

## SECTION 16A Special Events – Guidance

### Section 1. Purpose – What this Guidance relates to:

- This guidance seeks to facilitate a more effective and efficient handling process in the instances where local authorities are required to obtain Scottish Ministers' consent to temporarily prohibit or restrict traffic on a road.
- Consent from Scottish Ministers arises when a relevant event is being held on a public road which requires the traffic on the road to be restricted or prohibited for a period of time. This could be, for example, to facilitate processions, marathons, 10Ks, cycle races (subject to regulations); or local gala events. In these instances, a restriction (which is effected by an order) may be required under Section 16A of the Road Traffic Regulation Act 1984 ("the 1984 Act").
- Scottish Ministers' position is that it will consider a request for consent of an order so long as it is satisfied that it is reasonable and the requesting local authority has demonstrated that its statutory obligations under the 1984 Act have been considered.

### Section 2. Reason – Why Guidance is needed

This guidance aims to help local authorities engage with Scottish Ministers when they propose to prohibit or restrict traffic and require Ministers' consent to do so when a relevant event is proposed to be held on a public road.

For example, to ensure a consistent approach is taken when considering:

- The provision of information
- The steps which require to be taken
- Timescales

### Section 3. Key Issues – What is being asked for

This guidance seeks to provide clarity around:

- The requirements placed on road authorities;
- Key steps and associated timings; and
- Supporting information required to enable a request to be considered

#### **Legislative Requirements**

The 1984 Act sets out 4 specific reasons for which The Scottish Ministers' consent should be sought. In summary, these are:

1. When the closure includes a **request to restrict a trunk road** or motorway, for which the Scottish Ministers are the traffic authority;
2. When the order will be in force for **more than three days**;
3. When an **existing order is required to continue** for longer than the anticipated period of time, Scottish Ministers may direct that an order can continue in force;
4. When the closure relates to the **same length of road** which has been subject to a previous section 16 order, within the **same calendar year**.

### Key Steps and Timings

The **flowchart below** sets out the process between local authorities submitting a request for Scottish Ministers' consent, and a decision as to whether that consent is being provided. A minimum of **4 weeks** should be allowed before the date the event is due to take place to enable a request to be fully considered.



### Supporting Information

When seeking Scottish Ministers' consent the information provided by local authorities to Transport Scotland may need to demonstrate consideration for road user safety, convenience of any alternative routes affected by the relevant event and the impact on that route, and that pedestrian access will be maintained, depending on the event, and the degree to which trunk roads are being affected.

It should be noted that it is for each local authority to ensure that it meets all statutory obligations for roads which it is responsible for.

The information which Scottish Ministers' will require when considering whether to consent to a Section 16A request is set out in FORM S16A-1 (ANNEX A). Supporting documents that should be provided along with the form are listed below.

1. **A copy of the draft order** (an order can only be made when consent is obtained)
2. **FORM S16A-1A (ANNEX A)**
3. Plan of restrictions and alternative routes (if available)

It is also for the local authority to consider whether any consent is required from other roads authorities or whether discussion should take place with other stakeholders over any issue raised by the event. If the event is a cycle race that falls under section 16A(4)(c) of the 1984 Act, the local authority should be satisfied that it has met any statutory requirements, including under The Cycle Racing on Highways (Scotland) Regulations, 1960 (as amended).

### Event on Local Road and/or Trunk Road

If an event affects trunk roads and local roads, the local authority and / or event organiser should liaise with the trunk road Operating Company who will consider the application and liaise with other bodies to consider the impact of a closure on the trunk road network, consider alternative routes, traffic management and co-ordinate any other activities on the network.

Thereafter, the trunk road Operating Company will notify Transport Scotland of the proposal. Consent to include the trunk road in a Section 16A order will be handled as per other consent requests.

In a small number of cases an event may affect only the trunk road network and no local roads. In these circumstances the Scottish Ministers will be responsible for the traffic regulation order. In these instances it is imperative that the local authority or event organiser notifies the Operating Company as early as possible in the planning process. Transport Scotland will be responsible for promoting the order and a minimum of 6 weeks is required in order to complete this part of the process.

## Section 4. Next Steps

- For further information, members of the public should contact their local road authority in the first instance.
- Section 16A Special Events consent requests should be sent to [scottishministersconsents@transportscotland.gsi.gov.uk](mailto:scottishministersconsents@transportscotland.gsi.gov.uk).
- If a requests relates solely to the trunk road network, then please call 0141 272 7100 and ask to speak to the area manager for the particular route.
- All questions about the process, guidance or form should be sent to the above email address.

# ANNEX A

FORM S16A-1



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