in force, the National Authority can (subject to certain conditions) consent to it being extended by up to 6 months after the date it was due to end. There is no limit to how many times his consent can be granted to such an order that is still in force.

Where an order that is time-limited to six months is still in force, the Secretary of State can consent to it being extended for a further period from the date it was due to end. There is no limit to the length of the “further period” or to how many times his consent can be granted to such an order that is still in force.

Although the involvement of the relevant National Authority may appear daunting, the process to extend a TTRO is relatively straightforward in practice.

5.5. Suspensions of parking places

Permanent TROs providing permitted parking bays will almost always have provisions to suspend those bays and to allow enforcement of those suspensions. The provisions will vary between TROs but notice periods will invariably be shorter than a TTRO with no requirement to advertise in a newspaper. These should always be checked to establish whether a TTRO is required when bays are involved with works.

5.6. Filming requests

LAs take different views as to whether filming requests can be covered under section 16A of the RTRA84 – see chapter 6.2. below – as the public are generally not able to either watch or participate. Alternatively, section 14 of the Act could be applicable in these circumstances.

In Scotland, LAs could use section 62 of the Roads (Scotland) Act 1984, below.

5.7. Orders under section 62 of the Roads (Scotland) Act 1984

In Scotland, where an order cannot be made under section 14 or section 16A of the RTRA84 but in the opinion of the roads authority considerations of public safety make it desirable that there should be a temporary restriction on, or temporary prohibition of, traffic or foot passage on the road, the authority may make an order imposing such restriction or prohibition and (where practicable) specify an alternative route or routes.

Orders made under this section cannot exceed seven days in duration and prior notice must be given by advertising in a relevant local newspaper.

6. Other Orders

6.1. Overview

In addition to permanent, experimental and temporary orders there are a number of less-frequently used types of orders. These are also made under the Road Traffic Regulation Act 1984, with the exception of the Town Police Clauses Act 1847, below.

6.2. Special events

Orders for special events are made under [section 16A](#) of the RTRA84. They can be used to impose temporary restrictions on the highway for:

- facilitating the holding of a relevant event
- enabling members of the public to watch a relevant event
- reducing the disruption to traffic likely to be caused by a relevant event

Here “relevant event” (or special event) means any sporting event, social event or entertainment held on a road. Special event orders cannot be used for events that take place off the highway.

There is no set procedure for making orders under section 16A. This means that there is no requirement to consult certain bodies or advertise the order. However, LAs need to take account of the scale and nature of events and consider how to minimise disruption to road users, businesses and residents. Advance publicity is therefore likely to be necessary. It would also be reasonable to expect the authority to notify the chief officer of police and various other bodies where appropriate.

To minimise disruption to road users, publicise special events orders in advance and notify the chief officer of police and anyone else appropriate.

In any calendar year (taken to be 1st January to 31st December) an authority can make a special event order affecting a given stretch of road only once, and for a maximum period of three days. The National Authority can approve the making of events orders under section 16B RTRA 1984 where longer than three days or a repeat closure.

A guidance document and application form are available from the DfT, [here](#).

In London, [section 9](#) of the London Local Authorities Act 1995 provides additional powers for “Special temporary prohibitions”.

6.3. Section 22 orders - Special areas in the countryside

[Section 22 orders](#) are permanent orders that are used to protect special areas in the countryside such as BOATs. Natural England, the Natural Resources Body for Wales and the Scottish Natural Heritage can ask the Secretary of State to make an order under this section.

6.4. Section 22C Orders – Anti-terrorism

Anti-terrorism TROs (ATTROs) [Section 22C orders](#) are used for the purpose of avoiding, reducing, or reducing the likelihood of danger connected with terrorism. Permanent anti-terrorism orders are made under RTRA84 section 1 outside Greater London – section 6 inside Greater London – and temporary orders are made under section 14.

6.5. Section 29 Orders – Play streets

[Section 29 orders](#) can be used to prohibit or restrict the use of a road by vehicles, or by vehicles of any specified class, to allow it to be used as a playground for children. The restrictions can apply:

- generally
- on particular days
- during particular hours.

6.6. Town Police Clauses Act 1847

This legislation from the Victorian era is still in force and is still found to be useful by LAs – although it is only applicable in England. Use of section 21 of the [TPCA1847](#) allows LAs to make closures to assist with:

- public processions
- rejoicings
- illuminations
- any case when the streets are thronged or liable to be obstructed.

The advantage of the TPCA1847 is that orders are relatively simple to make and many LAs with regular events will be used to the process.

Closures made in this way can be enforced by the Police but in practice physical barriers and appropriate marshalling control vehicular access. Civil enforcement cannot be used in conjunction with these powers, therefore only a police officer can enforce. Also, LAs cannot make a charge.

Temporary orders made under section 14 of the RTRA84 are more flexible, can be enforced by Civil Enforcement Officers (CEOs) and synchronise better with other streetworks systems that LAs have in place. See chapter 5 for a detailed explanation.

Additionally, taxi ranks can be created under the [Local Government \(Miscellaneous Provisions\) Act 1976](#), which flows from the TPCA. These ranks, outside Greater London, can be enforced by a CEO under TMA2004.

7. Parts of a TRO

7.1. Overview

Although legislation sets out how a TRO is created, there is no legislation – either primary or secondary – that describes how the TRO itself should be constructed.

There have been formal ‘model orders’ in place in the past but these have not been maintained into the 21st century. In recent years LAs have copied these historic model orders as the basis of new orders, and have added, removed and amended sections to suit their needs.

It is inevitable that ad hoc amendments will introduce discrepancies and contradictions over time. A particular problem is the adoption of new technologies which were not in use when the historic model orders were maintained. Some of these amendments do not mesh seamlessly with the existing provisions in orders and may be of variable quality. Problems with penalty charge notices (PCNs) at adjudication are likely to arise with poorly drafted provisions that diverge from the model orders.

Over time, in future editions of this Guide, it seems likely that further guidance and/or regulation will be created regarding the contents of TROs. This might involve model orders, or at least standardised definitions. This will be particularly necessary to cater for Connected and Automated Vehicles (CAVs), when a common approach will be much more important.

