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Road Traffic Regulation Act 1984

1984 CHAPTER 27

An Act to consolidate the Road Traffic Regulation Act 1967 and certain related enactments, with amendments to give effect to recommendations of the Law Commission and the Scottish Law Commission. [26th June 1984]

Modifications etc. (not altering text)

C1 Act extended by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 35, **Sch. 4 Pt. III para. 11**

C2 Act extended (with modifications) by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 6, **Sch. 2 Pt. III para. 26**

C3 Act extended (with modifications) (E.W.) by Dartford-Thurrock Crossing Act 1988 (c. 20, SIF 59), ss. 3, 19, **Sch. 3 para. 10(1)(2)**

C4 Act amended by Road Traffic Act 1988 (c. 52, SIF 107:1), **ss. 187(1)(3)**, 188(1), 189(1), 190(1)
Act amended (1.4.1996) by S.I. 1996/593, reg. 2, **Sch. 1**

C5 Act applied (E.W.) by Dartford-Thurrock Crossing Act 1988 (c. 20, SIF 59), **ss. 5(2)**, 19
Act applied (E.W.) (10.11.1993) by 1993 c. 28, **s. 173(2)**; S.I. 1993/2762, **art.3**
Act applied (E.W.) (11.10.1993) by 1980 c. 65, **s. 157B(2)** (as inserted (11.10.1993) by 1993 c. 28, **s.178**); S.I. 1993/2134, **art. 4(b)** (with Sch. 1 para. 8)
Act applied (with modifications) (3.3.1997) by S.I. 1997/56, art. 6(1), **Sch. 4 Pt. I**
Act applied (with modifications): (1.9.2003) by S.I. 2003/1924, **art. 6**, Sch. 2; (1.9.2003) by S.I. 2003/1984, **art. 6**, Sch. 2; (6.10.2003) by S.I. 2003/2326, **art. 6**, Sch. 2; (20.10.2003) by S.I. 2003/2336, **art. 6**, Sch. 2

C6 Act restricted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), **ss. 60(1)**, 84(1) (with s. 79(1)); S.I. 1991/2054, art. 3, **Sch.**
Act restricted (1.9.1992) by Local Government Act 1985 (c. 51), s. 8, **Sch. 5 para. 5(3)(4)** (as substituted by Road Traffic Act 1991 (c. 40), s. 81, **Sch. 7 para. 8**; S.I. 1992/2010, **art. 2** (with arts. 3, 5))

C7 Act modified and restricted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), **ss. 3(1)(2)**, 43(1)(2) (with ss. 25(2), 47(4), 167(2)); which is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

C8 Act: definition of "traffic authority " applied (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), **s. 2(5)(7)**; S.I. 1992/1218, **art. 2**
Act: definition of "traffic authority" and "traffic sign" applied (E.W.) (14.7.1992) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), **s. 105(1)** (with s. 167(4)(5)); S.I. 1992/1686, art. 3, **Sch.**

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Act: definition of "traffic authority" and "traffic sign" applied (S.) (14.7.1992) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), **s. 164(1)** (with s. 167(4)(5)); S.I. 1992/1671, art. 2, **Sch.**

C9 Act modified (4.7.1994) by: S.I. 1994/1487, **art. 4(1)**; S.I. 1994/1488, **art. 4(1)**; S.I. 1994/1489, **art. 4(1)**; S.I. 1994/1490, **art. 4(1)**; S.I. 1994/1491, **art. 4(1)**; S.I. 1994/1492, **art. 4(1)**; S.I. 1994/1493, **art. 4(1)**; S.I. 1994/1494, **art. 4(1)**; S.I. 1994/1495, **art. 4(1)**; S.I. 1994/1496, **art. 4(1)**; S.I. 1994/1497, **art. 4(1)**; S.I. 1994/1498, **art. 4(1)**; S.I. 1994/1499, **art. 4(1)**; S.I. 1994/1500, **art. 4(1)**; S.I. 1994/1501, **art. 4(1)**; S.I. 1994/1502, **art. 4(1)**; S.I. 1994/1503, **art. 4(1)**; S.I. 1994/1504, **art. 4(1)**; S.I. 1994/1505, **art. 4(1)**; S.I. 1994/1506, **art. 4(1)**; S.I. 1994/1507, **art. 4(1)**; S.I. 1994/1508, **art. 4(1)**; S.I. 1994/1509, **art. 4(1)**; S.I. 1994/1510, **art. 4(1)**; S.I. 1994/1613, **art. 4(1)**

Act modified (18.2.1996) by 1996 c. 61, s. 44, **Sch. 12 Pt. III para. 12**

Act modified (20.5.1996) by S.I. 1996/1171, art. 5, **Sch. 2**

Act modified (3.2.1997) by S.I. 1996/2650, art. 5(1), **Sch. 3 Pt. I**

Act modified (27.10.1997) by S.I. 1997/2304, art. 6(1), **Sch. 2**

Act modified (29.9.1997) by S.I. 1997/2078, art. 6, **Sch. 4**

Act modified (5.10.1998) by S.I. 1998/1539, art. 5(1), Sch. 3 Pt. 1 (as amended (1.4.2020) by The First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 (S.S.I. 2020/95), **sch. 2 para. 21(4)** (with sch. 1))

Act modified (19.1.1999) by S.I. 1998/3207, art. 5, **Sch. 2**

Act modified: (10.5.1999) by S.I. 1999/1112, art. 6, Sch. 2; (4.10.1999) by S.S.I. 1999/59, art. 5(1), Sch. 3 Pt. I (as amended (1.4.2020) by The First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 (S.S.I. 2020/95), **sch. 2 para. 20(4)** (with sch. 1)); (3.1.2000) by S.I. 1999/3313, art. 6, Sch. 2; (4.1.2000) by S.I. 1999/3314, art. 6, Sch. 2; (10.1.2000) by S.I. 1999/3401, art. 6, Sch. 2; (10.1.2000) by S.I. 1999/3402, art. 6, Sch. 2; (10.1.2000) by S.I. 1999/3403, art. 6, Sch. 2; (10.1.2000) by S.I. 1999/3404, art. 6, Sch. 2; (10.1.2000) by S.I. 1999/3405, art. 6, Sch. 2; (5.4.1999) by S.I. 1999/131, art. 6, Sch. 3; (5.4.1999) by S.I. 1999/768, art. 6, Sch. 2

Act modified: (15.1.2001) by S.I. 2000/3317, art. 6, **Sch. 2**; (8.10.2000) by S.I. 2000/2534, art. 6, **Sch. 2**; (30.10.2000) by S.I. 2000/1719, art. 6, **Sch. 2**; (1.9.2000) by S.I. 2000/2120, art. 6, **Sch. 2**; (2.10.2000) by S.I. 2000/2430, art. 6, **Sch. 2**; (13.11.2000) by S.I. 2000/2871, art. 6, **Sch. 4**; (10.4.2000) by S.I. 2000/791, art. 6, **Sch. 2**; (1.2.2000) by S.I. 2000/8, art. 6, **Sch. 2**; (1.4.2000) by S.I. 2000/699, art. 6, **Sch. 2**; (3.4.2000) by S.I. 2000/722, art. 6, **Sch. 2**; (4.9.2000) by S.I. 2000/2169, art. 6, **Sch. 2**

Act modified: (23.1.2001) by S.I. 2001/1, art. 6, **Sch. 2**; (19.2.2001) by S.I. 2001/180, art. 6, **Sch. 2**; (1.4.2001) by S.I. 2001/787, art. 6, **Sch. 2**; (1.4.2001) by S.I. 2001/849, art. 6, **Sch. 2**; (2.4.2001) by S.I. 2001/894, art. 6, **Sch. 2**; (1.9.2001) by S.I. 2001/1427, art. 6, **Sch. 2**; (1.7.2001) by S.I. 2001/1789, art. 6, **Sch. 2**; (2.7.2001) by S.I. 2001/1855, art. 6, **Sch. 2**; (2.7.2001) by S.I. 2001/1856, art. 6, **Sch. 2**; (16.7.2001) by S.I. 2001/2272, art. 6, **Sch. 2**; (3.9.2001) by S.I. 2001/2818, art. 6, **Sch. 2**; (3.9.2001) by S.I. 2001/2819, art. 6, **Sch. 2**; (3.9.2001) by S.I. 2001/2883, art. 6, **Sch. 2**; (1.10.2001) by S.I. 2001/3058, art. 6, **Sch. 2**; (1.10.2001) by S.I. 2001/3059, art. 6, **Sch. 2**; (5.11.2001) by S.I. 2001/3397, art. 6, **Sch. 2**; (26.11.2001) by S.I. 2001/3565, art. 6, **Sch. 2**

Act modified (4.2.2002) by S.I. 2002/37, art. 6, Sch. 2; (25.2.2002) by S.I. 2002/126, art. 6, Sch. 2; (4.3.2002) by S.I. 2002/276, art. 6, Sch. 2; (25.3.2002) by S.I. 2002/421, art. 6, Sch. 2; (2.4.2002) by S.I. 2002/422, art. 6, Sch. 2; (5.6.2002) by S.I. 2002/1351, art. 6, Sch. 2; (5.6.2002) by S.I. 2002/1352, art. 6, Sch. 2; (1.7.2002) by S.I. 2002/1353, art. 6, Sch. 2; (1.7.2002) by S.I. 2002/1484, art. 6, Sch. 2; (1.7.2002) by S.I. 2002/1485, art. 6(1), Sch. 2 Pt. I; (1.7.2002) by S.I. 2002/1486, art. 6(1), Sch. 2 Pt. I; (1.7.2002) by S.I. 2002/1504, art. 6, Sch. 2; (15.7.2002) by S.I. 2002/1621, art. 6, Sch. 2; (1.10.2002) by S.I. 2002/2012, art. 6, Sch. 2; (1.10.2002) by S.I. 2002/2183, art. 6, Sch. 2; (1.10.2002) by S.I. 2002/2184, art. 6, Sch. 2; (1.10.2002) by S.I. 2002/2185, art. 6, Sch. 2; (1.10.2002) by S.I. 2002/2186, art. 6, Sch. 2; (1.10.2002) by S.I. 2002/2187, art. 6, Sch. 2; (1.10.2002) by S.S.I. 2002/398, art. 5(1), Sch. 3 Pt. I (as amended (1.4.2020) by The First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 (S.S.I. 2020/95), **sch. 2 para. 19(4)** (with sch. 1)); (14.10.2002) by S.I. 2002/2188, art. 6, Sch. 2; (25.11.2002) by S.I. 2002/2705, art. 6, Sch. 2; (20.1.2003) by S.I. 2002/2520, art. 6, Sch. 2; (3.2.2003) by S.I. 2002/3265, art. 7, Sch. 2; (3.2.2003) by S.I. 2002/3266, art. 6, Sch. 2

Act modified (17.2.2003) by S.I. 2003/95, art. 6, Sch. 2; (S.) (3.3.2003) by S.S.I. 2003/70, art. 5(1), Sch. 3 Pt. 1 (as amended (1.4.2020) by The First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 (S.S.I. 2020/95), **sch. 2 para. 18(4)** (with sch. 1)); (3.3.2003) by S.I. 2003/251, art. 6, Sch. 2; (1.4.2003) by S.I. 2003/634, art. 6, Sch. 2; (1.4.2003) by S.I. 2003/635, art. 6, Sch. 2; (21.4.2003) by S.I. 2003/898, art. 6, Sch. 2; (2.6.2003) by S.I. 2003/1261, art. 6, Sch. 2; (30.6.2003) by S.I. 2003/1262, art. 6, Sch. 2; (22.9.2003) by S.I. 2003/2153, art. 6, Sch. 2; (29.9.2003) by S.I. 2003/2152, art. 6, Sch. 2; (13.10.2003) by S.I. 2003/2334, art. 6, Sch. 2; (1.11.2003) by S.I. 2003/2440, art. 6, Sch. 2; (10.11.2003) by S.I. 2003/2677, art. 6, Sch. 2; (17.11.2003) by S.I. 2003/2711, art. 6, Sch. 2

Act modified: (W.) (1.2.2004) by S.I. 2004/104, art. 5, Sch. 2; (2.2.2004) by S.I. 2004/13, art. 6, Sch. 2; (1.4.2004) by S.S.I. 2004/87, art. 5(1), Sch. 3 Pt. 1 (as amended (1.4.2020) by The First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 (S.S.I. 2020/95), reg. 1, **sch. 2 para. 17(4)(a)** (with sch. 1)); (26.4.2004) by S.I. 2004/914, art. 6, Sch. 2; (1.6.2004) by S.I. 2004/1278, art. 6, Sch. 2; (1.6.2004) by S.I. 2004/1285, art. 6, Sch. 2; (1.7.2004) by S.I. 2004/1305, art. 6, Sch. 2; (W) (1.7.2004) by S.I. 2004/1608, art. 6, Sch. 2; (4.7.2004) by S.I. 2004/1402, art. 6, Sch. 2; (6.9.2004) by S.I. 2004/2028, art. 6, Sch. 2; (20.9.2004) by S.I. 2004/2111, art. 6, Sch. 2; (1.10.2004) by S.I. 2004/2188, art. 6, Sch. 2; (1.10.2004) by S.I. 2004/2194, art. 6, Sch. 2; (1.10.2004) by S.I. 2004/2212, art. 6, Sch. 2; (1.10.2004) by S.I. 2004/2260, art. 6, Sch. 2; (11.10.2004) by S.I. 2004/2263, art. 6, Sch. 2; (25.10.2004) by S.I. 2004/2424, art. 6, Sch. 3; (8.11.2004) by S.I. 2004/2616, art. 6, Sch. 2; (17.1.2005) by S.I. 2004/3246, art. 6, Sch. 2; (17.1.2005) by S.I. 2004/3310, art. 6, Sch. 2

Act modified: (S.) (7.2.2005) by S.S.I. 2005/11, art. 5(1), Sch. 3 Pt. 1 (as amended (1.10.2006) by S.S.I. 2006/446, art. 4(a)(c) and as amended (1.4.2020) by The First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 (S.S.I. 2020/95), reg. 1, **sch. 2 para. 16(4)(a)** (with sch. 1)); (1.3.2005) by S.I. 2005/95, art. 6, Sch. 2; (1.4.2005) by S.I. 2005/370, art. 6, Sch. 3; (4.4.2005) by S.I. 2005/81, art. 6, Sch. 2; (4.4.2005) by S.I. 2005/194, art. 6, Sch. 2; (4.4.2005) by S.I. 2005/233, art. 6, Sch. 2; (4.4.2005) by S.I. 2005/378, art. 6, Sch. 2; (4.4.2005) by S.I. 2005/388, art. 6, Sch. 2; (4.4.2005) by S.I. 2005/403, art. 6, Sch. 2; (9.5.2005) by S.I. 2005/405, art. 6, Sch. 2; (1.6.2005) by S.I. 2005/779, art. 6, Sch. 2; (1.6.2005) by S.I 2005/452, {art. 6}, Sch. 2; (4.7.2005) by S.I. 2005/1383, art. 6, Sch. 2; (4.7.2005) by S.I. 2005/1384, art. 6, Sch. 2; (4.7.2005) by S.I. 2005/1385, art. 6, Sch. 2; (4.7.2005) by S.I. 2005/1438, art. 6, Sch. 2; (25.7.2005) by S.I. 2005/1645, art. 6, Sch. 2; (1.9.2005) by S.I. 2005/2151, art. 6, Sch. 2; (5.9.2005) by S.I. 2005/2155, art. 6, Sch. 2; (1.10.2005) by S.I. 2005/2362, art. 6, Sch. 2; (1.1.2006) by S.I. 2005/3295, art. 6, Sch. 2; (9.1.2006) by S.I. 2005/3407, art. 6, Sch. 2; (23.1.2006) by S.I. 2005/3492, art. 6, Sch. 2; (23.1.2006) by S.I 2005/3494, {art. 6}, Sch. 2; (30.1.2006) by S.I. 2005/3543, art. 6, Sch. 2

Act modified: (3.4.2006) by S.I. 2006/592, **art. 6**, Sch. 2; (20.4.2006) by S.I. 2006/851, **art. 6**, Sch. 3; (3.7.2006) by S.I. 2006/1445, **art. 6**, Sch. 2; (3.7.2006) by S.I. 2006/1446, **art. 6**, Sch. 2; (10.7.2006) by S.I. 2006/1515, **art. 6**, Sch. 2; (16.8.2006) by S.I. 2006/2167, **art. 27(2)-(6)**; (W.) (1.9.2006) by S.I. 2006/1791, **art. 6**, Sch. 2; (4.9.2006) by S.I. 2006/2134, **art. 6**, Sch. 2; (28.9.2006) by S.I. 2006/2319, **art. 6**, Sch. 1; (2.10.2006) by S.I. 2006/2356, **art. 6**, Sch. 2; (1.11.2006) by S.I. 2006/2631, **art. 6**, Sch. 2; (27.11.2006) by S.I. 2006/2819, **art. 6**, Sch. 2; (2.1.2007) by S.I. 2006/3211, **art. 6**, Sch. 2; (1.2.2007) by S.I. 2006/3424, **art. 6**, Sch. 2; (5.2.2007) by S.I. 2006/3421, **art. 6**, Sch. 2; (5.2.2007) by S.I. 2006/3420, **art. 6**, Sch. 2

