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Public Rights of Way

Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984

**Guidance to accompany the National Park Authorities' Traffic
Orders (Procedure) (England) Regulations 2007 (SI 2007 No.
2542)**

This guide is produced by the Department for Environment Food and Rural Affairs (Defra) following the passage through Parliament of the Natural Environment and Rural Communities Act 2006 and the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 (SI 2007 No. 2547). The Act received Royal Assent on 30 March 2006 and section 72 of Part 6 (Rights of Way) of the Act and the Traffic Orders Regulations came into force on 1st October 2007 in England. (The Welsh National Assembly has devolved responsibility and brought the whole of part 6 including section 72 into force on 16 November 2006).

Those using this guide should be aware that the contents of it merely represent Defra's view of the law. It does not take the place of the law but seeks to explain it and give an overview of the background to the legislation.

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Contents

1: **Introduction**

- Background
- National Park Purposes
- Tests for Natural Beauty
- Amenity for Natural Beauty
- Recreation Tests
- Grounds for making a TRO
- Types of Routes
- Types of Orders
- Alternatives before considering a TRO
- Barriers

2: **Permanent and Experimental Orders**

- Grounds for making an Order
- Process flowchart for making a TRO
- Consultation and publicity
- Signage and use of non-standard signs

3: **Temporary Orders**

- Grounds for making an order
- Process Flowchart for making an Experimental TRO

4: **Further information**

Annex A: Extract from Road Traffic Regulation Act 1984 including amendments inserted by Section 72 of the Natural Environment and Rural Communities Act 2006

1. Introduction

Background

This guidance is aimed primarily at National Park Authorities who are considering making traffic regulation orders (TROs) using their powers under sections 22BB and 22BC of the Road Traffic Regulation Act (RTRA) 1984. It may also be of interest to local highway authorities, landowners, rights of way users and others.

These powers were introduced by Section 72 of the Natural Environment and Rural Communities Act 2006, and came into force on the 1 October 2007 by virtue of The Natural Environment and Rural Communities Act 2006 Commencement Number 1 Order 2007. The National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 came into force on 1 October 2007 and sets out the procedure to be followed when such orders are proposed and made.

The powers are part of a package of measures introduced to control excessive or inappropriate use of mechanically propelled vehicles away from the ordinary roads network. However the National Park Authority will be able to use these powers to regulate all forms of traffic in a wide variety of circumstances, and are not limited to tackling problems specifically related to use by mechanically propelled vehicles.

Traffic regulation orders can restrict all or certain specified types of users. They can restrict use to certain times or certain seasons, or even ban use altogether in areas where there is a serious problem. Traffic regulation orders can be used to prevent problems from happening, not just stop the damage once it has already occurred. A National Park Authority would need to demonstrate a reasonable risk that the situation it was intended to prevent would arise. As a matter of policy and good practice the authority should be able to demonstrate that there was a reasonable risk of the damage occurring which the traffic regulation orders would prevent.

National Park purposes

National Parks are designated because of their natural beauty and the opportunities they afford for open-air recreation. National Park Authorities are charged with managing the Park in accordance with National Park purposes as set out in Section 5(1) of the National Parks and Access to the Countryside Act 1949 (NPACA 1949), which are:

- to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park, and
- to promote opportunities for the understanding and enjoyment of its special qualities by the public.

In cases where there is an apparent conflict between these twin statutory purposes, s11A NPACA 1949 (the so-called Sandford principle), requires that greater weight is given to conservation.

It is for each National Park to define its special qualities, but there are some generic 'tests'; those of 'natural beauty', 'extensive tract of land', 'markedly superior recreation experience', which are found in all National Parks. It is these elements that make it worthy of designation as a National Park in the first place, and help define the special qualities of the area.

Tests for natural beauty - factors that are used to help evaluate natural beauty (and to identify areas for inclusion within a National Park). The tests generally applied are:

- **Landscape quality** i.e. condition, that is the intactness of the landscape, the condition of its features, its state of repair, and the absence of incongruous elements;
- **Scenic quality** i.e. appeal to the visual senses, for example due to important views, visual interest and variety, contrasting landscape patterns, and dramatic topography or scale;
- **Relative wildness** i.e. the presence of wild (or relatively wild) character in the landscape due to remoteness, and appearance of returning to nature;
- **Intrusiveness** i.e. freedom from undue disturbance. Presence in the landscape of factors such as openness, and perceived naturalness.
- **Natural heritage features** i.e. habitats, wildlife and features of geological or geomorphological interest that may contribute strongly to the naturalness of a landscape;
- **Cultural heritage features** i.e. archaeological, historical and architectural characteristics or features that may contribute to the perceived beauty of the landscape;
- **Associations** i.e. connections with particular people, artists, writers, or events in history that may contribute to perceptions of beauty in a landscape or facilitate understanding and enjoyment.

Amenity and Natural Beauty – a statutory term derived from Section 5(2) of the National Parks and Access to the Countryside Act 1949 (as amended and as informed by Sections 59 and 99 of the Natural Environment and Rural Communities Act 2006), and one of the two principal criteria for designating National Parks, the other being opportunities for open-air recreation (see below). A National Park landscape must have exceptional natural beauty i.e. be of national or international importance. The term ‘**special qualities**’ is also used in legislation as a shorthand term for the reasons why a landscape has exceptional natural beauty.