Some LAs are already looking at new approaches to the structuring of TROs, for example by integrating the information traditionally found in schedules at the end of the TRO in amongst the body of the order. There is nothing in the regulations to prevent this and further innovation is to be expected.

The best advice that can be given at this time is for LAs to continue to adhere to the historic model orders whenever possible.

An interesting and useful source of TROs is the Traffic Penalty Tribunal (TPT) TRO library. LAs in England, outside London and in Wales, can streamline the process used when a motorist appeals against a PCN by lodging their TROs with TPT. This library is not comprehensive – and does not necessarily represent good practice – but it does represent a broad spectrum of approaches.

There are, of course, limitations with this approach as poor practice and errors can be replicated. Historic model orders and TPT library examples provide a useful resource but practitioners are advised to exercise caution and to use their own professional judgement when using them.

The TPT TRO library can be found at: <https://tro.trafficpenaltytribunal.gov.uk>

7.2. Structure

The traditional layout of a TRO can be broken down into the following:


- title and citation
- definitions
- main articles
- schedules
 - charges
 - eligibilities
 - extent of restrictions
- revocations.

Any one TRO may not include all of these sections. [Appendix 5](#) shows a fairly typical example; for a wide range of other examples the TPT library is a recommended source.

It should be noted that when discussing “the TRO” – and particularly the digitisation of TROs – it is common for only the schedule of the extent of restrictions to be considered, i.e. the text description or map setting out the locations of restrictions. Whilst this is often the most noticeable part of the order, it is not “the TRO”. Only by reading the complete order can the full context and legal aspects of the TRO be understood.

7.3. Digitisation

Any attempt to digitise TROs must account for the entirety of the TRO, not just the schedule showing the extent of the restrictions, or even just the schedules. This can present challenges which may be difficult to address without a comprehensive and integrated TRO management system.



A digitised TRO must account for the entirety of the TRO, not just the schedule showing the extent of the restrictions.

Common data standards are needed for increased digitisation and to also facilitate greater digital maturity.

7.4. Maps

It is becoming increasingly common for TROs to include maps as part of their schedules, see chapter 8.4. This is universally welcomed by users of TROs, from consultees to adjudicators, because of the ease with which the restrictions can be understood. Map-based schedules have been in use for a number of years and their lawfulness has never been successfully challenged at adjudication.

Maps typically represent the presence of the restrictions with suitable labels, legends etc. Additionally, maps can show the boundaries of zones, for example Controlled Parking Zone (CPZs), Restricted Parking Zones (RPZs), or permit eligibilities.

One danger with map-based eligibilities is that there can be less control of exactly which properties are included/excluded. This can lead to problems with, for example, former commercial premises being converted to flats, with a significant increase in permit holder areas in town centre locations. There is no reason for map-based schedules to be less suitable than text-based schedules but care must be taken.

8. Degrees of digital maturity

8.1. Overview

It is increasingly common for TROs to be created and stored digitally. However, the degree of digitisation – and what different LAs mean by ‘digital’ – is very variable. This chapter looks at the differing degrees of digital maturity.

Map-based schedules are a relatively recent development and are far from universally used. In particular, TROs relating to moving restrictions are almost entirely text-based at present.

Map-based and digital TROs make management information more accessible and allow quicker responses to FOI requests. Examples include how many disabled parking bays a LA has or how many linear metres of yellow line. Similarly, maintenance and asset management generally will be improved with a digital approach.

Although LAs may have different TROs stored in differing formats, the approaches break down broadly into:



8.2. Type written (pre word-processor)

It is not uncommon for a LA to have TROs that are typewritten, with no electronic version ever created. In some cases the TRO may even be handwritten. In particular, TROs for moving restrictions may not have been changed from the original version created in the days before the word-processor.

Scans of older TROs may be available on-line but in general these TROs reside in filing cabinets. This is of course perfectly legal but is clearly not satisfactory going forward, in the light of new technology. At present these TROs are very rarely changed – or even accessed – so have been a low priority to update. However, these TROs will become crucial to the development of new technologies such as CAVs and will need to be digitised.

8.3. Text-based

The traditional method of creating TROs – at least since the advent of universally available word-processors – is to use Microsoft Word, or similar, for all parts of the TRO including the schedules. An example TRO is shown in [Appendix 5](#). This has a number of advantages including ease of editing, layout opportunities and portability. The text-based schedules meet the requirements for the Notice of Proposals – see chapter 3.4.6. Also it is relatively straightforward to publish these TROs on the LAs’ website, either as a Word document or as a PDF which is straightforward to produce from Word.

There are, however, still disadvantages:

- **Version control:** It is very easy for TROs to drift over time, with different authors creating increasingly incompatible orders. Discrepancies can cause problems for both enforcement and future consolidations. This is not inevitable with text-based orders but it is common. Ruthless control of versioning and the effective use of consolidation/amendment models can tackle this problem.
- **Understanding the restrictions:** Even for experienced traffic engineers it is not always easy to interpret text-based schedules to determine what restrictions apply where. It follows that the public will also struggle.

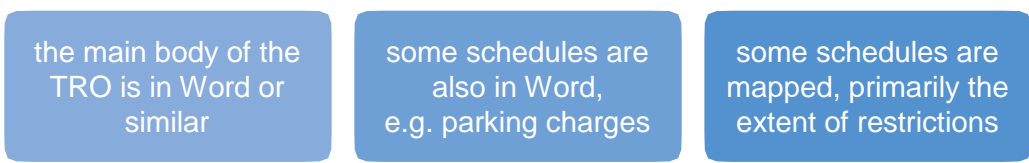
Invariably the traffic engineer will map the proposed restrictions to understand the implications and to communicate with colleagues and consultees. These maps are increasingly being used as schedules to the TROs themselves, see below.

Although producing TROs in Word or similar begins to bring a structure, these are not machine-readable in a reliable way and are therefore not going to meet the demands of the future.

