
STATUTORY INSTRUMENTS

1994 No. 1505

ROAD TRAFFIC

**The Road Traffic (Special Parking Areas)
(London Borough of Barnet) Order 1994**

<i>Made</i>	- - - -	<i>6th June 1994</i>
<i>Laid before Parliament</i>		<i>13th June 1994</i>
<i>Coming into force</i>	- -	<i>4th July 1994</i>

Whereas the council of the London borough of Barnet has applied to the Secretary of State for an order to be made under section 76 of the Road Traffic Act 1991⁽¹⁾ and the Secretary of State has consulted the Commissioner of Police of the Metropolis in accordance with section 76(2) of that Act: NOW, the Secretary of State for Transport, in exercise of the powers conferred by section 76(1) and section 77(6) of the Road Traffic Act 1991 and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Road Traffic (Special Parking Areas) (London Borough of Barnet) Order 1994 and shall come into force on 4th July 1994.

Interpretation

2.—(1) In this Order—

“the 1984 Act” means the Road Traffic Regulation Act 1984⁽²⁾;

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

a reference to a numbered Schedule is a reference to the Schedule to this Order so numbered;

a reference in Schedule 4 to a number followed by the letter “m” is a reference to that number of metres; and

where a road referred to in Schedule 4 (“the main road”) is joined by another road (“the side road”), whether or not that other road is referred to in that Schedule, and the footway to the

(1) 1991 c. 40.

(2) 1984 c. 27; section 55 is amended by paragraph 5 of Schedule 7 to the Road Traffic Act 1991. Section 101 is amended by section 67 and section 102 by section 68 of that Act. Both sections are affected by transitional provisions in the Road Traffic Act 1991 (Commencement No. 6 and Transitional Provisions) Order 1993 (S.I. 1993/1461, amended by S.I. 1993/2229) and in the Road Traffic Act 1991 (Commencement No. 11 and Transitional Provisions) Order 1994 (S.I. 1994/1482).

main road runs on either side of the mouth of the side road, the junction between the two roads shall be taken to be an imaginary line drawn across the mouth of the side road between the respective ends of the back line of the footway to the main road on each side.

(2) In this Order subject to paragraph (3) below “designated area” means one of the areas in the London borough of Barnet lying within the outer edge of the boundaries delineated in red on the maps respectively comprising Schedules 1, 2 and 3.

(3) In relation to each road named first in a paragraph in Part I, II or III of Schedule 4—

(a) the part of the road described in each such paragraph shall be taken to be in the designated area to which the paragraph relates, and

(b) the remainder of the road shall be taken not to be in that area,

and, accordingly, in so far as there is any inconsistency between this paragraph and paragraph (2) above, this paragraph shall prevail.

Designation of special parking areas

3.—(1) Subject to paragraph (2) below the Secretary of State hereby designates each of the designated areas as a special parking area.

(2) A reference in the following provisions of this Order to a special parking area is a reference to an area designated by this article.

Modification of the Road Traffic Regulation Act 1984

4.—(1) Section 55 of the 1984 Act (financial provisions relating to designation orders) shall have effect in relation to the London borough of Barnet as if—

(a) at the end of subsection (1) there were inserted the words “and of the income from additional parking charges (within the meaning of section 74(8) of the Road Traffic Act 1991) received by them in respect of vehicles found within a special parking area and the expenditure incurred by them in the discharge of functions exercisable by them in relation to the special parking area by virtue of Part II of the Road Traffic Act 1991”; and

(b) after subsection (1) there were inserted the following subsection:—

“(1A) In subsection (1) above, references to “a special parking area” are to an area designated as a special parking area by the Road Traffic (Special Parking Areas) (London Borough of Barnet) Order 1994.”

(2) Section 102(2) of the 1984 Act (charges for removal, storage and disposal of vehicles) shall have effect in relation to a vehicle found in a special parking area as if, in paragraph (d), for the words “a parking place” to the end there were substituted—

“(i) a parking place designated under section 6, 9 or 45 of this Act or otherwise provided or controlled by that authority, or

(ii) a place where the vehicle was stationary in circumstances in which an offence would have been committed in respect of the vehicle but for section 76(3) of the Road Traffic Act 1991,

as they may require.”

Modification of the Road Traffic Act 1991

5.—(1) Section 70 of the 1991 Act (exemptions from provisions relating to the immobilisation of vehicles in parking places) shall have effect in relation to a vehicle found in a special parking area as if, in subsections (1) and (2), after the words “section 69(1)” there were inserted the words “or section 77(4)”.

