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STATUTORY INSTRUMENTS

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**1993 No. 1334**

**POLICE**

**The Functions of Traffic Wardens (Amendment) Order 1993**

*Made* - - - - *24th May 1993*

*Coming into force* - - *1st June 1993*

Whereas a draft of this Order has been approved by resolution of each House of Parliament:  
Now, therefore, in exercise of the powers conferred upon me by sections 95(5) and 96 of the Road Traffic Regulation Act 1984(1), I hereby make the following Order:

1.—(1) This Order may be cited as the Functions of Traffic Wardens (Amendment) Order 1993, and shall come into force on 1st June 1993.

(2) This Order does not extend to Scotland.

(3) In this Order, “the 1970 Order” means the Functions of Traffic Wardens Order 1970(2).

2. In article 3(2) of the 1970 Order, after sub-paragraph (e), there shall be added the following sub-paragraphs—

“(f) section 100(3) of the Road Traffic Regulation Act 1984 (the interim disposal of vehicles removed under section 99 of that Act)(3);

(g) sections 104 and 105 of the Road Traffic Regulation Act 1984 (the immobilisation of illegally parked vehicles)(4).”.

3. For article 3(4), there shall be substituted the following—

“(4) References in section 164(1), (2) and (6) of the Road Traffic Act 1988(5) to a constable or police constable shall include references to a traffic warden only where—

(a) the traffic warden has reasonable cause to believe that there has been committed an offence by causing a vehicle, or any part of it, to stop in contravention of regulations made under section 25 of the Road Traffic Regulation Act 1984 or an offence in contravention of section 22 of the Road Traffic Act 1988 (leaving vehicles in dangerous positions); or

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(1) 1984 c. 27; section 95(5) read with section 86(1) of the Road Traffic Offenders Act 1988 (c. 53) as amended by paragraph 106 of Schedule 4 to the Road Traffic Act 1991 (c. 40); section 96 was amended by paragraphs 25(6) and (7) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54) and by paragraph 31 of Schedule 4 to the Road Traffic Act 1991.

(2) S.I. 1970/1958, amended by S.I. 1986/1328.

(3) Section 99 was amended by paragraph 32 of Schedule 4 to the Road Traffic Act 1991.

(4) Section 104 was amended by paragraphs 34 and 35 of Schedule 4 to the Road Traffic Act 1991.

(5) 1988 c. 52.

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

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- (b) the traffic warden is employed to perform functions in connection with the custody of vehicles removed from a road or land in the open air in pursuance of regulations made under section 99 of the Road Traffic Regulation Act 1984 or from a parking place in pursuance of a street parking place order, and he has reasonable cause to believe that there has been committed an offence in respect of a vehicle by its obstructing a road, or waiting, or being left or parked, or being loaded or unloaded, in a road.”.
4. Paragraph 1 of the Schedule to the 1970 Order shall be amended by—
- (i) the addition, after sub-paragraph (1)(d), of the following—
- “(e) committed by causing a vehicle, or any part of it, to stop in contravention of regulations made under section 25 of the Road Traffic Regulation Act 1984.”; and
- (ii) the omission from sub-paragraph (2) of the words from “other” to “positions”).

Home Office  
24th May 1993

*Kenneth Clarke*  
One of Her Majesty’s Principal Secretaries of  
State

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Functions of Traffic Wardens Order 1970 so as to extend the powers exercisable by, and functions of, traffic wardens.

Under article 2, the reference in section 100(3) of the Road Traffic Regulation Act 1984 to a constable includes a reference to a traffic warden. Section 100(3) deals with disposal of a vehicle removed under Regulations made under section 99 of that Act. The Removal and Disposal of Vehicles (Amendment) Regulations 1993 (S.I.1993/278), which come into force on 1st June 1993, empower a traffic warden to remove vehicles. Article 2 also enables traffic wardens, in carrying out their functions, to exercise the powers conferred on constables by sections 104 and 105 of the 1984 Act. Sections 104 and 105 relate to the power to immobilise vehicles. (By virtue of section 106 of the 1984 Act, these powers of immobilisation are exercisable at present only in parts of London.)

Article 3 enables traffic wardens to exercise the powers conferred on constables by section 164(1), (2) and (6) of the Road Traffic Act 1988 (power to require production of driving licence and in certain cases statement of date of birth) where they have reasonable cause to believe an offence has been committed by stopping a vehicle on a pedestrian crossing in breach of pedestrian crossing regulations or by leaving a vehicle in a dangerous position. Such powers can also be exercised where a traffic warden is performing custodial functions in respect of vehicles removed under regulations made under section 99 of the 1984 Act or from a parking place pursuant to a street parking order and he has reasonable cause to believe that an offence of obstructing a road, or certain other offences, has been committed in respect of the vehicle.

Article 4 of this Order extends the functions of traffic wardens to include, by virtue of paragraph (i), the enforcement of the law with respect to offences of stopping vehicles on pedestrian crossings in breach of pedestrian crossing regulations. By virtue of article 4(ii), wardens can exercise the functions of constables under the fixed penalty scheme in respect of the offences of obstruction of the highway, where the offence is committed in respect of a vehicle, and leaving a vehicle in a dangerous position.