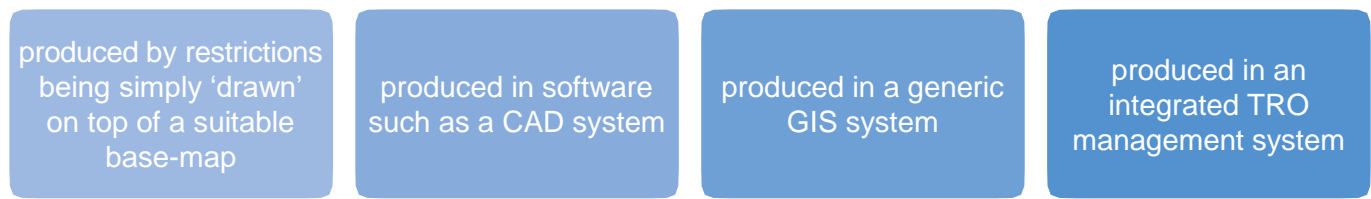
When creating mapping from on-street surveys, you can use GPS-based surveying equipment. It is worth keeping in mind that a survey carried out rigorously in traditional manner is likely to be more accurate than a poorly executed high-tech approach.

8.4. Partly digital

In many LAs a mixed approach is now in place:



The mapping of schedules can take a number of forms:



Clearly there is a continuum of digital maturity here, with the first two having limited potential for future connectivity and the latter two having considerable scope.

Mapping may be published as either zoom-able digital mapping on the LA's website – or another provider's website – or as PDFs. Although clearly an improvement on text-based schedules, PDFs cannot be said to be truly digital in this context. However, if PDFs are produced from underlying data that can be exported in another way then this gives a potential path for the future.

In most cases, mapping is based on a grid system. Even if mapping is stored on an authority-wide basis, restrictions will generally be output in a tile-based manner for consultation and for the production of definitive maps that form part of the sealed TRO.

Best practice is for mapping to be created from on-street surveys, either using GPS-based surveying equipment or more traditional methods. Mapping created from the desktop – i.e. drawing onto a map – are unlikely to be accurate enough to be relied-upon. A traditional survey done well is likely to be more accurate than a poorly executed high-tech approach.

No method of street survey can be certain to capture the exact content of current TROs, as discrepancies will almost certainly have arisen over time. This consequence of this is discussed in chapter 11.2. LAs may therefore publish TROs on websites as a mixture of Word, PDF and digital methods. As with less-digitally mature approaches, this will need to be upgraded for the future.

Note that it is essential in any system that the in-force restrictions at a specified date in the past can be established, for example to provide evidence for adjudication.

8.5. Mostly digital

In a ‘mostly digital’ system all parts of the TRO will be produced, stored and published in a digital fashion throughout the process. It is possible that individual parts of the process will be produced by different systems providing they integrate seamlessly. Producing the bodies of TROs using Word is not sufficiently robust to be considered mostly digital.

It is overwhelmingly most likely that a mostly digital system will result from the use of an integrated, fully featured TRO management system. Such a system will automatically handle issues such as consistency of definitions and version control. The publishing of TROs for consultation and order-making, public inspection and exporting of data for third-party purposes will also be facilitated.

8.6. Fully digital

The end of the digital maturity process is a Fully Digital system. Such a system will need to be:



It seems most likely that a fully digital system will require data to be made available using nationally – or internationally – mandated data standards. As there are currently no agreed standards, no LA can be considered to be fully digital. However, a fully digital solution will support use of the yet-to-be-defined data standards for defining the semantic content of TROs in a machine processible form, against user guidance and minimum quality characteristics, and published in a persistent, maintained electronic publication mechanism. The data modelling workstream of the TRO- Discovery project moves this possibility forward. The quality characteristics of this digital solution will need to include completeness of the data, minimum semantic content, timeliness, and availability of publication mechanisms. This must cover authentication and security.

9. Publishing TROs

9.1. What is meant here by publishing

In this context, ‘publishing’ is the process of making ‘made’ TROs available for inspection and/or use by third-parties outside the LA. This is as opposed to the process of consulting and notifying, which are covered in chapter 3.4.

9.2. Hardcopy

It has been traditional for LAs to make their TROs available to personal callers at the LA’s administrative centre. Hard copies would be available to view, or copies can be made. This approach is still used by LAs and does fit with the ‘deposited document’ requirements required under [regulation 7](#) of LATOR(EW) and [schedule 3](#) of LATOR(S).

9.3. Websites

LAs are increasingly publishing TROs on their websites. These will usually be Word documents, PDFs or a combination of the two. This is a welcome development but is only a stepping-stone towards what will be required for the future.

9.4. GIS systems

Many LAs who create TROs on GIS systems will make their TROs available to the public online. This may be through zoom-able mapping, or through links to PDF tiles. Third-party systems also exist to host and publish LAs’ TROs.

Although, again, a step in the right direction, these public-facing websites are essentially human-facing. Until LAs are able to expose their TRO data to other systems the TRO data will remain digitally inaccessible.

9.5. Open data

The ultimate goal – and a key requirement for CAVs to operate – will be for all TROs to be published in a standard, machine-processable form. Although such a standard is not currently available, one of the key workstreams in the DfT’s TRO Discovery project deals with data modelling, which is a necessary first step on the path to an agreed data standard.

10. Signs and lines

10.1. Overview

TROs require signs or lines or both in order for the restrictions to be enforceable. It is therefore essential that the signs and lines match the TRO.

It must be stressed that in any discrepancy between the TRO and the on-street signs and lines, the TRO is always correct as this is the definitive statement in law.

10.2. The Regulations

The practicalities and requirements for the installation of signs and lines are very complex and would require a guide in themselves, which has already been done to a great degree.

The regulations regarding on-street signs and lines are contained in Traffic Signs Regulations and General Directions 2016 [[TSRGD16](#)], and in Northern Ireland the relevant legislation is the Traffic Signs Regulations (Northern Ireland) 1997 (as amended). The companion publication to this is the Traffic Signs Manual [[TSM](#)], which offers advice on the use of traffic signs and road markings on the highway network.

In almost all cases it is necessary for signs and lines to be introduced (or changed/removed) when a TRO is made. Sign/line schedules and works orders can be produced manually, from an integrated TRO system or from an alternative system (such as a CAD system or highways asset management system).

Providing the process is carried out diligently then any of these approaches could be effective, and all will fail if not executed correctly. A LA that has invested in a comprehensive highways asset management system may find that the benefits of specifying and maintaining signs and lines through this system – along with other highways assets – outweigh the problems of synchronising different systems. However, an integrated system used correctly should have significant advantages.