(2) Section 71 of the 1991 Act (representations in relation to removal or immobilisation of vehicles) shall have effect in relation to a vehicle found in a special parking area as if, for subsection (4), there were substituted the following subsection:—

“(4) The grounds are—

- (a) that there were no reasonable grounds for the parking attendant concerned to believe that either—
 - (i) the vehicle had been permitted to remain at rest in the parking place in circumstances specified in section 66(2)(a), (b) or (c) of this Act, or
 - (ii) the vehicle had been permitted to remain at rest in a special parking area (other than in a designated parking place) in circumstances in which an offence would have been committed in respect of the vehicle but for section 76(3) of this Act;
- (b) that the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner;
- (c) that the place at which the vehicle was at rest was neither a designated parking place nor in a special parking area;
- (d) in a case within subsection (1)(d) above, that, by virtue of an exemption given by section 70 of this Act, neither section 69 nor 77(4) of this Act applied to the vehicle at the time in question; or
- (e) that the penalty or other charge in question exceeded the amount applicable in the circumstances of the case.”

(3) Section 74(8) of the 1991 Act (fixing of certain parking and other charges for London) shall have effect in relation to the London borough of Barnet as if, after the words “section 69”, there were inserted the words “or section 77(4)”.

(4) Section 79(2) of the 1991 Act (application to Crown and visiting forces) shall have effect in relation to a vehicle found in a special parking area as if, for “66 and 69 to 71”, there were substituted “66, 69 to 71, 76 and 77”.

(5) Schedule 6 to the 1991 Act (parking penalties) shall have effect in relation to a vehicle found in a special parking area as if—

- (a) in sub-paragraph (c) of paragraph 2(4), for the words “the parking place” there were substituted the words “the place in question”, and
- (b) in sub-paragraph (d) of paragraph 2(4), the word “designation” were omitted.

Signed by authority of the Secretary of State for Transport.

6th June 1994

Steven Norris
Parliamentary Under Secretary of State,
Department of Transport

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

SCHEDULE 1

Special Parking Area in the vicinity of Brent Cross



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

SCHEDULE 2

Special Parking Area in the vicinity of Chipping Barnet



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

SCHEDULE 3

Special Parking Areas in the vicinity of Mill Hill



SCHEDULE 4

Article 2(3)

PARTS OF ROADS INCLUDED IN THE SPECIAL PARKING AREAS

PART I

ROADS IN THE VICINITY OF BRENT CROSS

1. Dallas Road between the common boundary of 43 and 45 Dallas Road and its junction with Brent Park Road and Layfield Road.
2. Layfield Road—
 - (a) between its junction with Brent Park Road and Dallas Road and a point opposite the north eastern kerbline of the north eastern most south east to north west arm of Layfield Close;
 - (b) between the north eastern kerbline of the north eastern most south east to north west arm of Layfield Close and a point opposite the north western boundary of 152 Brent Park Road.

PART II

ROADS IN THE VICINITY OF CHIPPING BARNET

3. Barnet Hill between its junction with Meadway and a point 150m south east of the south eastern kerbline of Milton Avenue.
4. Elton Avenue between its junction with Vale Drive and a point 20m south west of the south western kerbline of Vale Drive.
5. Hadley Green between its junction with High Street Barnet and a point 25m north of the northern kerbline of Dury Road.
6. Hadley Green Road between its junction with High Street Barnet and a point opposite the north western flank wall of 1 Hadley Green Road.
7. Milton Avenue between its junction with Barnet Hill and a point opposite the south west flank wall of 36 Milton Avenue.
8. Normandy Avenue between its junction with Barnet Hill and a point 2m south east of the south eastern kerbline of Ellesmere Grove.
9. St. Albans Road between its junction with High Street Barnet and the borough boundary with Hertsmere borough.
10. Woodfall Avenue between its junction with Vale Drive and a point 18m south west of the south western kerbline of Vale Drive.
11. Wood Street between its junction with High Street Barnet and a point opposite the common boundary of 65 and 67 Wood Street.

PART III

ROADS IN THE VICINITY OF MILL HILL

12. Bunns Lane between its junction with The Broadway and a point opposite the south eastern boundary fence of 1 Woodcroft Avenue.

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13. Daws Lane between its junction with Watford Way and a point opposite the eastern flank wall of 45 Daws Lane.

14. Flower Lane between its junction with The Broadway and a point 155m south of the southern kerbline of Woodland Way.

15. Hale Lane between its junction with The Broadway and a point opposite the common boundary of 52 and 54 Hale Lane.

16. Lawrence Street between its junction with Uphill Grove and a point 40m north east of its junction with Mill Hill Circus (A1).

17. Lyndhurst Avenue between its junction with Bunns Lane and a point 200m south west of the south western kerbline of Bunns Lane.

18. Mill Way between its junction with The Broadway and a point opposite the common boundary of 87 and 89 Mill Way.

19. The Broadway between its junction with Hale Lane and a point 40m south west of its junction with Mill Hill Circus (A1).

20. Woodcroft Avenue between its junction with Bunns Lane and a point 125m south west of the south western kerbline of Bunns Lane.

PART IV

ROADS NOT WITHIN SPECIAL PARKING AREAS

21. Watford Way. The whole road.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates four areas in the London borough of Barnet as special parking areas for the purposes of Part II of the Road Traffic Act 1991 with effect from 4th July 1994. The Order also makes consequential modifications to the Road Traffic Regulation Act 1984 and to Part II of the 1991 Act.