



## BRIEFING PAPER

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# Traffic Regulation Orders (TROs)

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## Summary

This short paper explains what Traffic Regulation Orders (TROs) are, how they are made and the various uses to which they can be put.

Local 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 and restricting traffic for the purposes of parades, street parties and other events.

The making of TROs can be long and costly and there have been calls for reform of the advertising requirements to bring down the cost. The Transport Committee looked at this issue as part of their 2019 inquiry into pavement parking and made recommendations to Government. The Department for Transport is currently reviewing the legislation around TROs to see if it is fit for purpose.

In addition to the policy explained in this paper, from 23 May 2020 the Government suspended some of the rules around making TROs to allow councils in England to better deal with the road traffic impacts of the coronavirus pandemic. The *Traffic Orders Procedure (Coronavirus) (Amendment) (England) Regulations 2020* ([SI 2020/536](#)) do the following:

... [amend] temporarily, legislation relating to Traffic Orders which are required to make and enforce changes to a road's use or its design. The amendments are intended to speed up and simplify making Traffic Orders to put in place measures to deal with the effects of coronavirus, the need to social distance as a response and to support the Government's aims for a restart and recovery that helps to enable active travel, for example, cycling and walking. The amendments also provide alternative publicity arrangements to help deal with some practical difficulties that have arisen as a result of restrictions that are in place, for example, some local newspapers have closed or have moved publications online, local authority offices are closed to the public, and concerns about the safety of staff posting site notices in some circumstances. [[Explanatory Memorandum](#)]

The provisions in the SI will expire within 12 months if the Government takes no further action to extend it.

Information on other roads-related issues can be found on the [Commons Library website](#).

# 1. What are TROs and what can they be used for?

Local councils have been able to introduce a form of traffic regulation since before the age of the mass motor car. [Sections 46 and 47](#) of the *Road Traffic Act 1930* gave local traffic authorities the power to regulate traffic in certain conditions. Short term, temporary restrictions could be made on the council's own authority, but longer-term restrictions had to be signed off by the Minister for Transport. There were attached conditions of notice.

Thirty years later the provisions we largely recognise today – including a distinction between traffic regulation in London and outside the capital – were in place via the [Road Traffic Act 1960](#), which were consolidated in the [Road Traffic Regulation Act 1967](#) and then in the current legislation – the *Road Traffic Regulation Act 1984*, as amended (see section 1.1, below).

During a Lords debate in July 1960 Lord Chesham, speaking for the Government, explained how the rules had been relaxed in the 1950s and that councils were being given increasing autonomy to make regulation orders on their own account, without needing ministerial approval:

In 1956 a considerable degree of autonomy was given to local authorities in respect of traffic regulation orders ... For example, orders to make one-way streets or waiting regulations do not need the Minister's confirmation [...] In the other traffic matters, not once in the last three years has my right honourable friend [the Minister for Transport] or any of his predecessors had to use their ... reserve power of review on any of these local orders which can be made without the Minister's confirmation.

I think the Minister feels that the time will come before long, even if it has not already come, when local authorities really can be trusted to deal with these designation orders themselves...<sup>1</sup>

Traffic Regulation Orders (TROs) are used by local councils to regulate traffic in their areas – this can be done by, for instance, temporarily or permanently stopping up a road to all or particular types of traffic and implementing parking restrictions. The reasons for doing this can be varied – to permit a road to be used for a parade, event or street party or to protect residents from 'rat-running' or to protect the road from the weight of heavy vehicles.

## 1.1 Legislation

The relevant legislation relating to Traffic Regulation Orders (TROs) is Parts I, II and IV of the [Road Traffic Regulation Act 1984](#), as amended.

Some specific purposes for which TROs are used are listed in sections 1.2-1.5 of this paper.

There are very limited circumstances in which the consent of the Secretary of State for Transport must be sought for a local traffic authority to make a TRO. These are set out in [Schedule 9, Part II](#) of the 1984 Act.