10.3. Keeping up-to-date

Specifying, producing and installing the correct signs and lines for the start of the life of a TRO can be a challenge. However the bigger challenge is to keep the signs and lines in good order through the life of the TRO.

The cooperation and diligence of partners such as civil enforcement officers reporting defects such as worn out lines can be particularly helpful.

Signs and lines represent a highways asset of equal value to the LA's other highways assets and should be subject to the same regime of inspection and maintenance.

11. The digital way forward

11.1. Introduction

This Guide is intended to be updated on a frequent basis as legislation, case law, and best practice evolve over time.

Perhaps the concept of the TRO will change beyond all recognition over time but there will always be the need for records of restrictions/permissions which are:



An authoritative source will continue to be needed to store them, keep them up-to-date and digitally publish them. That is likely to continue to be LAs. Increased digitisation will bring new opportunities and probably, over time, new obligations on LAs to ensure they progress digitally, as set out in Chapter 8.

It should also be remembered that – as set out in Chapter 3 – there are numerous categories of restriction that do not require a TRO, and the number of such categories may increase. In order to fully represent the on-street landscape it will be essential that these are also digitally mapped.

11.2. Moving from text-based

LAs who currently maintain TROs only in a text-based format will need to commit significant resources in order to digitise their records.

At some point existing TROs will need to be mapped into a system of some form, either generic GIS or a TRO-specific system. This could be done in-house or using specialist consultants.

Hardcopy TROs can be scanned and optical character recognition (OCR) could be used. For more recent scans, PDF-Word conversion may be possible. In any event significant reformatting may be required.

Even when all TROs are in an electronic format, they will have been produced by different teams over the years and may have been drafted in a wide variety of ways, making consolidation difficult.

It is unfortunately common for LAs to find that they have restrictions in place on-street for which they cannot find the original TRO. In this case the full TRO-making process will need to be followed.

LAs will be left with a question about the degree to which on-street signs and lines match the TRO. This is particularly the case with very old TROs.

Undertaking site surveys of signs and lines as part of this process and rationalising them against legal orders is highly recommended. This is similar to the requirement on LAs to thoroughly review signs and lines in preparation for taking civil enforcement powers.



Hardcopy TROs can be scanned and optical character recognition (OCR) could be used.



If you cannot find the original TRO, you will need to follow the full TRO process to create a new one.

The difficulty, as always with such surveys, is handling discrepancies which are identified. A significant number of defects may be identified, with associated repair/replacement costs. More seriously, it might be concluded in certain locations that the on-street signs and lines might reflect more appropriate controls than the actual TRO. In this case the TRO may need to be amended and there is no shortcut for this. Similarly, site surveys may identify restrictions that have been put in place without a valid TRO.

A new approach is now being offered with automated or semi-automated on-street surveying. This has some obvious advantages but, inevitably, this data will need to be turned into a robust and formal TRO at some stage.

Whichever approach is taken the process is likely to take multiple financial years, so significant resource planning will be required.

11.3. Moving from partly-digital

LAs that are partly-digital will have TROs stored in a mixture of ways, usually with the body of the order in Word (or similar), some schedules in Word and the extent of the restrictions mapped in one form or another.

Currently, and for the next few years, a mixed approach is likely to remain viable. However, LAs may wish to explore with their GIS teams how the data could be made more accessible – both to the public through a website (in-house or external) and through exposing data to other websites.

Because of the content that is held in the body of orders, a mixed approach – with only the extent of restrictions made digitally available – is unlikely to be sustainable in the longer-term. Therefore arrangements for fully-digital systems – in-house or outside – will need to be made in the longer-term.

11.4. Moving from mostly-digital

LAs who already have their TROs stored in a comprehensive TRO management system will obviously be best placed for the digital future. It is reasonable to assume that the providers of such systems will continue to keep abreast of developments, but LAs will need to satisfy themselves of this. If national data standards for the publication of TROs are produced in the future it will be necessary for suppliers' systems to be updated to fully reflect those standards and similarly a need to retrofit existing TROs.

12. Acknowledgements

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Appendices

Appendix 1 – Glossary

Appendix 2 – Legislation and Regulations

Appendix 3 – Permanent TRO Flowchart

Appendix 4 – Temporary TRO Flowchart

Appendix 5 – TRO example

Appendix 1 – Glossary

BOAT	Byway Open to All Traffic
BPA	British Parking Association
CAD	Computer-Aided Design (or Drafting)
CAV	Connected and Automated (or Autonomous) Vehicle
CEO	Civil Enforcement Officer. Someone who carries out enforcement under TMA2004
CPE	Civil Parking Enforcement. Enforcement carried out by CEOs under TMA2004
CPZ	Controlled Parking Zone
DfI	Department for Infrastructure (Northern Ireland)
DfT	Department for Transport
DPE	Decriminalised Parking Enforcement. Enforcement carried out by Parking Attendants under RTRA91
Edinburgh Gazette	The official journal of record for Scotland
ETRO	Experimental TRO
GDPR	General Data Protection Regulation 2018
GIS	Geographic Information System
LA	Local Authority. This a fairly loose term, used for convenience in the Guide to refer to the broad range of traffic authorities and local highway authorities
London Gazette	The official journal of record for England and Wales
National Authority	In England this is the Secretary of State. In Wales and Scotland this is the respective Devolved Governments
Parking Manager	A blanket term generally used in LAs to refer to a manager with operational responsibility for the provision of parking services, including enforcement. May have responsibility for creating TROs but generally not
RTRA91	The Road Traffic Act 1991
RPZ	Restricted Parking Zone
TMA2004	Traffic Management Act 2004
TMO	Traffic Management Order. This term is used to refer to a TRO made in Greater London
TPT	Traffic Penalty Tribunal
TRO	Traffic Regulation Order. Used in this Guide to cover the wide range of orders used to regular vehicular and pedestrian traffic
TTRO	Temporary TRO

Appendix 2 – Legislation and Regulations

1 Introduction

There is a significant amount of interdependent legislation – primary and secondary – that relates to the creation of TROs. Additionally, the Devolved Nations have variations both large and small.

Below is a list of the key items, which can be found at www.legislation.gov.uk, although hyperlinks are provided for each one.

Often overlooked but particularly useful is the Explanatory Note which is attached to the end of most pieces of legislation. Also often available is an Explanatory Memorandum.

