
STATUTORY INSTRUMENTS

1997 No. 2078

ROAD TRAFFIC

The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Maidstone) Order 1997

Made - - - - *28th August 1997*
Laid before Parliament *29th August 1997*
Coming into force - - *29th September 1997*

Whereas the Kent County Council has applied to the Secretary of State for Transport 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 Kent 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 for State of Transport, 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. This Order may be cited as the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Maidstone) Order 1997 and shall come into force on 29th September 1997.

Interpretation

2. In this Order—

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

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

“the permitted parking area” means the area designated as a permitted parking area by article 4(a) of this Order; and

(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.

(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).

“the special parking area” means the area designated as a special parking area by article 4(b) of this Order.

Application

3.—(1) Subject to the provisions of this article, this Order applies to the area in the county of Kent and in the borough of Maidstone situated within the outer edge of the boundary delineated in black on the plan in Schedule 1 to this Order.

(2) In relation to each street named in column (2) of an item in the table in Schedule 2 to this Order the boundary of the area to which this Order applies shall be taken to pass through the point on that street named in column (3) of the item and accordingly, in so far as there is any inconsistency between this paragraph and paragraph (1) of this article, this paragraph shall prevail.

Designation of permitted parking area and special parking area

4. The Secretary of State hereby designates the area to which this order applies in accordance with article 3 above 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 permitted parking area and the special parking area and as so applied shall have effect subject to the modifications specified in Schedule 3 to this Order.

Modification of the 1984 Act

6. The 1984 Act shall be modified in relation to the permitted parking area and the special parking area as specified in Schedule 4 to this Order.

Signed by authority of the Secretary of State for Transport

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

28th August 1997

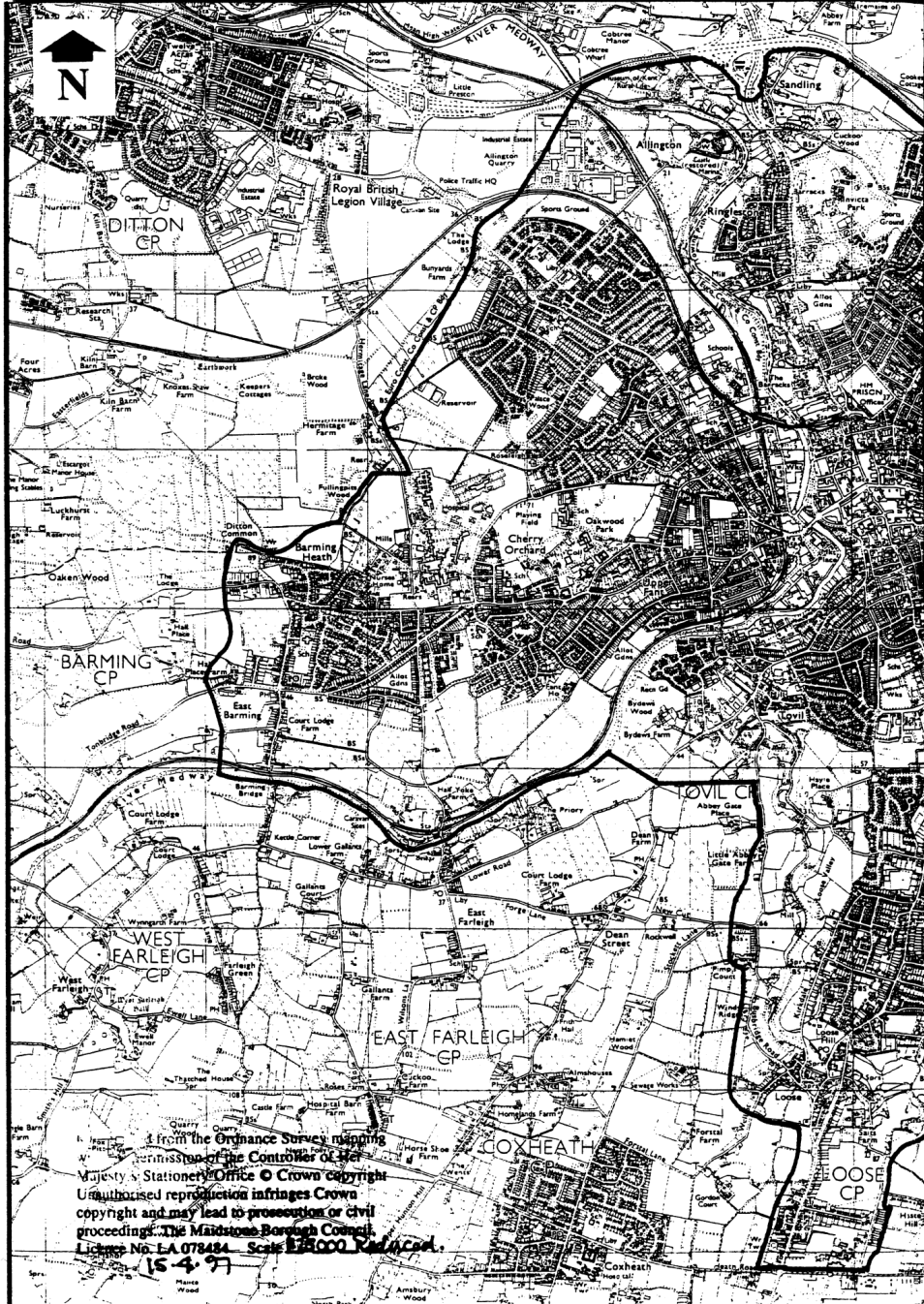
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SCHEDULE 1

