

## **Explanatory Memorandum to the Traffic Orders Procedure (Coronavirus) (Amendment) (Wales) Regulations 2020**

This Explanatory Memorandum has been prepared by the Department for Economic Infrastructure and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of **the Traffic Orders Procedure (Coronavirus) (Amendment) (Wales) Regulations 2020**.

**Ken Skates**  
**Minister for Economy, Transport & North Wales**  
**27 July 2020**

## **1. Description**

These Regulations make provision with respect to certain traffic orders made and notices given in Wales, under the Road Traffic Regulation Act 1984. They are being introduced as an emergency response to the effects of coronavirus.

## **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

In accordance with section 11A(4) of the Statutory Instruments Act 1946, as inserted by Sch.10 para 3 of the Government of Wales Act 2006, the Llywydd has been informed that the Regulations will come into force less than 21 days from the date of laying.

The Regulations are required to come into force as soon as possible, so adjustments to traffic order procedures can mitigate the effects of COVID-19.

Not bringing the Regulations into force straight away will cause an increasing backlog of traffic orders waiting to be made, which would have impacts for road safety across the road network in Wales. It would also delay the use of new emergency procedures for temporary traffic orders necessary for purposes connected with coronavirus. Not adhering to the 21-day convention is thought necessary and justifiable in this case.

## **3. Legislative Background**

The powers enabling this instrument to be made are under sections 16(2) and 2(A), 35C(3), (4) and 4(A), 46A(3), (4) and (4A) and 124(1) of, and Part III of Schedule 9 to, of the Road Traffic Regulation Act 1984 (RTRA).

This instrument is to be made following the negative procedure.

## **4. Purpose and intended effect of the legislation**

These Regulations amend the procedure for making traffic orders and giving notices by providing an alternative means of publicising orders in circumstances where it is not reasonably practicable to follow the current publicity requirements as a result of coronavirus. They also simplify the procedure for making temporary traffic orders that are made for purposes connected to coronavirus.

## **5. Consultation**

In accordance with section 134(10) of the Road Traffic Regulation Act 1984 the views of representative organisations were sought between 05 June and 17 June 2020 (12 day period).

The list of consultees and summary of any responses is attached at Annex A.

## **7. REGULATORY IMPACT ASSESSMENT**

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. A regulatory impact assessment has not been prepared for this instrument as the Regulations need to be put in place quickly to deal with an emergency associated with the effects of coronavirus.

## ANNEX A

### SCHEDULE OF CONSULTATION

Organisation	Response
All Wales Local Authorities	Cardiff City Council raised a query in relation to 'café pavement' parking however there is no power for the Welsh Ministers to amend the notice provisions for 'café pavement' licences either under the Highways Act 1980 or the Public Health (Control of Diseases) Act 1984.
All Police Departments in Wales	No comment
All Fire & Rescue Departments in Wales	No comment
Welsh Ambulance Services NHS Trust	No comment
Road Haulage Association Ltd.	No comment
Freight Transport Association	No comment
Trafficmaster Travel	No comment
South Wales Trunk Road Agent Manager and North and Mid Wales Trunk Road Agent Manager	No comment
Ministry of Justice	No comment
HERE	No comment