

SL(6)370 – The Traffic Signs (Amendment) (Wales) Regulations and General Directions 2023

Background and Purpose

The Traffic Signs (Amendment) (Wales) Regulations and General Directions 2023 (**the TSRGD 2023**) amend the Traffic Signs Regulations and General Directions 2016 (**the TSRGD 2016**) in relation to Wales. The TSRGD 2016 sets out what traffic signs in Great Britain must look like, what they mean and how they may be placed and illuminated.

These amendments are consequential on and supplementary to the Restricted Roads (20 mph Speed Limit) (Wales) Order 2022, which will reduce the general speed limit for restricted roads in Wales from 30mph to 20mph when it comes into force on 17 September 2023.

The amendments made by the TSRGD 2023 include:

New road safety signs

For example, this new sign to warn of a speed camera and remind drivers of the 20mph speed limit:



Removal of existing signs

For example, this sign (which warns of the end of a 20mph zone and indicates that the national speed limit applies) will no longer be needed when the general speed limit for restricted roads is reduced to 20mph:



New temporary signs

For example, this new temporary sign indicating the commencement point of a new 20mph speed limit (which may be placed during the first 12 months that the 20mph is in force):



Procedure

Negative.

The TSRGD 2023 was made by the Welsh Ministers before it was laid before the Senedd. The Senedd can annul the TSRGD 2023 within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was laid before the Senedd.

Technical Scrutiny

The following 5 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Regulation 3(1)(b) introduces Welsh text to accompany the following sign:



The Welsh text to be used with this sign is “Ysgol”, “Hebryngwr”, “Maes chwarae”, “Plant anabl”, “Plant dall” or “Plant byddar”.

The English-language general description given for this sign in the TSRGD 2023 is “children going to or from school or playground area”. However, in the TSRGD 2016, the general description that accompanies this sign is “children going to or from school or playground ahead”. As a result, following the coming into force of regulation 3(1), this sign will have a different description in Wales than it does in England.

We would welcome clarification as to whether the change from “playground ahead” to “playground area” is intended and, if it is intended, what difference does that make to the placing and effect of this sign?

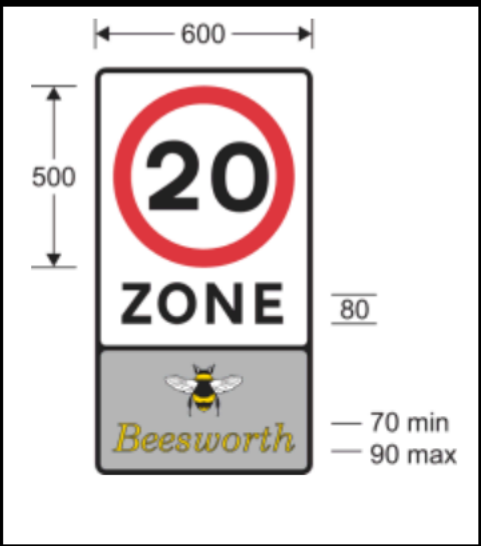
2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Because the TSRGD 2023 applies in relation to Wales, some existing road signs that apply in England and Wales need to apply in England only (i.e. Wales needs to be carved out from the application of some signs in the TSRGD 2016). The TSRGD 2023 achieves this by inserting the words “In relation to England” in respect of some signs in the TSRGD 2016. The words are to be inserted “at the beginning” of the relevant column, but it is unclear precisely where those words should be inserted.

For example, regulation 4(a) of the TSRGD 2023 suggests that the words (i.e. the red text below) will be inserted as follows, **before** the diagram number:

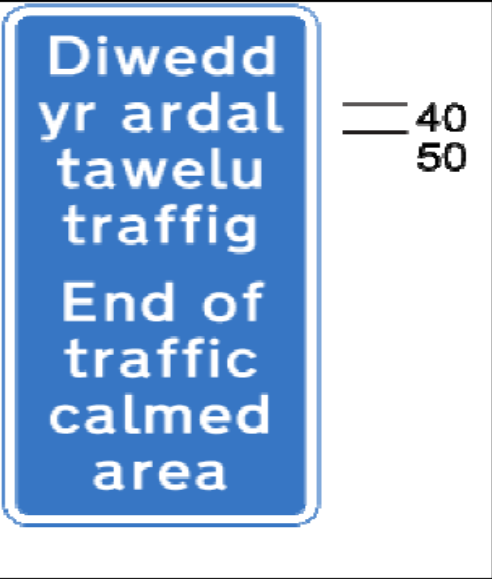
In relation to England, Diagram 674

Entrance to a zone where a maximum speed limit of 20 mph is in force



However, where the TSRGD 2023 introduces a new sign for Wales, the words "In relation to Wales" are placed **after** the diagram number. For example, regulation 5 of the TSRGD 2023 includes this new entry:

Diagram 883.1
In relation to Wales, end of traffic calmed area



We would be grateful for clarity as to where the words "In relation to England" should be inserted in the TSRGD 2016. We add that consistency in approach to issues such as this are important to the clarity and accessibility of legislation.

3. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In general direction 9 of the TSRGD 2023, the new paragraph 2 begins with the words "This sign...". However, this is inconsistent with the drafting of the existing paragraph 2 and of all the other paragraphs in Part 4 of Schedule 10 to TSRGD 2016 which begin with the words "The sign...".

4. Standing Order 21.2(i) – that there appears to be doubt as to whether it is intra vires; Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In relation to Part 3 of the TSRGD 2023, we raise the following points:

- The preamble does not state which enabling powers the Welsh Ministers are relying on to make Part 3. While we believe the Welsh Ministers do have the powers to make Part 3 under the Road Traffic Regulation Act 1984, those powers should be cited in the preamble. The enabling powers for Parts 1 and 2 have been cited in the preamble.
- The preamble confirms that the consultation requirements set out in the Road Traffic Regulation Act 1984 have been complied with as regards Parts 1 and 2, but there is no mention of consultation on Part 3. We note that the Road Traffic Regulation Act 1984 requires consultation **before regulations can be made** and **before general directions can be given**. We therefore ask the Welsh Government whether any of the consultation requirements in the Road Traffic Regulation Act 1984 apply to Part 3 and, if they do, whether such consultation was carried out before the TSRGD 2023 was made.
- Parts 1 and 2 expressly include provisions to state that they commence on 17 September 2023. However, Part 3 does not include a commencement provision. While it appears from the overall context that Part 3 is also intended to commence on 17 September 2023, there should be express provision stating when Part 3 comes into force.
- It is unclear how Part 3 should be cited. Regulation 1(1)(a) states that Part 1 may be cited as the Traffic Signs (Amendment) (Wales) Regulations 2023. Regulation 1(1)(b) states that **Part 1 together with Part 2** may be cited as the Traffic Signs (Amendment) (Wales) Regulations and General Directions, i.e. the TSRGD 2023. However, it appears to us that Part 3 is also part of the TSRGD 2023, not least because the name of the instrument as a whole is The Traffic Signs (Amendment) (Wales) Regulations and General Directions 2023.

5. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

The numbering of the provisions of the TSRGD 2016 begin with “1” at the beginning of both the regulations in Part 1 and the general directions in Part 2. However, the numbering in the TSRGD 2023 does not re-commence from “1” at each Part; instead, the numbering continues through Parts 1, 2 and 3.

We also note that the provision at 11(4) in Part 3 refers to itself as a “regulation”. However, general directions 9 and 10 are also referred to as “regulations” (see general direction 8 in Part 2).

This further adds to the confusion as to the citation of various provisions of the TSRGD 2023.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

6. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Part 3 of the TSRGD 2023 contains transitional and saving provisions; as the Explanatory Memorandum says:

Once the TSRGD 2023 is in force, a number of traffic signs and road markings currently in use will no longer be necessary and will therefore not be permitted in Wales. These transitional and savings provisions effectively provide a 'grace' period for certain traffic signs and road markings allowing traffic authorities additional time after the TSRGD 2023 comes into force to ensure the correct traffic signs and road markings are in place and non-compliant/redundant traffic signs and road markings are removed.

We would be grateful if the Welsh Government could explain what this means for the enforcement of road traffic offences during the 'grace' period.

Welsh Government response

A Welsh Government response is required to each of the reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

9 August 2023