



London Local Authorities Act 1995

1995 CHAPTER x

PART II

PARKING

4 Stopping on or near pedestrian crossings

- (1) This section shall apply to any part of a road in a special parking area in the borough of a participating council within the limits of a crossing or a crossing controlled area.
- (2) A driver of a vehicle shall not at any time cause it to stop on a part of a road to which this section applies and the prohibition under this subsection shall be enforceable as if it had been imposed by an order under section 6 of the Act of 1984.
- (3) Nothing in this section shall prohibit the driver of a vehicle from causing it to stop within the limits of a crossing or a crossing controlled area in circumstances where doing so would not contravene regulations made or having effect as if made under section 25 of the Act of 1984.
- (4) (a) No penalty charge shall be payable pursuant to subsection (2) above by the driver of a vehicle who causes it to stop contrary to that subsection in any case where—
 - (i) by reason of that stopping the vehicle is removed by, or under arrangements made by, a constable or traffic warden under regulations made pursuant to section 99 of the Act of 1984; or
 - (ii) a notice is given to the driver under section 54 (2) or (4) of the Road Traffic Offenders Act 1988 in respect of any offence under section 25 of the Act of 1984 constituted by that stopping; or
 - (iii) notification of an intention to prosecute the driver in respect of such an offence is given by the Commissioner to the council of the borough in which the crossing is situated before the expiry of the period of 14 days, beginning with the day on which the stopping takes place.
- (b) Where the driver of a vehicle causes it to stop contrary to subsection (2) above, he shall not be liable to be prosecuted in respect of any offence under

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section 25 of the Act of 1984 constituted by that stopping unless the case falls within sub-paragraph (i), (ii) or (iii) of paragraph (a) above.

- (5) Nothing in subsection (2) above shall require the placing of any traffic signs in connection with the prohibition thereby imposed.
- (6) In this section—
- (a) “crossing” means a crossing for pedestrians established or having effect as if established pursuant to section 23 of the Act of 1984; and
 - (b) “crossing controlled area” means any area of the carriageway in the vicinity of a crossing being an area the presence and limits of which are indicated in accordance with regulations made or having effect as if made under section 25 of the Act of 1984.

5 Designated parking places

- (1) Where a designated parking place within the meaning of section 45 of the Act of 1984 exists in a special parking area in the borough of a participating council there shall exist in respect of that designated parking place a prohibited zone.
- (2) The prohibited zone shall be—
- (a) where the designated parking place is adjacent to the edge of the carriageway of the road, the area between two imaginary lines drawn at right angles to the edge of the carriageway from the two points where the edge of the carriageway meets the boundaries of the designated parking place and each of those lines shall extend to—
 - (i) the centre of the carriageway in the case where the centre of the carriageway would be crossed by those lines; or
 - (ii) a point 8 metres into the carriageway from each of those points in all other cases;
 - (b) where the designated parking place is not adjacent to the edge of the carriageway of the road, the area between two imaginary lines drawn as far apart from each other as possible at right angles to the edge of the carriageway from one edge of the carriageway to the opposite edge of the carriageway and touching the edge of the designated parking place;
- but shall not include any designated parking place or any other part of a road in respect of which the waiting of vehicles is specifically authorised.
- (3) There shall be a prohibition on the waiting of vehicles in a prohibited zone during any period when parking is restricted in the designated parking place in respect of which the prohibited zone exists and such prohibition shall be enforceable as if it had been imposed by an order under section 6 of the Act of 1984.
- (4) Nothing in subsection (3) above shall require the placing of any traffic signs in connection with the prohibition thereby imposed.
- (5) Nothing in this section shall prohibit the driver of a vehicle from causing it to stop in a prohibited zone—
- (a) if the driver is prevented from proceeding by circumstances beyond his control or it is necessary for him to stop in order to avoid an accident;
 - (b) if the vehicle is stopped for the purpose of making a left or right turn;
 - (c) if the vehicle is being used for fire brigade, ambulance or police purposes;

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- (d) for so long as may be necessary up to a maximum of 20 minutes for the delivery or collection of goods or merchandise or the loading or unloading of the vehicle at any premises if that cannot reasonably be carried out as respects those premises without stopping in the prohibited zone;
- (e) for so long as may be necessary to enable the vehicle, if it cannot be used for such purpose without stopping in the prohibited zone, to be used in connection with any building operation, demolition or excavation on the road in or in the vicinity of the prohibited zone, the collection of waste by any participating council, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the road in or in the vicinity of the prohibited zone, or the laying, erection, alteration, repair or cleaning in or near to the prohibited zone of any traffic sign or sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraph or telephone wires, cables, posts or supports;
- (f) for so long as may be necessary for the purpose of enabling persons to board or alight from the vehicle.

