



Traffic Regulation Orders - Covid19 Guidance

This guidance on Traffic Regulation Orders (TRO) applies to England. It has been produced in response to concerns about the ability of traffic authorities to implement the publicity requirements when making permanent or temporary TROs during the current crisis. Its purpose is to mitigate the impact on the public and assist authorities in considering other means to inform them. It is temporary guidance and will be withdrawn once conditions allow.

The relevant legislation is:

Regulations 7, 17 and Schedule 2 of the *Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996* (the 1996 Regulations) as amended for **permanent orders**; and

Regulation 3 and Schedule 1 of the *Road Traffic (Temporary Restrictions) Procedure Regulations 1992* (the 1992 Regulations), as amended for **temporary orders**.

In making a TRO, authorities must follow the Regulations. It is understood that owing to the impact of Covid19, compliance with some of the publicity provisions in the Regulations will be problematic for some authorities. In deciding whether to make a TRO, authorities should give consideration to their ability to comply with the procedural requirements of the Regulations. If an authority considers that it must proceed with a TRO but it is unable to comply with some of the publicity provisions, it should endeavour to use other means to ensure that individuals likely to be affected by TROs are informed of the orders, pursuant to the legislation.

The main issues appear to be:

1 Advertising where local newspapers have moved to online publication only

Regulation 7(1)(a) of the 1996 Regulations states that an order making authority shall, before making an order:

- (a) publish, at least once, a notice (in these Regulations called a "notice of proposals") containing the particulars specified in Parts I and II of Schedule 1 in a newspaper circulating in the area in which any road or other place to which the order relates is situated.

Regulation 17(a) states that once an order has been made, an order making authority shall within 14 days:



- (a) publish in a newspaper circulating in the area in which any road or place to which the order relates is situated, a notice (in these Regulations called a “notice of making”)

Regulation 3(2) of the 1992 Regulations states:

- (2) Not less than 7 days before making an order, the traffic authority shall publish notice of their intention to make the order in one or more newspapers circulating in the area in which any road to which the order relates is situated.

Where the local paper has moved to online publication only, an online newspaper that is circulated locally is likely to satisfy the above requirements to an extent. However, online publicity alone may not provide the coverage required to publicise TROs adequately. This is because a proportion of people do not have internet access. Additional efforts should be made, therefore, to ensure people and organisations are adequately informed. This could include the use of other media, for example, letter or leaflet drops, local radio, circulation of information via council mailing lists, publication on local authority websites. This is not an exhaustive list.

2 Advertising orders where the local newspaper has closed

Where all local papers for the area have closed down, the authority should consider what steps it can take in mitigation to ensure compliance with the intent of the legislation to inform members of the public through their local paper. The use of other media should be considered, as set out above.

Letter drops may be considered particularly effective at notifying those most likely to be affected as they can be targeted to places of residence, as a local newspaper would be. If considered necessary, extending the circulation of letter drops could mitigate for the loss of local papers. Ultimately, the authority should be able to demonstrate that it has taken appropriate measures to ensure that the absence of a local paper does not disadvantage organisations and individuals.

3 Posting notices of the order on the affected roads

Regulation 7(1)(c) of the 1996 Regulations states that an order making authority shall, before making an order:

- c) 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 and, without prejudice to the generality of this sub-paragraph, such other steps may include—



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- (ii) the display of notices in roads or other places affected by the order; or
- (iii) 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.

Regulation 17(4) states:

- (4) The order making authority shall take such other steps of the kinds referred to in regulation 7(1)(c) as it considers appropriate for the purpose of ensuring that adequate publicity is given to the making of the order.

Part 1 of the 1992 Regulations states:

- (1) and (3): A notice shall be displayed in a prominent position at each end of the length of road to which the order relates and at the points at which it will be necessary for vehicles or pedestrians to diverge from the road, stating the effect of the order and, where applicable, the alternative route or routes available for traffic.
- (2) and (4): Each such notice shall be displayed throughout the period during which the order is in force and the traffic authority shall take all reasonable steps to ensure that the notices remain in a legible condition and continue to be so displayed for so long as the order remains in force or are promptly replaced as often as occasion requires during that period.

Authorities are understandably concerned about the safety of staff posting on-site notices and we would expect them to ensure they follow Public Health England's guidance about social distancing and ensure that appropriate measures are put in place for their employees.

Where an authority considers it necessary to advise staff not to post site notices, the regulations give some discretion for **permanent orders**. An authority is required to "*take such other steps as it may consider appropriate for ensuring that adequate publicity ... is given to persons likely to be affected*". In these circumstances, the authority should consider effective alternative options for informing the public and use of other media as set out above.

For **temporary orders**, the site notices are mandatory and there is no discretion. Where authorities consider complying with the requirement would put their staff at risk, then they will need to consider the risk of non-compliance with the Regulations when taking the decision to make a temporary TRO and weigh up the risk with the necessity to make the order in the current circumstances.



4 Making deposited documents available for public inspection at council offices

Schedule 2 of the 1996 Regulations states:

1. ...[relevant documents]...must be made available for inspection at the principal offices of the authority during normal office hours and at such other places (if any) within its area as it may think fit during such hours as it may determine for each such place.

Public Health England's advice on social distancing and avoiding non-essential trips has led to some authorities closing their buildings to the public. Authorities should therefore consider alternative arrangements that could achieve the same result. For example, posting a notice on the authority's website or outside offices, or at any other relevant place to inform the public of alternative arrangements. The notices could include a telephone number or email contact to request copies, and/or details of the publication of the documents on its website.

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