



## Roads: Traffic Regulation Orders (TROs)

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This note explains what Traffic Regulation Orders are, how they are made and the various uses to which they can be put.

Highway authorities can place temporary, experimental or permanent restrictions on traffic within their areas by way of a Traffic Regulation Order (TRO). Some of the most popular uses for TROs are restricting the movements of HGVs in residential areas, implementing parking restrictions (on single streets, not more widely – separate legislation exists for this), and restricting traffic for the purposes of parades, street parties and other events.

Information on other roads-related issues can be found on the [Roads Topical Page](#) of the Parliament website.

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# 1 Legislation

Highway authorities can place various restrictions on traffic within their areas by way of a Traffic Regulation Order (TRO) made under Parts I, II and IV of the [Road Traffic Regulation Act 1984](#), as amended. Section 1(1) states that permanent orders may be made for the following purposes:

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).<sup>1</sup>

Section 14(1) states that temporary orders may be made for the following purposes:

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.

Temporary orders have a maximum time limit of 18 months’ duration except where an order is for works on the road that cannot be executed within that time.

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<sup>1</sup> Orders in London are made under section 6 of the same legislation but are slightly different

As indicated below, this is not a simple thing to make an Order and can often be expensive. A local authority is unlikely to make a TRO unless it has a significant problem and substantial local support.

## 2 Procedure for making a TRO

### 2.1 Permanent orders

The procedure to be adopted by a local authority for making permanent orders is set out in: the *Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996* (SI 1996/2489) as amended; and the *Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999* (SI 1999/614), as amended. As this is effectively a devolved matter for Scotland, the rest of this section talks about England and Wales only.

The procedure for making a TRO in England and Wales is as follows:

- **Preliminary requirements:** The authority should consult with any body specified in Regulation 6 (depending on the order, other authorities and/or emergency services) and it must publish a notice in a local newspaper. It shall ensure that adequate publicity is provided to those likely to be affected. This may include display of notices in the relevant area and distribute the same to local properties and road users (though there is no requirement to do this specifically so long as other publicity is adequate). The relevant documents must be held on deposit from the date that the notice of proposal is first published and must remain on deposit until six weeks after the proposed Order has been made (or a decision has been made by the authority not to proceed with the proposal).
- **Public objections and inquiries:** Anyone may object in writing to an order by the date specified on the notices or if later within 21 days of the notice being given and publicity being adequate (see above). A public inquiry only has to be held in certain circumstances, namely: that it affects loading and unloading at certain times of the day; or bus services. Full details are given in Regulation 9. If the authority decides to hold a public inquiry it must give notice of the fact and the inquiry must begin within 42 days of that notice being made. The inspector decides how the inquiry is to proceed.
- **Consent for certain schemes:** The Secretary of State's consent is required where, for example, a scheme affects a road for which (s)he is the traffic authority; where a scheme will restrict access to property for 8/24 hours; and a scheme involving speed limits, particularly where the limit is 30mph or less. Full details are given in Schedule 9, Part II of the 1984 Act.
- **Making an order:** Orders cannot be made before the statutory period for objections has ended or after a period of two years from the making of the initial notice. Within 14 days of making the order the authority must place a notice in the local press announcing their decision, ensure again that adequate publicity is given to the making of the order and write to those who objected to the proposal outlining the reasons for their decision to proceed. Any traffic signs required as a consequence of the order must be in place before it comes into force.

## 2.2 Experimental orders

There are separate rules for experimental orders, as set out in Regulations 22 and 23 of the 1996 Regulations (see above).

These provide that the provisions on publication of proposals objections that apply to permanent orders shall not apply to an experimental order. No provision of an experimental order shall come into force before the expiration of the period of seven days beginning with the day on which a notice of making in relation to the order is published.

Making an experimental order as a precursor to a permanent order can have material benefits, specifically it can truncate the requirements as to consultation, notice of proposals and objections, providing other requirements have been met (see Regulation 23). This can be a more cost effective and flexible approach (allowing e.g. for immediate feedback and minor changes) than a permanent order or a temporary order (which cannot be converted into a permanent order – see below).

