
STATUTORY INSTRUMENTS

1999 No. 131

ROAD TRAFFIC

The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Manchester) Order 1999

<i>Made</i>	- - - -	<i>23rd January 1999</i>
<i>Laid before Parliament</i>		<i>26th January 1999</i>
<i>Coming into force</i>		
<i>Schedule 2, paragraph 4 and, so far as it relates to that paragraph, article 5</i>		<i>16th February 1999</i>
<i>Remainder</i>		<i>5th April 1999</i>

Whereas Manchester City Council has applied to the Secretary of State for an order to be made under paragraphs 1(1) and 2(1) of Schedule 3 to the Road Traffic Act 1991⁽¹⁾ with respect to part of their area and the Secretary of State has consulted the Chief Constable of Greater Manchester in accordance with the requirements of paragraphs 1(3) and 2(3) of that Schedule and the Council on Tribunals in accordance with the requirements of section 8 of the Tribunals and Inquiries Act 1992⁽²⁾;

NOW, the Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by paragraphs 1(1), 2(1) and 3(3) of Schedule 3 to the Road Traffic Act 1991 and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Road Traffic (Permitted Parking Area and Special Parking Area) (City of Manchester) Order 1999.

(2) Paragraph 4 of Schedule 2 and article 5, so far as it relates to that paragraph, shall come into force on 16th February 1999 and the remainder of this Order shall come into force on 5th April 1999.

Interpretation

2. In this Order—

(1) 1991 c. 40. Schedule 3 was amended by the Road Traffic Act 1991 (Amendment of Schedule 3) (England and Wales) Order 1996 (S.I.1996/500).
(2) 1992 c. 53.

“the 1984 Act” means the Road Traffic Regulation Act 1984(3);

“the 1991 Act” means the Road Traffic Act 1991; and

“the parking area” means the area designated as a permitted parking area and as a special parking area by article 4 of this Order.

Application

3. This Order applies to the City of Manchester excluding—
- (a) all trunk roads in the City;
 - (b) the lengths of road described in Part I of Schedule 1 to this Order; and
 - (c) that part of the City described in Part II of Schedule 1.

Designation of permitted parking area and special parking area

4. The Secretary of State hereby designates the area to which this Order applies as—
- (a) a permitted parking area; and
 - (b) a special parking area.

Modification and application of Part II of the 1991 Act

5. Sections 66, 69 to 74, 78, 79 and 82 of, and Schedule 6 to, the 1991 Act shall apply in relation to the parking area and as so applied shall have effect subject to the modifications specified in Schedule 2 to this Order.

Modification of other provisions

6. The 1984 Act shall be modified in relation to the parking area as specified in Schedule 3 to this Order.

Signed by authority of the Secretary of State

Glenda Jackson
Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

23rd January 1999

(3) 1984 c. 27. Section 32(4)(a) was amended, and section 45(1) was substituted, by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraphs 29 and 44. Sections 46(1A), 63A and 101(4A) and (5A) were inserted by the Road Traffic Act 1991, sections 64(2), 44(1) and 67(4) and (6). Section 102(8) was amended by the Road Traffic Act 1991, section 68(3).

