



Road Traffic Regulation Act 1967

1967 CHAPTER 76

Enforcement and administration of traffic laws

81 Traffic wardens.

- (1) Subject to subsection (3) below, a police authority in England or Wales may appoint persons to discharge, in aid of the police, functions normally undertaken by the police in connection with the control and regulation of, or the enforcement of the law relating to, traffic (including foot passengers) or vehicles ; and persons so appointed shall act under the direction of the chief officer of police, but shall be deemed to be employed by the police authority.
- (2) Persons employed under subsection (1) above shall be known as " traffic wardens ", and a police authority employing traffic wardens for the purposes of that subsection may also (subject to subsection (3) below) employ them to act, under the direction of the chief officer of police, for other purposes connected with the control and regulation of traffic (including foot passengers) or vehicles ; and in particular—
 - (a) where the police authority provides school crossing patrols under section 24 of this Act, whether as the appropriate authority or by agreement with the appropriate authority, the traffic wardens may be employed to act as school crossing patrols ; and
 - (b) the police authority may, under arrangements made with the Minister or a local authority, employ the traffic wardens to act as parking attendants at street parking places provided or controlled by the Minister or local authority.
- (3) Traffic wardens shall not be employed to discharge functions other than those prescribed as appropriate for the purpose by order of the Secretary of State, and an order under this subsection may be varied or revoked by a subsequent order of the Secretary of State.

An order under this subsection shall be made by statutory instrument and shall not be made unless a draft thereof has been laid before, and approved by resolution of, each House of Parliament.

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- (4) In so far as an order under subsection (3) above authorises the employment of traffic wardens for the purposes of section 80 of this Act references in that section to a constable shall include a traffic warden.
- (4A) An order under subsection (3) above may provide that, for the purposes of any functions which traffic wardens are authorised to discharge by the order and subject to the provisions of subsection (4B) below, references to a constable or police constable in all or any of the following enactments shall include references to a traffic warden, that is to say—
- (a) section 52 of the Metropolitan Police Act 1839, so far as it relates to the giving by the commissioner of directions to constables for preventing obstruction ;
 - (b) section 22 of the local Act of the second and third year of the reign of Queen Victoria, chapter 94, so far as it makes similar provision with respect to the City of London ;
 - (c) in the Road Traffic Act 1960—
 - (i) sections 14 and 15 (which relate to compliance with traffic directions given by police constables);
 - (ii) section 223 (which relates to the power of a constable to stop vehicles);
 - (iii) section 225(1) and (4) (which relate to the power of a constable to require the production of a driving licence in certain circumstances);
 - (iv) sections 226 and 229 (which relate to the powers of constables to obtain names and addresses of drivers and others and to require production of evidence of insurance or security and test certificates) ;
 - (v) section 242 (which relates to the giving of certain evidence by certificate);
 - (d) section 89 of this Act.
- (4B) Any power of a constable for the purposes of the following provisions of the Road Traffic Act 1960, namely, sections 223, 225(1) and (4) and 226, shall be exercisable by a traffic warden under an order made by virtue of subsection (4A) above only where—
- (a) the traffic warden is assisting a constable ; or
 - (b) the traffic warden has reasonable cause to believe that an offence has been committed of a description specified in relation to the section in question for the purposes of this paragraph by the order and, in the case of a power for the purposes of the said section 226, the order authorises the use of that power in relation to that offence ; or
 - (c) in the case of a power for the purposes of the said section 223, the traffic warden is exercising functions in connection with the control and regulation of traffic (including foot passengers) or vehicles.
- (5) A police authority shall not employ as a traffic warden any person who is a constable, but shall take steps to ensure that only persons adequately qualified are appointed traffic wardens, and that traffic wardens are suitably trained before undertaking their duties.
- (6) Traffic wardens shall wear such uniform as the Secretary of State may determine, and shall not act as traffic wardens when not in uniform.
- (7) Any power to acquire, or authorise the acquisition of, land for the purposes of a police force shall include power to acquire, or authorise the acquisition of, land for the purposes of the functions under this section of the police authority; and any land

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occupied for the purposes of those functions shall be deemed to be occupied for the purposes of the police force.

- (8) Where traffic wardens are employed by a police authority which is a committee of the council of a county or borough, they shall be treated as employed by the committee as constituted from time to time; but the committee's employment of traffic wardens shall not subject members of the committee to any personal liability under contract or otherwise.
- (9) Neither the Local Government Superannuation Acts 1937 to 1953 nor any local Act scheme within the meaning of those Acts shall apply to traffic wardens by virtue of the foregoing provisions of this section ; but in relation to such traffic wardens employed outside the metropolitan police district as the police authority may determine those Acts (or, if the expenses of the police authority are paid by a local Act authority, the local Act scheme) and any regulations under the Local Government Superannuation Act 1953 shall apply, subject to such adaptations, modifications and exceptions as the Minister of Housing and Local Government may by regulations prescribe.
- (10) The expenses incurred for the purpose of or in connection with the functions under this section of a police authority shall be defrayed as if those expenses were expenses incurred for the purposes of the police force maintained by the authority.
- (11) In respect of the employment of traffic wardens in the metropolitan police district—
 - (a) the functions under this section of the police authority shall be discharged by the commissioner of police of the metropolis; and
 - (b) there shall be paid out of the metropolitan police fund such expenditure incurred for the purposes of this section as the Secretary of State may direct to be so paid; and
 - (c) the receiver for the metropolitan police district shall be treated as the employer for the purpose of any proceedings in respect of matters arising out of the employment.
- (12) As respects Scotland—
 - (a) where under section 9 of the Police (Scotland) Act 1967 a police authority employs persons to discharge any such functions as are described in subsection (1) above, those persons shall act under the directions of the chief officer of police and subsections (2) to (6) above shall apply as they apply in relation to traffic wardens employed under subsection (1) (but with the omission of any reference to the Minister); and
 - (b) notwithstanding anything contained in the Local Government Superannuation (Scotland) Acts 1937 to 1953, traffic wardens shall for the purposes of those Acts be deemed not to be officers.