Note that much of the legislation in question has had many amendments over time – in particular the Road Traffic Regulation Act 1984 – so it is absolutely essential to refer to the latest versions online.

2 England and Wales

a) Road Traffic Regulation Act 1984 [RTRA84]

This Act is the basis on which the majority of TROs are created. The [RTRA84](#) applies to England, Wales and Scotland but does not apply in Northern Ireland.

There are many provisions in RTRA84, with the key ones being:

- Section 1 – the power to make orders outside Greater London
- Section 6 – the power to make orders in Greater London
- Section 32 – on-street free parking places
- Section 35 – off-street parking places (i.e. car carks)
- Section 45 – on-street charged parking places
- Section 46 – notice of variation of on-street parking charges
- Section 55 – local authority income and expenditure
- Section 61 – off-street loading areas.

b) Traffic Management Act 2004 [TMA2004]

This is a large piece of legislation with many varied provisions.

[Part 6](#) relates primarily to civil enforcement by local authorities of:

- i. contraventions created under RTRA84
- ii. contraventions created under other legislation
- iii. contraventions set out in TMA2004 itself.

The relevant sections are [s73](#) and [Schedule 7](#).

Appendix 2 – Legislation and Regulations

Note that the TMA2004 applies in England and Wales but not in Scotland or Northern Ireland. In Scotland, the Road Traffic Act 1991 remains in place. In Northern Ireland the Traffic Management (Northern Ireland) Order 2005 plays a similar role.

c) Road Traffic Regulation (Special Events) Act 1994 [\[RTR\(SE\)\]](#)

An Act to make provision, in connection with sporting or social events held on roads or entertainments so held, for the restriction or regulation of traffic on roads; and for connected purposes. Not applicable in Northern Ireland.

d) Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 [\[LATOR\(EW\)\]](#)

This is the key piece of secondary legislation governing how TROs are made in England and Wales.

e) The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 [\[RT\(TR\)R\]](#)

This is the key piece of secondary legislation governing how temporary TROs are made in England, Wales and Scotland.

f) Traffic Signs Regulations and General Directions 2016 [\[TSRGD\]](#)

This secondary legislation came into force on 22 April 2016. It applies to England, Wales and Scotland (with a minor reservation for school crossing patrol signs in Scotland).

It was updated for England and Wales by the [Traffic Signs \(Amendment\) \(England and Wales\) Regulations and General Directions 2017](#), which corrects a number of drafting errors.

In Scotland the [Traffic Signs Amendment \(Scotland\) Regulations and General Directions 2018](#) made similar changes to correct errors and improve clarity.

g) Traffic Signs Manuals [\[TSM\]](#)

Set out in a number of chapters this provides amplification, clarification and practical examples of the TSRGD provisions.

h) Town Police Clauses Act 1847 [\[TPCA\]](#)

Legislation often used for the closure of streets for events etc. See section 6(6) of the Guide.

3 Variations in Scotland

a) The Road Traffic Act 1991 [\[RTA91\]](#)

This is the legislation under which decriminalised parking enforcement (DPE) was originally created. The first DPE was undertaken in 1993. It was mandatory in London from 4 July 1994 and was first used outside London in 1996. In England and Wales the RTA91 was superseded by the TMA2004 on 31 March 2008. This legislation remains in use in Scotland to allow DPE.

b) Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 [\[LATOR\(S\)\]](#)

c) Road Traffic (Temporary Restrictions) Procedure Regulations 1992 [\[RT\(TR\)PR\]](#)

Appendix 2 – Legislation and Regulations

4 Northern Ireland

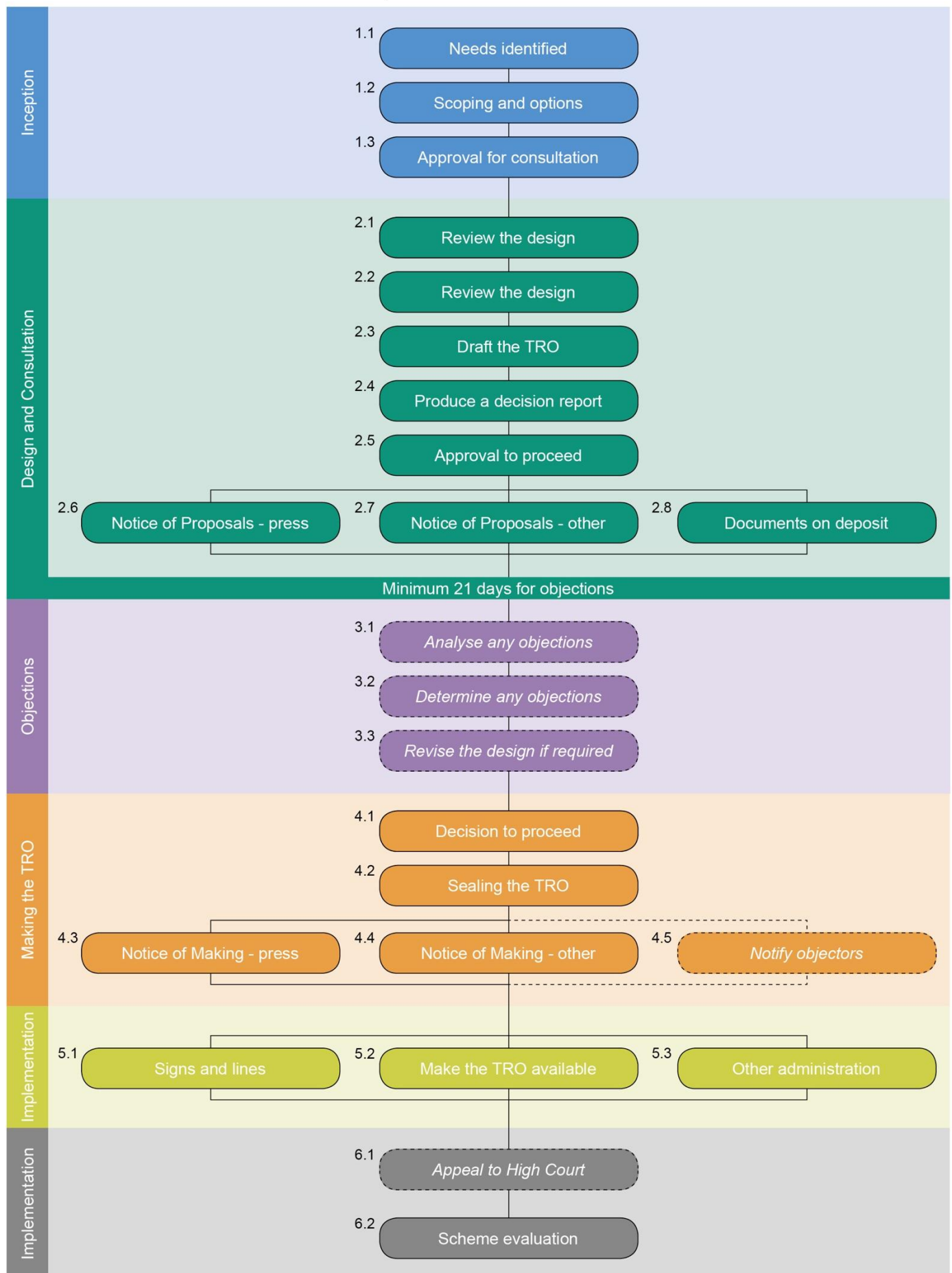
- a) Road Traffic Regulation (Northern Ireland) Order 1997 [[RTR\(NIO\)](#)]
- b) Traffic Management (Northern Ireland) Order 2005 [[TM\(NIO\)](#)]