SCHEDULE 1

Article 3

PART I

LENGTHS OF ROAD EXCLUDED FROM THE PARKING AREA

<i>Road Name</i>	<i>From</i>	<i>To</i>
A34 Kingsway	Manchester boundary with Stockport	Southern back of footway of Moseley Road
Lane End Road	South east kerb line of Kingsway	15 metres east of south east kerb line of Kingsway
Queensway	South east kerb line of Kingsway	45.5 metres east of south east kerb line of Kingsway
School Lane	45.5 metres west of north west kerb line of Kingsway	North west kerb line of Kingsway
A56 Chester Road	Manchester boundary with Trafford	South east back of footway of Bridgewater Viaduct
A56 Bridgewater Viaduct	Northern kerb line of Chester Road	Southern back of footway of Whitworth Street West
A576 Middleton Road	50 metres south of south kerb line of Victoria Avenue	Manchester Boundary with Bury
A6104 Victoria Avenue	East kerb line of Middleton Road	183 metres east of east kerb line of Middleton Road
A6010 Hulme Hall Lane	South east back of footway of Oldham Road	Alan Turing Way
A6010 Alan Turing Way	Hulme Hall Lane	Pottery Lane
A6010 Pottery Lane	Alan Turing Way	North east kerb line of Kirkmanshulme Lane
A6010 Kirkmanshulme Lane	North east back of footway of Stockport Road	South east back of footway of Pottery Lane
A6042 Trinity Way	Manchester boundary with Salford	South west kerb line of Cheetham Hill Road
A665 Cheetham Hill Road	North west back of footway of Trinity Way	Miller Street
A665 Miller Street	Cheetham Hill Road	Swan Street
A664/A665 Rochdale Road	Shudehill	North east back of footway of Addington Street
A665 Addington Street	South east kerb line of Rochdale Road	North west kerb line of Oldham Road
A62/A665 Oldham Road	North east back of footway of Addington Street	Oldham Street
A665 Swan Street	Miller Street	Great Ancoats Street

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<i>Road Name</i>	<i>From</i>	<i>To</i>
A665 Great Ancoats Street	Swan Street	Mancunian Way Extension
A665 Pin Mill Brow	South east kerb line of Mancunian Way Extension	North back of footway of Ashton Old Road
A57 Regent Road	City boundary with Salford	Dawson Street
A57 Dawson Street	Regent Road	Egerton Street
A57 Egerton Street	Dawson Street	Mancunian Way
A57 Egerton Street, South Bound Exit Slip Road	Egerton Street eastern carriageway	Chester Road/Mancunian Way roundabout
A57 Chester Road/Mancunian Way Roundabout		
A57(M) Mancunian Way, East Bound Access Slip Road	Chester Road/Mancunian Way Roundabout	Mancunian Way northern carriageway
A57(M) Mancunian Way, East Bound Exit Slip Road	Mancunian Way northern carriageway	South east kerb line of Melbourne Street
A57(M) Mancunian Way, East Bound Exit Slip Road	Mancunian Way northern carriageway	South west kerb line of Garwood Street
A57 Medlock Street/ Mancunian Way Roundabout		
A57 Mancunian Way East Bound Link Road	Medlock Street/Mancunian Way Roundabout	Cambridge Street/Mancunian Way Roundabout
A57 Cambridge Street/ Mancunian Way Roundabout		
A57(M) Mancunian Way, East Bound Access Slip Road	Cambridge Street/Mancunian Way Roundabout	Mancunian Way northern carriageway
Mancunian Way, Two Way Link Road (Formerly named Mount Street)	North east kerb line of Brook Street	Mancunian Way/Sackville Street, north bound exit slip road
Mancunian Way/Sackville Street, North Bound Exit Slip Road	Mancunian Way northern carriageway	85 metres North of the north west kerb line of Mancunian Way northern carriageway
A57(M) Mancunian Way, East Bound Exit Slip Road	Mancunian Way northern carriageway	West to east link road
A635 Mancunian Way Extension, West To East Link Road	East bound exit slip road	West kerb line of Baring Street
Mancunian Way, North To South Link Road	South kerb line of west to east link road	Northern kerb line of A635 west bound exit slip road
A635 Mancunian Way Extension, East Bound Access Slip Road	West kerb line of Baring Street	Mancunian Way Extension northern carriageway
A57(M) Mancunian Way	Egerton Street	Mancunian Way Extension

