

CITY OF MANCHESTER (VARIOUS ROADS, CITY CENTRE) (TRAFFIC REGULATION) ORDER 2019

The Council of the City of Manchester in exercise of its powers under Sections 1(1) (a) and (b), 6 and 92 and by virtue of Section 22C of the Road Traffic Regulation Act 1984 ("the Act"), and Part IV of Schedule 9 to the Act, and of all other enabling powers and after consultation with the Chief Officer of Police for the County of Greater Manchester in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

INTERPRETATION

1. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

TRAFFIC REGULATION

2. No person shall, except upon the direction or with the permission of a constable cause or permit any vehicle or any person to enter or proceed in any street or length of street for which the council of the City of Manchester is the traffic authority for the area bounded by blue line on the Plan annexed to Schedule 1 to this Order.

EXEMPTION

3. Nothing in Article 2 of this Order shall apply to any police, fire brigade or ambulance vehicle personnel on official duty or to any person or vehicle authorised by the Council.
4. The Chief Officer of Police for the County of Greater Manchester may in consultation with the Chief Executive of the Council;
 - (i) enable a constable to direct that any provision of this Order (shall to the extent as the constable may specify) be commenced, suspended or revived
 - (ii) confer a discretion on a constable
 - (iii) confer a power on a constable to place or authorise or require to be placed, at or near any point on the roads specified in the Plan annexed to Schedule 1 to this Order, such signs, structures, bollards or other obstructions as is considered appropriate for preventing the passage of vehicles or pedestrians.
 - (iv) authorise the undertaking of works for the purpose of, or for the purpose ancillary to another provision of this Order.
5. Any discretion exercised in accordance with Article 4 shall be exercised in accordance with Schedule 2 to this Order and shall have regard to any protocol for the time being in force between the Council of the City of Manchester and the Chief Constable of Police for Greater Manchester

STRUCTURES/BOLLARDS/OBSTRUCTIONS

5. The structures, bollards or other obstructions that may be placed pursuance to Article 4 to this Order may:
 - (i) include any obstructions of any description whatsoever;
 - (ii) be fixed or moveable; and
 - (iii) be placed so as to prevent the passage of vehicles or persons at all times or at certain times only.

6. Any statutory provision currently in force which is affected by this Order shall take effect subject to this Order and shall, insofar as it is inconsistent with this Order, be suspended for the duration of this Order.

COMMENCEMENT

7. This Order shall come into operation on _____ 20__ and may be cited as the City of Manchester (Various Roads, City Centre)(Traffic Regulation) Order 2019

SCHEDULE 1
Plan

SCHEDULE 2

Protocols.

(1) Criteria for commencement, suspension or revival

The order will only be commenced, suspended or reviewed, and only to the extent necessary, for the following purposes:

1. Avoiding, or reducing the likelihood of, danger connected with terrorism; and
2. Preventing or reducing damage connected with terrorism.

(2) Commencement or Revival of the Order

1. The Order may not be commenced or revived unless a Gold Commander for a planned event is satisfied that they have sound reason for doing so based on a specific threat, security assessment or specified intelligence that there is a threat of danger or damage due to terrorism. On reaching that decision, they shall, as soon as reasonably possible, begin the notification procedure set out in paragraph (4), below.
2. If a spontaneous incident occurs based on a specific threat, security assessment or specified intelligence that there is a threat of danger or damage due to terrorism a police officer of the rank of Inspector or above will commence or revive the order. On reaching that decision, they shall, as soon as reasonably possible notify a police officer of at least the rank of Superintendent of the decision. If it is anticipated that the order will remain in force for a period longer than 48 hours then Manchester City Council will be notified via the nominated Gold Commander for the appointed critical incident so that any person or bodies being affected can be notified by the highways authorities.

(3) Suspension of the Order

1. Once the order has been revived or commenced under paragraph (2)1 or (2)2. The order will remain for the agreed stipulated period as long as the Gold Commander is satisfied that the likelihood of danger or damage connected with terrorism remains. If the threat is removed or reduced the order may be suspended at the direction of the Gold Commander. The suspension will be notified to Manchester City Council as soon as possible after the decision to suspend the order (or any part of it) is made.

(4) Notification

1. Before commencing, suspending or reviving the order under paragraph (2)1 Greater Manchester Police will notify Manchester City Council of the intention to revive the order. Briefly describing the general nature and effect of the proposals and naming or describing the roads which will be affected (unless

notice is considered inappropriate due to a spontaneous incident occurring as stipulated under paragraph (2)2.).

2. Subject to (4)1 above the intention may be publicised in such ways as may be appropriate for the purpose of informing persons likely to be affected by the proposals at least 7 days before the proposals take effect (or such lesser period as may be appropriate having regard to the circumstances).
3. The order under paragraph (2)1 must not be commenced, or revived unless Manchester City Council have been given prior notice of the proposals at least 7 days before the proposals take effect or as soon as reasonably practicable.
4. So far as the prohibition in this order conflicts or is inconsistent with the provisions of any other Order made under the Road Traffic Regulation Act 1984, the prohibition in the order shall prevail.

(5) Criteria for determining the extent of the restrictions

The order will only be commenced or revived in accordance with the following:

1. Access will only be restricted to the minimum number of roads necessary to remove or reduce the danger;
2. Access will be restricted only to the minimum number and type of road users necessary to remove or reduce the danger;
3. Access will only be restricted for the minimum period necessary to remove or reduce the danger; and
4. In no circumstances regarding paragraph (2)2 will access be restricted for a continuous period longer than 48 hours without the prior approval of the Gold Commander and the local authority equivalent.

(6) In this schedule

1. ‘Gold Commander’ is defined as an officer of the rank of Assistant Chief Constable or above, or an operationally accredited Public Order/Public Safety Gold Commander or an operationally accredited Strategic Firearms Commander.

Statement of Reasons

Anti-Terrorism Traffic Order

“The anti-terrorism traffic regulation order is proposed in order to comply with a request from the Chief Constable of Greater Manchester Police to potentially control the movement of pedestrians and vehicles on City streets as part of a package of measures aimed at improving the security of people in crowded places and protecting damage to buildings from a potential terrorist attack.

The Order would give to an officer of Greater Manchester Police of the rank of Inspector or above the power to restrict all or part of any City street at their discretion on the basis of a security assessment or intelligence of a threat. The discretion must

be exercised in accordance with the Schedule and any agreed Protocol for the time being in force to ensure that any interference is proportionate and that such restrictions are for the minimum extent and for the minimum period necessary."

DATED this day of 2019

THE COMMON SEAL of
the COUNCIL OF THE
CITY OF MANCHESTER
was hereunto affixed in
pursuance of an Order of the
Council of the said City:-

Authorised Signatory