



Road Traffic Act 1974

1974 CHAPTER 50

Amendments of Road Traffic Act 1972

7 Prohibition of parking of vehicles on verges, central reservations and footways

- (1) After section 36A of the 1972 Act (prohibition of parking of heavy commercial vehicles on verges and footways) there shall be inserted the following section:—

“36B Prohibition of parking of vehicles on verges, central reservations and footways.

- (1) Subject to the provisions of this section, a person who parks a vehicle, other than a heavy commercial vehicle, within the meaning of section 36A of this Act, wholly or partly—
- (a) on the verge of an urban road, or
 - (b) on any land which is situated between two carriageways of an urban road and which is not a footway, or
 - (c) on a footway comprised in an urban road,
- shall be guilty of an offence.
- (2) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court—
- (a) that it was parked in accordance with permission given by a constable in uniform; or
 - (b) that it was parked in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency; or
 - (c) that it was parked in contravention of this section but the conditions specified in subsection (3) below were satisfied.
- (3) The conditions mentioned in subsection (2)(c) above are:—
- (a) that the vehicle was parked on a verge or footway for the purpose of loading or unloading; and

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- (b) that the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been parked on the footway or verge ; and
 - (c) that the vehicle was not left unattended at any time while it was so parked.
- (4) The Secretary of State may by regulations provide that, in relation to vehicles of such classes as may be specified in the regulations, subsection (1) above shall not apply or shall apply subject to such conditions as may be so specified.
- (5) The authority having power, otherwise than by virtue of section 84A (reserve powers) of the Road Traffic Regulation Act 1967, to make an order under section 1 or section 6 of that Act in relation to a road may by order specifying that road provide that the provisions of subsection (1) above shall not apply in relation to it or to any part of it specified in the order, either at all times or during periods so specified.
- (6) In England and Wales a local authority, within the meaning of section 36A of this Act, may institute proceedings for an offence under this section committed with respect to a road in their area.
- (7) In the Road Traffic Regulation Act 1967—
- (a) section 82 (powers exercisable with respect to boundary roads) shall apply for the purpose of subsection (5) above as it applies for the purposes of sections 1(1) and 6(1) of that Act;
 - (b) section 84(1) (general duty of local authorities with respect to road traffic) shall apply as if subsections (1) and (5) above were contained in that Act; and
 - (c) sections 84A (reserve powers), 84C (procedure as respects certain orders), 84D (provisions as to variation or revocation, and as to making by Secretary of State, of certain orders) and 84E (limitation of right to challenge certain orders) shall apply in relation to orders under subsection (5) above as they apply in relation to orders under any provision of section 1 or section 6 of that Act.
- (8) In this section " footway " has the same meaning as in the Highways Act 1959 or, as respects Scotland, the Roads (Scotland) Act 1970, and " urban road " means a road which—
- (a) is a restricted road for the purposes of section 71 of the Road Traffic Regulation Act 1967 (30 m.p.h. speed limit); or
 - (b) is subject to an order under section 74 of that Act imposing a speed limit not exceeding 40 m.p.h.; or
 - (c) is subject to a speed limit not exceeding 40 m.p.h. which is imposed by or under any local Act.”
- (2) In Part I of Schedule 4 to the 1972 Act (prosecution and punishment of offences) after the entry relating to section 36A there shall be inserted the following entry:—

“36B.	Prohibition of parking of vehicles on verges,	Summarily,	£100.	—	—	Sections 181 and 183 apply.”
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