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<sup>1</sup> HL Deb 5 July 1960, c1086

## Permanent Orders

Section 1(1) of the 1984 Act states that local traffic authorities in England and Wales (outside London)<sup>2</sup> may make **permanent orders** for the following purposes:

- To avoid **danger** to persons or other traffic using the road or any other road or to prevent the likelihood of any such danger arising;
- To prevent **damage** to the road or to any building on or near the road;
- To **facilitate the passage** on the road or any other road of any class of traffic (including pedestrians);
- To **prevent 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;
- To **preserve the character** of the road in a case where it is specially suitable for use by persons on horseback or on foot;
- To **preserve or improve the amenities** of the area through which the road runs; or
- To preserve or improve **local air quality**.

Section 2 of the 1984 Act states that Orders may be used for almost anything prohibiting, restricting or regulating the use of a road by traffic – which includes motor vehicles, bicycles and pedestrians:

- A TRO 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, or by **pedestrians**. This may be a general prohibition or subject to exceptions (e.g. limited by times or dates);
- A TRO may include any provision requiring vehicular traffic generally, or vehicular traffic of any class specified in the Order, to **proceed in a specified direction or prohibiting it's so proceeding**. It may specify the part of the carriageway to be used by such traffic; and prohibit or restrict the **waiting of vehicles** or the **loading and unloading** of vehicles, the use of roads by through traffic, or **overtaking**.
- A TRO may include any such provision specifying through routes for **heavy commercial vehicles**, or prohibiting or restricting the use of heavy commercial vehicles in such zones or on such roads as may be so specified, as the traffic authority considers expedient for **preserving or improving the amenities of their area** or of some part or parts of their area.

## Temporary Orders

Section 14(1) of the 1984 Act states that **temporary** orders may be made for the following reasons:

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<sup>2</sup> i.e. county and unitary councils [section 121A of the 1984 Act]; Orders in London are made under section 6 of the 1984 Act but are slightly different

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- Because **works** are being or are proposed to be executed on or near the road;
- Because of the likelihood of **danger** to the public, or of serious damage to the road, which is not attributable to such works; or
- For the purpose of **litter clearing and cleaning**.

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. Many are much shorter and cover, for example an event taking place on a particular day or over a series of days.

### 1.2 Weight Restriction Orders

Section 2(4) of the 1984 Act permits local traffic authorities to make TROs to restrict the use of 'heavy commercial vehicles'.

Heavy commercial vehicles are defined in section 138(1) of the Act as any goods vehicle with 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.

The TROs made to limit the use of these vehicles are often called (Environmental) Weight Restriction Orders ((E)WROs) and they are often put in place to preserve a local area and, for example, to protect villages and historic towns from noise, vibration, road surface damage and/or structural impacts.

#### Enforcement

It is a criminal offence to contravene a TRO [section 5 of the 1984 Act].

A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000) [[Road Traffic Offenders Act 1988](#), sections 9 & 33(1), and Schedule 2, Part I].

It is also subject to the fixed penalty regime [1988 Act, section 51, and Schedule 3].

Generally, enforcement is by the police, though there are a number of local areas where the police enforce alongside local Trading Standards (e.g. in [Derbyshire](#), [Oxfordshire](#), and [Warwickshire](#)). Trading Standards are generally unable to enforce effectively alone because, unlike the police, they cannot stop vehicles, get instant replies from DVLA on owner details, or issue on the spot fines (fixed penalties).

Enforcement can involve the use of ANPR (automatic number plate recognition) cameras, vehicle stops and checks and working with local companies and drivers to educate them on permitted routes.

### 1.3 Parking restrictions

TROs can be used to specify parking restrictions and the conditions under which vehicles may park.

There has been much debate in recent years about the use of TROs to prohibit pavement parking and about the extent to which the cost and procedure for making a TRO makes this sort of parking restriction

prohibitive. Some of these issues are explored further in [section 3](#) of this paper. Further discussion can be found in the Transport Select Committee's [September 2019 report](#).