6 Disposal of abandoned vehicles

- (1) Subsection (2) below shall have effect with respect to the time at which a competent authority may dispose of a vehicle under section 101 of the Act of 1984 (disposal of vehicles abandoned and removable under that Act) where the place from which the vehicle has been removed or could at any time be removed is in the borough of a participating council or the vehicle has been delivered by the Commissioner to a participating council.
- (2) In the circumstances mentioned in subsection (1) above, subsection (3) of the said section 101 shall have effect as though—
 - (a) at the end of paragraph (b) there were added “or after the expiry of a period of three months beginning with the removal, whichever is the sooner”; and
 - (b) at the end of the subsection there were added “or the expiry of a period of three months beginning with the removal, whichever is the sooner”.

7 Recovery of unpaid penalty charges

- (1) The Secretary of State may make regulations for securing, subject to subsection (2) below, that—
 - (a) where a vehicle found in the borough of a participating council is in the custody of a competent authority under section 101 of the Act of 1984 and a person claiming the vehicle pursuant to subsection (4A) of that section is liable for the payment of any earlier penalty charge relating to that vehicle which remains unpaid, the claimant shall not be entitled to remove the vehicle from the authority’s custody unless, in addition to the penalty charge and other sums specified in the said subsection (4A), he also pays the earlier penalty charge; and
 - (b) where a vehicle to which an immobilisation device has been fixed under section 69 of the Act of 1991 is in the borough of a participating council, there shall be no obligation to release the vehicle from that device pursuant to subsection (4) of that section unless, in addition to the charges payable under that subsection, there is paid any unpaid earlier penalty charge relating to that vehicle for the payment of which the person making payment pursuant to that

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subsection and, if not the same person, the person in charge of the vehicle at the time the immobilisation device was fixed, is liable.

- (2) Regulations under this section—
- (a) may make provision for appeals to the parking adjudicator in respect of unpaid penalty charges; and
 - (b) may contain such exemptions and exceptions as appear to the Secretary of State to be appropriate and shall in any event make provision whereby there is no requirement for the payment of an earlier penalty charge in order to permit the removal of a vehicle from the custody of a competent authority or, as the case may be, to secure the release of a vehicle from an immobilisation device if—
 - (i) representations have been made in relation to that charge to the relevant authority under section 71 of or Schedule 6 to the Act of 1991 within the period of time provided by subsection (5) of that section or paragraph 2 (3) of that Schedule, as the case may be, and have not yet been considered by that authority; or
 - (ii) an appeal has been made in relation to that charge to the adjudicator under section 72 of or Schedule 6 to that Act within the period of time provided by subsection (1) of that section or paragraph 5 (1) of that Schedule, as the case may be, and has not yet been considered by the adjudicator.
- (3) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In this section “parking adjudicator” means a parking adjudicator appointed under section 73 of the Act of 1991.

8 Rounding of penalties

Section 66 of the Act of 1991 (which makes provision for the recovery of parking penalties in London in relation to designated parking places) shall have effect in the borough of a participating council as though after subsection (4) there were inserted the following subsection:—

“(4A) If the amount to be paid after the penalty charge has been reduced by the specified proportion under subsection (3) (d) above is not a whole number of pounds an authority may reduce the amount further to the nearest pound.”.

9 Special temporary prohibitions

- (1) A participating council may, by notice, make a special temporary waiting prohibition in respect of a road or part of a road within a special parking area in the borough of that council.
- (2) While a prohibition is in force the waiting of vehicles on the part of the road to which it relates shall be prohibited and that prohibition shall be enforceable as if it had been imposed by an order under section 6 of the Act of 1984.
- (3) A prohibition may not—
 - (a) be made unless the participating council are satisfied that waiting should be prohibited for the purpose of—

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- (i) facilitating the holding of a special event; or
 - (ii) enabling members of the public to watch a special event; or
 - (iii) reducing the disruption to traffic likely to be caused by a special event;or
 - (b) last longer than three days.
- (4) A notice under this section shall be displayed in a prominent place in the vicinity of the part of the road to which the prohibition relates for a period of not less than one day before the prohibition comes into effect and for the duration of the prohibition and shall—
- (a) state that whilst the prohibition is in force the waiting of vehicles is prohibited in the part of the road to which the prohibition relates; and
 - (b) state the maximum duration of the prohibition.
- (5) Subject to subsections (3) and (4) above, the Secretary of State may make regulations with respect to the procedure to be followed in connection with the giving of notice under this section including provision for notifying the public of the exercise, or proposed exercise, of the powers conferred by this section and the effect of notices made in the exercise of those powers.
- (6) Any regulations under this section may make different provisions for different circumstances; and where this section or any regulations thereunder require a participating council to post a notice in a road, the council may take such steps for that purpose as they think fit, including the use for that purpose of any lamp-post, traffic sign or other structure whatsoever in the road, whether or not belonging to that authority.
- (7) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section—
- “prohibition” means a special temporary waiting prohibition made under subsection (1) above;
 - “special event” means any individual event including any sporting event, social event, entertainment or funeral which in the opinion of the participating council concerned requires a prohibition to be made for the purpose of safety, relieving traffic congestion or facilitating the holding of the event; and
 - “waiting” means waiting for any purpose including the delivery or collection of goods or merchandise and the loading or unloading of vehicles.