The amenity of an area may be considered to be the benefits afforded to people as a consequence of what is seen and experienced. The amenity is thus dependent to a considerable extent on the natural beauty of the area and the opportunities offered for recreation. Factors which contribute to natural beauty include landscape quality, scenic quality, relative wildness, tranquillity, natural and cultural heritage features and associations. Recreational use that adversely affects these factors for other people may therefore be a ground for considering a TRO.

Partly because of their often challenging terrain, some National Parks have seemed to attract considerable numbers of recreational vehicle users. The Government considers that in many cases a level of recreational vehicular use that may be acceptable in other areas will be inappropriate within National Parks and incompatible with their purposes. For these reasons, it is clear that National Park Authorities may wish to make TROs where it was not previously a priority for the local highway authority to do so (although local highway authorities should have regard to National Park purposes in exercising their functions insofar as they affect land in a National Park¹).

Not all tests need to be met everywhere, provided there is a strong weight of evidence, overall, to show that a tract of country is of outstanding natural beauty.

Opportunities for open-air recreation - a term derived from Section 5(2) of the National Parks and Access to the Countryside Act 1949 (as amended and informed by Sections 59 and 99 of the Natural Environment and Rural Communities Act 2006). The wording of Section 5(1) of the Act on National Park purposes suggests a strong link between opportunities for open-air recreation and understanding and enjoyment of a National Park’s special qualities by the public. The term ‘**markedly superior recreational experience**’ has been used by the Countryside Agency (now Natural England) to indicate that the recreational experience and opportunity afforded by a National Park should be of national importance.

Recreation tests - factors used to help evaluate opportunities for open-air recreation within land judged to meet the natural beauty criterion. The reference in legislation to understanding and enjoyment of special qualities suggests a focus on quiet outdoor countryside recreation, associated with the wide open spaces, wildness and tranquillity to be found within the National Parks. Tests applied may include:

- **access to high quality landscapes, memorable places and special experiences** i.e. opportunities to enjoy scenic quality, relative wildness, and peacefulness etc;

¹ S11A(2) National Parks and Countryside Act 1949

- **presence of a wide range of natural or cultural heritage features**, landmarks and designations that cumulatively enrich the landscape experience;
- **range of outdoor recreational experiences which enable people to enjoy the special qualities of the area** and do not detract from the enjoyment of the area by others i.e. quiet outdoor recreation.
- **scope for management of recreation** to enhance recreational opportunities or protect the conservation interest of the Park.

Again, not all the tests are met for every area, but there will be a strong weight of evidence overall.



Photo credit: Yorkshire Dales National Park

Grounds for making a TRO

The grounds on which a National Park Authority may make a TRO are reproduced in full in section 2 of this guidance. They are identical to those currently available to the local highway authority (although a National Park Authority TRO may only be applied to a route shown on the DMS or a carriageway with a predominantly unsealed surface). However, two of the grounds, set out below, are particularly relevant given the statutory purposes of National Park authorities.

- *s1 (1) (f) RTRA84 enables a TRO to be made when it is expedient for preserving or improving the amenities of the area through which the road runs.*
- *s22(2) RTRA84 enables a TRO to be made for the purpose of conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area.*

Types of routes

National Park Authorities will be able to make TROs within a National Park on or ways which are shown on a definitive map and statement (as Public Footpaths, Public Bridleways, Restricted Byways or Byways Open to All Traffic)² or other carriageways³ whose surface, or most of whose surface does not consist of concrete, tarmacadam or coated roadstone⁴.

Types of order

TROs are already widely used by local highway authorities to regulate many aspects of use of the highway network from one-way systems and speed limits to weight limits and width restrictions. TROs can be made without limit on their duration (hereafter referred to as “permanent”) or for temporary periods and can made on an experimental basis to see whether a proposed measure is effective before making a permanent order. The types of effects that are likely to be sought by National Park Authorities are shown below. This is not an exhaustive list.

² RTRA 1984 s22BB(1)(b)(i)

³ “carriageway” s329(1) Highways Act 1980 defines it as “a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles”. It is not defined in RTRA84 or WACA81

⁴ RTRA 1984 s22BB(1)(b)(ii) – no other materials have been prescribed

Restrictions that may be implemented by a TRO

- All vehicles
- Width limit
- Weight limit
- Height limit
- Length limit
- Seasonal restrictions
- Days of the week / weekend
- Hours of the day
- All mechanically propelled vehicles
- All mechanically propelled vehicles except motorbikes
- Horse riders
- Carriage drivers
- Pedal cyclists
- Pedestrians



Photo credit: Yorkshire Dales National Park

Principles

- Any TRO that may be made by a National Park Authority exercising the new power could previously have been made by the LA. The LA will still retain these powers and in many cases may continue to be the authority best placed to make a TRO.
- National Park Authorities cannot make a TRO without first consulting with the local highway authority, although their consent is not required.
- From the consultation it was noted that many organisations wanted guidance on alternative approaches before a TRO is considered. When considering how to deal with an identified problem, a TRO may be only one of several options available. A brief overview is shown below but more information on possible solutions and strategies is contained in the Defra publications “*Making the Best of Byways*” and “*Regulating the use of motor vehicles on public rights of way and off-road*”. Both available at <http://www.defra.gov.uk/wildlife-countryside/cl/mpv/index.htm>



Photo Credit – Exmoor National Park Authority

Alternatives before considering a TRO

The following is a list of principles will help to make best use of the existing powers that are available to the police and local authorities.