C10 Act: transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 2(1)**

C11 Act modified (26.3.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Tameside) Order 2007 (S.I. 2007/547), **art. 6**, Sch. 2

C12 Act modified (W.) (1.4.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Gwynedd) Order 2007 (S.I. 2007/714), **art. 6**, Sch. 2

Act modified (W.) (1.4.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of the Isle of Anglesey) Order 2007 (S.I. 2007/1043), **art. 6**, Sch. 2

C13 Act modified (2.4.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Isle of Wight) Order 2007 (S.I. 2007/648), **art 6**, Sch. 2

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Act modified (2.4.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Fareham) Order 2007 (S.I. 2007/652), **art. 6**, Sch. 2
Act modified (2.4.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Surrey) (Borough of Waverley) Order 2007 (S.I. 2007/664), **art. 6**, Sch. 2

C14 Act modified (24.6.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of North Tyneside) Order 2007 (S.I. 2007/1511), **art. 6**, Sch. 2

C15 Act modified (2.7.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Leicestershire) Order 2007 (S.I. 2007/1582), **art. 6**, Sch. 2
Act modified (2.7.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Gateshead) Order 2007 (S.I. 2007/1583), **art. 6**, Sch. 2
Act modified (2.7.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (South Gloucestershire) Order 2007 (S.I. 2007/1584), **art. 6**, Sch. 2

C16 Act modified (30.7.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of North Yorkshire) (Borough of Scarborough) Order 2007 (S.I. 2007/1902), **art. 6**, Sch. 2

C17 Act modified (5.8.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Northamptonshire) (Corby, Wellingborough, East Northamptonshire and South Northamptonshire) Order 2007 (S.I. 2007/1934), **art. 6**, Sch. 2
Act modified (6.8.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Warwickshire) (District of Warwick) Order 2007 (S.I. 2007/1935), **art. 6**, Sch. 2

C18 Act modified (10.9.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of West Sussex) (Borough of Worthing) Order 2007 (S.I. 2007/2322), **art. 6**, Sch. 2

C19 Act modified (1.10.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Staffordshire) (Staffordshire Moorlands and East Staffordshire) Order 2007 (S.I. 2007/2534), **art. 6**, Sch. 2
Act modified (1.10.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Solihull) Order 2007 (S.I. 2007/2535), **art. 6**, Sch. 2

C20 Act modified (8.10.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Worcestershire) (District of Wyre Forest) Order 2007 (S.I. 2007/2684), **art. 6**, Sch. 2

C21 Act modified (1.11.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Staffordshire) (Newcastle-under-Lyme and Stafford) Order 2007 (S.I. 2007/2797), **art. 6**, Sch. 2

C22 Act modified (5.11.2007) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Gloucestershire) (Cheltenham, Cotswold, Gloucester, Stroud and Tewkesbury) Order 2007 (S.I. 2007/2837), **art. 6**, Sch. 2

C23 Act modified (14.1.2008) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Royal Borough of Windsor and Maidenhead) Order 2007 (S.I. 2007/3553), **art. 6**, Sch. 2
Act modified (21.1.2008) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Cheshire) (Borough of Crewe and Nantwich) Order 2007 (S.I. 2007/3566), **art. 6**, Sch. 2

C24 Act modified (W.) (1.3.2008) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County Borough of Wrexham) Order 2008 (S.I. 2008/226), **art. 6**, Sch. 2

C25 Act applied (S.) (13.11.2009) by Glasgow Commonwealth Games Act 2008 (asp 4), **ss. 39(2)**, 49; S.S.I. 2009/377, **art. 2**, Sch.

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PART I

GENERAL PROVISIONS FOR TRAFFIC REGULATION

Modifications etc. (not altering text)

C26 Pt. 1 applied (with modifications) (S.) (19.4.2007) by Edinburgh Airport Rail Link Act 2007 (asp. 16), **s. 38** (with ss. 52, 60)

Outside Greater London

1 Traffic regulation orders outside Greater London.

(1) **[**[F1]The traffic authority for a road outside Greater London may make an order under this section (referred to in this Act as a "traffic regulation order ") in respect of the road**]** where it appears to the authority making the order that it is expedient to make it—

(a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or

(b) for preventing damage to the road or to any building on or near the road, or

(c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or

(d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or

(e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or

(f) for preserving or improving the amenities of the area through which the road runs **[**[F2]or.

(g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).**]**

[F3](2) . . . . . .

[[F4](3) A traffic regulation order made by a local traffic authority may, with the consent of the Secretary of State, extend to a road in relation to which he is the traffic authority if the order forms part of a scheme of general traffic control relating to roads of which at least one has a junction with the length of road in question.**]**

[F5](4) . . . . . .

[F5](5) . . . . . .

Textual Amendments

F1 Words in s. 1(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 17(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F2 S. 1(1)(g) and preceding word "or " inserted (1.2.1996) by 1995 c. 25, s. 120(1), **Sch. 22**, para. 36(1)(with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**

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F3 S. 1(2) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 17(3), **Sch. 9**; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F4 S. 1(3) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 17(4)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F5 S. 1(4)(5) repealed(1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1)(2), Sch. 8 para. 17(5), Sch. 9; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales by S.I. 1991/2288, art. 3, **Sch.**

Modifications etc. (not altering text)

C27 S. 1 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), **Sch. 5 para. 6(3)**

C28 S. 1 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8(2), **Sch. 5 para. 12**
S. 1 restricted (S.)(4.1.1995) by 1994 c. 39, **ss. 7(2)**, 44(2); S.I. 1994/2850, art. 3(a), **Sch. 2**

C29 S. 1 applied (with modifications)(6.3.1992) by Aberdeen Harbour Order Confirmation Act 1992 (c. ii), s. 1, **Sch. s. 3(2)**.

C30 S. 1 modified (1.7.1992) by S.I. 1992/1217, **reg. 3(1)(a)** (with reg. 11)
S. 1 modified (1.7.1992) by S.I. 1992/1217, **reg. 5** (with reg. 11).

2 What a traffic regulation order may provide.

(1) **[**[F6]A traffic regulation order may make**]** any provision prohibiting, restricting or regulating the use of a road, or of any part of the width of a road, by vehicular traffic, or by vehicular traffic of any class specified in the order,—

(a) either generally or subject to such exceptions as may be specified in the order or determined in a manner provided for by it, and

(b) subject to such exceptions as may be so specified or determined, either at all times or at times, on days or during periods so specified.

(2) **[**[F7]The provision that may be made by a traffic regulation order**]** includes any provision—

(a) requiring vehicular traffic, or vehicular traffic of any class specified in the order, to proceed in a specified direction or prohibiting its so proceeding;

(b) specifying the part of the carriageway to be used by such traffic proceeding in a specified direction;

(c) prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles;

(d) prohibiting the use of roads by through traffic; or

(e) prohibiting or restricting overtaking.

(3) The provision that may be made by a traffic regulation order also includes provision prohibiting, restricting or regulating the use of a road, or of any part of the width of a road, by, or by any specified class of, pedestrians—

(a) either generally or subject to exceptions specified in the order, and

(b) either at all times or at times, on days or during periods so specified.

(4) **[**[F8]A local traffic authority may include**]** in a traffic regulation order any such provision—

(a) specifying through routes for heavy commercial vehicles, or

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(b) prohibiting or restricting the use of heavy commercial vehicles (except in such cases, if any, as may be specified in the order) in such zones or on such roads as may be so specified,

as they consider expedient for preserving or improving the amenities of their area or of some part or parts of their area.

(5) Nothing in subsection (4) above shall be construed as limiting the scope of any power or duty to control vehicles conferred or imposed on any local authority or the Secretary of State otherwise than by virtue of that subsection.

Textual Amendments

F6 Words in s. 2(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1), Sch. 8 para. 18(2); which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F7 Words in s. 2(2) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1), Sch. 8 para. 18(3); which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F8 Words in s. 2(4) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1), Sch. 8 para. 18(4); which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2**. and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C31 S. 2 applied (with modifications)(6.3.1992) by Aberdeen Harbour Order Confirmation Act 1992 (c. ii), s. 1, **Sch. s. 3(2)**.

C32 Ss. 1, 2, 4: power to make orders extended (S.) (1.4.2002) by The Forth Estuary Transport Authority Order 2002 (S.S.I. 2002/178), **art. 9**
S. 2: functions made exercisable concurrently (S) (1.11.2006) by The Transfer of Functions to the Shetland Transport Partnership Order 2006 (S.S.I. 2006/527), art. 4, **Sch. 2**
S. 2: functions made exercisable concurrently (S) (7.11.2006) by The Transfer of Functions to the South West of Scotland Transport Partnership Order 2006 (S.S.I 2006/538), art. 4, Sch. 2

3 Restrictions on traffic regulation orders.

(1) [F9]. . . a traffic regulation order shall not be made with respect to any road which would have the effect—

(a) of preventing at any time access for pedestrians, or

(b) of preventing for more than 8 hours in any period of 24 hours access for vehicles of any class,

to any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians, or (as the case may be) for vehicles of that class, from, and only from, the road.

(2) Subsection (1) above, so far as it relates to vehicles, shall not have effect in so far as the authority making the order are satisfied, and it is stated in the order that they are satisfied, that—

(a) for avoiding danger to persons or other traffic using the road to which the order relates or any other road, or

(b) for preventing the likelihood of any such danger arising, or

(c) for preventing damage to the road or buildings on or near it, or

(d) for facilitating the passage of vehicular traffic on the road, or

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(e) for preserving or improving the amentities of an area by prohibiting or restricting the use on a road or roads in that area of heavy commercial vehicles,

it is requisite that subsection (1) above should not apply to the order.

(3) Provision for regulating the speed of vehicles on roads shall not be made by a traffic regulation order.

[F10](4) . . . . . .

Textual Amendments

F9 Words in s. 3(1) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 19, **Sch. 9**; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**

F10 S. 3(4) repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

Modifications etc. (not altering text)

C33 S. 3 applied (with modifications) (6.3.1992) by Aberdeen Harbour Order Confirmation Act 1992 (c. ii), ss. 1, 3(2), **Sch.**

C34 S. 3: functions made exercisable concurrently (S.) (1.11.2006) by The Transfer of Functions to the Shetland Transport Partnership Order 2006 (S.S.I. 2006/527), art.4, **Sch. 2**
S. 3: functions made exercisable concurrently (S.) (7.11.2006) by The Transfer of Functions to the South West of Scotland Transport Partnership Order 2006 (S.S.I 2006/538), art. 4, {Sch. 2}

C35 S. 3(1) excluded (E.W.) (temp. from 5.10.2009) by London Olympic Games and Paralympic Games Act 2006 (c. 12), **ss. 14(6)**, 40(2)(6), 41(3); S.I. 2009/2577, **art. 2**

4 Provisions supplementary to ss. 2 and 3.

(1) A traffic regulation order may make provision for identifying any part of any road to which, or any time at which or period during which, any provision contained in the order is for the time being to apply by means of a traffic sign of a type or character specified in the order (being a type prescribed or character authorised under section 64 of this Act) and for the time being lawfully in place; and for the purposes of any such order so made any such traffic sign placed on and near a road shall be deemed to be lawfully in place unless the contrary is proved.

(2) A traffic regulation order which imposes any restriction on the use by vehicles of a road, or the waiting of vehicles in a road, may include provision with respect to the issue and display of certificates or other means of identification of vehicles which are excepted from the restriction, whether generally or in particular circumstances or at particular times.

(3) A traffic regulation order may also include provision with respect to the issue, display and operation of devices [F11]. . . for indicating the time at which a vehicle arrived at, and the time at which it ought to leave, any place in a road in which waiting is restricted by the order, or one or other of those times, and for treating the indications given by any such device as evidence of such facts and for such purposes as may be prescribed by the order.

Textual Amendments

F11 Words in s. 4(3) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), **Sch.**

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Modifications etc. (not altering text)

C36 S. 4 applied (with modifications)(6.3.1992) by Aberdeen Harbour Order Confirmation Act 1992 (c. ii), s. 1, **Sch. s. 3(2)**.

C37 Ss. 1, 2, 4: power to make orders extended (S.) (1.4.2002) by The Forth Estuary Transport Authority Order 2002 (S.S.I. 2002/178), **art. 9**

S. 4 functions made exercisable concurrently (S) (1.11.2006) by The Transfer of Functions to the Shetland transport Partnership Order 2006 (S.S.I. 2006/527), art. 4, **Sch. 2**

S. 4 functions made exercisable concurrently (S) (7.11.2006) by The Transfer of Functions to the South West of Scotland Transport Partnership Order 2006 (S.S.I 2006/538), art. 4, {Sch. 2}

5 Contravention of traffic regulation order.

(1) A person who contravenes a traffic regulation order, or who uses a vehicle, or causes or permits a vehicle to be used in contravention of a traffic regulation order, shall be guilty of an offence.

[F12](2) . . . . . .

Textual Amendments

F12 S. 5(2) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 20, **Sch.9**; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2**. and for England and Wales by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C38 S. 5 excluded (temp) ((1.10.1991) (E.W.) (16.6.1997) (S.)) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 43(1), 84(1), **Sch. 3 para. 2(4)(a)**; S.I. 1991/2054, **art. 3**; S.I. 1997/1580, **art. 2**

C39 S. 5 applied (with modifications)(6.3.1992) by Aberdeen Harbour Order Confirmation Act 1992 (c. ii), s. 1, **Sch. s. 3(2)**.

In Greater London

6 Orders similar to traffic regulation orders.

(1) **[**[F13]The traffic authority for a road in Greater London may make an order under this section for controlling or regulating vehicular and other traffic (including pedestrians).Provision may, in particular, be made—**]**—

(a) for any of the purposes, or with respect to any of the matters, mentioned in Schedule 1 to this Act, and

(b) for any other purpose which is a purpose mentioned in any of paragraphs **[**[F14](a) to (g)**]** of section 1(1) of this Act.

[[F15](2) In the case of a road for which the Secretary of State is the traffic authority, the power to make an order under this section is also exercisable, with his consent, by the local traffic authority.**]**

(3) Any order under this section may be made so as to apply—

[[F16](a) to the whole area of a local authority, or to particular parts of that area, or to particular places or streets or parts of streets in that area;**]**

(b) throughout the day, or during particular periods;

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(c) on special occasions only, or at special times only;

(d) to traffic of any class;

(e) subject to such exceptions as may be specified in the order or determined in a manner provided for by it.

[[F17](4) Where, by a notice published in the prescribed manner by the highway authority, a date has been or is declared to be the date on which a part of a special road is open for use as a special road, this section shall not apply in relation to that part of that road or (if the date so declared is a date after the commencement of this Act) shall not apply in relation to it on or after that date.**]**

(5) No order under this section shall contain any provision for regulating the speed of vehicles on roads.

(6) In this section, in section 7 of this Act and in Schedule 1 to this Act "street " includes any highway, any bridge carrying a highway and any lane, mews, footway, square, court, alley or passage whether a thoroughfare or not; **[**[F18]and in subsection (4) above "the prescribed manner " means the manner prescribed by regulations made by the Secretary of State which were or are in force at the time of publication of the notice.**]**

Textual Amendments

F13 Words in s. 6(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1), Sch. 8 para. 21(2); which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F14 Words in s. 6(1)(b) substituted (1.2.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 36(2)**(with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**

F15 S. 6(2) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1), Sch. 8 para. 21(3); which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F16 S. 6(3)(*a*) substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(3)**(*b*)

F17 S. 6(4) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1)(2), Sch. 8 para. 21(4), Sch. 9; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** relating to Sch. 8 and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F18 Words in s. 6(6) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1)(2), Sch. 8 para. 21(5), Sch. 9; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** relating to Sch. 8 and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

Modifications etc. (not altering text)

C40 S. 6 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), **Sch. 5 para. 6(3)**

C41 S. 6 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8(2), **Sch. 5 para. 12**

C42 S. 6 modified (1.7.1992) by S.I. 1992/1217, **reg. 3(1)(b)** (with reg. 11)
S. 6 modified (1.7.1992) by S.I. 1992/1217, **reg. 5** (with reg. 11).
S. 6 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(2)(a)**

7 Supplementary provisions as to orders under s. 6.

(1) Any order under section 6 of this Act may make provision for identifying any part of any road to which, or any time at which or period during which, any provision contained in the order is for the time being to apply by means of a traffic sign of a type or character specified in the order (being a type prescribed or character authorised

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under section 64 of this Act) and for the time being lawfully in place; and, for the purposes of any order so made, any such traffic sign placed on or near a street shall be deemed to be lawfully in place unless the contrary is proved.