Article 3(1)

SCHEDULE 1

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SCHEDULE 1

Article 3(1)



SCHEDULE 2

Article 3(2)

BOUNDARY POINTS

<i>(1) Item</i>	<i>(2) Street</i>	<i>(3) Description</i>
1.	Hermitage Lane	a point 580 metres north of the north western kerb line of Oakapple Lane
2.	North Pole Road	a point level with the western boundary of Merrybrow, North Pole Road
3.	Tonbridge Road	a point level with the western boundary of 36 Tonbridge Road
4.	South Street	a point level with the northern limit of Barming Bridge
5.	Farleigh Lane	a point level with the northern limit of Farleigh Bridge
6.	Dean Street	a point level with its northern junction with Lower Road
7.	Stockett Lane	a point level with the western boundary of 12 Stockett Lane
8.	Well Street	a point level with the northern boundary of public footpath KM62
9.	Linton Road	a point level with the northern kerb line of Heath Road
10.	Hubbards Lane	a point level with the northern kerb line of Heath Road
11.	Boughton Lane	a point level with the northern boundary of Boughton Mount Oast, Boughton Lane
12.	Brishing Lane	a point level with the eastern limit of public footpath KB28
13.	Sutton Road	a point 16 metres east of the eastern kerb line of Bircholt Road
14.	Church Road	a point level with the northern boundary of St Nicholas's Church
15.	Lilk Hill	a point level with the eastern limit of Otham Lane
16.	Roundwell	a point level with the northern kerb line of Ashford Road

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<i>(1) Item</i>	<i>(2) Street</i>	<i>(3) Description</i>
17.	Roundwell	a point level with the southern limit of Water Lane
18.	Thurnham Lane	a point level with the south western limit of the M20 overbridge
19.	Hockers Lane	a point level with the south western limit of the bridge carrying Hockers Lane over the M20
20.	Sittingbourne Road	a point on the boundary of the parish of Boxley
21.	Boxley Road	a point level with the southern limit of the bridge carrying Boxley Road over the M20
22.	Boarley Road	a point level with the southern limit of the M20 overbridge
23.	Royal Engineers Road	a point level with the northern kerb line of the slip road exit to the Running Horse round about (to include entry and exit slip roads from the Running Horse roundabout)
24.	Forstal Road	a point level with the southern eastern limit of the bridge carrying Forstal Road over the M20
25.	London Road	a point on the boundary of the borough of Maidstone
26.	St Laurence Avenue	a point on the boundary of the borough of Maidstone

SCHEDULE 3

Article 5

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

- 1.—(1) Section 66 shall be modified as follows.
- (2) In subsection (1)—
 - (a) the words “in a designated parking place” shall be omitted; and
 - (b) after the words “is payable” there shall be inserted “in accordance with paragraph 3(1) and (2) of Schedule 3 to this Act”.
- (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) In subsection (1)—
 - (a) the words “in a designated parking place” shall be omitted; and
 - (b) for the words “specified in section 66(2)(a), (b) or (c) of”, there shall be substituted “in which a penalty charge is payable by virtue of paragraph 3(1) and (2) of Schedule 3 to”.
- (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) In subsection (3) for the word “below” there shall be substituted “or subsection (4A) below as the case may be”.
- (4) In subsection (4)—
 - (a) at the beginning there shall be inserted “In the case of a vehicle which it is alleged was found in a designated parking place”; and
 - (b) for paragraph (a) there shall be substituted—
 - “(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 designated parking place in the circumstances in which a penalty charge was payable by virtue of paragraph 3(1) and (2) of Schedule 3 to this Act;”.
- (5) After subsection (4), there shall be inserted the following subsection—
 - “(4A) In the case of a vehicle which it is alleged was found in a special parking area, but not in a designated parking place, the grounds referred to in subsection (3) above 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 special parking area (but not in a designated parking place) in circumstances in which a penalty charge was payable by virtue of paragraph 3(1) and (2) of Schedule 3 to 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 where the vehicle was at rest was a designated parking place or was not in the 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, 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.”