- **Develop** a working relationship between local authorities, the local police and local motoring groups so to improve coordination and use of the powers available.
- **Establish** a working group to develop a local strategy for reducing illegal use of public rights of way. This could include local partnerships such as Local Access Forums – especially those where the motoring interests are properly represented.
- **Support** nearby authorities in their management of this issue. Many of the recreational drivers using byway network may travel from your area. The support of the local authority and the police can include distributing a code of conduct through tourist information centres, garages and vehicle dealerships and recreational driving user clubs in your local area.
- **Target** hotspots – i.e. a concentration of illegal off road activity. This has proved successful in areas where an integrated approach has been adopted. This has included Rights of Way Officers, National Park and local authority rangers, and park wardens assisting the police in gathering information.
- In some areas police forces have a **nominated** officer who has become their rights of way specialist. Other forces rely on their wildlife expert. Major benefits can accrue where nominated officers liaise closely with legitimate motoring users.
- **Produce** and distribute information leaflets, in collaboration with recreational driving user groups, garages and vehicle dealerships. This may be an effective means of informing illegal and anti-social drivers of the enforcement policies in your particular area.
- **Investigate** what action might discourage illegal activity from taking place – perhaps signposts, the appropriate use of physical barriers and well maintained routes.
 - Accurate signs and way marks can remove doubt; they simplify and facilitate enforcement against illegal use, reduce conflict and reduce the likelihood of trespass.
 - Well maintained routes will reduce conflict, and remove the opportunities for ‘mud-plugging’

Barriers

By virtue of s92 RTRA, National Park Authorities will be empowered to install bollards and obstructions or other barriers to prevent the use of routes by vehicles of a type or class prohibited by a TRO. Whilst such structures may be fixed or removable they *“shall not be of such a nature that the re-opening of the road to vehicles would be unreasonably difficult or so as to alter the nature of the surface of the road”*.

The NERC Act does not extend to National Park Authorities – the County Council power under section 92 of the RTRA 1981 to erect or authorise the erection of such barriers. Therefore, if this particular approach to managing the way is to be successfully adopted by a National Park Authority, it will require the active participation of the County Council



Photo credit: Yorkshire Dales National Park

2. Permanent and Experimental Orders

Grounds for making an order

A National Park Authority will be able to make a TRO for any relevant road or part of road where it appears expedient to make it:

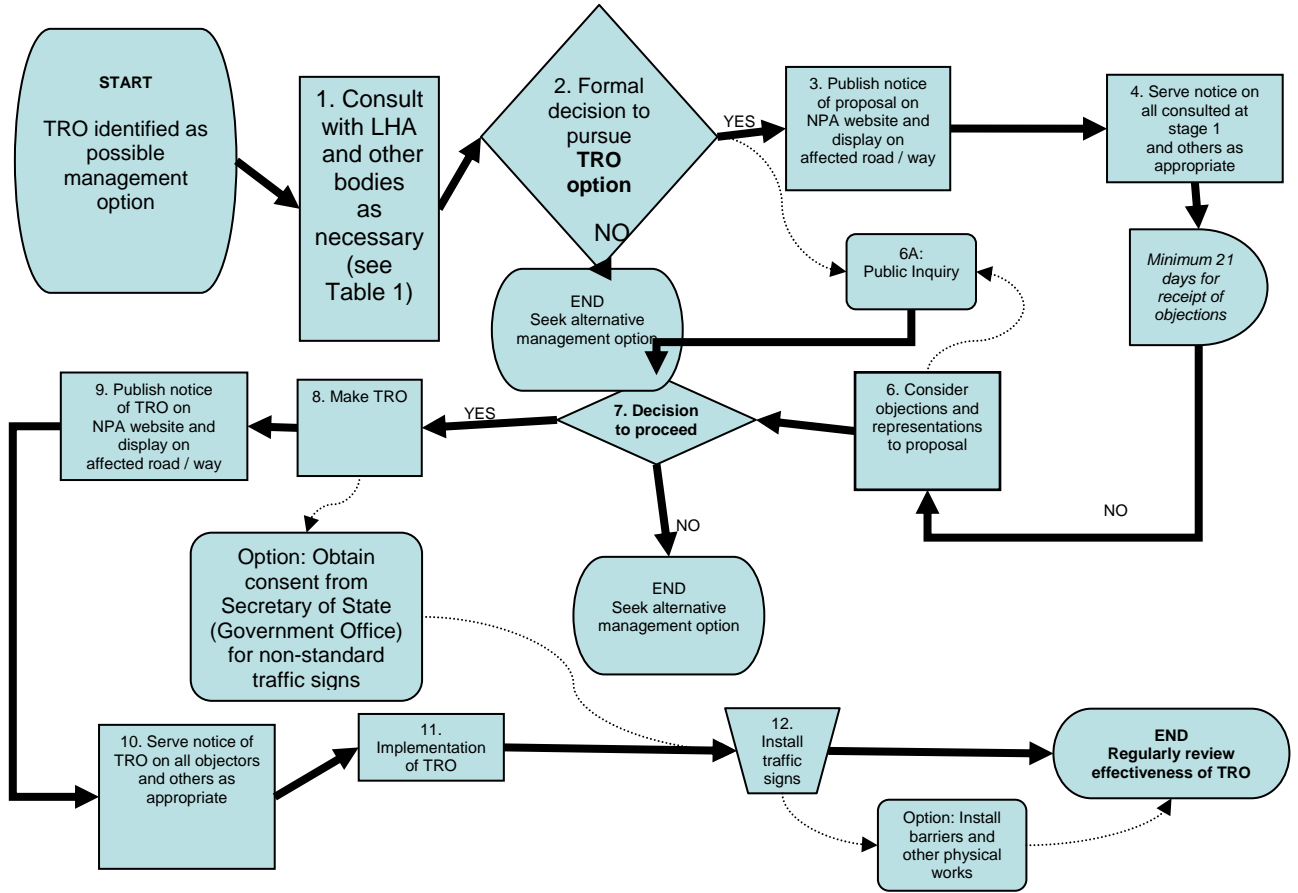
- a. for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, (s1(1)(a) RTRA84);
- b. for preventing damage to the road or to any building on or near the road, (s1(1)(b) RTRA84);
- c. for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), (s1(1)(c) RTRA84);
- d. for 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, (s1(1)(d) RTRA84);
- e. (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, (s1(1)(e) RTRA84);
- f. for preserving or improving the amenities of the area through which the road runs, (s1(1)(f) RTRA84);
- g. for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality) (s1(1)(g) RTRA84);
- h. the purpose of conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area. (s22 (2) RTRA84). This includes conserving its flora, fauna and geological and physiographical features (s22 (5) RTRA84).