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<i>Road Name</i>	<i>From</i>	<i>To</i>
A635 Mancunian Way Extension	Mancunian Way	Great Ancoats Street
A57 Egerton Street, North Bound Access Slip Road	Chester Road/Mancunian Way Roundabout	Egerton Street western carriageway
A57(M) Mancunian Way, West Bound Exit Slip Road	Mancunian Way southern carriageway	Chester Road/Mancunian Way Roundabout
A57(M) Mancunian Way, West Bound Access Slip Road	Medlock Street/Mancunian Way Roundabout	Mancunian Way southern carriageway
A57 Mancunian Way, West Bound Link Road	Cambridge Street Roundabout	Medlock Street/Mancunian Way Roundabout
A57(M) Mancunian Way, West Bound Exit Slip Road	Mancunian Way southern carriageway	Cambridge Street Roundabout
A57(M) Mancunian Way, West Bound Access Slip Road	South west kerb line of Brook Street	Mancunian Way southern carriageway
A57(M) Mancunian Way, Circular Access Slip Road	North east kerb line of Brook Street	Mancunian Way southern carriageway
A57(M) Mancunian Way, West Bound Access Slip Road	South west kerb line of Downing Street	Mancunian Way southern carriageway
A635 Mancunian Way Extension, West Bound Exit Slip Road	Mancunian Way Extension southern carriageway	North east kerb line of Downing Street
A57/A6 London Road	Northern back of footway of west to east link road	Downing Street
A57/A6 Downing Street	London Road	Ardwick Green South
A57/A6 Ardwick Green South	Downing Street	65 metres North West of north west kerb line of Higher Ardwick
A5145 Barlow Moor Road	South east back of footway of Derwent Avenue	South east back of footway of Ashwood Avenue
A5103 Princess Road (Dual Carriageway)	Northern back of footway of Moss Lane East	A57 Medlock Street/Mancunian Way Roundabout
A5103 Princess Road	Parkside Road	Southern back of footway of Nursery Street
A5103 Princess Road (Dual Carriageway)	Northbank Walk	Parkside Road

PART II

AREA IN THE VICINITY OF MANCHESTER AIRPORT EXCLUDED FROM THE PARKING AREA

The area bounded by an imaginary line running on its northern side from the most eastern bridge of Thorley Lane, over the M56, in an easterly direction along the northern backs of footways of

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Thorley Lane, Outwood Lane, Ringway Road West, Ringway Road and Ringway Road projected to the Manchester boundary with Stockport and, following that boundary in a southerly direction to the Manchester boundary with Macclesfield (Cheshire) and, following that latter boundary in a westerly direction to the Manchester boundary with Trafford and, following the Manchester boundary with Trafford in a northerly direction for a distance of approximately 3.25 kilometres to the back of carriageway of the eastbound exit slip road from the M56 at Junction 5 and, continuing in an easterly direction along the back of carriageway of that eastbound exit slip road to the northern back of footway of Thorley Lane.

SCHEDULE 2

Article 5

MODIFICATIONS OF PROVISIONS OF PART II OF THE ROAD TRAFFIC ACT 1991 APPLIED IN RELATION TO THE PARKING AREA

1.—(1) Section 66 shall be modified as follows.

(2) In subsection (1) the words “in a designated parking place” shall be omitted.

(3) Subsection (2) shall be omitted.

(4) In subsection (3)—

(a) in paragraph (d) for the words “the specified proportion” there shall be substituted “one half”; and

(b) in paragraph (e) for the words “the London authority” there shall be substituted “the parking authority”.

(5) Subsection (4) shall be omitted.

(6) In subsection (5) for paragraph (b) there shall be substituted—

“(b) the parking authority.”

2.—(1) Section 69 shall be modified as follows.

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

“(1) Where, in the case of a stationary vehicle, a parking attendant has reason to believe that it has been allowed to remain at rest in any of the circumstances in which a penalty charge is payable under this Act, he or another person acting under his direction may fix an immobilisation device to the vehicle.”

(3) For subsection (8) there shall be substituted—

“(8) In this section “relevant authority” means the parking authority.”

3.—(1) Section 71 shall be modified as follows.