This order amends the Road Traffic Regulation (Northern Ireland) Order 1997 to allow civil parking enforcement to take place in Northern Ireland. This is, essentially, the equivalent of Part 6 of the TMA2004.

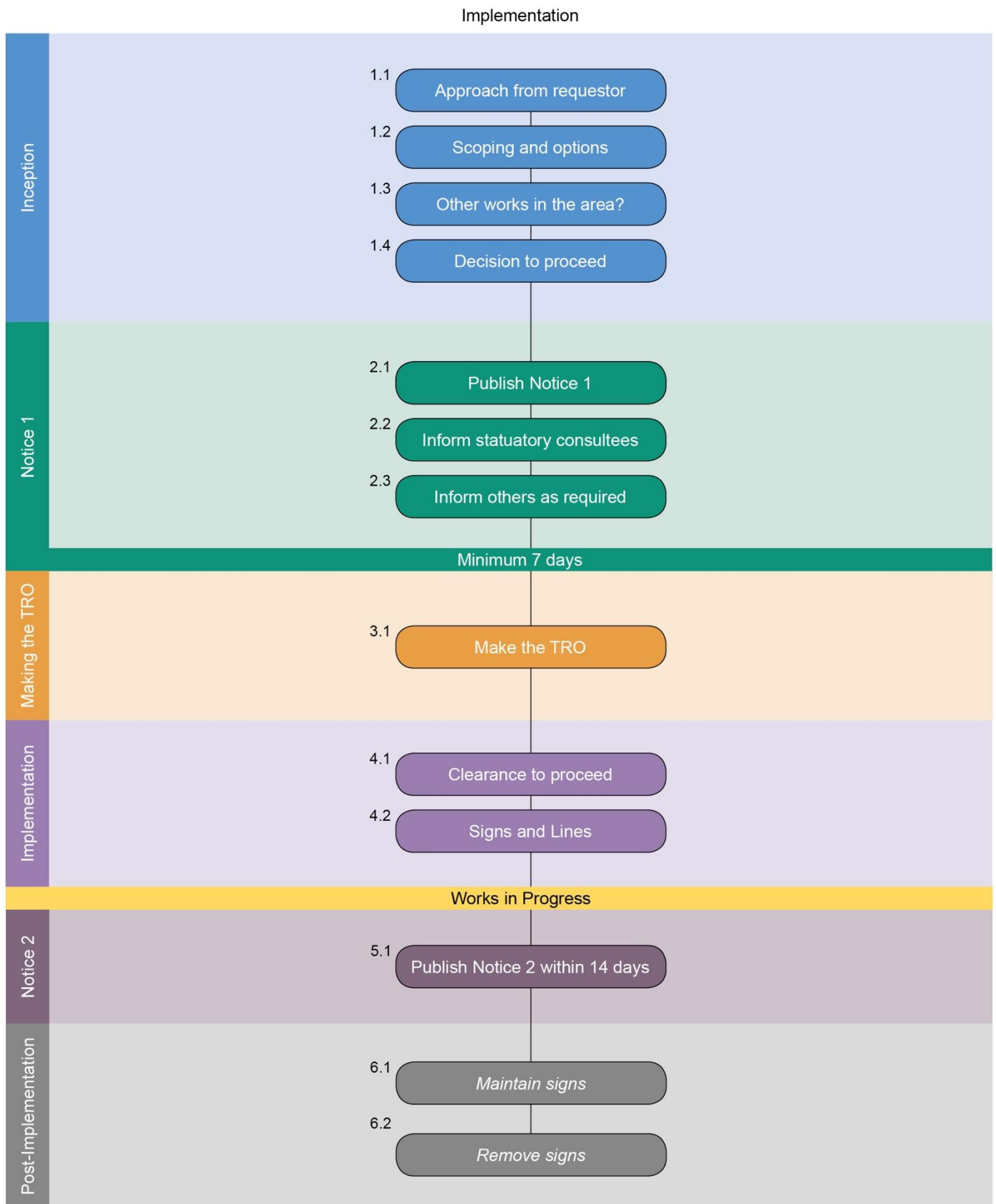
- c) Traffic Signs Regulations (Northern Ireland) 1997 [[TSR\(NI\)](#)]

Appendix 3 – Permanent TRO Flowchart

Sample Flowchart for a Permanent TRO



Appendix 4 – Temporary TRO Flowchart



THE COUNTY OF CUMBRIA (SOUTH ROAD, KENDAL)
(TRAFFIC REGULATION) (NO.1) ORDER 2004

The County Council of Cumbria (hereinafter referred to as "the Council") in exercise of its powers under Sections 1(1), 2(1) to (3) and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Constable of Cumbria in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