The scope of a TRO is set out in sections 2(1), 2(2), 2(3) and 4(1) of the RTRA84 (see Annex A) but includes powers covering:

- restrictions on the type of user – this could be generally or of a particular class. For example, it could restrict all mechanically propelled vehicles or MPVs with more than two wheels or vehicles of a width greater than 1.5m, etc;
- extent of road affected – the TRO may apply to the whole of a road, or to a specified length, or to a part of the width of a road;
- the period during which the TRO is effective – it may apply at all times or at specified hours of the day, days of the week or periods of the year.

TROs can regulate the passage of mechanically propelled vehicles, horse drawn carriages, cyclists and pedestrians. They cannot prevent pedestrian access to premises or access for vehicles to premises for more than eight out of twenty four hours. Although there are no grounds for a TRO to restrict recreational use to apply to persons accessing their property, visitors to the property and business and trade professionals.

Process flowchart for the making of Permanent TROs by National Park Authorities



This flowchart outlines the principal stages to be completed; it omits detail of some optional or minor stages (e.g. procedural steps for holding public inquiries or the requirement to hold certain documents on public deposit).

Consultation and Publicity

The legislation requires that the National Park Authority consult before making a TRO and the regulations identify a number of parties that must be included in such a consultation. However, there is no specific direction as to the form that such a consultation should take place. National Park Authorities are recommended to take into account the following:

- Consult at a point “before the mind of the decision maker becomes unduly fixed.” Consultees should be given a reasonable opportunity to make effective representations and influence the outcome of the process. In other words, the consultation must be a genuine opportunity for consultees to comment, not just a box ticking exercise;
- Ensure the consultation is as specific as possible - setting out the parameters that are being considered by the National Park Authority. It is acceptable if views are sought on a range of options including a TRO. However, it should be made clear that the National Park Authority is serious about pursuing it rather than just canvassing views; and
- Clearly state in the consultation letter or equivalent that the National Park Authority is issuing the letter in accordance with Regulation [5]. Whilst there is no statutory requirement to do this, it removes any doubt about the intention behind the letter.

Signage

By virtue of regulation 16 of the regulations and s64 Road Traffic Regulation Act 1984, National Park Authorities are required to install and maintain sufficient traffic signs to bring the TRO to the attention of users. Traffic Signs must normally comply with the Traffic Signs Regulations and General Directions 2002 (<http://www.opsi.gov.uk/si/si2002/20023113.htm>). Where such a sign is considered intrusive – perhaps in a remote or isolated site – then the National Park Authority may apply to the Secretary of State for a dispensation for a non-standard sign. However, National Park Authorities will need to give consideration as to the level of signing, and the design, that are appropriate and are encouraged to consider what signs and road markings are available without this authorisation.

Dispensations for smaller than specified signs have been granted to National Park Authorities previously. This dispensation falls under Regulation 8 of the Traffic Signs Regulations and General Directions 2002.

A sign is only a traffic sign if it has been specified in the Traffic Signs Regulations and General Directions (TSRGD) (2002) or specially authorised by the Secretary of State for Transport (under section 64 of the Road Traffic Regulation Act 1984). The TSRGD prescribes the types of signs that may be placed on or near a road in Great Britain. It provides for significant flexibility in the application of statutory traffic signs, including the use of smaller signs in appropriate conditions. Special authorisations are considered for traffic signs not prescribed within TSRGD.