(2) In subsection (1) for the words “a London authority” there shall be substituted “the parking authority”.

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

“(4) The grounds are—

(a) that there were no reasonable grounds for the parking attendant concerned to believe that the vehicle had been permitted to remain at rest in the parking area in circumstances in which a penalty charge was payable;

(b) that the vehicle had been permitted to remain at rest in the place where it was by a person who was in control of the vehicle without the consent of the owner;

- (c) that the place where the vehicle was at rest was not in the parking area;
- (d) in a case within subsection (1)(d) above, that, by virtue of an exemption given by section 70 of this Act, section 69 did not apply to the vehicle in question; or
- (e) that the penalty or other charge in question exceeded the amount applicable in the circumstances of the case.”

4.—(1) Section 73 shall be modified as follows.

(2) For subsections (1) to (3) there shall be substituted—

“(1) The functions conferred on the parking authority by this section shall be discharged by it through a joint committee (“the Joint Committee”) set up in pursuance of arrangements entered into by it under section 101(5) of the Local Government Act 1972(4) with two or more other local authorities.

(2) In subsection (1) “local authorities” means authorities which are county or district councils in England or county or county borough councils in Wales in whose areas permitted parking areas or special parking areas have been designated under Schedule 3 to this Act.

(3) The parking authority shall—

- (a) with the consent of the Lord Chancellor appoint persons to act as parking adjudicators for the purposes of this Act in relation to the parking area;
- (b) provide or secure the provision of accommodation and administrative staff for parking adjudicators so appointed; and
- (c) determine the places at which such parking adjudicators are to sit.”

(4) In subsection (5) for the words “the London authorities” there shall be substituted “the parking authority”.

(5) Subsections (8) to (10) shall be omitted.

5. For section 74 there shall be substituted the following section—

(1) It shall be the duty of the parking authority to set the levels of additional parking charges to apply in the parking area.

(2) Different levels may be set for different parts of the parking area.

(3) The level of additional parking charges set by the parking authority under this section shall accord with guidance given by the Secretary of State whether such guidance is given specifically to the parking authority or to local authorities generally.

(4) Guidance given by the Secretary of State under subsection (3) above may be varied at any time by the Secretary of State.

(5) The parking authority shall publish, in such manner as the Secretary of State may determine, the levels of additional parking charges which have been set under this section.

(6) In this section “additional parking charges” means penalty charges, charges made by the parking authority for the removal, storage and disposal of vehicles and charges for the release of vehicles from immobilisation devices fixed under section 69 of this Act.”

6.—(1) Section 78 shall be modified as follows.

(2) After subsection (7) there shall be inserted the following subsection—

“(8) Any order made under subsection (2), and any regulations made under subsection (4), of this section shall apply with necessary modifications, including in

(4) 1972 c. 70.

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particular the substitution for references to a London authority of references to the parking authority, in relation to the recovery of Part II debts payable in relation to the parking area.”

7.—(1) Section 82 shall be modified as follows.

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

“(1) In this section and sections 66, 69 to 74, 78 and 79 of, and Schedule 6 to, this Act—
“immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984;

“the Joint Committee” has the meaning given by section 73(1) of this Act;

“London authority” means any council of a London borough or the Common Council of the City of London;

“the parking area” means the area designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (City of Manchester) Order 1999;

“parking attendant” has the same meaning as in section 63A of the Road Traffic Regulation Act 1984;

“parking authority” means Manchester City Council;

“penalty charge” means a penalty charge which is payable by virtue of paragraph 3(1) and (2) of Schedule 3 to this Act;

“prescribed” means prescribed by regulations made by the Secretary of State; and

“vehicle hiring agreement” and “vehicle-hire firm” have the same meanings as in section 66 of the Road Traffic Offenders Act 1988(5) (hired vehicles).”

(3) In subsection (5) for the words “the London authority concerned” there shall be substituted “the parking authority”.

8.—(1) Schedule 6 shall be modified as follows.