(2) Any such order which imposes any restriction on the use by vehicles of streets in Greater London, or the waiting of vehicles in such streets, may include provision with respect to the issue and display of certificates or other means of identification of vehicles which are excepted from the restriction, whether generally or in particular circumstances or at particular times.

(3) Any such order may also include provision with respect to the issue, display and operation of devices [F19]. . . for indicating the time at which a vehicle arrived at, and the time at which it ought to leave, any place in a street in which waiting is restricted by the order, or one or other of those times, and for treating the indications given by any such device as evidence of such facts and for such purposes as may be prescribed by the order.

(4) Any such order may provide for the suspension or modification, so long as the order remains in force, of any provisions of any Acts (whether public general or local or private, and including provisions contained in this Act), byelaws or regulations dealing with the same subject matter as the order, or of any Acts conferring power to make byelaws or regulations dealing with the same subject matter, so far as such provisions apply to any place or street to which the order applies.

(5) No appeal shall lie to the Secretary of State from the **[**[F20]traffic commissioner for the Metropolitan Traffic Area under section 42 of the Transport Act 1985 in the case of a decision of his with respect to a London local service licence if and so far as he certifies**]** that the decision was necessary to secure conformity with any order in force under section 6 of this Act which prescribes—

(a) the routes to be followed, or streets which are not to be used, by vehicles affected by the decision, or

(b) the places in streets where such vehicles may or may not wait, or

(c) the stopping places for such vehicles.

(6) Before the Secretary of State for Transport makes any order under section 6 of this Act which will impose new or additional duties on the police, he shall consult the **[**[F21]the Commissioner of Police for any police area in which is situated any road or part of a road to which the order is to relate**]**.

(7) The reference in subsection (5) above to the Metropolitan Traffic Area shall be construed as if it were contained in the [M1]Public Passenger Vehicles Act 1981.

Textual Amendments

F19 Words in s. 7(3) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), **Sch.6**

F20 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 15(2)**

F21 Words in s. 7(6) substituted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, **Sch. 7**, para. 3 (with s. 79(1)); S.I. 1991/2054, art. 3, **Sch.**

Modifications etc. (not altering text)

C43 S. 7 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(2)(a)**

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Marginal Citations

M1 1981 c. 14**(107:1).**

8 Contravention of order under s. 6.

(1) Any person who acts in contravention of, or fails to comply with, an order under section 6 of this Act shall be guilty of an offence.

[[F22](1A) Subsection (1) above does not apply in relation to any order under section 6 of this Act so far as it designates any parking places.**]**

[F23](2) . . . . . .

Textual Amendments

F22 S. 8(1A) inserted (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994, 5.4.1994 and 4.7.1994 respectively for specified London boroughs and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 65(2)** (with s. 79(1)); S.I. 1993/1461, **art. 3(1)(b)**; S.I. 1993/2229, **art. 3(b)**; S.I. 1993/2803, **art. 2(b)**; S.I. 1993/3238, **art. 2(b)**; S.I. 1994/81, **art. 3(b)**; S.I. 1994/1482, **art. 2(a)**; S.I. 1994/1484, art. 2(a), **Sch.**

F23 S. 8(2) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1)(2), Sch. 8 para. 22, Sch. 9; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** relating to Sch. 8 and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C44 S. 8 excluded (temp.) (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 76(3)(a)** (with s. 79(1)); S.I. 1991/2054, art. 3, **Sch.**
S. 8 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(2)(a)**

C45 S. 8 applied (with modifications) (30.12.2003) by London Local Authorities and Transport for London Act 2003 (c. iii), **s. 7(2)**

Experimental traffic schemes

9 Experimental traffic orders.

[[F24](1) The traffic authority for a road may, for the purposes of carrying out an experimental scheme of traffic control, make an order under this section (referred to in this Act as an "experimental traffic order ") making any such provision—

(a) as respects a road outside Greater London, as may be made by a traffic regulation order;

(b) as respects a road in Greater London, as may be made by an order under section 6, 45, 46, 49, **[**[F25]or 83(2) or by virtue of section 84(1)(a)**]]** of this Act.

[[F26](2) An experimental traffic order made by a local traffic authority outside Greater London may, with the consent of the Secretary of State, extend to a road in relation to which he is the traffic authority if the order forms part of a scheme of general traffic control relating to roads of which at least one has a junction with the length of road in question.

(2A) In the case of a road in Greater London for which the Secretary of State is the traffic authority, the power to make an order under this section is also exercisable, with his consent, by the local traffic authority.**]**

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(3) An experimental traffic order shall not continue in force for longer than 18 months.

(4) Subject to Parts I to III of Schedule 9 of this Act, where—

(a) an experimental traffic order has been made for a period of less than 18 months, and

(b) the order has not ceased to be in force,

the authority by whom the order was made may from time to time by order direct that it shall continue in force for a further period ending not later than 18 months after it first came into force.

(5) Where an experimental traffic order made by **[**[F27]a London borough council or the Common Council of the City of London**]** has not ceased to be in force, and the Secretary of State is satisfied that—

(a) an order which **[**[F27]the council**]** propose to make under any of the provisions of this Act specified in subsection (1)(b) above has the sole effect of reproducing and continuing in force indefinitely the provisions of the experimental traffic order (whether or not that order has been varied, or has been modified or suspended under section 10(2) of this Act), and

(b) in consequence of **[**[F27]the council**]** causing a public inquiry to be held into the order so proposed to be made, they would be unable to make it so that it would come into operation before the experimental traffic order ceases to be in force,

the Secretary of State may, at the request of **[**[F27]the council**]**, from time to time direct that the experimental traffic order shall continue in force for a further period not exceeding 6 months from the date when it would otherwise cease to be in force.

[[F28](5A) So much of section 4(1) or 7(1) of this Act as provides for a presumption that a traffic sign is lawfully placed shall apply for the purposes of an order under this section making any such provision as is referred to in that subsection.**]**

(6) In this section and section 10 of this Act "road ", in relation to Greater London, includes any street as defined by section 6(6) of this Act.

Textual Amendments

F24 S. 9(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 23(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F25 Words in s. 9(1)(b) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para. 24; S.I. 1992/1286, **art. 2**,Sch.

F26 S. 9(2)(2A) substituted (1.11.1991) for s. 9(2) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 23(3)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F27 Words in s. 9(5) substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(4)**

F28 S. 9(5A) inserted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 23(4)**; which insertion is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C46 S. 9 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1(2), 8(2), **Sch. 5 para. 6(3)**

C47 S. 9 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8(2), **Sch. 5 para. 12**
S. 9 restricted (4.1.1995) by 1994 c. 39, **ss. 7(2)**, 44(2); S.I. 1994/2850, art. 3(a), **Sch. 2**

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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C48 S. 9 modified (1.7.1992) by S.I. 1992/1217, **reg. 3(1)(c)** (with reg. 11)
S. 9 modified (1.7.1992) by S.I. 1992/1217, **reg.5** (with reg. 11).

C49 S. 9: power to make orders extended (S.) (1.4.2002) by The Forth Estuary Transport Authority Order 2002 (S.S.I. 2002/178), **art. 9**

10 Supplementary provisions as to experimental traffic orders.

(1) An experimental traffic order—

(a) may provide for the suspension or modification, while the order is in force, of any provision previously made by or under any enactment, if it is a provision that could have been made by the order; and

(b) shall, to the extent that it is inconsistent with any provision subsequently made by or under any enactment, cease to have effect.

[[F29](2) An experimental traffic order may include provision empowering a specified officer of the authority who made the order, or a person authorised by such a specified officer, to modify or suspend the operation of the order or any provision of it if it appears to him essential—

(a) in the interests of the expeditious, convenient and safe movement of traffic,

(b) in the interests of providing suitable and adequate on-street parking facilities, or

(c) for preserving or improving the amenities of the area through which any road affected by the order runs.

The power conferred by such a provision shall be exercised only after consulting the appropriate chief officer of police and giving such public notice as the Secretary of State may direct.**]**

[[F30](3) Any such power to modify an experimental traffic order as is mentioned in subsection (2) above does not extend to making additions to the order or to designating additional on-street parking places for which charges are made; but subject to that the modifications may be of any description.**]**

(4) No appeal shall lie to the Secretary of State from the **[**[F31]commissioner for the Metropolitan Traffic Area under section 42 of the Transport Act 1985 in the case of a decision of the commissioner with respect to a London local service licence if and so far as he certifies**]** that the decision was necessary to secure conformity with an experimental traffic order prescribing—

(a) the routes to be followed, or roads which are not to be used, by vehicles affected by the decision, or

(b) the places in roads where such vehicles may or may not wait, or

(c) the stopping places for such vehicles.

(5) The Secretary of State may repay to **[**[F32]a London borough council or the Common Council of the City of London**]** any expenses incurred by **[**[F32]that council**]** in connection with any experimental traffic order made by them.

[[F33](6) The reference in subsection (4) above to the Metropolitan Traffic Area shall be construed as if it were contained in the Public Passenger Vehicles Act 1981.**]**

Textual Amendments

F29 S. 10(2) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1), Sch. 8 para. 24(2); which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F30 S. 10(3) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1), Sch. 8 para. 24(3); which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2**. and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F31 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 15(3)**(*a*)

F32 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(5)**

F33 S. 10(6) inserted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 15(3)**(*b*)

11 Contravention of experimental traffic order.

[[F34](1)**]** Any person who acts in contravention of, or fails to comply with, an experimental traffic order shall be guilty of an offence.

[[F35](2) This section does not apply in relation to any experimental traffic order so far as it designates any parking places in Greater London.**]**

Textual Amendments

F34 S. 11 renumbered as s. 11(1) (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994, 5.4.1994 and 4.7.1994 respectively for specified London boroughs and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 65(3)** (with s. 79(1)); S.I. 1993/1461, **art. 3(1)(b)**; S.I. 1993/2229, **art. 3(b)**; S.I. 1993/2803, **art. 2(b)**; S.I. 1993/3238, **art. 2(b)**; S.I. 1994/81, **art. 3(b)**; S.I. 1994/1482, art. 2(a), **Sch.**; S.I. 1994/1484, **art. 2(a)**

F35 S. 11(2) inserted (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994, 5.4.1994 and 4.7.1994 respectively for specified London boroughs and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 65(3)** (with s. 79(1)); S.I. 1993/1461, **art. 3(1)(b)**; S.I. 1993/2229, **art. 3(b)**; S.I. 1993/2803, **art. 2(b)**; S.I. 1993/3238, **art. 2(b)**; S.I. 1994/81, **art. 3(b)**; S.I. 1994/1482, art. 2(a), **Sch.**; S.I. 1994/1484, **art. 2(a)**

Modifications etc. (not altering text)

C50 S. 11 excluded (temp. from 1.10.1991 for E.W. and from 16.6.1997 for S.) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 76(3)(b)** (with s. 79(1)); S.I. 1991/2054, **art. 3**,Sch.; S.I. 1997/1580, **art. 2**
S. 11 excluded (temp. from 1.10.1991 for E.W. and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 43, 84(1), **Sch. 3 para. 2(4)(b)**; S.I. 1991/2054, art. 3, **Sch.**

C51 S. 11 applied (with modifications) by London Local Authorities and Transport for London Act 2003 (c. iii), **s. 7(3)**

12 Experimental traffic schemes in Greater London.

(1) Where it appears to the commissioner of police expedient to do so for the purpose of carrying out within his area an experimental scheme of traffic control, he may, with the consent of **[**[F36]the local authority**]**, and after giving such notice as **[**[F36]that authority**]** may direct, make regulations for regulating vehicular traffic in any manner specified in Schedule 2 to this Act.

[[F37](1A) The local authority shall not give their consent to any such scheme affecting a road for which the Secretary of State is the traffic authority except with his agreement.

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(2) The Secretary of State may in the case of any scheme, after consultation with the local authority, direct them to consent to the scheme within a specified period or to withhold their consent.**]**

(3) The Secretary of State shall not give a direction under subsection (2) above unless he is satisfied, having regard to any matters appearing to him to be relevant, that **[**[F38]the local authority's**]** duty under section 122(1) of this Act is not being satisfactorily discharged by **[**[F38]the authority**]** and that the giving of the direction is necessary to secure compliance with that duty.

(4) Any provision contained in regulations under this section may be made so as to apply—

(a) at all times or on specified days or during specified periods;

(b) either throughout the day or during any specified part of the day; and

(c) to vehicular traffic generally or to vehicular traffic of any class specified in the regulations;

and regulations under this section may make different provision for different classes of traffic.

(5) Regulations under this section may suspend or modify any order for the time being in force under section 6 of this Act.

(6) Regulations under this section shall not continue in force for a period longer than 6 months after they are made, together with such further period or periods (if any) not exceeding 12 months in all as, at any time before the regulations expire, **[**[F39]the local authority**]** may direct.

(7) Without prejudice to the power of the commissioner of police to revoke any regulations under this section, any such regulations may be revoked by an order under section 6 of this Act.

(8) A document purporting to be a copy, certified by a person authorised by the commissioner of police, of regulations under this section shall be evidence of the contents of such regulations.

(9) This section shall apply within Greater London but not elsewhere.

[[F40](10) In this section—

"the commissioner of police ", in relation to the metropolitan police district, means the commissioner of police of the metropolis and, in relation to the City of London, means the commissioner of police for the City of London; and

"local authority " means the council of a London borough or the Common Council of the City of London.**]**

Textual Amendments

F36 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(6)**(*a*)

F37 S. 12(1A)(2) substituted (1.11.1991) for s. 12(2) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1), Sch. 8 para.25; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F38 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(6)**(*c*)

F39 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(6)**(*d*)

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F40 S. 12(10) substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(6)**(*e*)

13 Contravention of regulations under s. 12.

Any person who contravenes, or fails to comply with, regulations under section 12 of this Act shall be guilty of an offence.

[F41 Temporary suspension]

Textual Amendments

F41 S. 13A inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, **Sch. 7**, para.4 (with s. 79(1)); S.I. 1991/2054, **art. 3**,Sch.

[F42 13A Temporary suspension of provisions under s. 6 or 9 orders.

(1) The Commissioner of Police of the Metropolis or the Commissioner of Police for the City of London may temporarily suspend the operation of any provision of an order made under section 6 or 9 of this Act so far as that provision relates to any road or part of a road in Greater London which is within his area, in order to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic in consequence of extraordinary circumstances.

(2) Subject to subsection (3) below, the period of suspension under subsection (1) above shall not continue for more than 7 days.

(3) If the Secretary of State gives his consent to the period of suspension being continued for more than 7 days, the suspension shall continue until the end of such period as may be specified by the Secretary of State in giving his consent.**]**

Textual Amendments

F42 S. 13A inserted(1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, **Sch. 7**, para. 4 (with s. 79(1)); S.I. 1991/2054, **art. 3**,Sch.

PART II

TRAFFIC REGULATION IN SPECIAL CASES

[14 F43 Temporary prohibition or restriction on roads.

(1) If the traffic authority for a road are satisfied that traffic on the road should be restricted or prohibited—

(a) because works are being or are proposed to be executed on or near the road; or

(b) because of the likelihood of danger to the public, or of serious damage to the road, which is not attributable to such works; or

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(c) for the purpose of enabling the duty imposed by section 89(1)(a) or (2) of theEnvironmental Protection Act 1990 (litter clearing and cleaning) to be discharged,

the authority may by order restrict or prohibit temporarily the use of that road, or of any part of it, by vehicles, or vehicles of any class, or by pedestrians, to such extent and subject to such conditions or exceptions as they may consider necessary.

(2) The traffic authority for a road may at any time by notice restrict or prohibit temporarily the use of the road, or of any part of it, by vehicles, or vehicles of any class, or by pedestrians, where it appears to them that it is—

(a) necessary or expedient for the reason mentioned in paragraph (a) or the purpose mentioned in paragraph (c) of subsection (1) above; or

(b) necessary for the reason mentioned in paragraph (b) of that subsection,

that the restriction or prohibition should come into force without delay.

(3) When considering the making of an order or the issue of a notice under the foregoing provisions an authority shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order or notice.

(4) The provision that may be made by an order or notice under the foregoing provisions is—

(a) any such provision as is mentioned in section 2(1), (2) or (3) or 4(1) of this Act; or

(b) any provision restricting the speed of vehicles;

but no such order or notice shall be made or issued with respect to any road which would have the effect of preventing at any time access for pedestrians to any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians from, and only from, the road.