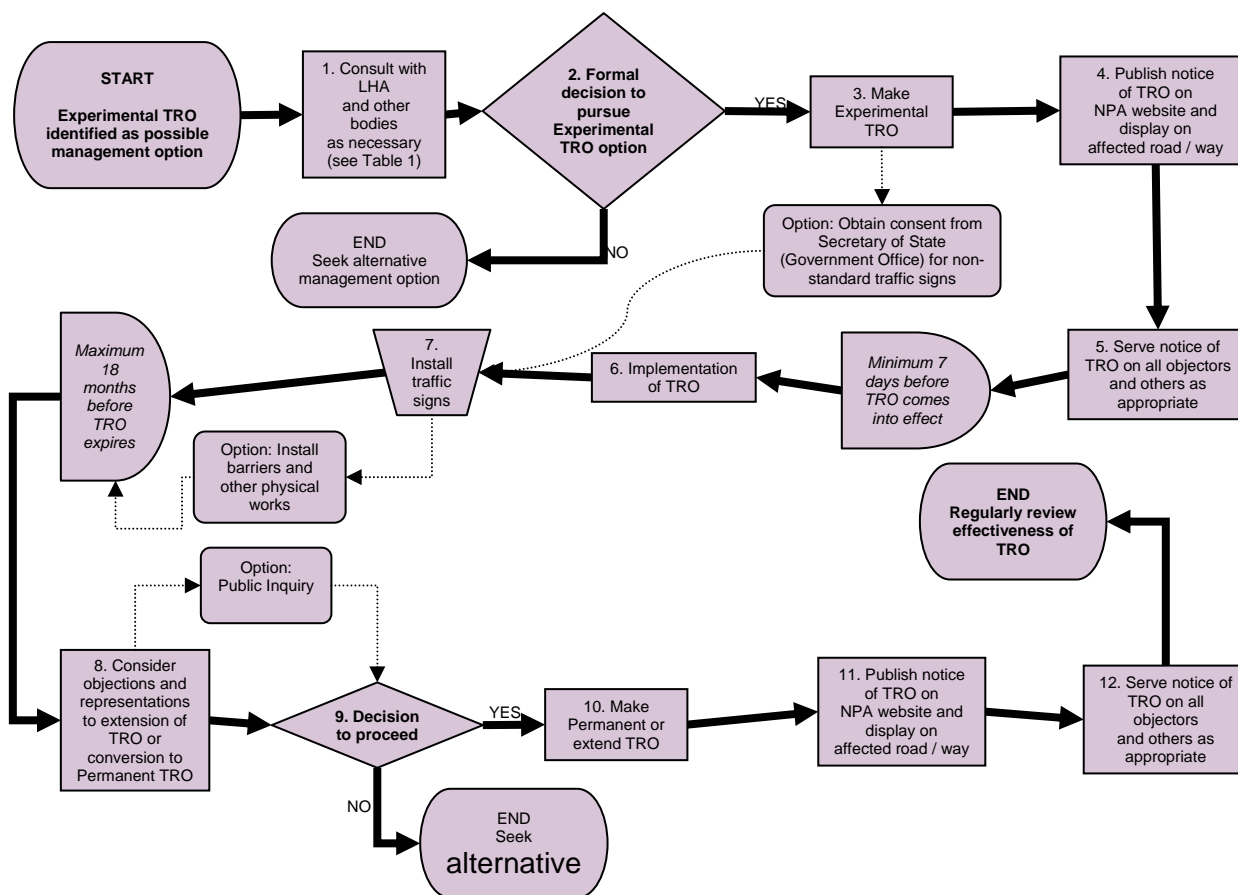
The purpose of traffic signs is to convey concise and consistent information to all road users, in a manner than can be assimilated quickly. It is the responsibility for all National Park Authorities to ensure that their traffic signs are adequate to indicate their local Traffic Regulation Orders.

Further information on traffic signs and road markings, including detailed working drawings for the majority of prescribed signs can be found at the Department for Transport website at: <http://www.dft.gov.uk/roads/signs>

3. Experimental Orders

Experimental Traffic Orders may be made on any ground for which a permanent order may be made and may include exactly the same types of restriction or regulation as provided for in s9 RTRA84. The primary difference is that the duration of an experimental order cannot exceed 18 months. There are provisions for extending an experimental traffic order or for converting it into a permanent TRO.

Process flowchart for the making of Experimental TROs by National Park Authorities



This flowchart outlines the principal stages to be completed; it omits detail of some optional or minor stages (e.g. procedural stages for holding public inquiries or the requirement to hold certain documents on public deposit).

3. Temporary Orders

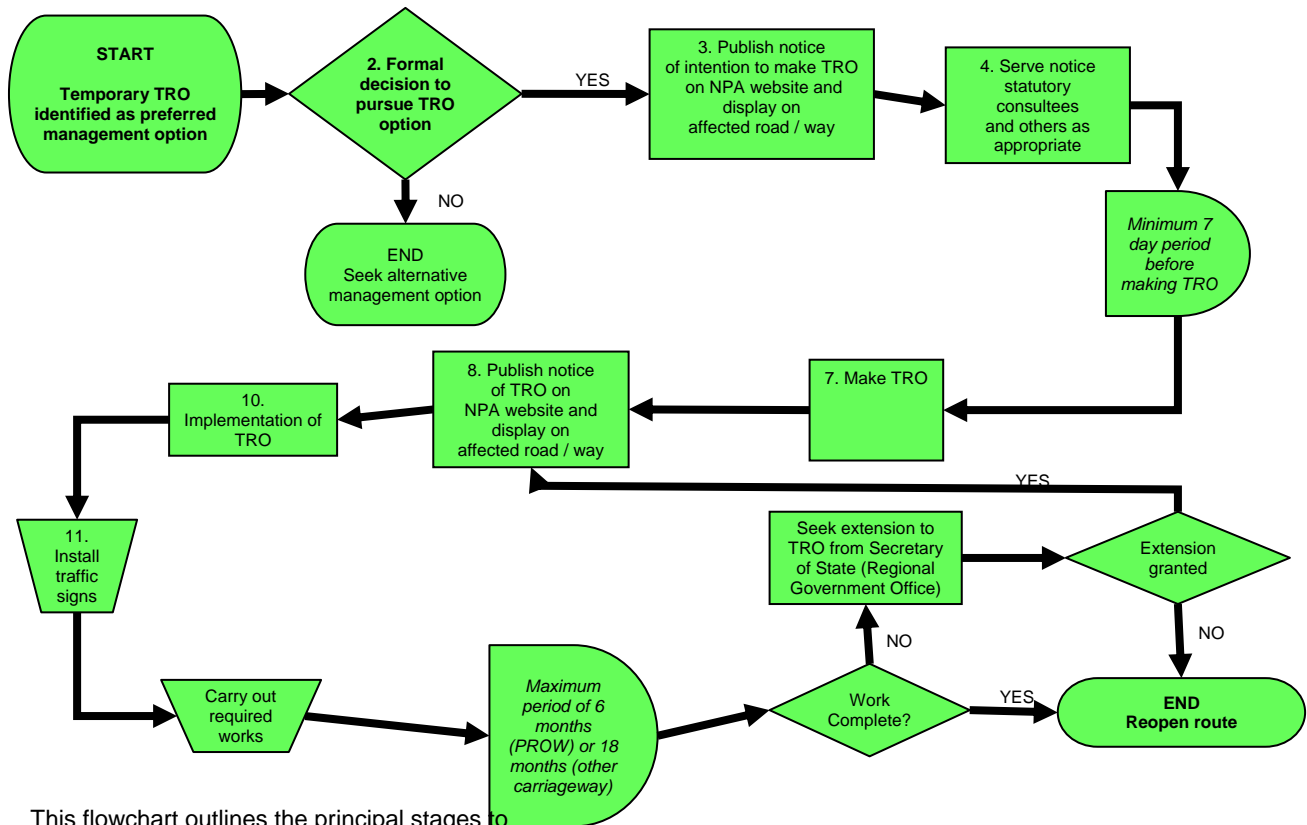
National Park Authorities will be able to make Temporary TROs on relevant roads:

- a. because works are being or are proposed to be executed on or near the road (s14(1)(a) RTRA84);
- b. because of the likelihood of danger to the public or of serious damage to the road, which is not attributable to such works) (s14(1)(b) RTRA84);
- c. for litter clearing and cleansing (s14(1)(c) RTRA84);
- d. for conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area. (s22 (2) RTRA84).

As with permanent orders, temporary TROs can restrict or prohibit all users subject to the limitations noted above.

The maximum duration of a **temporary TRO is 6 months** for a footpath, bridleway, restricted byway, cycle track or byway open to all traffic and eighteen months for any other carriageway. Provisions currently exist for such TROs to be extended by the Secretary of State.

Process flowchart for the making of Temporary TROs by National Park Authorities



This flowchart outlines the principal stages to be completed; it omits detail of some optional or minor stages (e.g. the requirement to hold certain documents on public deposit).

4. Further Information

Table 1. List of Organisations and Bodies proposed to be consulted on / notified of TROs.

	<i>Person</i>	<i>Cases in which consultation is required</i>
1	The highway authority for the area in which the road is situated.	In all cases
2	The appropriate Crown authority	Where the proposed order relates to or appears to the National Park authority to be likely to affect traffic on a Crown road.
3	The fire and rescue authority for the area in which the road is situated.	Where it appears to the National Park authority that the order is likely to affect the passage on any road of fire fighting vehicles.
4	The NHS trust or NHS foundation trust providing an emergency ambulance service for the area in which the road is situated.	Where it appears to the National Park authority that the order is likely to affect the passage on any road of ambulances.
5	The chief officer of police for the area in which the road is situated.	In all cases
6	The parish or town council for the area in which the road is situated.	In all cases

7	Any local access forum for the area in which the road is situated.	In all cases
8	Auto Cycle Union #	In all cases
9	British Driving Society #	In all cases
10	British Horse Society #	In all cases
11	Byways and Bridleways Trust #	In all cases
12	Open Spaces Society #	In all cases
13	Ramblers' Association #	In all cases
14	Cyclists' Touring club #	In all cases
15	Land Access and Recreation Association #	In all cases
16	Natural England	Where the order relates to a road which is within or partly within an SSSI.
17	Campaign to Protect Rural England #	In all cases
18	National Farmers Union #	In all cases
19	Country Land and Business Association #	In all cases
20	Council for National Parks #	In all cases
21	Such other body representing persons that the National Park authority considers are likely to be affected by any provision in the order	In all cases which the National Park authority considers appropriate

#Consultations and notifications may be addressed to a local representative for the area in which the route affected by the order lies, where such a local representative has been notified to the NPA for this purpose.

Annex A: Extracts from the Road Traffic Regulation Act 1984 including amendments arising from Section 72 of the Natural Environment and Rural Communities Act 2006

1 Traffic regulation orders outside Greater London

(1) The traffic authority for a road outside Greater London may make an order under this section (referred to in this Act as a “traffic regulation order”) in respect of the road where it appears to the authority making the order that it is expedient to make it—

- (a) 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, or
- (b) for preventing damage to the road or to any building on or near the road, or
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- (d) for 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, or
- (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
- (f) for preserving or improving the amenities of the area through which the road runs, or
- (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).

2 What a traffic regulation order may provide

(1) A traffic regulation order may make any provision prohibiting, restricting or regulating the use of a road, or of any part of the width of a road, by vehicular traffic, or by vehicular traffic of any class specified in the order,—

- (a) either generally or subject to such exceptions as may be specified in the order or determined in a manner provided for by it, and
- (b) subject to such exceptions as may be so specified or determined, either at all times or at times, on days or during periods so specified.

