

MIDDLETON STONEY ROAD, BICESTER PROPOSED TRAFFIC CALMING

BACKGROUND DOCUMENT 2

Consultation requirements

The relevant legislation is set out below:-

The Highways Act 1980 (section 90C) Consultation and local inquiries:-

(1) Where the Secretary of State or a local highway authority propose to construct a road hump under section 90A or 90B above, he or they shall consult with—

- (a) the chief officer of police for the area in which the highway concerned is situated; and*
- (b) such other persons or bodies as may be prescribed by regulations made by the Secretary of State.*

(2) The Secretary of State or local highway authority shall also—

- (a) publish in one or more newspapers circulating in the area in which the highway concerned is situated; and*
- (b) place at appropriate points on that highway, a notice of the proposal stating the nature, dimensions and location of the proposed road hump and the address to which and the period within which any objections to the proposal may be sent.*

(3) The period stated in a notice under subsection (2) above shall be not less than 21 days beginning with the date on which the notice is first published in accordance with paragraph (a) of that subsection.

(4) The Secretary of State or local highway authority shall consider any objections sent to him or them in accordance with a notice under subsection (2) above and may, if he or they think fit, cause a local inquiry to be held.

(5) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (provisions as to inquiries) have effect in relation to an inquiry held under subsection (4) above as they have effect in relation to an inquiry held under that section, but with such modifications as may be prescribed by regulations made by the Secretary of State.

(6) Before making regulations under this section the Secretary of State shall consult such representative organisations as he thinks fit.

A copy of the Regulations is available on the legislation.gov.uk site:
<http://www.legislation.gov.uk/ukpga/1980/66/section/90A>

The Highways (Road Humps) Regulations 1999 (section 3):-

Where the Secretary of State or a local highway authority proposes to construct a road hump, he or they shall, as well as consulting the chief officer of police as required by section 90C(1) of the Act, also consult—

- (a) where the proposal is by a local highway authority in England which is the council of a County, any district council in whose district the highway is situated;*
- (b) in all cases, the chief officer of the fire brigade for the area in which the highway concerned is situated and the chief officer of any body providing ambulance services under the National Health Service Act 1977(a) and operating in that area;*
- (c) in all cases, organisations appearing to him or them to represent persons who use the highway to which the proposal related, or to represent persons who are otherwise likely to be affected by the road hump.*

PSC5(c)

A copy of the Regulations is available on the legislation.gov.uk site:
<http://www.legislation.gov.uk/uksi/1999/1025/contents/made>