(5) Where any such order or notice is made or issued by an authority (in this subsection referred to as the "initiating authority") any such provision as is mentioned in subsection (4) above may be made as respects any alternative road—

(a) if that authority is the traffic authority for the alternative road, by an order made by the initiating authority or by that notice;

(b) if the initiating authority is not the traffic authority for the alternative road, by an order made by the initiating authority with the consent of the traffic authority for the alternative road.

(6) Section 3(1) and (2) of this Act shall apply to the provisions that may be made under subsection (5) above as they apply to the provisions of a traffic regulation order.

(7) An order or notice made or issued under this section may—

(a) suspend any statutory provision to which this subsection applies; or

(b) for either of the reasons or for the purpose mentioned in subsection (1) above suspend any such provision without imposing any such restriction or prohibition as is mentioned in subsection (1) or (2) above.

(8) Subsection (7) above applies to—

(a) any statutory provision of a description which could have been contained in an order or notice under this section;

(b) an order under section 32(1)(b), 35, 45, 46 or 49 of this Act or any such order as is mentioned in paragraph 11(1) of Schedule 10 to this Act; and

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(c) an order under section 6 of this Act so far as it designates any parking places in Greater London.

(9) In this section "alternative road", in relation to a road as respects which an order is made under subsection (1) or a notice is issued under subsection (2) above, means a road which—

(a) provides an alternative route for traffic diverted from the first-mentioned road or from any other alternative road; or

(b) is capable of providing such an alternative route apart from any statutory provision authorised by subsection (7) above to be suspended by an order made or notice issued by virtue of subsection (5) above.**]**

Textual Amendments

F43 S. 14 substituted (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), s. 1(1), **Sch. 1**; S.I. 1992/1218, **art.2**

Modifications etc. (not altering text)

C52 S. 14 modified (1.7.1992) by S.I. 1992/1217, **reg. 4(1)** (with reg. 11)
S. 14 modified (1.7.1992) by S.I. 1992/1217, **reg. 6** (with reg. 11)
S. 14 applied (27.7.1993) by 1993 c. xv, **s. 4(4)**.
S. 14 restricted (4.1.1995) by 1994 c. 39, **ss. 7(2)**, 44(2); S.I. 1994/2850, art. 2, **Sch. 1**
S. 14 applied (with modifications) (18.12.1996) by 1996 c. xii, s. 1, **Sch. s. 9**
S. 14 applied (21.7.1994) by 1994 c. xv, **s. 4(4)**

C53 S. 14(1)-(3)(5): certain functions transferred (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**; S.I. 1998/3178, art. 2, **Sch. 1**

C54 S. 14(2) modified (E.W.) by Dartford-Thurrock Crossing Act 1988 (c. 20, SIF 59), **ss. 19**, 24(1) (as amended (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), **s. 2(6)(7)**; S.I. 1992/1218, **art.2**)

C55 S. 14(2) modified (26.4.1992) by Severn Bridges Act 1992 (c. 3), **s. 22(1)**; S.I. 1992/578, **art.2**.

[F44 15 Duration of orders and notices under s.14.

(1) Subject to subsections (2), (3) and (5) below, an order under section 14 of this Act shall not continue in force—

(a) if it is in respect of a footpath, bridleway, cycle track or byway open to all traffic, for more than six months; and

(b) in any other case, for more than eighteen months,

from the date on which it comes into force.

(2) The time-limit of eighteen months in subsection (1) above shall not apply to an order made for the reason mentioned in section 14(1)(a) of this Act if the authority making it are satisfied, and it is stated in the order that they are satisfied, that the execution of the works in question will take longer; but in any such case the authority shall revoke the order as soon as the works are completed.

(3) Where an order subject to the time-limit of eighteen months in subsection (1) above (in this subsection referred to as "the temporary order") has not ceased to be in force and the Secretary of State is satisfied that—

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(a) an order which the authority that made the temporary order proposes to make under any other provision of this Act has the sole effect of reproducing the provisions of the temporary order and continuing them in force; and

(b) in consequence of the procedure required to be followed in connection with the making of the proposed order that authority would be unable to make it so that it would come into operation before the temporary order ceases to be in force,

the Secretary of State may, subject to subsection (4) below, from time to time direct that the temporary order shall continue in force for a further period not exceeding six months from the date on which it would otherwise cease to be in force.

(4) Where the Secretary of State is not himself the authority that made the temporary order he shall not give a direction under subsection (3) above except at the request of that authority.

(5) The Secretary of State may, at the request of an authority that has made an order subject to the time-limit of six months in subsection (1) above, from time to time direct that the order shall continue in force for a further period from the date on which it would otherwise cease to be in force.

(6) Where the Secretary of State refuses a request under subsection (5) above in respect of an order no further order to which that subsection applies shall be made in respect of any length of road to which the previous order related unless the Secretary of State has consented to the making of the further order or at least three months have expired since the date on which the previous order ceased to be in force.

(7) A notice under section 14 of this Act shall not continue in force—

(a) if issued for the reason mentioned in paragraph (a) or the purpose mentioned in paragraph (c) of subsection (1) of that section, for more than five days from the date of the notice;

(b) if issued for the reason mentioned in paragraph (b) of that subsection, for more than twenty-one days from that date;

but the Secretary of State may by regulations alter the number of days for the time being specified in this subsection.

(8) Provided that no restriction or prohibition imposed under section 14 of this Act in respect of any length of road remains in force for more than the period applicable to an order in respect of the road under subsection (1) above (except by virtue of subsection (2), (3) or (5) above and subject to subsection (6) above)—

(a) a restriction or prohibition imposed by an order under that section may be continued by a further order or further orders under that section; and

(b) a restriction or prohibition imposed by a notice under that section may be continued—

(i) by an order under that section; or

(ii) if the notice was issued for the reason mentioned in subsection (1)(b) of that section, by one (but not more than one) further notice under that section.

(9) In the application of this section to England and Wales—

(a) "footpath" does not include a highway over which the public have a right of way on foot only which is at the side of a public road;

(b) "cycle track" has the same meaning as in the [M2]Highways Act 1980; and

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(c) "byway open to all traffic" means a highway over which the public have a right of way for vehicular and all other kinds of traffic but which is used by the public mainly for the purpose for which footpaths and bridleways are used.

(10) In the application of this section to Scotland "footpath" and "cycle track" have the same meaning as in the [M3]Roads (Scotland) Act 1984.**]**

Textual Amendments

F44 S. 15 substituted (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), s. 1(1), **Sch.1**; S.I. 1992/1218, **art.2**.

Modifications etc. (not altering text)

C56 S. 15(2)(3)(5)-(7): certain functions transferred (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 3**

Marginal Citations

M2 1980 c. 66.
M3 1984 c. 54.

16 Supplementary provisions as to orders and notices under s. 14.

(1) A person who contravenes, or who uses or permits the use of a vehicle in contravention of, a restriction or prohibition imposed under section 14 of this Act shall be guilty of an offence.

[[F45](2) The Secretary of State may make regulations with respect to the procedure to be followed in connection with the making of orders and the issue of notices under section 14 of this Act including provision for notifying the public of the exercise, or proposed exercise, of the powers conferred by that section and of the effect of orders and notices made or issued in the exercise of those powers.

(2A) Without prejudice to the generality of subsection (2) above, the Secretary of State may by regulations under that subsection make, in relation to such orders as he thinks appropriate, provision—

(a) for the making and consideration of objections to a proposed order; and

(b) for any of the matters mentioned in paragraph 22(1) of Schedule 9 to this Act;

and paragraph 25 of that Schedule shall apply to regulations under that subsection as it applies to regulations under Part III of that Schedule, taking references to orders as including both orders and notices.**]**

[F46](3) . . . . . .

(4) . . . . . .

Textual Amendments

F45 S. 16(2)(2A) substituted (1.7.1992) for s. 16(2) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), **s. 1(2)**; S.I. 1992/1218, **art.2**.

F46 S. 16(3)(4) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 27, **Sch.9**; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2**. and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

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Modifications etc. (not altering text)

C57 S. 16 excluded (temp.) (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107), **s. 76(3)(c)** (with s. 79(1)); S.I. 1991/2054, art. 3, **Sch.**

C58 S. 16 applied (with modifications) (22.6.2007) by The Road Tunnel Safety Regulations 2007 (S.I. 2007/1520), **reg. 7(3)(7)**

C59 S. 16(1) modified (E.W.) by Dartford-Thurrock Crossing Act 1988 (c. 20, SIF 59) ss. 19, 24(3)

C60 S. 16(2)(2A): certain functions transferred (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 3**

[[F47]16A Prohibition or restriction on roads in connection with certain events.

(1) In this section "relevant event" means any sporting event, social event or entertainment which is held on a road.

(2) If the traffic authority for a road are satisfied that traffic on the road should be restricted or prohibited for the purpose of—
   (a) facilitating the holding of a relevant event,
   (b) enabling members of the public to watch a relevant event, or
   (c) reducing the disruption to traffic likely to be caused by a relevant event,

   the authority may by order restrict or prohibit temporarily the use of that road, or any part of it, by vehicles or vehicles of any class or by pedestrians, to such extent and subject to such conditions or exceptions as they may consider necessary or expedient.

(3) Before making an order under this section the authority shall satisfy themselves that it is not reasonably practicable for the event to be held otherwise than on a road.

(4) An order under this section—
   (a) may not be made in relation to any race or trial falling within subsection (1) of section 12 of the [M4]Road Traffic Act 1988 (motor racing on public ways);
   (b) may not be made in relation to any competition or trial falling within subsection (1) of section 13 of that Act (regulation of motoring events on public ways) unless the competition or trial is authorised by or under regulations under that section; and
   (c) may not be made in relation to any race or trial falling within subsection (1) of section 31 of that Act (regulation of cycle racing on public ways) unless the race or trial is authorised by or under regulations made under that section.

(5) An order under this section may relate to the road on which the relevant event is to be held or to any other road.

(6) In the case of a road for which the Secretary of State is the traffic authority, the power to make an order under this section is also exercisable, with his consent, by the local traffic authority or by any local traffic authority which is the traffic authority for any other road to which the order relates.

(7) In the case of a road for which a local traffic authority is the traffic authority, the power to make an order under this section is also exercisable, with the consent of that local traffic authority, by a local traffic authority which is the traffic authority for any other road to which the order relates.

(8) When considering the making of an order under this section, an authority shall have regard to the safety and convenience of alternative routes suitable for the traffic which will be affected by the order.

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(9) The provision that may be made by an order under this section is—

(a) any such provision as is mentioned in section 2(1), (2) or (3) or 4(1) of this Act;

(b) any provision restricting the speed of vehicles; or

(c) any provision restricting or prohibiting—

(i) the riding of horses, or

(ii) the leading or driving of horses, cattle, sheep or other animals,

but no such order shall be made with respect to any road which would have the effect of preventing at any time access for pedestrians to any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians from, and only from, the road.

(10) An order under this section may—

(a) suspend any statutory provision to which this subsection applies; or

(b) for any of the purposes mentioned in subsection (2) above, suspend any such provision without imposing any such restriction or prohibition as is mentioned in that subsection.

(11) Subsection (10) above applies to—

(a) any statutory provision of a description which could have been contained in an order under this section;

(b) an order under section 32(1)(b), 35, 45, 46 or 49 of this Act or any such order as is mentioned in paragraph 11(1) of Schedule 10 to this Act; and

(c) an order under section 6 of this Act so far as it designates any parking places in Greater London.**]**

Textual Amendments

F47 S. 16A inserted (3.5.1994) by S.I. 1994 c. 11, **s. 1(1)**

Modifications etc. (not altering text)

C61 S. 16A applied (with modifications) (21.9.2008) by London Local Authorities and Transport for London Act 2008 (c. iii), ss. 1(2), **12**

C62 S. 16A applied (with modifications) (E.W.) (temp. from 5.10.2009) by London Olympic Games and Paralympic Games Act 2006 (c. 12), **ss. 16(1)**, 40(2)(6), 41(3); S.I. 2009/2577, **art. 2**

Marginal Citations

M4 1988 c. 52.

[[F48]16B Restrictions on orders under s. 16A.

(1) An order under section 16A of this Act shall not continue in force for a period of more than three days beginning with the day on which it comes into force unless—

(a) the order is made by the Secretary of State as the traffic authority for the road concerned; or

(b) before the order is made, he has agreed that it should continue in force for a longer period.

(2) Where an order under section 16A of this Act has not ceased to be in force and the relevant event to which it relates has not ended, the Secretary of State may, subject to

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subsections (4) and (5) below, from time to time direct that the order shall continue in force for a further period not exceeding three days beginning with the day on which it would otherwise cease to be in force.

(3) A direction under subsection (2) above may relate to all the roads to which the order under section 16A of this Act relates or only to specified roads.

(4) Where an order under section 16A of this Act relates only to roads for which the Secretary of State is not himself the traffic authority, he shall not give a direction under subsection (2) above except at the request of the traffic authority for any road to which the order relates.

(5) Where an order under section 16A of this Act relates to any road for which the Secretary of State is not himself the traffic authority, he shall not give a direction under subsection (2) above affecting that road except with the consent of the traffic authority for that road.

(6) Where an order has been made under section 16A of this Act in any calendar year, no further order may be made under that section in that year so as to affect any length of road affected by the previous order, unless the further order—

(a) is made by the Secretary of State as the traffic authority for the road concerned; or

(b) is made with his consent.

(7) For the purposes of subsection (6) above, a length of road is affected by an order under section 16A of this Act if the order contains provisions—

(a) prohibiting or restricting traffic on that length of road; or

(b) suspending any statutory provision applying to traffic on that length of road.**]**

Textual Amendments

F48 S. 16B inserted (3.5.1994) by 1994 c. 11, **s. 1(1)**

Modifications etc. (not altering text)

C63 S. 16B applied (with modifications) (21.9.2008) by London Local Authorities and Transport for London Act 2008 (c. iii), ss. 1(2), **13**

C64 S. 16B excluded (E.W.) (temp. from 5.10.2009) by London Olympic Games and Paralympic Games Act 2006 (c. 12), **ss. 16(2)**, 40(2)(6), 41(3); S.I. 2009/2577, **art. 2**

[[F49]16C Supplementary provisions as to orders under s. 16A.

(1) A person who contravenes, or who uses or permits the use of a vehicle in contravention of, a restriction or prohibition imposed by an order under section 16A of this Act shall be guilty of an offence.

(2) The Secretary of State may make regulations with respect to the procedure to be followed in connection with the making of orders under section 16A of this Act including provision for notifying the public of the exercise or proposed exercise of the powers conferred by that section and of the effect of orders made in the exercise of those powers.

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(3) Without prejudice to the generality of subsection (2) above, the Secretary of State may by regulations under that subsection make, in relation to such orders as he thinks appropriate, provision—

(a) for the making and consideration of representations relating to a proposed order; and

(b) for any of the matters mentioned in paragraph 22(1)(a), (c), (d) or (e) of Schedule 9 to this Act;

and paragraph 25 of that Schedule shall apply to regulations under that subsection as it applies to regulations under Part III of that Schedule.**]**

Textual Amendments

F49 S. 16C inserted (3.5.1994) by 1994 c. 11, **s. 1(1)**

17 Traffic regulation on special roads.

[[F50](1) A special road shall not be used except by traffic of a class authorised to do so—

(a) in England and Wales, by a scheme made, or having effect as if made, under section 16 of the Highways Act 1980 or by virtue of paragraph 3 of Schedule 23 to that Act, or

(b) in Scotland, by a scheme made, or having effect as if made, under section 7 of the Roads (Scotland) Act 1984.**]**

(2) The Secretary of State may make regulations with respect to the use of special roads,**[**[F51]Such regulations may, in particular—

(a) regulate the manner in which and the conditions subject to which special roads may be used by traffic authorised to do so;**]**

(b) authorise, or enable such authority as may be specified in the regulations to authorise, the use of special roads on occasion or in an emergency or for the purpose of crossing, or for the purpose of securing access to premises abutting on or adjacent to the roads, by traffic other than that described in paragraph (a) above; [F52]. . .

(c) relax, or enable any authority so specified to relax, any prohibition or restriction imposed by the regulations.

[[F53](d) include provisions having effect in such places, at such times, in such manner or in such circumstances as may for the time being be indicated by traffic signs in accordance with the regulations.**]**

(3) Regulations made under subsection (2) above may make provision with respect to special roads generally, or may make different provision with respect to special roads provided for the use of different classes of traffic, or may make provision with respect to any particular special road.

(4) If a person uses a special road in contravention of this section or of regulations under subsection (2) above, he shall be guilty of an offence.

[[F54](5) The provisions of this section and of any regulations under subsection (2) above do not apply in relation to a road, or part of a road, until the date declared by the traffic authority, by notice published in the prescribed manner, to be the date on which the road or part is open for use as a special road.

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This does not prevent the making of regulations under subsection (2) above before that date, so as to come into force in relation to that road or part on that date.**]**

(6) In this section "use", in relation to a road, includes crossing, [F55] . . .