TROs can also be used to provide special parking bays for disabled people [section 32 of the 1984 Act]. These spaces are usually available to anyone with a Blue Badge. They are enforceable by law [section 35A of the 1984 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 a TRO. Such a space is only advisory and there is no legal sanction preventing other people using the space.

#### TRO parking library

The Traffic Penalty Tribunal (TPT) for England outside London keeps a collection of largely parking-related TROs, submitted to it by councils where parking penalties have been challenged.

You can find a list of these TROs (note this is not comprehensive) listed by local authority on the TPT website: <https://tro.trafficpenaltytribunal.gov.uk/>

Individual council websites also often include recent TROs and should have information on any draft TROs currently open for consultation and comment.

## 1.4 Parades, events and street parties

Local authorities can close roads for the purposes of parades, street parties etc. using two powers: temporary TROs made under section 16A the 1984 Act or [section 21](#) of the *Town Police Clauses Act 1847*.

Over the past decade many some 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 amongst those organising parades, street parties and other events (which are often charitable or voluntary organisations) because councils can charge for a road closure made by 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 an event for which a road is closed. There is no prescribed limit on the amount of charge.

There is (brief) Government guidance available on the use of temporary TROs under section 16A of the 1984 Act.<sup>3</sup> This makes it clear that it is largely a matter for local councils how and when to consult on the making of an Order for these purposes.

## 1.5 Anti-terrorism (ATTROs)

Anti-Terrorism Traffic Regulation Orders (ATTROs) allow vehicle or pedestrian traffic to be restricted for counter terrorism reasons. These can be permanent or temporary, and can include the installation of equipment

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<sup>3</sup> DfT, [Temporary Traffic Regulation Orders for Special Events](#), June 2016

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such as bollards and barriers as well as the restriction of parking on or access to roads.

ATTROs are a special form of TRO, provided for under sections 22C and 22D of the 1984 Act.<sup>4</sup> They were most recently amended by [section 15](#) of the *Counter Terrorism and Border Security Act 2019*.

The first ATTRO was introduced across the City of London in 2016.<sup>5</sup> Examples of other ATTROs include the control lane outside Parliament along Abingdon Street and Grosvenor Square around the former US Embassy building. Temporary ATTROs have also operated around the sites of annual conferences of the main political parties, the start and end of the London Marathon, G8 conferences, the NATO summit and royal weddings.<sup>6</sup>

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<sup>4</sup> These provisions were added to the 1984 Act by section 32 and Schedule 2, Part 3, para 16 of the [Civil Contingencies Act 2004](#). The provisions were introduced by the Government at Commons Committee stage and added to the Bill without discussion or debate. The most extensive explanation of the provisions at the time was given in a [letter to the Delegated Powers and Regulatory Reform Committee](#)

<sup>5</sup> See: [“City police move to bolster ‘ring of steel’ during terror alert by closing streets”](#), *Evening Standard*, 21 January 2016; City of London, [Paper for decision on Anti-Terrorism Traffic Regulation Order \(ATTRO\)](#), 15 December 2015; and City of London, [Decision on Anti-terrorism regulation order \(ATTRO\)](#), 21 December 2015

<sup>6</sup> [Explanatory Notes](#), para 98



## 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.

The British Parking Association has published a [Traffic Regulation Orders Guide](#) (July 2019), endorsed by the Department for Transport, which provides a good summary of the processes involved in making TROs.

## 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.

## 3. Calls for reform

### 3.1 TRO discovery & legislative review, 2018-

In 2018 the Department for Transport, supported by GeoPlace, the British Parking Association (BPA) and Ordnance Survey conducted a discovery project into the process by which TROs are made and how TRO data is made available and used across the country. This was intended to help identify how to deliver the most from the existing system and how to support the transport network of the future.<sup>7</sup>

This project was intended to contribute to the Industrial Strategy Grand Challenge to make the UK a world leader in shaping the Future of Mobility and followed a key recommendation in the North Highland Consultancy's report into local transport data discovery. This called for further work to modernise and digitise TROs. Its key findings relating to TROs were that:

