



# Road Traffic Regulation Act 1984

## 1984 CHAPTER 27

### PART VIII

#### CONTROL AND ENFORCEMENT

##### *Traffic wardens*

#### **95 Appointment of traffic wardens.**

- (1) A police authority in England or Wales may, subject to subsection (5) below, appoint persons to discharge, in aid of the police, functions normally undertaken by the police in connection with the control and regulation of, or the enforcement of the law relating to, traffic (including pedestrians) or stationary vehicles; and persons so appointed shall act under the direction of the chief officer of police, but shall be deemed to be employed by the police authority.
- (2) Where under section 9 of the <sup>M1</sup>Police (Scotland) Act 1967 a police authority employs persons to discharge any such functions as are mentioned in subsection (1) above, those persons shall act under the directions of the chief officer of police.
- (3) Persons employed under subsection (1) or in accordance with subsection (2) above shall be known as “traffic wardens”.
- (4) A police authority (whether in England or Wales or in Scotland) employing traffic wardens for the purposes mentioned in subsection (1) above may also (subject to subsection (5) below) employ them to act, under the direction of the chief officer of police, for other purposes connected with the control and regulation of traffic (including pedestrians) or stationary vehicles; and in particular—
  - (a) where the police authority provide school crossing patrols under section 26 of this Act, whether as being the appropriate authority or by agreement with the appropriate authority, the traffic wardens may be employed to act as school crossing patrols, and
  - (b) the police authority may, under arrangements made with a local authority or (in England or Wales) with the Secretary of State, employ the traffic wardens

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to act as parking attendants at street parking places provided or controlled by the local authority or, as the case may be, by the Secretary of State.

- (5) Traffic wardens shall not be employed to discharge functions other than those prescribed as appropriate for the purpose by order of the Secretary of State made by statutory instrument; and no order shall be made under this subject unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament.
- (6) A police authority shall not employ as a traffic warden any person who is a constable, and shall take steps to ensure that only persons adequately qualified are appointed traffic wardens, and that traffic wardens are suitably trained before undertaking their duties.
- (7) Traffic wardens shall wear such uniform as the Secretary of State may determine, and shall not act as traffic wardens when not in uniform.

**Modifications etc. (not altering text)**

**C1** S. 95(5) restricted by [Road Traffic Offenders Act 1988 \(c. 53, SIF 107:1\)](#), s. 86(1)

**Marginal Citations**

**M1** 1967 c. 77(95).

**96 Additional powers of traffic wardens.**

- (1) An order under section 95(5) of this Act may provide that, for the purposes of any functions which traffic wardens are authorised by the order to discharge, but subject to the provisions of subsection (3) below, references to a constable or police constable in all or any of the enactments specified in subsection (2) below shall include references to a traffic warden.
- (2) The enactments referred to in subsection (1) above are—
  - (a) section 52 of the <sup>M2</sup>Metropolitan Police Act 1839, so far as it relates to the giving by the commissioner of directions to constables for preventing obstructions;
  - (b) section 22 of the <sup>M3</sup>local Act of the second and third year of the reign of Queen Victoria, chapter 94, so far as it makes similar provision with respect to the City of London;
  - <sup>F1</sup>(bb) in this Act—
    - (i) section 100(3) (which relates to the interim disposal of vehicles removed under section 99); and
    - (ii) sections 104 and 105 (which relate to the immobilisation of illegally parked vehicles);]
  - (c) in <sup>F2</sup>the Road Traffic Act 1988]—
    - (i) <sup>F3</sup>sections 35(1), 36 and 37] (which relate to compliance with traffic directions given by police constables);
    - (ii) <sup>F4</sup>section 163] (which relates to the power of a constable to stop vehicles);
    - (iii) <sup>F5</sup>section 164(1), (2) and (6)] (which relate to the power of a constable to require the production of a driving licence in certain circumstances); <sup>F6</sup>and]

