

Circular Roads 2/94  
(Dept of Transport)

Circular 3/1994  
(Scottish Office)

Circular 33/94  
(Welsh Office)

## **THE DEPARTMENT OF TRANSPORT**

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The Chief Executive  
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District Councils ) and Wales  
Regional and Islands Councils  
London Borough Councils  
The Town Clerk, City of London

6 May 1994

Dear Sir/Madam

#### **THE ROAD TRAFFIC REGULATION (SPECIAL EVENTS) ACT 1994**

1. This Circular describes the new powers conferred by the Road Traffic Regulation (Special Events) Act which received Royal Assent on 3 May 1994. The powers are available with immediate effect and will extend to England, Scotland and Wales.
2. We shall shortly be consulting on regulations covering the procedures to be followed when making orders under the Act. It is intended that the regulations will contain provisions requiring lengthy notification and consultation with the general public and interested parties when traffic restrictions and prohibitions are intended under this Act. If, in the interim, Authorities intend making orders under the new powers they are asked to have due regard for adequate notification and consultation, particularly in respect of those who could be adversely affected by orders.

#### **Effect of the Act**

3. The Act confers new powers on traffic authorities to make orders imposing temporary restrictions or prohibitions on traffic in connection with the holding of any sporting event, social event or entertainment which is held on a road.

4. The need for the Act arises from the forthcoming visit of the Tour de France, two stages of which are to be held in England on 6 and 7 July, in Kent and East Sussex and in Hampshire respectively. The Act, however, also fulfills a long-felt need for adequate powers to be conferred on traffic authorities to regulate traffic in connection with major spectator events held on public roads. Limited powers which can be used for this purpose can be found in such provisions as section 21 of the Town Police Clauses Act 1847, section 52 of the Metropolitan Police Act 1839, Section 62 of the Roads (Scotland) Act 1984 and section 31(4) of the Road Traffic Act 1988 (which relates specifically to cycle races on the highway). These powers will continue to be available to deal with the traffic aspects of public events which do not come within the scope of the new powers. The new powers are intended to deal with major events likely to cause substantial disruption if traffic is not properly regulated. The duration and frequency of use of the new powers are limited to 3 days in any calendar year. However, this may be modified by the Secretary of State.

### **Content of the Act**

5. The Act amends and inserts 3 new sections, sections 16A, 16B and 16C into the Road Traffic Regulation Act 1984 ("the 1984 Act").

### **Relevant events**

6. Section 16A(1) defines the expression "relevant event" as any sporting event, social event or entertainment which is held on a road.

7. Section 16A(2) enables the traffic authority for a road to make orders restricting or prohibiting temporarily the use of a road, or part of it, by vehicles, vehicles of any class or pedestrians, to such extent and subject to such conditions as they consider necessary or expedient. The power to make an order arises if the authority is satisfied that traffic on the road should be restricted or prohibited for any of the three following purposes:

- (a) facilitating the holding of a relevant event (as defined in para 6 above);
- (b) enabling the public to watch a relevant event; or
- (c) reducing the disruption to traffic likely to be caused by a relevant event.

8. "Traffic authority" is defined in section 121A and "road" by section 142(1) of the 1984 Act.

9. The traffic authority must be satisfied that it is not reasonably practicable for the event to be held otherwise than on a road (section 16A(3)).

### **Motor Racing**

10. Orders in respect of motor races and motor speed trials on a public highway in England and Wales or a public road in Scotland are specifically excluded by section 16A(4). Orders relating to motoring events which are competitions or trials (other than races or trials of speed) or cycle races or trials are also excluded unless they have been authorised under section 13 or 31, as appropriate, of the Road Traffic Act 1988.

### **Other Roads**

11. Orders may relate to roads on which an event is to be held, and to other roads so that traffic attracted by events may be regulated or restricted as appropriate (section 16A(5)).

### **Order making authorities**

12. A single traffic authority may, with the consent of other affected traffic authorities (including the Secretary of State as respects trunk roads), make orders for all the roads affected by the holding of a relevant event which is held in the area of more than one traffic authority or partly on a trunk road (section 16A(6) and (7)).

13. Traffic authorities are obliged by section 16A(8) when considering the making of a section 16A order, to have regard to the safety and convenience of alternative routes suitable for traffic affected by the order, but the traffic authority is not precluded from making the order if there are no alternative routes. That is, however, a factor which the authority must take into account in deciding whether to make an order and the provisions to be included in it.

### **Types of order**

14. Types of order are detailed in section 16A(9) to (11). The kinds of provision which may be made by order are described in section 2(1), (2) or (3) or 4(1) of the 1984 Act. In addition orders may be made with regard to any provision restricting the speed of vehicles (maximum or minimum speed limit). Orders may also prohibit the riding, leading or driving of horse, cattle, sheep or other animals on the highway. If an authority intends to use this power it is important that farmers who may be affected are consulted.

15. Orders may suspend statutory provisions of a kind which could be covered by a section 16A order as well as orders made under any of the following provisions of the 1984 Act: section 32(1)(b); sections 35, 45, 46, 49; Schedule 10, paragraph 11(1) and orders under section 6 designating free on-street parking places in Greater London (see paragraph 15 of Schedule 1 to the 1984 Act).