## 2.3 Temporary orders

The procedure for making temporary orders is set out in the *Road Traffic (Temporary Restrictions) Procedure Regulations 1992* ([SI 1992/1215](#)), as amended.

The procedure is as follows:

- Not less than seven days before making an order the authority must publish a notice of their intention to make an order in a local newspaper and in the vicinity of the affected area and inform the police (where an order is one of those exempted from the 18 month time limit, the notice period shall be 21 days and a notice must be placed in the London Gazette); and
- Not more than 14 days after making the order the authority must publish a notice in a local newspaper and in the vicinity of the affected area stating that the order has been made.

Where the authority considers that traffic signs are required to enforce the order, they must maintain them for the duration of the order, once erected. Revocation orders also require seven days' notification.

## 2.4 Consultation on possible changes to advertising rules, 2012

In January 2012 the Government published a consultation document containing proposals to alter the advertising requirements for TROs.<sup>2</sup> The paper explains the current arrangements and their implications as follows:

At present, for all TOs [traffic orders], traffic authorities (TAs) are required to advertise proposals in a local newspaper, and in the case of the LAs, they must use an additional form of publicity, such as notices to affected properties or notices placed in the affected road. In the case of the HA [Highways Agency], as well as advertising in local newspapers, they must also advertise all permanent orders in the London Gazette. LAs must also do this when the order is made for London.

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<sup>2</sup> DfT, *Traffic orders: simplifying the process consultation*, 30 January 2012

Many more channels of communication have evolved since the regulations were written in the nineties, and we propose to enable TAs to decide the most suitable method(s) for them in given circumstances without barriers to using modern methods. This approach embraces the government's aim to enable local decision making and will ensure consistency in the requirements placed on LAs [local authorities] and the HA.

Whilst much of the cost of advertising is currently met by TAs, where TOs are made at the request of business such as utility companies or event organisers, they are usually asked to bear that cost. As such our estimates in the impact assessment show a potential saving to business of £5.9 million annually.<sup>3</sup>

The Government's proposal is therefore to remove all the specific requirements as to the format in which advertisements should be made:

It is proposed here that all specific requirements of how orders must be publicised should be removed. Publicity must still take place to the same time-scales as at present, but will be up to the TA to decide in each case what methods are appropriate. Clearly, different types and extent of publicity will vary depending on the nature of the expected impact and duration of the order, so there will be no standard answer. We plan to issue guidance at the same time as any new regulations to help TAs to make choices that are reasonable in light of who they need to reach.<sup>4</sup>

The DfT contends that the proposal is, in effect, a de-regulatory measure, intended both to save money and to bring the notification advertising requirements for TROs into the electronic age while giving local authorities the power to decide the right means method of advertising for their local areas.

However, the paper does acknowledge that the proposed measures proposed might have an impact on the revenues of local newspapers. The accompanying impact assessment states:

Local newspapers will lose revenue from publishing Traffic Orders. Assuming 20% of local traffic authorities will continue to publish in newspapers, the newspapers will lose £16.5m in revenue annually from advertising planned and made TOs, but economic theory suggests that advertising rates will adjust and hence demand will rise to fill the space available in the newspapers dedicated to adverts. Thus, the final change in revenue will be far less than this. This impact on revenues is considered to be an indirect effect of this deregulatory change. Where the present arrangements can no longer be justified, local newspapers cannot continue to expect to receive what is in effect, public sector subsidy through the continued placing of these adverts. The government strongly favours the use of on-line publication, and of other lower cost options to communicate with interested parties.<sup>5</sup>

It also states:

We anticipate that by ceasing to advertise in local newspapers and using alternative methods local people will become better informed as traffic authorities will have discretion to target the relevant audience in the most appropriate way [...] There could be an impact on groups in society who presently use the local newspaper medium to