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- (iv) [<sup>F7</sup>sections 165 and 169] (which relate to the powers of constables to obtain names and addresses of drivers and others and to require production of evidence of insurance or security and test certificates); and
- [<sup>F8</sup>(d) section 11 of the Road Traffic Offenders Act 1988].
- (3) Any power of a constable for the purposes of the following provisions of [<sup>F9</sup>the Road Traffic Act 1988, namely, sections 163, 164(1), (2) and (6) and 165], shall be exercisable by a traffic warden under an order made by virtue of subsection (1) above only where—
- (a) the traffic warden is assisting a constable, or
  - (b) the traffic warden has reasonable cause to believe that an offence has been committed of a description specified in relation to the section in question for the purposes of this paragraph by the order, and, in the case of a power for the purposes of [<sup>F10</sup>section 165 of the Road Traffic Act 1988], the order authorises the use of that power in relation to that offence, or
  - (c) in the case of a power for the purposes of [<sup>F11</sup>section 163 of the Road Traffic Act 1988], the traffic warden is exercising functions in connection with the control and regulation of traffic (including pedestrians) or stationary vehicles.
- [<sup>F12</sup>(4) Where an order has been made pursuant to subsection (2)(bb)(i) above, in section 100(3) of this Act the words “chief officer of the police force to which the constable belongs” shall be deemed to include a reference to a chief officer of police under whose direction a traffic warden acts.
- (5) Any order made under section 95(5) of this Act may make different provision for different cases or classes of case, or in respect of different areas.]

#### Textual Amendments

- F1** S. 96(2)(bb) inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para. 31(2); S.I. 1991/2054, **art. 3**, Sch.
- F2** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)**
- F3** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(a)**
- F4** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(b)**
- F5** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(c)**
- F6** Word inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(c)**
- F7** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(d)**
- F8** S. 96(2)(d) substituted for s. 96(2)(c)(v) and (d) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(e)**
- F9** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(7)(a)**
- F10** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(7)(b)**
- F11** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(7)(c)**

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**F12** S. 96(4)(5) added (1.10.1991) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch. 4**, para. 31(3); [S.I. 1991/2054, art. 3](#), Sch.

**Marginal Citations**

**M2** [1839 c. 47\(95\)](#).

**M3** [1839 c. xciv](#).

**97 Supplementary provisions as to traffic wardens.**

- (1) Neither regulations under section 7 of the <sup>M4</sup>Superannuation Act 1972 nor any local Act scheme within the meaning of section 8 of that Act shall apply to traffic wardens by virtue of section 95 or 96 of this Act; but, in relation to such traffic wardens employed outside the metropolitan police district as the police authority may determine, those regulations (or, if the expenses of the police authority are paid by a local Act authority, the local Act scheme) shall apply, subject to such adaptations, modifications and exceptions as the Secretary of State may by regulations prescribe.
- (2) Where traffic wardens are employed by a police authority which is a committee of the council of a county, they shall be treated as employed by the committee as constituted from time to time; but the committee’s employment of traffic wardens shall not subject members of the committee to any personal liability under contract or otherwise.
- (3) The expenses incurred for the purposes of or in connection with the functions of a police authority under section 95 of this Act shall be defrayed as if those expenses were expenses incurred for the purposes of the police force maintained by the authority.
- (4) In respect of the employment of traffic wardens in the metropolitan police district—
  - (a) the functions of the police authority under sections 95 and 96 of this Act shall be discharged by the commissioner of police of the metropolis;
  - (b) there shall be paid out of the metropolitan police fund such expenditure incurred for the purposes of those sections as the Secretary of State may direct to be so paid; and
  - (c) the receiver for the metropolitan police district shall be treated as the employer for the purposes of any proceedings in respect of matters arising out of the employment.
- (5) Any power to acquire, or authorise the acquisition of, land for the purposes of a police force shall include power to acquire, or authorise the acquisition of land for the purposes of the functions of the police authority under sections 95 and 96 of this Act; and any land occupied for the purposes of those functions shall be deemed to be occupied for the purposes of the police force.

**Marginal Citations**

**M4** [1972 c. 11\(101A:1\)](#).

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**Textual Amendments**

**F13** S. 98 repealed with savings by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, Sch. 4 paras. 1–3, **5(1)**

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