GENERAL

1. This Order shall come into operation on 8th March 2004, and may be cited as The County of Cumbria (South Road, Kendal) (Traffic Regulation) (No.1) Order 2004
2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-
 - (1) "approved" means approved by the Department of the Environment for the purposes of this Order in accordance with Section 35(3) of the Act;
 - (2) "delivering" and or "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;
 - (3) "disabled person" means a person who holds a disabled persons' badge in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No. 682) (and in particular Regulation 4 thereof) or any re-enactment thereto;
 - (4) "disabled person's badge" means a badge issued in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended) (in particular Regulation 11 and the Schedule thereto) or under regulations having effect in Scotland and Wales under Section 21 of the Chronically Sick and Disabled Persons Act 1970 as referred to currently by the Local Authorities Traffic Orders (Exemptions for Disabled) (England) Regulations 2000 (No. 683) or any subsequent further re-enactments thereof;
 - (5) "disabled person's vehicle" means a vehicle driven by a disabled person as defined in Regulation 4(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (No. 682);
 - (6) "driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place (and shall, as appropriate, bear the meaning assigned by Section 142 of the 1984 Act);
 - (7) "goods" shall mean material possessions, goods, burdens and items of any description and shall include cash or other valuable securities and be of such weight or bulk that they cannot be reasonably conveyed otherwise than by means of a vehicle;

Appendix 5 – TRO example

- (8) "goods vehicle" means for the purpose of this Order a motor vehicle which is constructed or adapted for the carriage of goods or burden of any description, the unladen weight of which does not exceed 1.524 tonnes;
- (9) "junction" means, unless otherwise indicated in this Order, the intersection of the carriageway centre lines of two or more roads;
- (10) "motor car" shall mean and include any mechanically propelled vehicle not being a motor cycle or an invalid carriage, which is constructed itself to carry passengers of which the weight unladen does not normally exceed 3050 kilograms subject always to the inclusion of the extended meaning to this term given in Section 136 of the 1984 Act (and whether or not it is being used for business purposes);
- (11) "motor cycle" and "invalid carriage" have the same meanings respectively as in Section 136 of the Act;
- (12) "motor vehicle" means any class of mechanically propelled vehicle including motor cycles motor cars goods vehicles and car derived vans, and shall bear the extended definition given thereto in Sections 136 and 137 of the 1984 Act (but shall not include any commercial vehicle as defined above or any heavy commercial vehicle as defined in Section 138 of the Act) (and whether or not it is being used for business purposes). Where reference is made to vehicle or motor vehicle in the Order these terms shall be deemed to have the same meaning and be interchangeable and to be interpreted accordingly;
- (13) "parking device" shall have the meaning assigned to it in the 1984 Act (Section 142; Section 35(3B); Section 51(4) and shall include parking disc;
- (14) "parking disc" in relation to Part II of this Order (Disabled Persons Parking Places), a device which:-
 - (i) is 123 millimetres square and coloured blue, issued on or after 1st April 2000, or orange if issued before that date;
 - (ii) has been issued by a local authority and has not ceased to be valid; and
 - (iii) is capable of showing the quarter hour period during which a period of waiting began;
- (15) "parking place" means any part of a road authorised by this Order to be used as a parking place;
- (16) "passenger vehicle" means a motor vehicle (other than a motor cycle, an invalid carriage, goods vehicle or heavy commercial vehicle) which is adapted to carry not more than 8 passengers as defined in this Order;
- (17) "post office" and any reference to "post office vehicle" or "postal packets" shall be construed in the context of the Postal Services Act 2000 and the Consequential Amendments Order 2001 (No. 2001/648) and shall include therefore references to "universal service providers" such as Consignia Plc, as the context shall require
- (18) "prescribed hours" means 24 hours a day, seven days a week.

- (19) "quarter hour period" means a period of quarter of an hour starting at any hour or fifteen, thirty or forty-five minutes past the hour which can be shown on the parking disc;
- (20) "relevant position" means (in conformity with Regulation 12 of SI 2000 No. 682) referred to above) in relation to a disabled person's badge,
- (i) in the case of a vehicle fitted with a dashboard or facia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from outside the vehicle; or
 - (ii) in the case of a vehicle not fitted with a dashboard or facia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle
- (21) "road" means the full width of the highway including the carriageway and footway;
- (22) "traffic sign" means a sign or marking of any size colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act;
- (23) "trailer" shall have the meaning assigned to it by Section 138(3) of the 1984 Act;
- (24) "the 1991 Act" means the Road Traffic Act 1991;
- (25) "The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002;
- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- (3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any Regulations made or having effect as if made under the Act of 1984, or by or under any other enactment.

PART I

PROHIBITION OF ENTRY

4. Save as provided in Article 5 of this Order, no person shall cause or permit any vehicle to proceed in the length of road specified in Schedule 1 to this Order in the direction specified therein.
5. Nothing in Article 4 of this Order shall apply to vehicles being used for Police, Fire or Ambulance purposes, ridden cycles, mechanical street cleaning vehicles and refuse collection vehicles.

PART II

PROHIBITION OF WAITING

6. Save as provided in Articles 7, 8 and 9 of this Order, no person shall cause or permit any vehicle to wait, at any time, on any day, in the lengths of road specified in Schedule 2 to this Order.
7. Nothing in Article 6 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began) to wait in the lengths of road or on the sides of road referred to in the said Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from the previous period of waiting by the same vehicle in the same length of road or on the same side of road on the same day).

Provided that this paragraph shall not apply to such lengths or sides of road specified in the said Schedule during such times as loading and unloading restrictions are in force.

8. Nothing in Article 6 of this Order shall render it unlawful for a person to cause or permit a vehicle to wait in the lengths or road or sides of road specified therein if the vehicle is:-
 - (a) waiting only so long as is necessary to enable a person to board or alight from the vehicle or to enable goods or merchandise to be loaded onto or unloaded from the vehicle;
 - (b) waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accidents;
 - (c) a vehicle used for police, fire brigade or ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority or water authority which is being used in pursuance of statutory powers or duties;
 - (d) waiting to enable it to be used in connection with the removal of any obstruction to traffic;
 - (e) in the service of or employed by the post office and is waiting while postal packets addressed to premises adjacent to the restriction on which the vehicle is waiting are being unloaded therefrom, or are being delivered or while postal packets are being collected from the premises or posting boxes adjacent to the restriction on which the vehicle is waiting, or, is in use in connection with the serving of posting boxes adjacent to the restriction on which the vehicle is waiting;
 - (f) being used in connection with any building operation or demolition the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration or repair in or near the said parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984;
 - (g) in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from depository;

- (h) in actual use in connection with the removal of a coffin containing the remains of a deceased person to or from premises situated on or adjacent to that restriction.
9. Nothing in the foregoing provisions of this Order shall apply at a bus stop to a public service vehicle providing a local service, as defined in Section 2 of the Transport Act 1985, provided that the Highway Authority or its agent has agreed in writing that the bus stop is a suitable place at which such vehicles may wait for no longer than is necessary to take up or set down passengers.

