

Notice to SCC Employees and Amey Contractors

Lawful Pedestrian Access to Premises

Road Traffic Regulation Act (RTRA) 1984 - Re Section 14 (4b)

To prevent lawful access of any pedestrian to a "premises" is contrary to the RTRA (1984 - s14 (4b))

It is thus an UNLAWFUL act to prevent access. There are no exceptions to this under the Act.

Whereas it is understood that the Highway Authority - Sheffield City Council has a right to maintain the Highway under Section 41 of the Highways Act 1980, it does not have the right to prevent pedestrian access to premises off that Highway. The RTRA Act (1984) states:

RTRA- 1984 - Section 14 (4b):

s14 - Temporary prohibition or restriction on roads:

- (4) The provision that may be made by an order or notice under the foregoing provisions is—
 - (a) any such provision as is mentioned in section 2(1), (2) or (3) or 4(1) of this Act; or
 - (b) any provision restricting the speed of vehicles;

but no such order or notice shall be made or issued with respect to any road which would have the effect of preventing at any time access for pedestrians to any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians from, and only from, the road.

Thus:

- If the effect of the "Safety Zone" prevents lawful access to a premises – the "Zone" itself becomes unlawful

If the "Safety Zone" is UNLAWFUL – then it follows:

- that Section 303 of the Highway Act (1980) – "Penalty for obstructing execution of Act" fails to apply – [e.g. moving barriers to gain access to blocked premises];
- there is no proven 'Intention' of entering a lawful "Safety Zone" – as the Zone fails to meet a Lawful standard required – [e.g. compliance with s14 (4b)]
- therefore an act of "Trespass" cannot be said to have occurred within an Unlawful "Safety Zone" (that prevents Lawful access by pedestrians to Premises).

- SCC have repeatedly stated in the High Court of Leeds (26th-28th July 2017), before The Honourable Mr Justice Males, that they support the rights of Tree Campaigners to peacefully protest "outside" of "Safety Zones".
- "Safety Zone" cannot include areas of Private Property unless the resident or owner has given explicit permission OR that the Authority has gained an individual Court Order for access to that premises.
- The Act does not stipulate nor require the Pedestrian to 'justify' nor 'explain' their reason for wishing to access the premises.

If lawful access is being unlawfully denied – then the Pedestrian is within their rights to notify the POLICE (101) IMMEDIATELY and REPORT an action that is contrary to s14 (4b) of the RTRA 1984 and ask for immediate assistance