Textual Amendments

F50 S. 17(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 28(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F51 Words in s. 17(2) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 28(3)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F52 Word at end of s. 17(2)(b) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, **art. 2**,Sch.

F53 S. 17(2)(d) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 25**; S.I. 1992/1286, **art. 2**,Sch.

F54 S. 17(5) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 28(4)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F55 Words in s. 17(6) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s.168(1)(2), Sch. 8 para. 28(5), **Sch.9**; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

Modifications etc. (not altering text)

C65 S. 17 modified (13.2.1992) by Severn Bridges Act 1992 (c. 3), **s. 22(3)**

C66 S. 17(2)(5): certain functions transferred (1.7.1999) by S.I. 1999/1750, **art. 2 Sch. 1**; S.I. 1998/3178, **art. 3**

C67 S. 17(5) applied (23.10.1995) by S.I. 1995/2507, **reg. 3**

[[F56]17A Further provisions as to special roads.

(1) On the date declared by the traffic authority, by notice published in the prescribed manner, to be the date on which a special road, or a part of a special road, is open for use as a special road, any existing order under section 1, 6, 9 or 84 of this Act relating to that road or part shall cease to have effect.

(2) This is without prejudice to any power to make orders under those provisions in relation to the road or part as a special road; and any such power may be exercised before the date referred to above, so as to take effect on that date.

(3) The procedure for making an order applies in such a case with such modifications as may be prescribed.**]**

Textual Amendments

F56 S. 17A inserted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 29**; which insertion is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2**. and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

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18 One-way traffic on trunk roads.

(1) Where the Secretary of State proposes to make **[**[F57]an order under section 10 of the Highways Act 1980 or section 5 of the Roads (Scotland) Act 1984 directing**]**that a road shall become a trunk road, and considers it expedient—

(a) that the road, when it becomes a trunk road, should be used only for traffic passing in one direction, and

(b) that any other road which is a trunk road, or is to become a trunk road by virtue of the order, should be used only for traffic passing in the other direction,

the order may make provision for restricting the use of those roads accordingly as from such date as may be specified in the order.

(2) Subsection (1) above shall have effect without prejudice to the powers of the Secretary of State under section 1 of this Act.

(3) A person who uses a vehicle, or causes or permits a vehicle to be used, in contravention of any provision made by virtue of subsection (1) above shall be guilty of an offence.

Textual Amendments

F57 Words in s. 18(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 30**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C68 S. 18 modified (1.7.1992) by S.I. 1992/1217, **reg. 3(1)(d)** (with reg. 11)
S. 18 modified (1.7.1992) by S.I. 1992/1217, **reg.5** (with reg. 11).

19 Regulation of use of highways by public service vehicles.

[[F58](1) A local traffic authority outside Greater London may make orders—

(a) for determining the highways or, in Scotland, roads in their area which may or may not be used by public service vehicles;

(b) for fixing stands for public service vehicles on such highways or roads;**]**

(c) as to the places at which public service vehicles may stop for a longer time than is necessary for taking up and setting down passengers; and

(d) as to the manner of using such stands and places.

(2) Any such order may be made—

(a) so as to apply only to public service vehicles of a specified class, or

(b) so as to have effect as respects a limited period only or as respects only limited periods in the year,

and may make different provision for different classes of public service vehicles.

[F59](3) . . . . . .

Textual Amendments

F58 Words in s. 19(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 31(2)**; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**

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F59 S. 19(3) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 31(3), **Sch. 9**; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**

Modifications etc. (not altering text)

C69 S. 19 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), **Sch. 5 para. 6(3)**

C70 S. 19 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8(2), **Sch. 5 para. 12**

C71 S. 19 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(a)**

C72 S. 19: functions made exercisable concurrently (S.) (1.11.2006) by The Transfer of Functions to the Shetland Transport Partnership Order 2006 (S.S.I. 2006/527), art. 4, **Sch. 2**
S. 19: functions made exercisable concurrently (S.) (7.11.2006) by The Transfer of Functions to the South-West of Scotland Transport Partnership Order 2006 (S.S.I. 2006/538), art. 4, **Sch. 2**

20 Prohibition or restriction of use of vehicles on roads of certain classes.

(1) The Secretary of State, if he is satisfied that it is desirable to do so, may by order made by statutory instrument prohibit or restrict, subject to such exceptions and conditions as to occasional use or access to premises or otherwise as may be specified in the order, the driving of vehicles on all roads of any such class as may be specified in the order.

(2) A prohibition or restriction under this section may be imposed either generally or in relation to any class of vehicle; and for the purposes of this section the Secretary of State may classify roads in any manner he thinks fit, having regard to their character and situation or the nature of the traffic to which they are suited, and may determine in what class any particular road shall be included.

[[F60](3) No order under this section shall be made or apply in relation to a special road on or after the date declared by the traffic authority, by notice published in the prescribed manner, to be the date on which the special road, or the relevant part of the special road, is open for use as a special road.**]**

(4) A statutory instrument by which an order under this section is made, revoked or varied shall not have effect unless and until it has been approved by a resolution of each House of Parliament.

(5) A person who drives a vehicle, or causes or permits a vehicle to be driven, in contravention of an order under this section shall be guilty of an offence.

Textual Amendments

F60 S. 20(3) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.32**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C73 S. 20 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(2)(a)**

21 Permit for trailer to carry excess weight.

(1) As regards any road or bridge the appropriate authority may, subject to such conditions as they think fit, grant a permit in respect of any trailer specified in the permit, when drawn by a heavy locomotive or a light locomotive on the road or bridge, to carry weights specified in the permit, notwithstanding that, when conveying such weights,

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the trailer does not comply with any regulations made, or having effect as if made, by the Secretary of State under **[**[F61]section 41 of the Road Traffic Act 1988**]** as to the weight laden of trailers or as to the maximum weight which may be transmitted to the road or any part of it by trailers.

(2) Where such a permit is granted in respect of a trailer it shall not, so long as the conditions (if any) attached to the permit are complied with, be an offence to carry on the road or bridge weights authorised by the permit by reason only that the trailer, when conveying them, does not comply with any such regulations.

[[F62](3) The appropriate authority for the purposes of this section is—

(a) in relation to a bridge for the maintenance of which a bridge authority is responsible, or a road passing over such a bridge, the bridge authority;

(b) in relation to any other road, the traffic authority and any other person responsible for the maintenance of the road.**]**

Textual Amendments

F61 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(1)**

F62 S. 21(3) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.33**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**. and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

22 Traffic regulation for special areas in the countryside.

(1) This section applies to roads of the following descriptions, that is to say—

(a) in the case of England and Wales (other than Greater London) roads in, or forming part of, or adjacent to or contiguous with—

(i) a National Park,

(ii) an area of outstanding natural beauty,

(iii) a country park provided under section 7(1) of the [M5]Countryside Act 1968 which in the opinion of the Secretary of State serves the purpose set out in section 6(1) of that Act when the considerations in paragraphs (a) and (b) of that subsection are taken into account, and any park or pleasure ground in the Lee Valley Regional Park which in the opinion of the Secretary of State serves that purpose,

(iv) an area in which the Countryside Commission **[**[F63]or the Countryside Council for Wales**]** are conducting a project or scheme under section 4 of that Act,

(v) a nature reserve or an area subject to an agreement under section 15 of that Act,

(vi) a long distance route, or

(vii) land belonging to the National Trust which is held by the Trust inalienably; and

[[F64](b) in the case of Scotland, roads in, or forming part of, or adjacent to or contiguous with—

(i) a country park within the meaning of section 48 of the Countryside (Scotland) Act 1967;

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(ii) a National Scenic Area designated under section 262C of the Town and Country Planning (Scotland) Act 1972;

(iii) a Natural Heritage Area designated under section 6 of the Natural Heritage (Scotland) Act 1991;

(iv) an area in respect of which Scottish Natural Heritage has prepared proposals for a development project or scheme under section 5 of the Natural Heritage (Scotland) Act 1991;

(v) a nature reserve within the meaning of section 15 of the National Parks and Access to the Countryside Act 1949 or an area which is subject to an agreement under section 15 of the Countryside Act 1968 (areas of special scientific interest);

(vi) a long distance route within the meaning of section 54 of the said Act of 1967 (power to make byelaws);

(vii) land belonging to the National Trust for Scotland which is held by the Trust inalienably; or

(viii) open country, being land which appears to the Secretary of State to consist wholly or predominantly of mountain, moor, heath, hill, woodland, cliff or foreshore, and any waterway; and in this sub-paragraph "waterway" and "foreshore" shall include any bank, barrier, dune, beach, flat or other land adjacent to the waterway or foreshore.**]**

(2) This Act shall have effect as respects roads to which this section applies as if the list of purposes for which a traffic regulation order may be made under section 1 of this Act, as set out in the paragraphs of subsection (1) of that section, included the purpose of conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area.

[[F65](3) The Countryside Commission, the Countryside Council for Wales and the **[**[F66]Scottish Natural Heritage**]]** may each make submissions to the Secretary of State as to the desirability of a traffic regulation order being made in relation to a road to which this section applies, whether or not it is a road for which he is the traffic authority.

(4) Where such a submission is made as respects a road for which he is not the traffic authority, and the traffic authority for the road notify him that they do not intend to make an order, the Secretary of State may by order under this subsection make any such provision as he might have made by a traffic regulation order if he had been the traffic authority.

This Act applies to such an order as to an order made by him in relation to a road for which he is the traffic authority.

Textual Amendments

F63 Words in s. 22(1)(a)(iv) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 7**; S.I. 1991/685, **art. 3**

F64 S. 22(1)(b) substituted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 27(1), **Sch. 10 para. 10(2)**; S.I. 1991/2633, **art.4**

F65 S. 22(3)(4) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 34(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

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F66 Words in s. 22(3) substituted (1.4.1992) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 34(3)**; S.I. 1991/2286, art. 2(2), **Sch.2**; S.I. 1991/2288, **art. 3**,Sch.; Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), **Pt. I** (ss. 1 - 14); S.I. 1991/2633, **art.4**

Marginal Citations

M5 1968 c. 41**(46:1).**

VALID FROM 30/01/2001

[F67 22A Traffic regulation on certain roads for purpose of conserving natural beauty.

(1) This section applies to roads other than—

(a) roads to which section 22 of this Act applies,

(b) special roads, or

(c) any road which is a trunk road, a classified road, a GLA road, a cycle track, a bridleway or a footpath, as those expressions are defined by section 329 of the M6 Highways Act 1980.

(2) This Act shall have effect as respects roads to which this section applies as if, in relation to the making of provision with respect to vehicular traffic, the list of purposes for which a traffic regulation order under section 1 of this Act may be made, as set out in paragraphs (a) to (g) of subsection (1) of that section and referred to in section 6(1)(b) of this Act, included the purpose of conserving or enhancing the natural beauty of the area.

(3) In subsection (2) above the reference to conserving the natural beauty of an area shall be construed as including a reference to conserving its flora, fauna and geological and physiographical features.]

Textual Amendments

F67 S. 22A inserted (E.W.) (30.1.2001) by 2000 c. 37, **ss. 66(4)**, 103(2)

Marginal Citations

M6 1980 c. 66.

PROSPECTIVE

[F68 22B Traffic regulation on long distance routes

(1) This section applies where the Secretary of State thinks that, because of the use of a long distance route by vehicular traffic, members of the public cannot safely and conveniently—

(a) enjoy the amenities of any part of the route or of the area through which the route runs;

(b) take advantage of opportunities for recreation in any part of that area;

(c) study nature in any part of that area.

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(2) The Secretary of State may make an order preventing the use of the route or a specified part of the route—
  (a) by vehicular traffic, or
  (b) by vehicular traffic of a specified kind.

(3) An order under this section may have effect only in relation to a long distance route which is, or in so far as it is, in England.

(4) An order under this section shall be treated for all purposes as if it were a traffic regulation order made by the Secretary of State in relation to a road for which he is the traffic authority (and, in particular, any provision of this Act about the making or effect of such an order shall apply).**]**

Textual Amendments

F68 S. 22B inserted (prosp.) by Railways and Transport Safety Act 2003 (c. 20), **ss. 108**, 120

VALID FROM 16/11/2006

[F69 22BBTraffic regulation on byways etc. in National Parks in England and Wales

(1) This section applies to a road—
  (a) which is in a National Park in England or Wales,
  (b) which is—
    (i) shown in a definitive map and statement as a byway open to all traffic, a restricted byway, a bridleway or a footpath, or
    (ii) a carriageway whose surface, or most of whose surface, does not consist of concrete, tarmacadam, coated roadstone or other prescribed material, and
  (c) in respect of which no relevant order is in force.

(2) The National Park authority may—
  (a) for a purpose mentioned in section 1(1)(a) to (g) or 22(2), by order make in respect of the road any such provision as is mentioned in section 2(1), (2) or (3) or 4(1);
  (b) for the purpose of carrying out an experimental scheme of traffic control, by order make in respect of the road any such provision as is mentioned in section 2(1), (2) or (3) or 4(1);
  (c) for a reason given in section 14(1)(a) or (b) or for a purpose mentioned in section 14(1)(c) or 22(2), by order make in respect of the road—
    (i) any such provision as is mentioned in section 2(1), (2) or (3) or 4(1), or
    (ii) any provision restricting the speed of vehicles.

(3) This Act has effect, subject to subsection (4) and any prescribed modifications, in relation to an order by a National Park authority under subsection (2)(a), (b) or (c) as it has effect in relation to an order by a local traffic authority under section 1, 9 or 14(1).

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(4) Before making any order under subsection (2), the National Park authority must consult any authority which is a highway authority for the road.

Textual Amendments

F69 Ss. 22BB, 22BC inserted (E.W.) (16.11.2006 for W. and 1.10.2007 for E.) by Natural Environment and Rural Communities Act 2006 (c. 16), **ss. 72**, 107(4); S.I. 2006/2992, **art. 2**; S.I. 2007/2540, **art. 2**

VALID FROM 16/11/2006

22BC Section 22BB: supplementary

(1) Expressions used in section 22BB(1)(b) that are defined for the purposes of Part 3 of the Wildlife and Countryside Act 1981 by section 66(1) of that Act have the same meaning as in that Part.

(2) In section 22BB(1)(c) "relevant order" means—
- (a) a traffic regulation order,
- (b) an experimental traffic order,
- (c) an order under section 14(1),
- (d) an order under section 22(4), or
- (e) an order under section 22B,

but does not include an order made under section 22BB(2).

(3) In section 22BB "prescribed" means prescribed by regulations made—
- (a) in relation to England, by the Secretary of State;
- (b) in relation to Wales, by the National Assembly for Wales.

(4) Any functions exercisable by the National Assembly for Wales by virtue of this section are to be treated for the purposes of section 44 of the Government of Wales Act 1998 (parliamentary procedures for subordinate legislation) as if made exercisable by the Assembly by an Order in Council under section 22 of that Act.**]**

Textual Amendments

F69 Ss. 22BB, 22BC inserted (E.W.) (16.11.2006 for W. and 1.10.2007 for E.) by Natural Environment and Rural Communities Act 2006 (c. 16), **ss. 72**, 107(4); S.I. 2006/2992, **art. 2**; S.I. 2007/2540, **art. 2**

VALID FROM 19/01/2005

[[F70]22C Terrorism

(1) An order may be made under section 1(1)(a) for the purpose of avoiding or reducing, or reducing the likelihood of, danger connected with terrorism (for which purpose the reference to persons or other traffic using the road shall be treated as including a reference to persons or property on or near the road).

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(2) An order may be made under section 1(1)(b) for the purpose of preventing or reducing damage connected with terrorism.

(3) An order under section 6 made for a purpose mentioned in section 1(1)(a) or (b) may be made for that purpose as qualified by subsection (1) or (2) above.

(4) An order may be made under section 14(1)(b) for a purpose relating to danger or damage connected with terrorism.

(5) A notice may be issued under section 14(2)(b) for a purpose relating to danger or damage connected with terrorism.

(6) In this section "terrorism" has the meaning given by section 1 of the Terrorism Act 2000 (c. 11).

(7) In Scotland an order made, or notice issued, by virtue of this section is to be made or issued not by the traffic authority, if the traffic authority is the Scottish Ministers, but by the Secretary of State.

(8) In Wales an order made, or notice issued, by virtue of this section may be made or issued only with the consent of the Secretary of State if the traffic authority is the National Assembly for Wales.**]**

Textual Amendments

F70 Ss. 22C, 22D inserted (19.1.2005) by Civil Contingencies Act 2004 (c. 36), ss. 32(1), 34, **Sch. 2 Pt. 3 para. 16(2)**; S.I. 2004/3281, **art. 2(3)(4)**

Modifications etc. (not altering text)

C74 S. 22C(1)(2)(4)(5): transfer of functions (23.3.2005) by The Scotland Act 1998 (Transfer of functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849), art. 2, **Sch.** (with transitional provisions and savings in art. 6)

VALID FROM 19/01/2005

[F70 22D Section 22C: supplemental

(1) An order may be made by virtue of section 22C only on the recommendation of the chief officer of police for the area to which the order relates.