(2) The provision that may be made by a traffic regulation order includes any provision—

- (a) requiring vehicular traffic, or vehicular traffic of any class specified in the order, to proceed in a specified direction or prohibiting its so proceeding;
- (b) specifying the part of the carriageway to be used by such traffic proceeding in a specified direction;
- (c) prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles;
- (d) prohibiting the use of roads by through traffic; or
- (e) prohibiting or restricting overtaking.

(3) The provision that may be made by a traffic regulation order also includes provision prohibiting, restricting or regulating the use of a road, or of any part of the width of a road, by, or by any specified class of, pedestrians—

- (a) either generally or subject to exceptions specified in the order, and

(b) either at all times or at times, on days or during periods so specified.

(4) (not reproduced here)

4 Provisions supplementary to ss 2 and 3

(1) A traffic regulation order may make provision for identifying any part of any road to which, or any time at which or period during which, any provision contained in the order is for the time being to apply by means of a traffic sign of a type or character specified in the order (being a type prescribed or character authorised under section 64 of this Act) and for the time being lawfully in place; and for the purposes of any such order so made any such traffic sign placed on and near a road shall be deemed to be lawfully in place unless the contrary is proved.

(2) & (3) (not reproduced here)

9 Experimental traffic orders

(1) The traffic authority for a road may, for the purposes of carrying out an experimental scheme of traffic control, make an order under this section (referred to in this Act as an “experimental traffic order”) making any such provision—

(a) as respects a road outside Greater London, as may be made by a traffic regulation order;

(b) as respects a road in Greater London, as may be made by an order under section 6, 45, 46, 49, or 83(2) or by virtue of section 84(1)(a) of this Act.

(2) An experimental traffic order made by a local traffic authority outside Greater London may, with the consent of the Secretary of State, extend to a road in relation to which he is the traffic authority if the order forms part of a scheme of general traffic control relating to roads of which at least one has a junction with the length of road in question.

(2A) In the case of a road in Greater London for which the Secretary of State is the traffic authority, the power to make an order under this section is also exercisable, with his consent, by the local traffic authority.

(3) An experimental traffic order shall not continue in force for longer than 18 months.

(4) Subject to Parts I to III of Schedule 9 of this Act, where—

(a) an experimental traffic order has been made for a period of less than 18 months, and

(b) the order has not ceased to be in force,

the authority by whom the order was made may from time to time by order direct that it shall continue in force for a further period ending not later than 18 months after it first came into force.

(5) (not reproduced here)

(5A) So much of section 4(1) or 7(1) of this Act as provides for a presumption that a traffic sign is lawfully placed shall apply for the purposes of an order under this section making any such provision as is referred to in that subsection.

(6) (not reproduced here).

14 Temporary prohibition or restriction on roads

(1) If the traffic authority for a road are satisfied that traffic on the road should be restricted or prohibited—

(a) because works are being or are proposed to be executed on or near the road; or

(b) because of the likelihood of danger to the public, or of serious damage to the road, which is not attributable to such works; or

(c) for the purpose of enabling the duty imposed by section 89(1)(a) or (2) of the Environmental Protection Act 1990 (litter clearing and cleaning) to be discharged, the authority may by order restrict or prohibit temporarily the use of that road, or of any part of it, by vehicles, or vehicles of any class, or by pedestrians, to such extent and subject to such conditions or exceptions as they may consider necessary.

(1A) Before making an order under subsection (1) above, the authority shall consult the National Park authority for any National Park which would be affected by the order.

(2) The traffic authority for a road may at any time by notice restrict or prohibit temporarily the use of the road, or of any part of it, by vehicles, or vehicles of any class, or by pedestrians, where it appears to them that it is—

(a) necessary or expedient for the reason mentioned in paragraph (a) or the purpose mentioned in paragraph (c) of subsection (1) above; or

(b) necessary for the reason mentioned in paragraph (b) of that subsection, that the restriction or prohibition should come into force without delay.

(3) When considering the making of an order or the issue of a notice under the foregoing provisions an authority shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order or notice.

(4) The provision that may be made by an order or notice under the foregoing provisions is—

(a) any such provision as is mentioned in section 2(1), (2) or (3) or 4(1) of this Act; or

(b) any provision restricting the speed of vehicles;

but no such order or notice shall be made or issued with respect to any road which would have the effect of preventing at any time access for pedestrians to any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians from, and only from, the road.

(5) Where any such order or notice is made or issued by an authority (in this subsection referred to as the “initiating authority”) any such provision as is mentioned in subsection (4) above may be made as respects any alternative road—

(a) if that authority is the traffic authority for the alternative road, by an order made by the initiating authority or by that notice;

(b) if the initiating authority is not the traffic authority for the alternative road, by an order made by the initiating authority with the consent of the traffic authority for the alternative road.

(6) Section 3(1) and (2) of this Act shall apply to the provisions that may be made under subsection (5) above as they apply to the provisions of a traffic regulation order.

(7) An order or notice made or issued under this section may—

(a) suspend any statutory provision to which this subsection applies; or

(b) for either of the reasons or for the purpose mentioned in subsection (1) above suspend any such provision without imposing any such restriction or prohibition as is mentioned in subsection (1) or (2) above.

(8) Subsection (7) above applies to—

(a) any statutory provision of a description which could have been contained in an order or notice under this section;

(b) an order under section 32(1)(b), 35, 45, 46 or 49 of this Act or any such order as is mentioned in paragraph 11(1) of Schedule 10 to this Act; and

(c) an order under section 6 of this Act so far as it designates any parking places in Greater London.