16. The making of an order which would prevent pedestrian access at any time to premises situated on or adjacent to a road to which it relates, or to premises which are only accessible to pedestrians from such a road, is prohibited (section 16A(9)).

### **Time limits and extensions**

17. Section 16B(1) limits the duration of orders to no more than 3 days in any calendar year for any section of road. The time limit does not apply to orders made by the Secretary of State as traffic authority of the road in question, or to local traffic authority roads where the Secretary of State has given his agreement to a greater number of days in advance of the order being made.

18. The Secretary of State can, under section 16B(2) to (5) direct that an order be extended whilst it is still in force and the relevant event has not come to an end. The extension may be for a period of up to 3 days and may relate to all, or only some of, the roads to which the order applies. Extensions may be necessary when, for example, freak weather conditions, delay the finish of an event beyond the date originally planned.

### **Frequency**

19. Where a section 16A order has been made in respect of a length of road, no further such order affecting that length of road may be made (except by the Secretary of State as traffic authority for the road) in the same calendar year, without the consent of the Secretary of State. In this respect a length of road is affected by a section 16A order if that order contains provisions prohibiting or restricting traffic on that length of road, but not if the order suspends some other order which does not affect traffic on that road (section 16B(6) and (7)).

### **Offences**

20. Section 16C(1) makes it an offence for a person to contravene, or to use or permit the use of a vehicle in contravention of a restriction or prohibition imposed by a section 16A order. Part I of Schedule 2 to the Road Traffic Offenders Act, consisting of a table showing (among other things) the method of trial and maximum penalty for specified traffic offences, is amended. The new entry provides that contravention of a prohibition or restriction applied by an order in accordance with section 16A is triable summarily, and the maximum fine is level 3 on the standard scale (currently £1,000).

## **Regulations**

21. Section 16C also empowers the Secretary of State to make regulations about the procedure for making section 16A orders, including the requirements for public notification and consultation; the form of an order; the making of modifications to an order, whether in consequence of objections or otherwise before the order is made; the requirement for any order to include specified exemptions, such as for emergency vehicles (in this context it is likely that the regulations will not allow any order which prohibited the use of a road by the emergency services when responding to an emergency); and the placing and maintenance of traffic signs in connection with an order.

22. Regulations can make different provision for different orders or different circumstances and give power to order making authorities to use lamp-posts, traffic signs or other structures for the posting of any notices required to be displayed in connection with an order: see section 16C(3).

## **The Schedule**

23. Paragraphs 1 to 6 of the Schedule set out consequential amendments to the Road Traffic Regulation Act 1984.

24. Paragraph 1 inserts a reference to the new section 16A in section 68(1)(a) of the 1984 Act so as to make that section apply to section 16A orders. Section 68(1)(a) empowers traffic authorities to place and maintain traffic signs in connection with orders made under the 1984 Act.

25. Paragraph 2 amends section 124(2)(a) of the 1984 Act so as to add orders under section 16A to the list of orders under that Act which, when made by the Secretary of State, must be made by statutory instrument.

26. Paragraph 3 amends section 130(2)(a) of the 1984 Act so that the provisions of new sections 16A to 16C will apply to vehicles and persons in the public service of the Crown as they apply to anyone else.

27. Paragraph 4 amends section 141A (as inserted by section 46(1) of the Road Traffic Act 1991) of the 1984 Act by adding the provisions of section 16A to the list of provisions which the Secretary of State can by regulations disapply from, or apply with modifications to, trams and trolley vehicles.

28. Paragraph 5 amends schedule 9 to the 1984 Act by applying to section 16A orders the provisions of paragraph 27 (which provides for the variation or revocation of various types of traffic order) and paragraph 34 (which provides for challenging in the High Court or, in Scotland, the Court of Session the legal validity of certain types of order).

## **Roads (Scotland) Act 1984**

29. Paragraph 6 amends the Roads (Scotland) Act 1984 to make it clear that section 62 of that Act (temporary prohibition or restriction of traffic for public safety and convenience) will not apply to the relevant events defined in section 16A. Future road closure for such events will require to be promoted under the new powers. However, section 62 will continue to apply in cases where an event not being held on a public road requires related traffic management provision.

## **Enquiries**

30. Any enquiries about this circular should be addressed in the first place to:

England: RS Division, Room C17/02, 2 Marsham Street, LONDON SW1P 3EB,  
Telephone (071) 276 6403;

Scotland: Bill Fisher, Room 3/99, New St Andrew's House, EDINBURGH, EH1 3TG,  
Telephone (031) 244 4121;

Wales: Welsh Office, Highways Directorate, Government Buildings, Ty-Glas Road, Llanishen,  
CARDIFF CF4 5PL, Telephone 0222 761 456 ext. 5177.

31. Copies of the Act are available from HMSO bookshops and Accredited Agents. Mail and telephone orders may be made through the HMSO Publications Centre, PO Box 276, LONDON SW8 5DT, Telephone (071) 873 9090 (queuing system in operation).

Yours faithfully

P H MARTIN  
ROAD SAFETY DIVISION  
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