(2) The following shall not apply in relation to an order made by virtue of section 22C—
- (a) section 3,
- (b) section 6(5),
- (c) the words in section 14(4) from "but" to the end,
- (d) section 121B, and
- (e) paragraph 13(1)(a) of Schedule 9.

(3) Sections 92 and 94 shall apply in relation to an order under section 14 made by virtue of section 22C as they apply in relation to an order under section 1 or 6.

(4) An order made by virtue of section 22C, or an authorisation or requirement by virtue of subsection (3) above, may authorise the undertaking of works for the purpose

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of, or for a purpose ancillary to, another provision of the order, authorisation or requirement.

(5) An order made by virtue of section 22C may—

(a) enable a constable to direct that a provision of the order shall (to such extent as the constable may specify) be commenced, suspended or revived;

(b) confer a discretion on a constable;

(c) make provision conferring a power on a constable in relation to the placing of structures or signs (which may, in particular, apply a provision of this Act with or without modifications).**]**

Textual Amendments

F70 Ss. 22C, 22D inserted (19.1.2005) by Civil Contingencies Act 2004 (c. 36), ss. 32(1), 34, **Sch. 2 Pt. 3 para. 16(2)**; S.I. 2004/3281, **art. 2(3)(4)**

Modifications etc. (not altering text)

C75 S. 22D(3): transfer of functions (23.3.2005) by The Scotland Act 1998 (Transfer of functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849), art. 2, **Sch.** (with transitional provisions and savings in art. 6)

C76 S. 22D(4): transfer of functions (23.3.2005) by The Scotland Act 1998 (Transfer of functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849), art. 2, **Sch.** (with transitional provisions and savings in art. 6)

C77 S. 22D(5): transfer of functions (23.3.2005) by The Scotland Act 1998 (Transfer of functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849), art. 2, **Sch.** (with transitional provisions and savings in art. 6)

PART III

CROSSINGS AND PLAYGROUNDS

Pedestrian crossings

23 Powers of local authorities with respect to pedestrian crossings on roads other than trunk roads.

[[F71](1) A local traffic authority may establish crossings for pedestrians on roads for which they are the traffic authority, and may alter or remove any such crossings.

The crossings shall be indicated in the manner prescribed by regulations under section 25 of this Act.**]**

(2) Before establishing, altering, or removing a crossing a **[**[F72]local traffic authority**]**—

(a) shall consult the chief officer of police about their proposal to do so;

(b) shall give public notice of that proposal; and

(c) shall inform the Secretary of State in writing.

(3) It shall be the duty of a **[**[F72]local traffic authority**]** to execute any works (including the placing, erection, maintenance, alteration and removal of marks and traffic signs) required—

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(a) in connection with the establishment, alteration or removal of crossings in accordance with regulations having effect under section 25 of this Act, or

(b) in connection with the indication of crossings in accordance with such regulations.

(4) . . . . . [F73]

[F74](5) . . . . . .

Textual Amendments

F71 S. 23(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 35(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2**. and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F72 Words in s. 23(2)(3) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 35(3)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2**, and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F73 S. 23(4) repealed by Local Government Act 1984 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F74 S. 23(5) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 23(5), **Sch.9**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2**, and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

24 Pedestrian crossings on trunk roads.

[[F75]The Secretary of State shall establish on roads for which he is the traffic authority such crossings**]** for pedestrians as he considers necessary, **[**[F75]and execute**]** any works (including the placing, erection, maintenance, alteration and removal of marks and traffic signs) required in connection with the establishment of those crossings.

Textual Amendments

F75 Words in s. 24 substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.36**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**, and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

25 Pedestrian crossing regulations.

(1) The Secretary of State may make regulations with respect to the precedence of vehicles and pedestrians respectively, and generally with respect to the movement of traffic (including pedestrians), at and in the vicinity of crossings.

(2) Without prejudice to the generality of subsection (1) above, regulations under that subsection may be made—

(a) prohibiting pedestrian traffic on the carriageway within 100 yards of a crossing, and

(b) with respect to the indication of the limits of a crossing, or of any other matter whatsoever relating to the crossing, by marks or devices on or near the roadway or otherwise, and generally with respect to the erection of traffic signs in connection with a crossing.

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(3) Different regulations may be made under this section in relation to different traffic conditions, and in particular (but without prejudice to the generality of the foregoing words) different regulations may be made in relation to crossings in the vicinity of, and at a distance from, a junction of roads, and in relation to traffic which is controlled by the police, and by traffic signals, and by different kinds of traffic signals, and traffic which is not controlled.

(4) Regulations may be made under this section applying only to a particular crossing or particular crossings specified in the regulations.

(5) A person who contravenes any regulations made under this section shall be guilty of an offence.

(6) In this section "crossing" means a crossing for pedestrians established—

(a) by a local authority under section 23 of this Act, or

(b) by the Secretary of State in the discharge of the duty imposed on him by section 24 of this Act,

and (in either case) indicated in accordance with the regulations having effect as respects that crossing; and, for the purposes of a prosecution for a contravention of the provisions of a regulation having effect as respects a crossing, the crossing shall be deemed to be so established and indicated unless the contrary is proved.

Modifications etc. (not altering text)

C78 S. 25(1) amended (1.7.1999) by S.I. 1999/1750, **art. 4 Sch. 3**; S.I. 1998/3178, **art. 3**

School crossings

26 Arrangements for patrolling school crossings.

(1) Arrangements may be made by the appropriate authority for the patrolling of places where children cross roads on their way to or from school, or from one part of a school to another, during periods between the hours of eight in the morning and half-past five in the afternoon when children are so on their way, by persons appointed by or on behalf of the appropriate authority, other than constables.

(2) For the purposes of this section, in its application to England and Wales, the appropriate authority—

(a) as respects places not in the metropolitan police district and not in the City of London, shall be the council of the county **[**[F76] or metropolitan district**]** in which the places in question are;

(b) as respects places in the City of London, shall be the Common Council of the City; and

(c) as respects places in the metropolitan police district, shall be the commissioner of police of the metropolis,

and for the purposes of this section, in its application to Scotland, the appropriate authority shall be the **[**[F77]council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]** .

(3) The functions of the appropriate authority for the purposes of arrangements under subsection (1) above shall include the duty to satisfy themselves of the adequate

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qualifications of persons appointed to patrol, and to provide requisite training of persons to be appointed.

(4) In taking decisions as to making arrangements under subsection (1) above—

[[F78](a)**]** in England or Wales, the council of a county **[**[F76]or metropolitan district**]**, and the commissioner of police of the metropolis, shall have regard to any representations made to them or him by local authorities for localities in the county, **[**[F76] metropolitan district or**]** metropolitan police district, as the case may be, **[**[F79]and

(b) in Scotland, the regional council shall have regard to any representations made to them by district councils for areas in the region.**]**

(5) Any arrangements under subsection (1) above—

[[F80](a)**]** if made in England or Wales by the council of the county **[**[F81]or metropolitan district as respects places in the county or district**]**, may include an agreement between that council and the police authority for the police area in which those places are, **[**[F82]or

(b) if made in Scotland by a regional council, may include an agreement between that council and any district council whose area comprises the place to which the arrangements relate,**]**

for the performance by the police authority, **[**[F83]or, in Scotland, the district council,**]** on such terms as may be specified in the agreement, of such functions for the purposes of the arrangements as may be so specified.

Textual Amendments

F76 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(10)**(*b*)

F77 Words in s. 26(2) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 134(3)(a)** (with s. 179); S.I. 1996/323, **art. 3**

F78 Word "a" in s. 26(4) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 134(3)(b)(i), **Sch. 14** (with s. 179); S.I. 1996/323, **art. 3**

F79 s. 26(4)(b) and preceding word "and" repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 134(3)(b)(ii), **Sch. 14** (with s. 179); S.I. 1996/323, **art. 3**

F80 Word "a" in s. 26(5) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 134(3)(c)(i), **Sch. 14** (with s. 179); S.I. 1996/323, **art. 3**

F81 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(10)**(*c*)

F82 s. 26(5)(b) and preceding word "or" repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 134(3)(c)(ii), **Sch. 14** (with s. 179); S.I. 1996/323, **art. 3**

F83 Words in s. 26(5) repealed (S.)(1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 134(3)(c)(iii), **Sch. 14** (with s. 179); S.I. 1996/323, **art. 3**

27 Expenses under s. 26 in metropolitan police district.

(1) The expenses incurred for the purposes of section 26 of this Act by the council of a county any part of which is for the time being comprised in the metropolitan police district shall not be chargeable on that part.

(2) For the purposes of any arrangements made under section 26(1) of this Act by the commissioner of police of the metropolis, there shall be paid out of the metropolitan police fund such expenditure as the Secretary of State may direct to be so paid.

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28 Stopping of vehicles at school crossings.

(1) When between the hours of eight in the morning and half-past five in the afternoon a vehicle is approaching a place in a road where children on their way to or from school, or from one part of a school to another, are crossing or seeking to cross the road, a school crossing patrol wearing a uniform approved by the Secretary of State shall have power, by exhibiting a prescribed sign, to require the person driving or propelling the vehicle to stop it.

(2) When a person has been required under subsection (1) above to stop a vehicle—

(a) he shall cause the vehicle to stop before reaching the place where the children are crossing or seeking to cross and so as not to stop or impede their crossing, and

(b) the vehicle shall not be put in motion again so as to reach the place in question so long as the sign continues to be exhibited.

(3) A person who fails to comply with paragraph (a) of subsection (2) above, or who causes a vehicle to be put in motion in contravention of paragraph (b) of that subsection, shall be guilty of an offence.

(4) In this section—

(a) "prescribed sign" means a sign of a size, colour and type prescribed by regulations made by the Secretary of State or, if authorisation is given by the Secretary of State for the use of signs of a description not so prescribed, a sign of that description;

(b) "school crossing patrol" means a person authorised to patrol in accordance with arrangements under section 26 of this Act;

and regulations under paragraph (a) above may provide for the attachment of reflectors to signs or for the illumination of signs.

(5) For the purposes of this section—

(a) where it is proved that a sign was exhibited by a school crossing patrol, it shall be presumed, unless the contrary is proved, to be of a size, colour and type prescribed, or of a description authorised, under subsection (4)(b) above, and, if it was exhibited in circumstances in which it was required by the regulations to be illuminated, to have been illuminated in the prescribed manner;

(b) where it is proved that a school crossing patrol was wearing a uniform, the uniform shall be presumed, unless the contrary is proved, to be a uniform approved by the Secretary of State; and

(c) where it is proved that a prescribed sign was exhibited by a school crossing patrol at a place in a road where children were crossing or seeking to cross the road, it shall be presumed, unless the contrary is proved, that those children were on their way to or from school or from one part of a school to another.

Modifications etc. (not altering text)

C79 S. 28(4)(a): certain functions transferred (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 3**

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Street playgrounds

[F84 29 Power to prohibit traffic on roads to be used as playgrounds.

(1) For the purpose of enabling a road for which they are the traffic authority to be used as a playground for children, a local traffic authority may make an order prohibiting or restricting the use of the road by vehicles, or by vehicles of any specified class, either generally or on particular days or during particular hours.

The prohibition or restriction may be subject to such exceptions and conditions as to occasional use or otherwise as may be specified in the order.

(2) An order under this section shall make provision for permitting reasonable access to premises situated on or adjacent to the road.

(3) A person who uses a vehicle or causes or permits a vehicle to be used, in contravention of an order in force under this section shall be guilty of an offence.**]**

Textual Amendments

F84 S. 29 substituted for ss. 29, 30 (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.37**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**, and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

31 Byelaws with respect to roads used as playgrounds.

(1) Where an order is or has been made **[F88**under section 29 of this Act, the local traffic authority may**]** make byelaws authorising the use of the road as a playground for children and making provision—

(a) with respect to the admission of children to the road when used as a playground;

(b) with respect to the safety of children so using the road and their protection from injury by vehicles using the road for access to premises situated on or adjacent to it or otherwise; and

(c) generally with respect to the proper management of the road when used as a playground for children.

(2) Byelaws under this section shall be subject to confirmation **[F89**by the Secretary of State**]**.

Textual Amendments

F88 Words in s. 31(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.38**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2**, and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F89 Words in s. 31(2) substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(13)**

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PART IV

PARKING PLACES

Provision of off-street parking, and parking on roads without payment

32 Power of local authorities to provide parking places.

(1) Where for the purpose of relieving or preventing congestion of traffic it appears to a local authority to be necessary to provide within their area suitable parking places for vehicles, the local authority, subject to Parts I to III of Schedule 9 to this Act—

(a) may provide off-street parking places (whether above or below ground and whether or not consisting of or including buildings) together with means of entrance to and egress from them, or

(b) may by order authorise the use as a parking place of any part of a road within their area, not being a road the whole or part of the width of which is within Greater London.

(2) A local authority may adapt for use as, or for providing means of entrance to or egress from, a parking place any land acquired or appropriated by them for the purposes of this section, and may, with the consent of the authority or person responsible for the maintenance of a road, adapt any part of it for the purpose of providing means of entrance to or egress from a parking place.

(3) Any power conferred by this section to provide a parking place includes power to maintain it (if below ground) and to maintain buildings comprised in it, and to provide and maintain any cloakroom or other convenience for use in connection with it; and references in other provisions of this section to parking places shall accordingly be construed as including references to any such conveniences.

(4) In this section and in sections 33 to 41 of this Act—

(a) "local authority", in relation to England and Wales, means (subject to section 36(3)) the council of a county, London borough or district . . . [F90] or the Common Council of the City of London and, in relation to Scotland, means **[**[F91]council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]**;

(b) "parking place" means a place where vehicles, or vehicles of any class, may wait;

and for the purposes of this section and of sections 33 to 41 of this Act, an underground parking place shall not be deemed to be part of a road by reason only of its being situated under a road.

Textual Amendments

F90 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F91 Words in s. 32(4)(a) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 134(4)**; S.I. 1996/323, **art. 4**

Modifications etc. (not altering text)

C80 S. 32 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), **Sch. 5 para. 6(3)**

C81 S. 32 restricted by Local Government Act 1985 (c. 51, SIF 81:1) s. 8(2), Sch. 5 para. 12

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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C82 S. 32 restricted (S.) (1.4.1995) by 1994 c. 39, **ss. 7(2)**, 44(2); S.I. 1994/2850, art. 3(a), **Sch. 2**

33 Additional powers of local authorities in connection with off-street parking places.

(1) The power of a local authority under section 32 of this Act to provide off-street parking places shall include power to provide them in buildings used also for other purposes, and to erect or adapt, and to maintain, equip and manage, buildings accordingly; and the authority by whom a parking place is so provided may let, on such terms as they think fit, parts of the building which are not used for the parking place, and may provide services for the benefit of persons occupying or using those parts, and may make such reasonable charges for those services as they may determine.

(2) A local authority may adapt for use as a temporary off-street parking place any land owned by them or under their control, not being, in the case of land owned by them, land acquired or appropriated by them for use as an off-street parking place.

(3) A local authority may let for use as a parking place any off-street parking place provided by them; and, where the parking place is in a building, they may let the parking place separately from the rest of the building or let the whole or any part of the building with the parking place.

(4) A local authority may, on such terms as they think fit,—

(a) let land on which they could erect or adapt a building for the purpose of providing an off-street parking place with a view to its being provided by some other person, or

(b) arrange with any person for him to provide such a parking place on any land of which he is the owner or in which he has an interest.

(5) A local authority may, at an off-street parking place provided by them under section 32 of this Act, provide and maintain such buildings, facilities and apparatus as they think fit for the storage and sale of fuel and lubricants and the supply of air and water for the vehicles, and may let or hire out, on such terms as they think fit, the buildings, facilities or apparatus so provided, but shall not themselves sell or supply fuel or lubricants.

(6) Subsections (1) to (5) above shall not affect the provisions of any local Act as to the provision of parking places.

(7) A local authority shall have power to enter into arrangements with any person under which, in consideration of the payment by him to the authority of a lump sum, or of a series of lump sums, he is authorised to collect and retain the charges made in respect of the parking of vehicles in an off-street parking place provided by the authority under section 32 of this Act.

34 Provision of access to premises through off-street parking place.

(1) Where it appears to a local authority [F92] . . .which proposes to provide, or has provided, an off-street parking place under section 32 of this Act—

[[F93](a) that it would relieve or prevent congestion of traffic on a highway or, in Scotland, a road if use were made of the parking place to provide a means of access from the highway or road to premises adjoining, or abutting on, the parking place, and**]**

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(b) that it would be possible to provide such access and at the same time ensure that vehicles using the parking place to obtain access to the premises in question would, while in the parking place, proceed in the direction in which other vehicles using the parking place are to be, or are, required to proceed,

the authority may provide such a means of access in accordance with the provisions of this section.

