

# Net Zero, Energy and Transport Committee

14<sup>th</sup> Meeting, 2022 (Session 6), Tuesday, 3 May 2022

## Traffic Signs Amendment (Scotland) Regulations and General Directions 2022 (SSI 2022/111)

Note by the clerk

**Title of Instrument:** [Traffic Signs Amendment \(Scotland\) Regulations and General Directions 2022 \(SSI 2022/111\)](#)

**Type of Instrument:** Negative

**Laid Date:** 24 March 2022

**Circulated to Members:** 25 March 2022

**Meeting Date:** 03 May 2022

**Minister to attend meeting:** No

**Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee?** No

### Recommendation

1. The Committee is asked to note the instrument and the information under "Procedure for negative instruments" below.

### Purpose of instrument

2. Powers over traffic signs were devolved to Scottish Ministers under the Scotland Act 2016. The Scottish Government says that the purpose of this instrument is to amend the Traffic Signs Regulations and General Directions 2016 as it is applied in Scotland by making necessary updates to meet the needs of the road network. The Scottish Government says it will address issues including:
  - Prescribing signs for Low Emission Zones (LEZs) to support their introduction;

- Prescribing signs and markings which have on occasion been authorised for use in Scotland through the non-prescribed sign process, but are not currently prescribed within the regulations;
  - Ensuring sign requirements are appropriate in a specifically Scottish context;
  - Updating the symbols for bodies such as Forestry and Land Scotland and RSPB; and
  - Supporting signing for modern infrastructure such as vehicle charging and motorhome service points.
3. More information is found in the Scottish Government’s Explanatory and Policy Notes at **Annexe A**.

## Delegated Powers and Law Reform Committee consideration

4. At its [meeting on 26 April 2022](#), the DPLR Committee considered the instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit. [Read the Official report for the meeting on 26 April 2022.](#)

## Procedure for Negative Instruments

5. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds). Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument. If the motion is agreed to, the Parliamentary Bureau must then lodge a motion to annul the instrument for consideration by the Parliament. If that is also agreed to, Scottish Ministers must revoke the instrument.
6. In the event that no motion to annul is lodged, the Committee will be formally asked to agree that it wishes to make no recommendation in relation to the instrument.
7. Each negative instrument usually appears on a committee agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow correspondence to be entered into or a Minister or officials invited to give evidence. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendation on it.

# Annexe A

## Scottish Government Explanatory Note

This instrument amends the Traffic Signs Regulations 2016 and the Traffic Signs Directions 2016, together cited as the Traffic Signs Regulations and General Directions 2016 (“the 2016 Regulations”).

Regulation 4 makes a minor amendment to schedule 2 of the 2016 Regulations by adding “Concealed access” and “Pedestrians and cyclists crossing” to the list of legends which may be used on plates associated with signs that warn of hazards and signs for bridges and other structures.

Regulation 5 amends schedule 8 of the 2016 Regulations by adding alternative versions of the signs indicating the entrance to, and the end of, a pedestrian, or pedestrian and cycle, zone. The alternative versions incorporate flashing lights instead of a time period in the upper panel.

Regulation 5 also inserts two new Parts into schedule 8 of the 2016 Regulations. New Part 4A sets out provisions applying to signs in Part 4B. New Part 4B prescribes signs indicating the existence of a low emission zone, the use of cameras to identify contraventions of a low emission zone scheme, the end of a low emission zone, and road markings indicating the commencement of a low emission zone.

Regulation 6 amends schedule 11 of the 2016 Regulations.

Regulation 6(1)(a) provides for a new sign intended to be used on primary routes to indicate the distance in hundreds of yards to the point that a reduced maximum speed limit begins. This sign can only be used where the maximum speed limit is being reduced by at least 20 mph. Regulation 6(3)(b) and (c) makes provision to enable an alternative version of the sign to be used on nonprimary routes.

Regulation 6(2)(b) amends the variants which are permitted to be made to the sign which indicates the distance to a parking place ahead. The amendment allows for the distance to be varied, and for a second distance to be added to the sign.

Regulation 7 amends schedule 12 of the 2016 Regulations.

Regulation 7(2) provides for a new sign which is intended to indicate the existence of a service point for motor homes.

Regulation 7(3) provides for a new sign indicating property managed by Forestry and Land Scotland, and for a new sign indicating a nature reserve managed by the Royal Society for the Protection of Birds Scotland.

Regulation 7(4) provides for a new sign indicating the existence of a low emission zone.

