

Legislation referred to in the report

Section 66 of the Wildlife and Countryside Act 1981

The term byway is defined in section 66 of the Wildlife and Countryside Act 1981 as a highway over which the public have a right of way for vehicular and all other kinds of traffic but which is used mainly for the purpose for which footpaths and bridleways are used.

Section 1 of the Road Traffic Regulation Act 1984

Section 1 of the Road Traffic Regulation Act 1984 (the 1984 Act) makes provision for traffic regulation orders outside Greater London where it is appropriate for one or more of the purposes set out in that section.

- (1) The traffic authority for a road outside Greater London may make an order under this section (referred to in this Act as a 'traffic regulation order') in respect of the road where it appears to the authority making the order that it is expedient to make it –
 - a for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
 - b for preventing damage to the road or to any building on or near the road, or
 - c for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
 - d for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
 - e (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
 - f for preserving or improving the amenities of the area through which the road runs; or
 - g for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).

Section 122 of the Road Traffic Regulation Act 1984

In exercising its functions under the 1984 Act, Section 122 of this Act imposes other duties on authorities. It reads:

- (1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway, or, in Scotland, the road.
- (2) The matters referred to in subsection (1) above as being specified in this subsection are:
 - a The desirability of securing and maintaining reasonable access to premises
 - b The effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the road runs;
 - bb the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy)
 - c The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - d Any other matters appearing to the local authority to be relevant