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- 4.—(1) Section 72 shall be modified as follows.
- (2) In subsection (2) after the words “section 71(4)” there shall be inserted “or (4A)”.
- 5.—(1) Section 73 shall be modified as follows.
- (2) In subsection (3) paragraphs (b) and (c) shall be omitted.
- (3) The following subsections shall be inserted after subsection (3)—
- “(3A) A parking adjudicator appointed under this section is authorised to act as a parking adjudicator in relation to the permitted parking area and the special parking area.
- (3B) The parking authority—
- (a) shall provide or enter into arrangements for the provision of accommodation and administrative staff for parking adjudicators acting in relation to either of those areas;
- (b) may enter into arrangements with the Joint Committee appointed under subsection (1) for the remuneration of such parking adjudicators; and
- (c) shall determine the places where they are to sit.
- (3C) Any accommodation provided under subsection (3B)(a) above is to be treated as including the principal office of the adjudicator acting in relation to the permitted parking area or the special parking area.”
- (4) After subsection (12) there shall be inserted the following subsection—
- “(12A) Any regulations made under subsection (11) above shall apply, with necessary modifications, to the procedure to be followed in relation to proceedings before parking adjudicators who are acting under authority conferred by subsection (3A) of this section.”
- (5) In subsections (17) and (18) for the words “Joint Committee”, in each place where those words occur, there shall be substituted “parking authority”.
6. 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 permitted parking area and in the special parking area.
- (2) Different levels may be set for different parts of the permitted parking area or, as the case may be, of the special parking area.
- (3) The levels 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.”
- 7.—(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 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 permitted parking area or the special parking area.”

8.—(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—

“designated parking place” means a parking place in the permitted parking area—

- (a) which has been provided as a parking place under section 32(1)(a) of the Road Traffic Regulation Act 1984; or
- (b) whose use as a parking place has been authorised by an order made under section 32(1)(b) of the Road Traffic Regulation Act 1984; or
- (c) which has been designated as a parking place by an order made under section 45(1) of the Road Traffic Regulation Act 1984;

“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;

“the London authorities” means the councils of the London boroughs and the Common Council of the City of London;

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

“parking authority” means—

- (a) in relation to a parking place which was provided or authorised under section 32(1) of the Road Traffic Regulation Act 1984, the local authority as defined by section 32(4)(a) in relation to the parking place;
- (b) in any other case, the traffic authority (other than the Secretary of State) as defined by section 121A of that Act;

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

“permitted parking area” means the area designated as a permitted parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Maidstone) Order 1997;

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

“special parking area” means the area designated as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Maidstone) Order 1997; and

“vehicle hiring agreement” and “vehicle-hire firm” have the same meanings as in section 66 of the Road Traffic Offenders Act 1988(4) (hired vehicles).”

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

(4) Subsections (6) and (7) shall be omitted.

9.—(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”.

(4) 1988 c. 53.

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- (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 a designated parking place or otherwise in the special parking area by a person who was in control of the vehicle without the consent of the owner,”; and
 - (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 in each case be substituted “the parking authority”.
- (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 and for the words “the authority” in both places where they occur in sub-paragraph (2) there shall be substituted “the parking authority”;
 - (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 4

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 permitted 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.

3. In section 63A, in subsection (4) for the words “Greater London” there shall be substituted “the permitted parking area and the special 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 permitted parking area or in the special parking area”.
 - (4) Subsection (5) shall be omitted.
 - (5) In subsection (5A) for the words “Greater London” there shall be substituted “the permitted parking area or in the special 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 a parking place in the permitted parking area or from the special 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 permitted parking area or in the special parking area”.

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

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““permitted parking area” means the area designated as a permitted parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Maidstone) Order 1997;” and

(b) after the definition of “road” there shall be inserted—

““special parking area” means the area designated as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Maidstone) Order 1997;”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates an area consisting of part of the borough of Maidstone 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. The Order provides that persons appointed to act as parking adjudicators in London may so act in relation to the designated area and the Road Traffic (Parking Adjudicators) (London) Regulations 1993 are made to apply with modifications to adjudicators so acting. The Order also modifies the Road Traffic Regulation Act 1984 in relation to the designated area.