PART III

AUTHORISATION AND USE OF PARKING PLACES

USE OF PARKING PLACE

10. Each of the parts of road specified in Schedule 3 to this Order is authorised to be used, subject to the following provisions of this Order, as a parking place during the prescribed hours for such vehicles as are passenger vehicles, goods vehicles, motor cars, motor cycles, motor cycles with side cars attached thereto and disabled persons' vehicles.
11. (1) The driver of a vehicle shall not permit it to wait in a parking place specified in Schedule 3 to this order during the prescribed hours, unless the vehicle is:-
- (a) of a class specified in Article 10 of this Order;
 - (b) wholly within the limits of the parking place as marked on the carriageway by broken white lines conforming to diagram 1028.4 in Schedule 6 to the 2002 Regulations and is parked parallel to the kerb.
- (2) The driver of a vehicle shall not permit it to wait in a parking place specified in Schedule 3 to this order during the prescribed hours for a longer period than two hours providing that, where a vehicle has left a parking place specified in Schedule 3 of this Order after waiting thereon the driver thereof shall not within two hours after its leaving permit it to wait again upon that parking place.
12. The driver of a motor vehicle shall not use a parking place
- (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;
 - (b) when closed under the provisions of Article 15 of this Order.
13. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
14. No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services.

15. Nothing in Article 11 of this Order shall restrict the power of the Council or of the District Council for preventing obstruction of the streets by order on the occasion of any public procession rejoining or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.
16. (1) Subject to the provisions hereto, where a police officer in uniform or a parking attendant is of the opinion that any of the provisions contained in this Part of the Order have been contravened or not complied with in respect of a vehicle left in a parking place, he may remove or cause to be removed the vehicle from the parking place and, where it is so removed he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle
- (2) Provided that when a vehicle is waiting in a parking place in contravention of the provisions of paragraph (2) of this Article, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
- (3) A disabled persons vehicle which displays in a relevant position a disabled persons badge shall be exempt from compliance with any limitation of time during which a vehicle may be left in a parking place specified in the foregoing provisions of this Order.
17. Any person removing the vehicle or altering its position by virtue of the last preceding Article may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.

RESTRICTION OF WAITING OF VEHICLES

18. (1) Nothing in the foregoing provisions of this part of the Order shall apply to a vehicle waiting during the prescribed hours in a parking place specified in Schedule 3 to this Order if the vehicle is
- (a) waiting only so long as is necessary to enable a person to board or alight from the vehicle or to enable goods or merchandise to be loaded onto or unloaded from the vehicle;
- (b) waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid accidents;
- (c) a vehicle used for police, fire brigade or ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority or water authority which is being used in pursuance of statutory powers or duties;
- (d) waiting to enable it to be used in connection with the removal of any obstruction to traffic;
- (e) in the service of or employed by the Post Office and is waiting while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle, or, having been unloaded therefrom, or are

being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting or is in use in connection with the servicing of posting boxes adjacent to the parking place in which the vehicle is waiting;

- (f) being used in connection with any building operation or demolition, the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration or repair in or near the said parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act, 1984;
- (g) in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- (h) in actual use in connection with the removal of a coffin containing the remains of a deceased person to or from premises situate on or adjacent to that parking place; or

PART IV

REVOCATION OF EXISTING ORDERS

19. The Orders specified in Schedule 4 to this Order are hereby revoked to the extent specified therein.

Dated the 27th day of February 2004

THE COMMON SEAL OF)
CUMBRIA COUNTY COUNCIL)
was hereunto affixed)
in the presence of:-)

C15835



ASST HEAD OF LEGAL SERVICES

SCHEDULE 1

PROHIBITION OF ENTRY

Road

South Road, Kendal

Restriction

No vehicle shall proceed in a southbound direction in South Road, Kendal at a point approximately 84 metres north of the centre of its junction with West Street measured along the western kerb line.

SCHEDULE 2

NO WAITING AT ANY TIME

Road

South Road, Kendal

Extent of Restriction

West Side – From a point approximately 68m north of the centre of its junction with West Street northwards to its junction with Milnthorpe Road, measured along the western kerb line.

East Side –

- (1) From a point approximately 64m north of the centre of its junction with West Street northwards for a distance of approximately 35m measured along the eastern kerb line.
- (2) From a point approximately 121m north of the centre of its junction with West Street (measured along the eastern kerb line) northwards to its junction with Milnthorpe Road.

SCHEDULE 3

PARKING PLACES, 7 DAYS A WEEK, 24 HOURS A DAY WAITING LIMITED TO 2 HOURS, RETURN PROHIBITED WITHIN 2 HOURS

<u>Road</u>	<u>Description of Parking Places</u>
South Road, Kendal	East Side – (1) From a point approximately 7m north west of the centre of its junction with West Street northwards for a distance of approximately 57m measured along the eastern kerb line. (2) From a point approximately 99m northwest of the centre of its junction with West Street northwestwards for a distance of approximately 22m measured along the eastern kerb line.

SCHEDULE 4

REVOCATION OF EXISTING ORDERS

Title of Order

The County of Cumbria (Various Roads, South Lakeland Area) (Consolidation of Traffic Regulations) Order 2002

Extent of Revocation

Article 17, Schedule 13, Part 1, Kendal only.

Title of Order

The County of Cumbria (South Road, Kendal) (Experimental Traffic Regulation) Order 2003

Extent of Revocation

The entire Order

Title of Order

The County of Cumbria (South Road, Kendal) (Experimental Traffic Regulation) (No.1) Order 2003

Extent of Revocation

The entire Order

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BRITISH PARKING ASSOCIATION

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