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OF TRANSPORT**
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The Chief Executive
County Councils)
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Common Council of the
City of London

CIRCULAR ROADS 2/95
(Department of Transport)
CIRCULAR 57/95
(Welsh Office)

2 November 1995

Dear Sir/Madam

DEREGULATION: THE CONTROL OF DOGS ON ROADS ORDERS (PROCEDURE) (ENGLAND & WALES) REGULATIONS 1995; AND

ADVICE ON DESIGNATING ROADS ALL ROADS WITHIN GEOGRAPHICAL AREAS

1. The purpose of this circular is twofold:
 - a. to explain the changes made by new Control of Dogs on Roads Regulations 1995 regulations (above) which will make it easier for authorities to designate roads on which dogs must be held on a lead; and
 - b. to advise on the designation of all or some roads within a geographical area by way of a single order.

The New Regulations - background

2. Section 27 of the Road Traffic Act 1998 makes it an offence to cause or permit a dog to be on a designated road without the dog being held on a lead. The Control of Dogs on Roads Regulations 1962 laid down the procedure local authorities must follow to designate roads. The Deregulation review recommended that the regulations laid down too onerous requirements on local authorities, particularly the possibility of holding public inquiries if there is an objection to any proposal to designate a road.

3. Following consultation the Department has laid new, simplified regulations before Parliament which will come into force on 11 December 1995. The 1962 regulations will then be revoked. The new regulations permit authorities to designate roads by initially consulting the police and any other organisations they think fit; advertising their intention in at least one newspaper circulating in the district; considering objections (if any); placing signs on roads affected when an order is made; and keeping documents available for inspection. The public inquiry element has been dropped and various other requirements have been dropped or eased.

4. Copies of the new regulations are available from the HMSO Publications Centre (Mail, Fax and telephone orders only) - Telephone orders: 0171 873 9090; Fax orders: 0171 873 8200, or HMSO bookshops or accredited agents (see yellow pages).

Designation of all or some roads in a geographical area by way of a single order

Background

5. Following consultation with authorities, it was suggested that it would be helpful if authorities were able to designate all (or some) roads within geographical areas with a single order, rather than making a separate order for each road to be designated. The following recommends a method by which authorities may by order designate all or a number of roads in existence within a specified area at the date at which the order is made. However it should be noted that it is not possible to pre-designate roads which do not yet exist - roads created after the original order may only be designated by way of a subsequent order.

Method

6. For all or some roads to be designated within a geographical area under a single order it is important that the order is drafted in such a way as to ensure that the specified area and the roads designated within it are clearly identifiable and distinguishable from any other areas or roads. The order should avoid the use of words which are so general and vague that it is unclear to which areas or roads the order applies or that the order is seen to apply to any number of areas or roads.

7. The safest way of achieving this is to identify the geographical area and each and every road within it which is affected by an order. To achieve this end we advise the following:

- the relevant parts of any local authority orders which seek to specify areas and designate the roads within them should name the areas and all the roads to be designated within them;
- the areas and roads should be named so they are clearly and uniquely identifiable. In defining areas as many distinguishing characteristics as possible that help identify them should be included (eg boundaries, width, length and location of area);
- the order should have accurate maps or plans annexed to them which clearly show the areas and the roads within them which are designated.

8. The following is an example of the drafting format that should be used:

"In this Order-

"the designated roads" means all the roads, lengths of roads and parts of lengths of roads which are in existence at the date that this order is made, and which are situated within the specified geographical area shown on the map/plan marked "A", which forms part of this order, and is annexed hereto."

"the specified geographical area" means the area bounded by and including the points 600 metres to the north of the eastern junction of Military Avenue, 100 metres south of the southern junction of Cadet Road and 750 metres east of the northern junction of Crossfire Avenue, in the County of Hertfordshire and which is shown edged in red on the map/plan marked "A" which forms part of this Order and is annexed hereto.

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