

Government Response: *The Traffic Signs (Amendment) (Wales) Regulations and General Directions 2023*

Technical Scrutiny point 1:

The Government confirms the use of “playground area” instead of “playground ahead” is a typographical error. The Government does not consider the difference materially affects the operation of the provision, but for consistency will correct the typographical error at the next available opportunity.

Technical Scrutiny point 2:

The Government considers that the words “In relation to England” are inserted into the Traffic Signs Regulations and General Directions 2016 (“TSRGD 2016”) in the same way as when a new sign relating to Wales is introduced in the Traffic Signs (Amendment) (Wales) Regulations and General Directions 2023 (the “Instrument”) (i.e., after the diagram number).

Technical Scrutiny point 3:

The Government notes the minor inconsistency identified but considers there is no room for misunderstanding as a result.

Technical Scrutiny point 4:

The Welsh Ministers make the regulations in Part 3 of the Instrument in reliance on the same enabling powers relied upon in relation to Parts 1 and 2, namely section 64 (1), (2) and (3), section 65 (1) and section 85 (2) of the Road Traffic Regulation Act 1984.

The consultation requirements which apply to Parts 1 and 2 of the Instrument set out in section 65 (3ZC), 85 (10) and 134 (10) and (13) also apply to Part 3 of the Instrument. The transitional and savings provisions within Part 3 of the Instrument have been consulted upon before regulations were made and before the general directions were given in the same consultation exercise involving Parts 1 and 2.

Part 3 will come into force on 17 September 2023 at the same time as Parts 1 and 2.

Part 3 forms part of the Instrument, together with Part 1 and 2.

The Government notes the points made and acknowledges that express provision could have been made for Part 3 in respect of the points clarified above. However the Government considers that it is clear from the context of the Instrument — in particular from the fact that Part 3 makes transitional and savings provision relating to the other parts — that Part 3 is made using the same enabling powers as the other parts, was consulted in the same way and comes into force at the same time.

Technical Scrutiny point 5:

The Government has taken the view that this is effectively one instrument of 3 parts and has therefore only used one set of numbered paragraphs.

The Government notes the minor inconsistency identified at general direction 8 and intends to pursue a correction of this by correction slip.

Merit Scrutiny point 6:

In drafting this Instrument, the Government has considered the effect of the transitional and savings provisions on the enforcement of road traffic offences during the transitional period and considers there will be no impact. The traffic signs caught by these provisions mainly relate to 20mph zones (see items 5 – 7 in the table in Part 2 of Schedule 10) and 20mph repeater signs (see item 1 in the table in Part 2 of Schedule 10) and road markings (see item 9 in the table in Part 2 of Schedule 10). The speed limit on the roads on which these signs are currently placed will not be changing and will remain at 20mph and therefore although highway authorities will be afforded a period after the Instrument comes into force in order to remove redundant traffic signs and ensure all traffic signage complies with the TSRGD 2016 as amended by this Instrument, the signage currently in place will not inhibit highway authorities from enforcing the correct speed limit.

The “*NEW 30MPH SPEED LIMIT IN FORCE*” sign (see item 38 in the table at Part 6 of Schedule 13) will no longer comply with the TSRGD 2016 as amended by this Instrument, but is also caught by the transitional and savings provisions. This is a temporary sign which can only be placed during the period of six months beginning with the day on which a 30mph speed limit comes into force. The transitional and savings provisions in the Instrument are necessary to allow highway authorities to keep these signs in place (for the remainder of the 6 month period for which they can be used under general direction 13 within Part 12 of Schedule 13) on roads where a 30mph speed limit has recently been imposed (and where a 30mph speed limit is remaining in force by way of exception to the Restricted Roads (20 mph Speed Limit) (Wales) Order 2022 (the “20mph Order”)). The Instrument inserts a new sign into the TSRGD 2016 (indicating a new 20mph speed limit – see regulation 6(b)) to be used on roads in Wales where a 20mph speed limit has been imposed as a result of the 20mph Order.