(2) A local authority may adapt for use as, or for providing, means of access under this section—

(a) an off-street parking place provided by them under section 32 of this Act;

(b) any land acquired or appropriated by them for the purposes of this section or section 32; or

(c) with the consent of the authority or person responsible for the maintenance of a road, any part of that road.

(3) A local authority which proposes to provide, or has provided, a means of access to any premises under this section—

(a) may enter into an agreement with the occupier of the premises with respect to the use of the means of access and for the making by him of contributions towards the expenses incurred by the authority in providing the means of access;

(b) may, for such consideration and on such terms and conditions as may be agreed, grant to the occupier of the premises, or any other person having an interest in them, a right of way over any such part of the land comprised in the parking place as is to be used as the means of access, and such other rights (if any) incidental to, or connected with, the use of the means of access as they think it necessary or expedient to grant.

(4) Subject to the provisions of any agreement made by them under paragraph (a) of subsection (3) above and to any rights granted by them under paragraph (b) of that subsection, a local authority may stop up any means of access provided by them under this section.

(5) References in this section to a parking place include references to the means of entrance to and egress from the parking place.

Textual Amendments

F92 Words in s. 34(1) repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 125, 128(1), 156(3), Sch. 10 para. 4(1), **Sch. 11** and repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 40(a), **Sch. 9**; S.I. 1991/2286, art. 2(2), **Sch.2**; S.I. 1991/2288, **art. 3**,Sch.

F93 S. 34(1)(a) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 40(b)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2**, and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C83 S. 34 extended (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **ss. 125**, 128(1)

35 Provisions as to use of parking places provided under s. 32 or 33.

(1) As respects any parking place—

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(a) provided by a local authority under section 32 of this Act, or

(b) provided under any letting or arrangements made by a local authority under section 33(4) of this Act,

the local authority, subject to Parts I to III of Schedule 9 to this Act, may by order make provision as to—

(i) the use of the parking place, and in particular the vehicles or class of vehicles which may be entitled to use it,

(ii) the conditions on which it may be used,

(iii) the charges to be paid in connection with its use (where it is an off-street one), and

(iv) the removal from it of a vehicle left there in contravention of the order and the safe custody of the vehicle

[[F94]and the power under paragraph (iii) to make provision as to the payment of charges shall include power to make provision requiring those charges, or any part of them, to be paid by means of the hire or purchase in advance, or the use, of parking devices in accordance with the order.**]**.

(2) Where under section 34 of this Act a means of access to any premises has been provided by a local authority through an off-street parking place, then, subject to Parts I to III of Schedule 9 to this Act and to the provisions of any agreement made by the local authority under subsection (3) of section 34 and to any rights granted by them under that subsection, the authority may by an order under subsection (1) above make provision as to the use of the parking place as the means of access and, in particular, as to the vehicles or class of vehicles which may be entitled to use the means of access and as to the conditions on which the means of access may be used.

(3) An order under subsection (1) above may provide for a specified apparatus or device to be used—

(a) as a means to indicate—

(i) the time at which a vehicle arrived at, and the time at which it ought to leave, a parking place, or one or other of those times, or

(ii) the charges paid or payable in respect of a vehicle in an off-street parking place; or

(b) as a means to collect any such charges,

and may make provision regulating the use of any such apparatus or device; [F95]. . ..

[[F96](3A) An order under subsection (1) above may also provide—

(a) for regulating the issue, use and surrender of parking devices;

(b) for requiring vehicles to display parking devices when left in any parking place in respect of which the parking devices may be used;

(c) without prejudice to the generality of paragraph (b) above, for regulating the manner in which parking devices are to be displayed or operated;

(d) for prescribing the use, and the manner of use, of apparatus, [F97]. . ., designed to be used in connection with parking devices;

(e) for treating—

(i) the indications given by a parking device, or

(ii) the display or the failure to display a parking device on or in any vehicle left in any parking place,

as evidence (and, in Scotland, as sufficient evidence) of such facts as may be provided by the order;

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(f) for the refund, in such circumstances and in such manner as may be prescribed in the order, of the whole or part of the amount of any charge paid in advance in respect of a parking device;

(g) for the payment of a deposit in respect of the issue of a parking device and for the repayment of the whole or any part of any such deposit.

(3B) In this section and in section 35A below "parking device" means either a card, disc, token, meter, permit, stamp or other similar device, whether used in a vehicle or not, [F98]. . ., which, being used either by itself, or in conjunction with any such apparatus as is referred to in subsection (3A)(d) above—

(a) indicates, or causes to be indicated, the payment of a charge, and—

(i) the period in respect of which it has been paid and the time of the beginning or end of the period, or

(ii) whether or not the period for which it has been paid or any further period has elapsed, or

(iii) the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place, and the time of the beginning or end of the period, or

(iv) whether or not the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place or any further period has elapsed; or

(b) operates apparatus controlling the entry of vehicles to or their exit from the parking place, or enables that apparatus to be operated;

or any other device of any such description as may from time to time be prescribed for the purposes of this section and section 35A below by order made by the Secretary of State, [F98]. . ..

(3C) An order under subsection (3B) above which revokes or amends a previous order under that subsection may make such savings and transitional provision as appears to the Secretary of State to be necessary or expedient.

(3D) The power to make orders under subsection (3B) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

[F99](4) . . . . . .

[F100](8) . . . . . .

[F101](9) . . . . . .

Textual Amendments

F94 Words inserted by Parking Act 1989 (c. 16, SIF 107:1), **s. 1(2)(5)**

F95 Words in s. 35(3) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), **Sch.**

F96 S. 35(3A)–(3D) inserted by Parking Act 1989 (c. 16, SIF 107:1), **s. 1(3)(5)**

F97 Words in s. 35(3A)(d) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), **Sch.**

F98 Words in s. 35(3B) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), **Sch.**

F99 S. 35(4)–(7) repealed by Parking Act 1989 (c. 16, SIF 107:1), **s. 1(4)(5)**

F100 S. 35(8) repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

F101 S. 35(9) repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107), ss. 44(2), 83, **Sch. 8**; S.I. 1991/2054, art. 3, **Sch.**

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Modifications etc. (not altering text)

C84 S. 35 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), **Sch. 5 para. 6(3)**

C85 S. 35 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8(2), **Sch. 5 para. 12**

C86 S. 35 restricted (S.) (4.1.1995) by 1994 c. 39, **ss. 7(2)**, 44(2); S.I. 1994/2850, art. 3(a), **Sch. 2**

[F102 35A Offences and proceedings in connection with parking places provided under s. 32 or 33.

(1) In the event of any contravention of, or non-compliance with, a provision of an order under section 35(1) above, the person responsible shall be guilty of an offence.

(2) A person who, with intent to defraud—

(a) interferes with any such apparatus or device mentioned in section 35(3) above as is by an order under section 35(1) above to be used for the collection of charges at an off-street parking place, or operates or attempts to operate it by the insertion of objects other than current coins or bank notes of the appropriate denomination, or the appropriate credit or debit cards, or

(b) interferes with any such apparatus as is mentioned in section 35(3A)(d) above or with a parking device, or operates or attempts to operate any such apparatus or any parking device otherwise than in the manner prescribed, or

(c) displays a parking device otherwise than in the manner prescribed,

shall be guilty of an offence.

(3) An order under section 35(1) above may include provision—

(a) for determining the person responsible for any contravention of or non-compliance with the order;

(b) for treating—

(i) the indications given by any such apparatus or device as is mentioned in section 35(3) above used in pursuance of the order, or

(ii) the indications given by any such apparatus as is mentioned in section 35(3A)(d) above used in pursuance of the order, or any tickets issued by it, or the absence of any such ticket from a vehicle left in a parking place,

as evidence (and, in Scotland, as sufficient evidence) of such facts and for such purposes as may be provided by the order;

(c) for applying with any appropriate adaptations any of the provisions of subsections (4) to (6) of section 47 of this Act.

F103(4) . . . . . .

(5) While a vehicle is within a parking place, it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection with it, to ply for hire or accept passengers for hire; and if a person acts in contravention of this subsection he shall be guilty of an offence.

(6) In this section—

"credit card" means a card or similar thing issued by any person, use of which enables the holder to defer the payment by him of the charge for parking a vehicle; and

"debit card" means a card or similar thing issued by any person, use of which by the holder causes the charge for parking a vehicle to be paid by the

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electronic transfer of funds from any current account of his at a bank or other institution providing banking services.**]**

Textual Amendments

F102 S. 35A inserted by Parking Act 1989 (c. 16, SIF 107:1), **s. 2**

F103 s. 35A(4) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), **Sch.**

Modifications etc. (not altering text)

C87 S. 35A excluded (temp.) ((1.10.1991) (E.W.) (16.6.1997) (S.)) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 43, 84(1), **Sch. 3 para. 1(4)(a)**; by S.I. 1991/2054, art. 3, **Sch.**; S.I. 1997/1580, **art. 2**

[[F104]35B Display of information.

(1) The Secretary of State may make regulations requiring local authorities to display at off-street parking places provided by them under section 32 above such information about parking there as is specified in the regulations.

(2) Regulations under this section may also—

(a) require the display of any orders under section 35(1) above relating to the parking place;

(b) specify the manner in which the information and orders are to be displayed;

(c) exempt local authorities, in specified circumstances or subject to specified conditions, from the requirement to display information and orders, or to display them in the specified manner; and

(d) provide, in relation to a parking place at which a local authority fails to comply with the regulations or with any specified provision of the regulations, that, except in any specified circumstances, any order under section 35(1) above shall be of no effect in its application to that parking place in so far as it requires the payment of any charge in connection with use of the parking place—

(i) while the failure to comply continues, and

(ii) as respects vehicles parked there when the failure to comply was remedied, during a specified period thereafter.

(3) Regulations under this section may make different provision for different circumstances and for different descriptions of parking place, and may exempt specified descriptions of parking place from any provision of the regulations.

(4) In any proceedings for contravention of, or non-compliance with, an order under section 35(1) above relating to an off-street parking place, it shall be assumed, unless the contrary is shown, that any relevant regulations under this section were complied with at all material times.**]**

Textual Amendments

F104 S. 35B inserted by Parking Act 1989 (c. 16, SIF 107:1), **s. 3**

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[F105 35C Variation of charges at off-street parking places.

(1) Where an order under section 35(1)(iii) of this Act makes provision as to the charges to be paid in connection with the use of off-street parking places, the authority making that order may vary those charges by notice given under this section.

(2) The variation of any such charges by notice is not to be taken to prejudice any power to vary those charges by order under section 35 of this Act.

(3) The Secretary of State may by regulations make provision as to the procedure to be followed by any local authority giving notice under this section.

(4) The regulations may, in particular, make provision with respect to—
- (a) the publication, where an authority propose to give notice, of details of their proposal;
- (b) the form and manner in which notice is to be given; and
- (c) the publication of notices.

(5) In giving any notice under this section a local authority shall comply with the regulations.**]**

Textual Amendments

F105 S. 35C inserted (5.7.1993 in relation to E.W. and otherwise 10.10.1997) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.41**; S.I. 1993/1461, **art. 2(a)**; S.I. 1993/1686, **art.2**.; S.I. 1997/2260, **art. 2**

36 Provisions as to authorising use of roads for parking.

(1) Subject to section 37 of this Act, no order under section 32(1)(b) of this Act shall—
- (a) authorise the use of any part of a road so as unreasonably to prevent access to any premises adjoining the road or the use of the road by any person entitled to use it, or so as to be a nuisance, or
- (b) be made in respect of any part of a road without the consent of the authority or person responsible for the maintenance of the road.

(2) The exercise by a local authority of their powers under section 32 of this Act with respect to the use as a parking place of any part of a road shall not render them subject to any liability in respect of the loss of or damage to any vehicle or the fittings or contents of any vehicle parked in the parking place.

(3) In relation to roads in England the power to make an order under section 32(1)(b) of this Act shall not be exercisable by **[**F106 non-metropolitan**]** district councils.

(4) Subsection (3) above shall not affect the operation of section 101(1) of the M7 Local Government Act 1972 (arrangements for discharge of functions by local authorities), which shall have effect as if subsection (3) above were contained in an Act passed before that Act.

Textual Amendments

F106 Word inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(14)**

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Marginal Citations

M7 1972 c. 70**(81:1).**

37 Extension of powers for purposes of general scheme of traffic control.

[[F107](1) This section applies to an order made under both section 1 and section 32 of this Act by—

(a) the council of a county or metropolitan district in England and Wales, or

(b) by a **[**[F108]council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]**in Scotland,

where the order is, and is stated to be, made by virtue of this section and for the purposes of a general scheme of traffic control in a stated area.

(2) Without prejudice to Parts I to III of Schedule 9 to this Act, the following provisions of this Act, that is to say, section 3(1), so far as it relates to vehicles, and sections 3(2) and 36(1)(a), shall not apply to any order to which this section applies, or to any order under this Act revoking or varying such an order.

(3) Any provision of—

(a) an order to which this section applies in so far as it has effect by virtue of section 1 of this Act, or

(b) an order revoking or varying such an order, in so far as the order revoked or varied has effect by virtue of that section,

may, notwithstanding anything in that section, be made so as to apply to **[**[F109]a road for which the Secretary of State is the traffic authority**]**.

(4) No authority shall make an order to which this section applies unless they are satisfied that the general scheme of traffic control—

(a) is adequate in point of area;

(b) takes adequate account of the need for maintaining the free movement of traffic and of the need for maintaining reasonable access to premises;

(c) takes adequate account of the effect of heavy commercial vehicles on amenities; and

(d) makes provision for street parking places, and for regulating their use with the aid of apparatus or devices [F110]. . ., which is suitable, regard being had to the extent to which off-street parking places are available in the neighbourhood or their provision is likely to be encouraged by the scheme.

Textual Amendments

F107 S. 37(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 41(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**, and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F108 Words in s. 37(1)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 134(5)**; S.I. 1996/323, **art. 4**

F109 Words in s. 37(3) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 41(3)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**, and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F110 Words in s. 37(4)(d) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), **Sch.**

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Modifications etc. (not altering text)

C88 S. 37 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), **Sch. 5 para. 6(3)**

C89 S. 37 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8(2), **Sch. 5 para. 12**

C90 S. 37 restricted (S.) (4.1.1996) by 1994 c. 39, **ss. 7(2)**, 44(2); S.I. 1994/2850, art. 3(a), **Sch. 2**

38 Parking place to be used as bus or coach station.

(1) Where, in pursuance of the powers conferred by section 32 of this Act, a local authority provides a parking place which may be used by public service vehicles, then, subject to Parts I to III and Part V of Schedule 9 to this Act, the local authority may, if they think fit,—

(a) by order appoint that parking place as a station for, or for a specified class of, public service vehicles;

(b) in England or Wales by regulation, and in Scotland by order, declare that section **[**[F111]35A(5)**]** of this Act shall not apply to public service vehicles, either absolutely or to such extent as may be specified in the regulation or order.

(2) A local authority by whom a parking place is appointed under this section as a station for public service vehicles may—

(a) do all such things as are necessary to adapt the parking place for use as such a station, and in particular provide and maintain waiting rooms, ticket offices and lavatories and other similar accommodation in connection with it;

(b) make reasonable charges for the use of, or let on hire to any person, any accommodation so provided; and

(c) make regulations as to the use of any such accommodation.

(3) Subject to subsection (4) below, a local authority shall have power to make such reasonable charges for the use of a parking place (not being part of a **[**[F112]road**]**) as a station for public service vehicles as may be fixed by the local authority.

(4) If the holder of a PSV operator's licence in respect of any vehicles using the parking place as a station considers that the charges fixed under subsection (3) above are unreasonable, then, in default of agreement between the licence holder and the local authority for a reduction of them, the charges in respect of those vehicles shall be such as may be determined by the appropriate traffic **[**[F113]commissioner**]**.

(5) The powers conferred on a local authority by subsections (1) and (2) above shall be in addition to, and not in substitution for, the powers conferred on a local authority by sections 32 and 33(1) of this Act.

(6) The purposes of this section shall be purposes for which a local authority may borrow.

(7) In this section—

(a) "the appropriate traffic **[**[F113]commissioner**]**" means the **[**[F113]commissioner**]** for any traffic area constituted for the purposes of the [M8]Public Passenger Vehicles Act 1981 in which the area or any part of the area of the local authority is situated; and

(b) "PSV operator's licence" means a PSV operator's licence granted under the provisions of Part II of the said Act of 1981.

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Textual Amendments

F111 "35A(5)" substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 1**

F112 Word in s. 38(3) substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(17)** and substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.42**; S.I. 1991/2288, **art. 3**,Sch.

