



# Road Traffic Regulation Act 1984

## 1984 CHAPTER 27

### PART VIII

#### CONTROL AND ENFORCEMENT

##### *Removal or immobilisation of vehicles*

#### **105 Exemptions from s. 104.**

- (1) Subject to the following provisions of this section, section 104(1) of this Act shall not apply in relation to a vehicle found by a constable in the circumstances mentioned in that subsection if <sup>F1</sup> . . . —
- (a) a current disabled person's badge is displayed on the vehicle; or
  - <sup>F2</sup>(aa) a current recognised badge (within the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970) is displayed on the vehicle; or]
  - (b) the vehicle is in a meter bay within a parking place designated by a designation order.
- (2) The exemption under subsection (1)(b) above shall not apply in the case of any vehicle <sup>F3</sup> found otherwise than in Greater London] if—
- (a) the meter bay in which it was found was not authorised for use as such at the time when it was left there (referred to below in this section as the time of parking); or
  - (b) an initial charge was not duly paid at the time of parking; or
  - (c) there has been since that time any contravention in relation to the relevant parking meter of any provision made by virtue of section 46(2)(c) of this Act; or
  - (d) more than two hours have elapsed since the end of any period for which an initial charge was duly paid at the time of parking or (as the case may be) since the end of any unexpired time in respect of another vehicle available on the relevant parking meter at the time of parking.

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*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Section 105. (See end of Document for details)*

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- <sup>F4</sup>[( 2A ) The exemption under subsection (1)(b) above shall not apply in the case of any vehicle found in Greater London if the meter bay in which it was found was not authorised for use as such at the time when it was left there.]
- (3) For the purposes of [<sup>F5</sup>subsections (2)(a) and (2A)] above, a meter bay in a parking place designated by a designation order is not authorised for use as such at any time when—
- (a) by virtue of section 49(1)(a) of this Act the parking place is treated for the purposes of sections 46 and 47 of this Act as if it were not designated by that order; or
  - (b) the use of the parking place or of any part of it that consists of or includes that particular meter bay is suspended [<sup>F6</sup>under section 49(4) of this Act].
- (4) In relation to any vehicle found in a meter bay within a parking place designated by a designation order, references in subsection (2) above to an initial charge are references to an initial charge payable in respect of that vehicle under section 45 or 50 of this Act.
- (5) In any case where section 104(1) of this Act would apply in relation to a vehicle but for subsection (1)(a) above, the person guilty of contravening the prohibition or restriction mentioned in section 104(1) is also guilty of an offence under this subsection if the conditions mentioned in subsection (6) below are met.
- (6) Those conditions are that at the time when the contravention occurred—
- (a) the vehicle was not being used [<sup>F7</sup>in accordance with regulations under] section 21 of the <sup>M1</sup>Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons); and
  - (b) he was not using the vehicle in circumstances falling within section [<sup>F8</sup>117(1)(b)]of this Act.
- <sup>F9</sup>(6A) In any case where section 104(1) of this Act would apply in relation to a vehicle but for subsection (1)(aa) above, the person guilty of contravening the prohibition or restriction mentioned in section 104(1) is also guilty of an offence under this subsection if the conditions mentioned in subsection (6B) below are met.
- (6B) Those conditions are that at the time when the contravention occurred—
- (a) the vehicle was not being used in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970 (display of non-GB badges); and
  - (b) he was not using the vehicle in circumstances falling within section 117(1A)(b) of this Act.]
- (7) In this section, “meter bay” means a parking space equipped with a parking meter; and the references in subsection (2) above to the relevant parking meter are references to the parking meter relating to the meter bay in which the vehicle in question was found.

#### Textual Amendments

- F1** Word in s. 105(1) repealed (E.W.) (30.6.2005 for E. and 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\), ss. 19\(2\), 20\(3\)-\(6\), Sch. 2; S.I. 2005/1676, art. 3\(c\); S.I. 2007/3285, art. 2\(c\)](#)
- F2** S. 105(1)(aa) inserted (E.W.) (30.6.2005 for E. and 30.3.2008 for W.) by [Disability Discrimination Act 2005 \(c. 13\), ss. 19\(1\), 20\(3\)-\(6\), Sch. 1 para. 43\(2\); S.I. 2005/1676, art. 3\(b\); S.I. 2007/3285, art. 2\(b\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Section 105. (See end of Document for details)

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- F3** Words in s. 105(2) inserted (10.4.1998) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 81, **Sch. 7**, para. 6(2); S.I. 1998/967, **art. 2(1)**
- F4** S. 105(2A) inserted (10.4.1998) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 81, **Sch. 7**, para. 6(3); S.I. 1998/967, **art. 2(1)**
- F5** Words in s. 105(3) substituted (10.4.1998) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 81, **Sch. 7**, para. 6(4); S.I. 1998/967, **art. 2(1)**
- F6** Words in s. 105(3)(b) repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1991/2054, art. 3, **Sch. 8**
- F7** Words in s. 105(6)(a) substituted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para. 36(2); S.I. 1992/421, art. 2, **Sch.**
- F8** Words in s. 105(6)(b) substituted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para. 36(3); S.I. 1992/421, art. 2, **Sch.**
- F9** S. 105(6A)(6B) inserted (E.W.) (30.6.2005 for E. and 30.3.2008 for W.) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 43(3)**; S.I. 2005/1676, **art. 3(b)**; S.I. 2007/3285, **art. 2(b)**

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

- C1** S. 105 extended (21.3.1999) by S.I. 1999/854, **art. 3(2)(a)(iii)**

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**Marginal Citations**

- M1** 1970 c. 44(**81:3**).

**Changes to legislation:**

There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Section 105.