(9) In this section “alternative road”, in relation to a road as respects which an order is made under subsection (1) or a notice is issued under subsection (2) above, means a road which—

(a) provides an alternative route for traffic diverted from the first-mentioned road or from any other alternative road; or

(b) is capable of providing such an alternative route apart from any statutory provision authorised by subsection (7) above to be suspended by an order made or notice issued by virtue of subsection (5) above.

22 Traffic regulation for special areas in the countryside

(1) This section applies to roads of the following descriptions, that is to say—

(a) in the case of England and Wales . . . roads in, or forming part of, or adjacent to or contiguous with—

(i) a National Park,

(ii) – (viii) (not reproduced here)

(b) (not reproduced here)

(2) This Act shall have effect as respects roads to which this section applies as if the list of purposes for which a traffic regulation order may be made under section 1 of this Act, as set out in the paragraphs of subsection (1) of that section [paragraphs (a) to (g) of subsection (1) of that section and referred to in section 6(1)(b) of this Act, included the purpose of conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area.

(3), (3A), (4) and (4A) (not reproduced here)

(5) In subsection (2) above the reference to conserving the natural beauty of an area shall be construed as including a reference to conserving its flora, fauna and geological and physiographical features.

22A Traffic regulation on certain roads for purpose of conserving natural beauty

(1) This section applies to roads other than—

(a) roads to which section 22 of this Act applies,

(b) special roads, or

(c) any road which is a trunk road, a classified road, a GLA road, a cycle track, a bridleway, a restricted byway or a footpath, as those expressions are defined by section 329 of the Highways Act 1980.

(2) This Act shall have effect as respects roads to which this section applies as if, in relation to the making of provision with respect to vehicular traffic, the list of purposes for which a traffic regulation order under section 1 of this Act may be made, as set out in paragraphs (a) to (g) of subsection (1) of that section and referred to in section 6(1)(b) of this Act, included the purpose of conserving or enhancing the natural beauty of the area.

(3) In subsection (2) above the reference to conserving the natural beauty of an area shall be construed as including a reference to conserving its flora, fauna and geological and physiographical features.

22BB Traffic regulation on byways etc. in National Parks in England and Wales

(1) This section applies to a road—

(a) which is in a National Park in England or Wales,

(b) which is—

(i) shown in a definitive map and statement as a byway open to all traffic, a restricted byway, a bridleway or a footpath, or

(ii) a carriageway whose surface, or most of whose surface, does not consist of concrete, tarmacadam, coated roadstone or other prescribed material, and

(c) in respect of which no relevant order is in force.

(2) The National Park authority may—

(a) for a purpose mentioned in section 1(1)(a) to (g) or 22(2), by order make in respect of the road any such provision as is mentioned in section 2(1), (2) or (3) or 4(1);

(b) for the purpose of carrying out an experimental scheme of traffic control, by order make in respect of the road any such provision as is mentioned in section 2(1), (2) or (3) or 4(1);

(c) for a reason given in section 14(1)(a) or (b) or for a purpose mentioned in section 14(1)(c) or 22(2), by order make in respect of the road—

(i) any such provision as is mentioned in section 2(1), (2) or (3) or 4(1), or

(ii) any provision restricting the speed of vehicles.

(3) This Act has effect, subject to subsection (4) and any prescribed modifications, in relation to an order by a National Park authority under subsection (2)(a), (b) or (c) as it has effect in relation to an order by a local traffic authority under section 1, 9 or 14(1).

(4) Before making any order under subsection (2), the National Park authority must consult any authority which is a highway authority for the road.

22BC Section 22BB: supplementary

(1) Expressions used in section 22BB(1)(b) that are defined for the purposes of Part 3 of the Wildlife and Countryside Act 1981 by section 66(1) of that Act have the same meaning as in that Part.

(2) In section 22BB(1)(c) “relevant order” means—

(a) a traffic regulation order,

(b) an experimental traffic order,

(c) an order under section 14(1),

(d) an order under section 22(4), or

(e) an order under section 22B,

but does not include an order made under section 22BB(2).

(3) In section 22BB “prescribed” means prescribed by regulations made—

(a) in relation to England, by the Secretary of State;

(b) in relation to Wales, by the National Assembly for Wales.

(4) Any functions exercisable by the National Assembly for Wales by virtue of this section are to be treated for the purposes of section 44 of the Government of Wales Act 1998 (parliamentary procedures for subordinate legislation) as if made exercisable by the Assembly by an Order in Council under section 22 of that Act.”

127 Footpaths, bridleways, restricted byway and byways open to all traffic

(1) In relation to any footpath, bridleway, restricted byway or byway open to all traffic—

(a) any reference in section 2(3) or 14 of this Act to pedestrians shall be construed as including a reference to persons to whom subsection (2) below applies, and

(b) any reference in any provision of this Act (except this section) to traffic shall be construed as including a reference to pedestrians and to persons to whom that subsection applies.

(2) This subsection applies to any person driving, riding or leading a horse or other animal of draught or burden.

(3) In this section—

(a) “footpath” does not include a highway over which the public have a right of way on foot only which is at the side of a public road; and

(b) “byway open to all traffic” means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used.

(4) For the purposes of this section a highway at the side of a river, canal or inland navigation shall not be excluded from the definition of a footpath, bridleway[, restricted byway] or byway open to all traffic by reason only that the public have a right to use the highway for purposes of navigation, if the highway would fall within that definition if the public had no such right.

(5) This section does not extend to Scotland.