- TRO data was difficult and time consuming to access, clean and process;
- TRO data was not in a standardised, machine readable format;
- TROs lacked a centralised point of reference;
- Private sector organisations were being forced to collect TRO data manually; and
- The process for amending and implementing a TRO was labour intensive, time consuming, and costly.<sup>8</sup>

In mid-2019 the DfT awarded a £250,000 contract to PA Consulting Services Limited (UK) to undertake user research to identify current/future user needs for users of TROs and associated data, develop and iterate a legislative minimal viable project (MVP) system for making TROs, to meet needs and enable provision of digital TRO data, and present the prototype to help enable potential legislative change. The project was due to be completed by the end of 2019.<sup>9</sup>

In March 2020 DfT reported that there will be further consultation on what possible legislative changes would need to be made in light of this work in 2020.<sup>10</sup>

### 3.2 Cost of advertising

In January 2012 the Government published a consultation document containing proposals to alter the advertising requirements for TROs.<sup>11</sup> The DfT argued at the time that the proposal was, 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

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<sup>7</sup> DfT, [Traffic regulation orders: applying for and creating orders plus using data](#), 10 December 2018

<sup>8</sup> DfT, [Local transport data discovery: findings and recommendations](#), 1 August 2018

<sup>9</sup> DfT, [Traffic Regulation Orders and Associated Data: Policy Alpha](#), 10 June 2019

<sup>10</sup> [Pavement parking: Government Response to the Committee's Thirteenth Report of Session 2017–19](#) (First Special Report of Session 2019–21), HC 158, 12 March 2020, p2

<sup>11</sup> DfT, [Traffic orders: simplifying the process consultation](#), 30 January 2012

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authorities the power to decide the right means method of advertising for their local areas. However, it did acknowledge that the proposed measures might have a negative impact on the revenues of local newspapers (it estimated £16.5 million in lost revenues annually).<sup>12</sup>

In February 2013 the then Transport Minister, Norman Baker, told the House that the Government would not, at present, be proceeding with the change. There was a clear difference of opinion amongst those who responded:

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>13</sup>

The Transport Select's Committee's 2019 inquiry into pavement parking revived interest in this area. The Committee received evidence from councils and other organisations about the costs of the advertising requirements in the making of a TRO and how this can impact decisions as to whether to implement a TRO or not. The Committee received TRO advertising cost estimates of between £1,000 and £3,000 per Order. Surrey County Council told the Committee that they spend approximately £75,000 per year on advertising only one form of TRO (parking restriction notices).<sup>14</sup>

The Committee observed that since the requirement to advertise in a print newspaper was introduced in 1986 the way people consume local news has changed: print circulation halved in the decade to 2017 and there was credible research showing that only one person in ten now reads a regional or local printed paper every week. The Government's TRO discovery project reported that only 7% of road users found out about plans for road network changes through an official notice in the local paper.<sup>15</sup>

In light of this evidence the Committee recommended that the Government bring forward proposals to reform the TRO process – to make it cheaper and easier for local authorities to use – and abolish the requirement to advertise TROs in local newspapers. It recommended replacing this requirement with one for local authorities to maximise the reach of their advertising to the largest number of people by whatever media would best achieve this.<sup>16</sup>

The Government responded to the Committee's report in March 2020. It said that as part of its TRO legislative review (see [section 3.1](#), above) it would consider how best to inform people affected by TROs.<sup>17</sup>

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<sup>12</sup> DfT, [Traffic Orders - Deregulating Publicity Requirements](#), August 2011, p8

<sup>13</sup> [HC Deb 7 February 2013, c427W](#)

<sup>14</sup> Transport Committee, [Pavement parking](#) (Thirteenth Report of Session 2017–19), HC 1982, 9 September 2019, para 41

<sup>15</sup> *Ibid.*, para 43

<sup>16</sup> *Ibid.*, paras 44-45

<sup>17</sup> *Op cit.*, [Pavement parking: Government Response to the Committee's Thirteenth Report of Session 2017–19](#), p3

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