

SCHEDULE 3

Article 5

PART I

MODIFICATIONS OF THE ROAD TRAFFIC REGULATION ACT 1984

1.—(1) Section 46 shall be modified as follows.

(2) In subsection (1A), for the words “Greater London” there shall be substituted “the parking area”(1).

2.—(1) Section 55 shall be modified as follows.

(2) For subsection (1), there shall be substituted—

“(1) A local authority shall keep an account—

- (a) of their income and expenditure in respect of designated parking places for which they are the local authority and which are in the permitted parking area; and
- (b) of their income from additional parking charges (as defined in section 74(6) of the Road Traffic Act 1991) received by them in respect of vehicles found within the special parking area and the expenditure incurred by them in relation to that area by virtue of any provision of Part II of the Road Traffic Act 1991 as it applies in relation to that area.

(1A) As soon as reasonably practicable after the end of each financial year, the local authority shall send to the Scottish Ministers a copy of the account for that year.”.

(3) Subsections (3A) and (3B) shall be omitted(2).

3. In section 63A, in subsection (4) for the words “Greater London” there shall be substituted “the parking area”(3).

4.—(1) Section 101 shall be modified as follows.

(2) Subsection (4) shall be omitted.

(3) In subsection (4A), for the words “Greater London” there shall be substituted “the parking area”(4).

(4) Subsection (5) shall be omitted.

(5) In subsection (5A), for the words “Greater London” there shall be substituted “the parking area”(5).

5.—(1) Section 102 shall be modified as follows.

(2) For subsection (1) there shall be substituted—

“(1) If a vehicle is removed by the local authority in circumstances in which an offence would have been committed but for the provisions of paragraph 1(4) or 2(4) of Schedule 3 to the Road Traffic Act 1991, the local authority will be entitled to recover from any persons responsible such charges in respect of the removal, storage and disposal of the vehicle as they may require.”.

(3) Subsections (2) and (3) shall be omitted.

(1) Section 46(1A) was inserted by the Road Traffic Act 1991 (“the 1991 Act”), section 64(2).

(2) Sections 55 (3A) and (3B) were inserted by the 1991 Act, Schedule 7 paragraph 5.

(3) Section 63A was inserted by the 1991 Act, section 44(1).

(4) Section 101(4A) was inserted by the 1991 Act, section 67(4).

(5) Section 101(5A) was inserted by the 1991 Act, section 67(6).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) For subsection (4) there shall be substituted—

“(4) Without prejudice to subsection (1) above, where any sum is recoverable in respect of a vehicle by a local authority in whose custody the vehicle is, the local authority shall be entitled to retain custody of it until that sum has been paid.”.

(5) In subsection (5), for the words “an authority” there shall be substituted “the local authority”.

(6) Subsections (6) and (7) shall be omitted.

(7) In subsection (8) in paragraph (b) of the definition of “appropriate authority” for the words “outside Greater London” there shall be substituted “within the parking area”.

6. In section 134, for the references to “the Secretary of State” there shall be substituted references to “the Scottish Ministers”; and for the references to “each House of Parliament” there shall be substituted references to “the Scottish Parliament”.

7. In section 142(1)—

(a) after the definition of “owner” there shall be inserted—

““parking area” means the area designated as a permitted parking area and a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (Perth and Kinross Council) Designation Order 2002; and “permitted parking area” and “special parking area” are to be read accordingly;”;

(b) in the definition of “prescribed” for “the Secretary of State” substitute “the Scottish Ministers”.

PART II

MODIFICATIONS OF SCHEDULE 3 TO THE ROAD TRAFFIC ACT 1991

In paragraph 1(4) of Schedule 3 to the Road Traffic Act 1991, paragraph (ab) shall be omitted⁽⁶⁾.

⁽⁶⁾ This paragraph was inserted by the Road Traffic Act 1991 (Amendment of Schedule 3) (England and Wales) Order 1996 (SI 1996/500) and extended to Scotland by the Road Traffic Act 1991 (Amendment of Schedule 3) (Scotland) Order 1998 (SI 1998/2018).