Regulation 7(5) provides for the new sign for service points for motor homes to be added to the symbols that may be placed on a services sign.

Regulation 7(6) makes minor amendments to the sign which indicates a junction ahead leading to a small town or village which provides services. The amendment reduces the number and variety of services which are required to be offered before the sign can be used. Regulation 7(6)(b) and the schedule of these Regulations provides for a substitute diagram for this sign to be inserted into the 2016 Regulations. This will allow for the depiction on the sign of the availability of electric car charging points and service points for motor homes, in addition to those services which currently feature on the sign. Regulation 8 makes saving provision to enable signs which are currently in place to continue to operate despite the amendments made by these Regulations.

Part 2, direction 2 provides that the low emission zone sign at item 1 in Schedule 8, Part 4B must only be placed to indicate the effect of an Act, order, regulation, bylaw, resolution or notice which restricts or prohibits the use of the road by traffic, and must be placed as near as practicable to the point the restriction or prohibition begins or ends.

A Business and Regulatory Impact Assessment (“BRIA”) has been prepared in relation to this instrument, copies of which can be obtained from Transport Scotland, Buchanan House, 58 Port Dundas Rd, Glasgow G4 0HF or online at [www.gov.scot](http://www.gov.scot).

## Scottish Government Policy Note

### The Traffic Signs Amendment (Scotland) Regulations and General Directions 2022 (SSI 2022/111)

The above instrument was made in exercise of the powers conferred by section 64(1) to (3) and section 65(1) of the Road Traffic Regulation Act 1984. The instrument is subject to negative procedure.

#### Purpose of the instrument

The purpose of this Scottish Statutory Instrument (SSI) is to amend the Traffic Signs Regulations and General Directions 2016 as it applied in Scotland by making necessary updates which are intended to meet the needs of the road network in Scotland. It will address issues including:

- Prescribing signs for Low Emission Zones (LEZ);
- Prescribing signs and markings which have on occasion been authorised for use in Scotland through the non-prescribed sign process, but are not currently prescribed within the regulations;
- Ensuring sign requirements are appropriate in a specifically Scottish context;
- Updating the symbols for bodies such as Forestry and Land Scotland and RSPB; and
- Supporting signing for modern infrastructure such as vehicle charging and motorhome service points.

## Background and Policy Objectives

The Traffic Signs Regulations and General Directions 2016 (TSRGD) sets out directions and regulations relating to traffic signs and road markings.

Powers over traffic signs were devolved to Scottish Ministers under the Scotland Act 2016. Since then, the powers have been used only once (in S.S.I 2018/161) to make limited corrections to TSRGD which mirrored amendments being made in the UK. Transport Scotland has recognised a need to amend TSRGD specifically to meet the evolving needs of the Scottish road network. In the period since devolution of powers over traffic signs, a live list of potential amendments has been maintained. Issues have been identified through various channels, including:

- Issues consistently being highlighted through the non-prescribed signs approval process, indicating situations where prescribing new signs may be more appropriate,
- Issues identified by Transport Scotland officials, noting situations arising where new prescribed signs would be beneficial,
- Issues highlighted by Scottish local authorities, noting situations arising where new prescribed signs would be beneficial,
- Issues consistently highlighted through enquiries from the public,
- Issues raised at Transport Scotland's Traffic Signs Working Group, a regular forum including traffic signs practitioners from Scottish and local government, road operators and industry bodies.

This SSI will amend the TSRGD to meet the needs of the road network in Scotland.

Proposed amendments to the TSRGD are to address the following issues:

- Prescribing signs for LEZs;
- Prescribing signs and markings which have on occasion been authorised for use through the non-prescribed sign process, but are not currently prescribed within the regulations;
- Scotland specific amendments to reflect unique requirements of the Scottish road network;
- Updating symbols for bodies such as Forestry and Land Scotland and RSPB; and
- Supporting signing for modern infrastructure such as vehicle charging and motorhome service points.

It is emphasised that the SSI is only for the specific purpose of amending the general directions and regulations relating to traffic signs. This SSI will also prescribe signs for LEZs, supporting the introduction of LEZ schemes in Scotland. LEZ schemes are established and regulated under separate secondary legislation, namely The Low Emission Zone (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021, and The Low Emission Zone (Scotland) Regulations 2021. A listing of the amendments to be made to the TSRGD is provided in Table 1.

