

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Parking Act 1989, SCHEDULE. (See end of Document for details)*

## SCHEDULE

Section 4.

### MINOR, CONSEQUENTIAL AND RELATED AMENDMENTS

#### *Road Traffic Regulation Act 1984 (c. 27)*

- 1 In section 38(1) of the Road Traffic Regulation Act 1984 (provision by local authority of parking place for public service vehicles), in paragraph (b), for “35(7)” there shall be substituted “35A(5)”.
- 2 In section 46 of the Road Traffic Regulation Act 1984 (charges at, and regulation of, designated parking places)—
  - (a) in subsection (2), for paragraph (c) there shall be substituted—
    - “(c) for prohibiting the insertion in a parking meter of coins or bank notes additional to those inserted by way of payment of any charge, or for prohibiting the insertion or re-insertion in a parking meter of a credit or debit card additional to the original insertion of such a card.”; and
  - (b) after subsection (4) there shall be inserted the following subsection—
    - “(5) In this section and in section 47 below, “credit card” and “debit card” have the meanings given by section 35A(6) above.”
- 3 In section 47 of the Road Traffic Regulation Act 1984 (offences relating to designated parking places)—
  - (a) in subsection (3), for the words “of the appropriate denomination” there shall be substituted “or bank notes of the appropriate denomination, or the appropriate credit or debit cards”; and
  - (b) in subsection (5), after the word “coins” there shall be inserted “or bank notes or by means of credit or debit cards”.
- 4 In section 51 of the Road Traffic Regulation Act 1984 (parking devices for parking places designated by local authority)—
  - (a) in subsection (2)(e), after the word “evidence” there shall be inserted “(and, in Scotland, as sufficient evidence)”;
  - (b) in subsection (3), after the word “coins” there shall be inserted the words “or bank notes”, and after the word “charge” there shall be inserted “or to the insertion or re-insertion in a parking meter of a credit or debit card additional to the original insertion of such a card”;
  - (c) in subsection (4)—
    - (i) for the words “In this Act “parking device” means” there shall be substituted “In this section and in section 52 below “parking device” means either”,
    - (ii) after the words “Secretary of State” there shall be inserted “either generally or specially”,
    - (iii) in paragraph (b), after the word “whether” there shall be inserted “or not”, and
    - (iv) after paragraph (b) there shall be inserted the following—

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- (c) the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place, and the time of the beginning or end of the period; or
- (d) whether or not the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place or any further period has elapsed;
- or any other device of any such description as may from time to time be prescribed for the purposes of this section and section 52 below by order made by the Secretary of State, and of such type or design as may be approved by the Secretary of State either generally or specially.”;
- (d) after subsection (4) there shall be inserted the following subsections—
- “(4A) An order under subsection (4) above which revokes or amends a previous order under that subsection may make such saving and transitional provision as appears to the Secretary of State to be necessary or expedient.
- (4B) The power to make orders under subsection (4) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”; and
- (e) in subsection (5), after the word “may” there shall be inserted “for the purposes of this section”.
- 5 In section 52(2) of the Road Traffic Regulation Act 1984 (application to parking devices and connected apparatus of section 47(5) of that Act)—
- (a) after the word “coins” there shall be inserted “or bank notes or by means of credit or debit cards”; and
- (b) for paragraph (b) there shall be substituted—
- “(b) any such device as is referred to in section 51(4) of this Act;”.
- 6 In section 112 of the Road Traffic Regulation Act 1984 (information as to identity of driver or rider)—
- (a) in subsection (1), in paragraph (c), for “35(7)” there shall be substituted “35A(5)”; and
- (b) in subsection (2), in paragraph (a)(ii), for “35(4)” there shall be substituted “35A(1)”.
- 7 In section 115 of the Road Traffic Regulation Act 1984 (mishandling of parking documents and related offences), after subsection (2) there shall be inserted the following subsection—
- “(2A) In any proceedings for an offence under this section it shall be assumed, unless the contrary is shown, that any such device as is referred to in section 35(3B) or, as the case may be, section 51(4) of this Act, or any apparatus designed to be used in connection with parking devices, is of a type and design approved by the Secretary of State.”

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- 8 In section 142 of the Road Traffic Regulation Act 1984 (general interpretation)—
- (a) after the definition of “bridleway” there shall be inserted—
- ““credit card” and “debit card” have the meanings given by section 35A(6) of this Act;” and
- (b) in the definition of “parking device”, after the word “by” there shall be inserted “section 35(3B) or, as the case may be,”.
- 9 In Schedule 10 to the Road Traffic Regulation Act 1984 (transitional provisions and savings), in paragraph 13, for the words “subsections (1) to (6) of section 35” there shall be substituted “subsections (1) to (3B) of section 35 or subsections (1) to (4) of section 35A”.

*Road Traffic Offenders Act 1988 (c. 53)*

- 10 In section 4(3) of the Road Traffic Offenders Act 1988 (institution of proceedings by local authorities for offences committed in connection with parking places provided by them), for “35(4), (5) or (7)” there shall be substituted “35A(1), (2) or (5)”.
- 11 In Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences), in Part I—
- (a) in the entry for section 35(4) of the Road Traffic Regulation Act 1984, in Column 1, for “35(4)” there shall be substituted “35A(1)”;
- (b) in the entry for section 35(5) of that Act—
- (i) in Column 1, for “35(5)” there shall be substituted “35A(2)”, and
- (ii) for the entry in Column 2 there shall be substituted “Misuse of apparatus for collecting charges or of parking device or connected apparatus”; and
- (c) in the entry for section 35(7) of that Act, in Column 1, for “35(7)” there shall be substituted “35A(5)”.
- 12 In Schedule 3 to the Road Traffic Offenders Act 1988 (fixed penalty offences), in the entry for section 35(4) of the Road Traffic Regulation Act 1984, in Column 1, for “35(4)” there shall be substituted “35A(1)”.

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