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**Changes to legislation:** There are currently no known outstanding effects for the High Speed Rail (London - West Midlands) Act 2017, Cross Heading: Power of Secretary of State to direct traffic authority to make traffic regulation order. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 25

#### TRAFFIC REGULATION

##### *Power of Secretary of State to direct traffic authority to make traffic regulation order*

- 4 (1) The Secretary of State may give a direction to a traffic authority requiring the authority to make a traffic regulation order if the Secretary of State considers that the making of such an order is—
- (a) necessary for the purposes of the timely, efficient and cost-effective construction of Phase One of High Speed 2, and
  - (b) reasonable in the circumstances.
- (2) Paragraph 1(2) does not apply (if it otherwise would) to the making of a traffic regulation order in pursuance of a direction under this paragraph.
- (3) Where a traffic authority makes a traffic regulation order in pursuance of a direction under this paragraph (a “relevant order”), the authority may not without the Secretary of State's consent make a further traffic regulation order which contains—
- (a) provision varying or revoking the relevant order, or
  - (b) provision as respects any length of road for any purpose where—
    - (i) an order has been made as respects that length of road for a similar purpose, and
    - (ii) that order has been varied or revoked by the relevant order.
- (4) The power to give a direction under this paragraph includes power to vary or revoke a previous direction given under this paragraph.
- 5 (1) This paragraph applies where, in pursuance of a direction under paragraph 4, a traffic authority is required to make an order under section 1, 6 or 9 of RTRA 1984.
- (2) The order is to be treated for the purposes of Part 3 and paragraph 28 of Schedule 9 to RTRA 1984, and regulations made under Part 3 of that Schedule, as if it were required to be made in pursuance of a direction under paragraph 2 of that Schedule.
- (3) The provisions mentioned in sub-paragraph (2) have effect accordingly, but as if—
- (a) paragraph 26(1) of Schedule 9 to RTRA 1984 (which requires the Secretary of State to take account of objections) were omitted,
  - (b) for the purposes of the application of paragraph 28 of Schedule 9 to RTRA 1984 (provision about the variation or revocation of certain orders)—
    - (i) the reference in that paragraph to Part 2 of that Schedule included a reference to paragraph 4(3) of this Schedule, and
    - (ii) any reference in that Part to paragraph 13(1)(e) and (f) of that Schedule were read instead as a reference to paragraph 4(3) of this Schedule, and

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- (c) any provision in regulations made under Part 3 of Schedule 9 to RTRA 1984 relating to the holding of a public inquiry were omitted.
- (4) Paragraph 35 of Schedule 9 to RTRA 1984 (provision for questioning validity of orders) has effect, in its application to the order, as if—
- (a) the reference in sub-paragraph (a) to the relevant powers were to those powers as they apply in the case of an order made in pursuance of a direction under paragraph 4 above, and
  - (b) the reference in sub-paragraph (b) to the relevant requirements were to those requirements as modified by sub-paragraph (3) above.
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- (1) This paragraph applies where, in pursuance of a direction under paragraph 4, a traffic authority is required to make an order under section 14 of RTRA 1984.
  - (2) Section 15 of RTRA 1984 (duration of orders under section 14) does not apply to the order.
  - (3) The order has effect for the period specified or described in the direction.
  - (4) The period specified or described by virtue of sub-paragraph (3) must be such as the Secretary of State considers is reasonable for the purposes of the construction of Phase One of High Speed 2.

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