Table 1 – Amendments to Traffic Signs Regulations and General Directions

<b>Traffic sign</b>	<b>Type</b>	<b>Description</b>
LEZ symbol	New sign	A new circular symbol to be used on traffic signs, such as direction signs and advance warning signs, indicating a low emission zone.
LEZ entry sign	New sign	A new sign to indicate the entry to a low emission zone, incorporating the LEZ symbol and advising that cameras are in operation for the purposes of identifying contraventions of LEZ Schemes.
LEZ repeater sign	New sign	A new sign permitted for use within a low emission zone, to remind drivers, incorporating the LEZ symbol.
LEZ end sign	New sign	A new sign to indicate the exit from a low emission zone, incorporating the LEZ symbol.
LEZ road marking	New sign	A new road marking to emphasise the entry to a low emission zone.
Additional warning sign legends	Amendment to existing sign	Extension of the permitted plates to be used with Diagram 562 (triangular exclamation mark warning sign), enabling cyclists crossing and concealed accesses to be highlighted.
Requirements for local facilities signing	Amendment to existing sign	Amendments to the required thresholds, allowing wider use of the existing local facilities sign. This will enable more remote village services to be signed, where they would not have met the existing threshold. Will also allow electric vehicle charging facilities to be included on this sign.
Town or village entrance sign	Amendment to existing sign	Extension of the permitted background colours which can be used on the existing town or village entrance sign featuring an image.
Forestry and Land Scotland symbol	Amendment to existing sign	Updating to the current symbol for this organisation (used on tourist information signs).
RSPB symbol	New sign	Permitting this symbol to be used on tourist information signs, for relevant attractions (as it currently is in England and Wales).
Countdown markers to speed limits	New sign	New signs incorporating countdown markers to identify a speed control area approaching. Particularly intended for use on approaches to towns and villages.
Parking distance plates	Amendment to existing sign	Permitting a second distance to be included in the existing parking area approach sign, Diagram 2501, allowing drivers to make more informed choice.
Pedestrian zone – flashing lights	Amendment to existing sign	Permitting the existing pedestrian and cycle zone signs (Diagrams 618.3B and 618.3C) to be identified by flashing lights. Current regulations require fixed time periods.

Symbols for motorhome servicing	New sign	New symbol for use on direction signs, to indicate locations where motorhomes and campervans can be serviced (water, toilet etc.).
Saving Provision		To ensure that existing signs already in place on the network will remain valid, even where they are superseded by amendments within these Regulations.

## Consultation

To comply with the requirements of section 134(7) of the Road Traffic Regulation Act 1984, as inserted into the 1984 Act by the Scotland Act 2016, Schedule 2, Part 1, paragraph 12(5), the UK Government Department for Transport has been consulted. As a result of that consultation no changes to the SSI were proposed.

A wider invitation to comment on the proposals was distributed in September 2021. Comments were invited by e-mail return. An indicative six week period for feedback was stated, though the mailbox for comments has remained open and monitored in the period beyond this date.

The invitation was sent to a total of 66 parties, summarised below. The bracketed numbers indicate the number of parties contacted under each category:

- Local authorities (32)
- Transport Scotland (2)
- Emergency Services (3)
- UK Department for Transport (1)
- Regional Transport Partnerships (6)
- Legal authorities (2)
- National Parks and visitor organisations (5)
- Haulage associations (2)
- Motoring organisations (2)
- Public transport operators (6)
- Road operating companies (5)

Of these, 14 parties responded to the invitation, and a total of 119 comments were received. These comments have all been considered to determine whether they might affect the proposals.

Following the collation of feedback, further meetings with key stakeholders were held to discuss some of the comments received. These meetings have supported the development of the proposals. The feedback received, and the subsequent discussions, resulted in some changes to the proposals taken forward into the Regulations.

## Impact Assessments

A Business and Regulatory Impact Assessment (BRIA) has been prepared in relation to this SSI and a copy is attached.

Screening of this SSI in relation to the following impact assessments determined minimal or no impact and a full impact assessment is not required:

- Child Rights and Wellbeing Impact Assessment
- Data Protection Impact Assessment
- Strategic Environmental Assessment
- Equality Impact Assessment
- Fairer Scotland Duty Assessment
- Future Proofing Legislation assessment
- Island Communities Impact Assessment

Consideration was given to whether the TSRGD Amending Regulations and General Directions constituted a 'technical regulation' within the context of World Trade Organisation ('WTO') guidance relating to barriers to trade. It was determined that this SSI does not constitute a technical regulation that would trigger notification requirements associated with a technical barrier to trade.

Scottish Government  
Transport Scotland

## Scottish Government - Other documents

### Business and Regulatory Impact Assessment

[Read the Business and Regulatory Impact Assessment for the instrument.](#)