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<sup>3</sup> *ibid.*, p7

<sup>4</sup> *ibid.*, p7

<sup>5</sup> DfT, *Traffic Orders - Deregulating Publicity Requirements*, August 2011, p8

find out about TROs. It will be the responsibility of the relevant Traffic Authority to make sure such groups are kept adequately informed.<sup>6</sup>

The consultation closed in April 2012. In February 2013 the Transport Minister, Norman Baker, told the House that the Government would **not**, at present, be proceeding with the change:

We received a large number of representations on this matter, with a clear majority of responses from local government being in favour of the proposed change, and a clear majority of responses from MPs and local newspapers being against any change. I have therefore decided to not change the present arrangements at this point, but, with colleagues across Government, to keep the matter under review.<sup>7</sup>

### 3 What TROs can be used for

Section 2 of the 1984 Act sets out what TROs may be used for and it includes almost anything prohibiting, restricting or regulating the use of a road by traffic or pedestrians, including parking:

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) A local traffic authority may include in a traffic regulation order any such provision—

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<sup>6</sup> *ibid.*, p8

<sup>7</sup> [HC Deb 7 February 2013, c427W](#)

(a) specifying through routes for heavy commercial vehicles, or

(b) prohibiting or restricting the use of heavy commercial vehicles (except in such cases, if any, as may be specified in the order) in such zones or on such roads as may be so specified,

as they consider expedient for preserving or improving the amenities of their area or of some part or parts of their area.

### **3.1 Banning lorries from residential areas**

As indicated above, section 2(4) allows TROs to restrict the use of 'heavy commercial vehicles'. The definition of a heavy commercial vehicle is given in section 138(1) of the Act as any goods vehicle which has an operating weight exceeding 7.5 tonnes. This is the maximum laden weight of a vehicle not drawing a trailer, an articulated vehicle or the aggregated laden weight of a vehicle drawing one or more trailers.

### **3.2 Parking restrictions**

It should be noted that TROs can only be used for specific roads and not to give a general parking prohibition.

General (i.e. authority- or area-wide) prohibitions are provided under separate legislation. Decriminalised parking enforcement (DPE) was introduced in England (outside London) in 1995. Under this system parking offences became civil rather than criminal offences and local authorities took responsibility for parking in their areas. On 31 March 2008 this was renamed civil parking enforcement (CPE) and some changes were made to the enforcement and appeals process. A general outline of the decriminalised/civil parking regime is given in HC Library standard note [SN2235](#).

Special parking bays for disabled people on the highway may be designated by the local authority under a TRO made under section 32 of the 1984 Act. Anyone displaying a blue badge may park there. These are enforceable by law and the police and local authorities have powers to prosecute offenders under section 35A of the Act. However, since making a TRO is a relatively complicated and costly process, local authorities will often mark out a disabled parking space without introducing an order. Such a space is only advisory and there is no legal sanction to prevent other people using the space.

Experimental orders can be used for things like tackling pavement parking. For example, Slough Borough Council has introduced a borough wide ban starting with Central Ward: they are rolling out an experimental TRO and permitting pavement parking in marked bays only.

### **3.3 Temporary closures for parades and associated charges**

There are essentially two basic powers which local authorities can use to close roads for the purposes of parades, street parties etc.: temporary TROs, as outlined above, and section 21 of the [Town Police Clauses Act 1847](#). Over recent years there have been a number of cases (e.g. around the time of the Royal Wedding in April 2011 and during the Olympics and the Diamond Jubilee in summer 2012) where local authorities have switched from using the 1847 Act to the 1984 Act. The changes seem often to have been made because local police forces are unable to provide the support that is required under the 1847 Act to enforce the closure.

This has caused some concern due to the fact that there is a specific power for local authorities to charge for a road closure made via a TRO but not one made under the 1847 Act. Schedule 2 to the *Local Authorities (Transport Charges) Regulations 1998* ([SI](#)

[1998/948](#)), as amended, states that a charge for any kind of TRO may be made to the organisers of the event for which the road is closed. There is no prescribed limit on the amount of charge.