(2) In paragraph 1(1) for the words “the London authority concerned” there shall be substituted “the parking authority”.

(3) In paragraph 2—

(a) in sub-paragraph (1) for the words “the London authority who served the notice on him” there shall be substituted “the parking authority”;

(b) in sub-paragraph (2) for the words “in such form as” to the end of the sub-paragraph there shall be substituted “in writing”;

(c) in sub-paragraph (3) for the words “The authority” there shall be substituted “The parking authority”;

(d) in sub-paragraph (4) for paragraph (c) there shall be substituted—

“(c) that the vehicle has been permitted to remain at rest in the parking area by a person who was in control of the vehicle without the consent of the owner;”;

(e) in sub-paragraph (7) for the words “an authority to whom representations are duly made” there shall be substituted “the parking authority when representations are duly made to it”.

(4) In paragraph 3 for the words “the London authority concerned” in both places where they occur there shall be substituted “the parking authority”.

(5) In paragraph 4 for the words “the London authority concerned” and for the words “the authority” there shall be substituted “the parking authority”.

(5) 1988 c. 53.

- (6) In paragraph 5–
 - (a) in sub-paragraph (1) for the words “an authority” there shall be substituted “the parking authority” and for the words “the authority’s decision” there shall be substituted “the parking authority’s decision”;
 - (b) in sub-paragraph (2) for the words “the London authority concerned” there shall be substituted “the parking authority”; and
 - (c) for sub-paragraph (3) there shall be substituted–
 - “(3) It shall be the duty of the parking authority to comply with any direction given to it under sub-paragraph (2) above.”
- (7) In paragraph 6–
 - (a) in sub-paragraph (1) for the words “the authority serving the notice” there shall be substituted “the parking authority”; and
 - (b) in sub-paragraph (2)(b)(ii) for the words “the authority concerned” there shall be substituted “the parking authority”.
- (8) In paragraph 7, for the words “the authority concerned” there shall be substituted “the parking authority”.
- (9) In paragraph 8–
 - (a) in sub-paragraphs (2)(b) and (5)(d) for the words “the London authority concerned” in both places where they occur there shall be substituted “the parking authority”; and
 - (b) in sub-paragraphs (6) and (7) for the words “the London authority” in both places where they occur there shall be substituted “the parking authority”.

SCHEDULE 3

Article 6

MODIFICATIONS OF THE ROAD TRAFFIC REGULATION ACT 1984

- 1.—(1) Section 46 shall be modified as follows.
 - (2) Subsection (1) shall be omitted.
 - (3) In subsection (1A) for “Greater London” there shall be substituted “the parking area”.
- 2.—(1) Section 55 shall be amended 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 (within the meaning of 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 possible after the end of each financial year the local authority shall forward to the Secretary of State a copy of the account for that year.”
- (3) Subsections (3A) and (3B) shall be omitted.

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

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) Subsection (5) shall be omitted.

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

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

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

“(1) If a vehicle is removed from the parking area 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 shall be entitled to recover from any person responsible, such charges in respect of the removal, storage and disposal of the vehicle, as they may require.”

(3) Subsection (2) shall be omitted.

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

6. In section 142(1) after the definition of “parking meter” there shall be inserted—

““parking area” means the area designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (City of Manchester) Order 1999 and “permitted parking area” and “special parking area” are to be read accordingly;”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the City of Manchester, excluding trunk roads, the lengths of road described in Part I of Schedule 1 and the area around Manchester Airport described in Part II of that Schedule, as both a permitted parking area and a special parking area in accordance with Schedule 3 to the Road Traffic Act 1991 and applies with modifications various provisions of Part II of that Act to the designated area. In particular section 73 of the Road Traffic Act 1991 is modified so as to provide for the appointment of parking adjudicators by a joint committee of local authorities of which Manchester City Council is a constituent authority. The Order also modifies the Road Traffic Regulation Act 1984 in relation to the designated area.