F113 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3, **Sch. 2 Pt. II para. 6**

Modifications etc. (not altering text)

C91 S. 38 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), Sch. 5 paras. 6(3), **12** and by Transport Act 1985 (c. 67, SIF 126), **s. 82**

Marginal Citations

M8 1981 c. 14**(107:1).**

39 Supplementary provisions as to exercise of powers under ss. 32–35 in England or Wales.

(1) Before exercising their powers under section 32(1) or section 35(1) of this Act, except in the case of the exercise of the power conferred by section 32(1)(b) of this Act in relation to a road in England, a county council in England or Wales shall consult with the council of the district in which the parking place is to be, or is, situated.

[F114](2) . . . . . .

(3) A district council **[**[F115], other than a metropolitan district council,**]** shall not exercise its powers under any of the following provisions of this Act, that is to say, section 32, subsections (1), (3) and (4) of section 33, section 34 and section 35(1), without the consent of the county council; and any consent given by the county council may be subject to such conditions or restrictions as they think fit.

(4) Where [F116]. . . a **[**[F117]non-metropolitan**]** district council in England [F118]. . . proposes to make an order under section 35 of this Act, the council shall submit a draft of the order to the county council, who (without prejudice to their power to give or withhold consent to the making of the order) may require such modifications of the terms of the proposed order as they think appropriate.

(5) A district council aggrieved by the refusal of the county council to give consent under subsection (3) above, by any conditions or restrictions subject to which any such consent is given, or by any modifications required under subsection (4) above, may appeal to the Secretary of State; and on any such appeal the Secretary of State may give such directions as he thinks fit, either dispensing with the need for consent or varying or revoking any such conditions, restrictions or modifications.

(6) Subject to subsections (7) and (8) below, the power to vary or revoke an order made by a district council **[**[F119], other than a metropolitan district council,**]** under section 32(1) or section 35(1) of this Act shall be exercisable by the county council as well as by the district council; and the powers of a county council under section 35 of this Act shall apply in relation to a parking place—

(a) provided by the council of a district in the county under section 32 of this Act, or

(b) provided under any letting or arrangements made by the council of such a district under section 33(4) of this Act,

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as they apply in relation to parking places provided by, or under any letting or arrangements made by, the county council.

(7) Where a county council proposes to make an order by virtue of subsection (6) above, the county council shall send a copy of the proposed order to the district council; and if, not later than 6 weeks after they have received such a copy from the county council, the district council serve notice on the county council and the Secretary of State of their objection to the making of the proposed order, and the objection is not withdrawn by a further notice served not later than 6 weeks after the service of the notice of objection, the county council shall submit a copy of the proposed order to the Secretary of State, and shall not make the order except with his consent.

[[F120](7A) Subsection (7) above does not apply to Wales.**]**

(8) If the Secretary of State consents to an order submitted to him for his consent under subsection (7) above, he may consent to the order either in the form in which it was submitted to him or with such modifications as he thinks fit, which may include additions, exceptions or other modifications of any description; but where he proposes to consent to the order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the county council and district council in question and any other persons likely to be concerned.

Textual Amendments

F114 S. 39(2) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F115 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(16)**(*a*)

F116 Words in s. 39(4) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(1), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.**

F117 Word inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(16)**(*b*)(ii)

F118 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(16)**(*b*)(iii), Sch. 17

F119 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(16)**(*c*)

F120 S. 39(7A) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 38(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.**

40 Acquisition of land: provisions as to parking places.

(1) A local authority may be authorised by the Secretary of State to purchase compulsorily land for the purposes of sections 32, 33(4)(a) and 34 of this Act; and the [M9]Acquisition of Land Act 1981 or, as the case may be, the [M10]Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory purchase of land under this subsection and, in the latter case, shall apply as if this subsection had been in force immediately before the commencement of that Act.

(2) The power of a local authority to acquire land for the purposes of sections 32, 33(4)(a) and 34 of this Act shall extend to the acquisition of any interest or right in, over or under land; and in subsection (1) above "land" shall be construed as including any such interest or right.

(3) Land compulsorily acquired by a local authority otherwise than for the purposes of an off-street parking place, and not appropriated for a purpose other than that for which it was acquired, shall not be used by them for providing an off-street parking place

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on it for a period exceeding 12 months except with the consent of the Minister of the Crown who, at the time when his consent is sought, is the Minister concerned with the function for the purposes of which the land was acquired.

Marginal Citations

M9 1931 c. 67**(28:1).**

M10 1947 c. 42**(28:2).**

41 Financial provisions relating to parking places.

(1) A local authority may contribute towards the expenses incurred by any other authority in the exercise of their powers under the following provisions of this Act, that is to say, sections 32, 33(1), 34, 35(9) and 40.

(2) A local authority in Scotland may borrow such sums as the authority may require for the purpose of those provisions.

42 Provisions as to foreshore in Scotland.

—Nothing in section 32, 33(1), 38 or 40(1) of this Act shall authorise the execution of any works on, over or under tidal lands in Scotland below high-water mark of ordinary spring tides except in accordance with such plans and sections, and subject to such restrictions and regulations, as have been approved in writing by the Secretary of State before the commencement of the works.

Control of off-street parking

43 Control of off-street parking in Greater London.

(1) The provisions of this section shall apply to any area in Greater London which **[**[F121]the local authority**]** may by regulations designate as a controlled area for the purposes of this section: and any such regulations—

(a) in addition to including any such provision as is authorised by subsection (6) below, may prescribe forms to be used for the purposes of this section and any other matters which under this section or Schedule 4 to this Act are to be prescribed;

(b) may include such supplementary, incidental and consequential provision as appear to **[**[F121]the local authority**]** to be necessary or expedient for the purposes of this section; and

(c) may make different provision as respects like matters in different circumstances;

but the provisions of Part I of the said Schedule 4 shall apply to the making of any such regulations [F122]. . .

(2) Subject to subsection (15) below, in a controlled area no person other than the local authority shall operate a public off-street parking place of a prescribed description except under and in accordance with the terms and conditions of a licence granted to that person by the local authority.

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(3) An applicant for a licence in respect of any premises may apply either for a permanent licence or for a licence for such limited period not exceeding five years as the applicant may specify, and any application to the local authority for a licence shall be accompanied by the prescribed fee appropriate to the type of licence applied for towards the administrative expenses of the local authority under this section; and, subject to subsection (6) below, on any such application the local authority may at their discretion either grant the applicant a licence of the type applied for or refuse the application.

(4) Subject to subsection (6) below, every licence shall specify—

(a) the period of its duration, that is to say, whether it is a permanent licence or a licence for a limited period and, if for a limited period, the period for which it is granted;

(b) the maximum number of parking spaces to be provided at the licensed parking place for all, and, if the local authority think fit, for any respectively, of the following descriptions of parking, namely, short-term parking, long-term parking, casual parking and regular parking or any particular category of regular parking;

(c) any conditions in addition to those specified in subsection (5) below subject to which the licence is granted, being such conditions, if any, as the local authority may think fit with respect to all or any of the following matters, namely—

(i) the scale of charges, or the minimum charges, or the maximum and minimum charges, to be made for the use of parking spaces at the licensed parking place for all, or for any respectively, of the descriptions of parking referred to in paragraph (b) above;

(ii) the proportion of parking spaces to be available respectively for casual parking and for, or for any specified category of, regular parking;

(iii) the times of opening and closing of the licensed parking place for the reception of vehicles;

(iv) the manner in which users of the licensed parking place are to be informed of the effect of the terms and conditions of the licence;

(v) the keeping by the operator of the licensed parking place as respects all, or as respects any respectively, of the descriptions of parking referred to in the said paragraph (b) of records showing for each day the number of vehicles using parking spaces at the licensed parking place and the sums received by way of charges for the use of those parking spaces.

(5) It shall be a condition of every licence—

(a) that any person authorised in that behalf in writing by the local authority [F123]... may, subject to production if requested of his authority, at all reasonable hours enter upon and inspect the licensed parking place; and

(b) that the holder of the licence shall, on being given reasonable notice for the purpose by any such person, produce to that person and permit him to examine and make copies of, or take extracts from, any records required by virtue of subsection (4)(c)(v) above to be kept in connection with the operation of that parking place;

but if any such person discloses to any other person otherwise than in the performance of his duty any information with regard to the operation of that parking place or to

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any trade secret obtained by him at that parking place or from any such examination, or if any member or officer of the local authority to whom any such information is disclosed by reason of his official position discloses that information to any person otherwise than in the performance of his duty, that person or, as the case may be, that member or officer shall (in England and Wales) be guilty of an offence.

(6) Regulations made by **[**[F124]a local authority**]** under subsection (1) above may include provision—

(a) as to the maximum number of parking spaces to be made available at licensed parking places for all, or for any respectively, of the descriptions of parking referred to in subsection (4)(b) above in, or in any specified part of, any controlled area [F125]. . . :

(b) requiring that, in the case of licensed parking places in a particular controlled area or part of a controlled area, all or any of the matters referred to in subsection (4)(c) above shall or as the case may be shall not be the subject of conditions specified in the licence;

(c) regulating the conditions which may be imposed with respect to any of the matters aforesaid;

[F126] . . . . . .

(7) Where the local authority decide in pursuance of subsection (3) above—

(a) to refuse an application for a licence; or

(b) to grant a licence subject to any conditions which they are not required by regulations under subsection (6) above to impose with respect to any of the matters referred to in subsection (4)(c)(i) to (v) above,

they shall inform the applicant in writing of the reasons for their decisions at the same time as they inform him of that decision.

(8) Where a licence has been granted—

(a) the local authority shall, if so requested by a successor in title to the business (so far as it consists of the operation of the licensed parking place) of the person to whom the licence was granted, transfer the licence to that successor in title, but a licence shall not otherwise be transferable;

(b) the holder of the licence may at any time surrender it by giving notice in writing for the purpose to the local authority which shall include a statement certifying either that the holder is the only person entitled to any interest in the licensed premises or that not less than 21 days before the date of the notice the holder has notified all other persons known to him to be so entitled of his intention to serve the notice;

(c) the local authority may at any time on the application or with the agreement of the holder of the licence vary any of the terms and conditions specified in the licence under subsection 4(b) and (c) above;

(d) in the case of a permanent licence, the local authority shall have the powers of revocation or variation of the licence conferred by Part II of Schedule 4 to this Act.

(9) The provisions of Parts III and IV of Schedule 4 to this Act shall have effect with respect to appeals and compensation in connection with certain decisions of a local authority under this section; [F127]. . . ; and every person who applies for or is the holder of a licence in respect of any premises shall give to any other person known to him to be entitled to any interest in those premises information as soon as may be—

(a) of the making of the application; and

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(b) of any decision of the local authority relating to the premises of which he is, or is deemed under paragraph 14(2) of the said Schedule to have been, notified by the local authority; and

(c) of the bringing, and of the determination or abandonment, of any appeal from any such decision brought by that person under the said Part III.

(10) Subject to subsection (15) below and to the provisions of Part V of Schedule 4 to this Act, any holder of a licence who contravenes or fails to comply with any of the terms and conditions of the licence and who does not show that the contravention or failure was due to an act or omission of a person not connected with the operation of the licensed parking place which the persons so connected could not reasonably have been expected to prevent shall be guilty of an offence; and on the conviction of the holder of a licence of an offence under this subsection the court before whom he is convicted may, if on an application made for the purpose by the local authority the court is satisfied that it is proper so to do by reason of the extent to which, or the period over which, or the frequency with which, the holder of the licence has contravened or failed to comply with the terms and conditions of the licence or by reason of the wilfulness of the offence, make an order for the revocation of the licence.

(11) Save as provided by subsection (10) above or Part II of Schedule 4 to this Act, a licence shall not be revoked; and the revocation of a licence in pursuance of an order under that subsection or the revocation or variation of a licence under the said Part II shall not take effect—

(a) before the expiration of the period for giving notice of appeal from the order or, as the case may be, notice of appeal under Part III of that Schedule from the local authority's decision to revoke or, as the case may be, vary the licence; or

(b) if such a notice of appeal is duly given, until the effectiveness or otherwise of the order or, as the case may be, the local authority's decision is finally determined in accordance with the relevant procedure.

(12) Subject to subsection (15) below and to the provisions of Part V of Schedule 4 to this Act, any person who, in contravention of subsection (2) above, operates a public off-street parking place without holding a licence for the purpose shall be guilty of an offence.

(13) The local authority for a controlled area shall have regard to any regulations for the time being in force under this section when exercising in that area any of their functions under sections 32 to 36 and 39 to 41 of this Act; and where a public off-street parking place is provided in a controlled area by the local authority under the said section 32, any such regulations shall apply to the operation of that parking place with such modifications as may be prescribed for the purpose, being modifications appearing to **[**[F128]the local authority**]** to be necessary to ensure that the parking place is operated by or on behalf of the local authority with suitable provision as to the matters referred to in subsection (4)(b) and (c)(i) to (iv) above in like manner as if it were being operated under a licence granted by the local authority.

(14) In this section, section 44 of, and Schedule 4 to this Act—

"charges" includes fares, rates, tolls and dues of every description;

[F129] . . . . . .

"licence" means a licence under this section;

[[F130]"local authority" means the council of a London borough or the Common Council of the City of London;**]**

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"long-term parking" and "short-term parking" mean parking for a continuous period exceeding, or, as the case may be, not exceeding, four hours or such longer period as may be prescribed;

"prescribed" means prescribed by regulations made under this section;

"public off-street parking place" means a place, whether above or below ground and whether or not consisting of or including buildings, where **[**[F131]off-street parking accommodation**]** is made available by any person to the public for payment; and references to operating, or to the operation of, or to the operator of, such a parking place shall be construed as references to making, or as the case may be to the person making, such parking **[**[F131]accommodation**]** at the parking place so available.

(15) The Secretary of State, after consultation with **[**[F132]a local authority**]**, may at any time, if it appears to him expedient so to do by reason of any emergency which appears to him to have arisen or to be likely to arise, by order, which shall be laid before Parliament after being made, provide that this subsection shall apply either in relation to all areas for the time being designated **[**[F133]by the local authority**]** as controlled areas or in relation to such parts of any of those areas as may be specified in the order; and—

(a) during the period while any such order is in force in relation to any controlled area or part thereof, any public off-street parking place in that area or part may be operated as if that area or part were not, or, as the case may be, were not comprised in, a controlled area; and

(b) nothing in subsection (10) or (12) above shall apply to anything done at any such parking place during that period.

Textual Amendments

F121 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)**(*a*)

F122 Words repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**

F123 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F124 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)**(*b*)

F125 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)**(*b*), Sch. 17

F126 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(17)**(*b*), Sch. 17

F127 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F128 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)**(*c*)

F129 Definitions repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(17)**(*d*), Sch. 17

F130 Definition substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)**(*d*)

F131 Words in s. 43(14) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59,108), ss. 168(1), 170(1), **Sch. 8 para.43**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F132 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(17)**(*e*)

F133 Words in s. 43(15) inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4**(17(e)

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44 Control of off-street parking outside Greater London.

(1) With a view to providing further means of regulating traffic in urban areas, Her Majesty may by Order in Council provide for enabling the operation of public off-street parking places to be regulated—

[[F134](a) in English counties, by the county council or metropolitan district council, and in **[**[F135]Welsh counties or county boroughs by the county council or (as the case may be) county borough council**]**, by the county council; and**]**

(b) in Scottish **[**[F136]local authority areas by the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]** .

(2) An Order in Council under this section may make any such provision for the remainder of England and Wales, or for Scotland as the case may be, as is made for Greater London by section 43 of this Act and shall be so framed as to conform with the London provisions as respects all matters there dealt with, subject only to the modifications permitted or required by the following subsection and other minor and incidental modifications.

(3) The modifications referred to above are that the Order—

(a) shall provide for controlled areas to be so designated that they comprise only premises to which there is no road access otherwise than (directly or indirectly) from one or more urban roads;

[[F137](b) may in relation to non-metropolitan counties in England and [F138]. . . provide for certain functions of local authorities under the London provisions in respect of areas designated as controlled areas to be conferred on district councils or on both county councils and district councils, and may in consequence of any such distribution of functions make such incidental and supplementary provision as appears to Her Majesty to be necessary or expedient;**]**

(c) may take account of Scottish legislation corresponding to legislation for England and Wales; and

(d) may include, in place of references and requirements which are apposite only for London, corresponding references and requirements apposite for other areas of Great Britain.

(4) Any such Order shall also require councils—

(a) to consult organisations representative of the disabled before deciding to propose the designation of a controlled area under the Order; and

(b) if representations are received from such organisations about the proposal, to send to the Secretary of State (together with copies of representations received from other organisations consulted) a statement of how parking requirements of the disabled arising from implementation of the proposal are met by existing facilities or, if in the opinion of the council they are not already so met, how it is intended to meet them.

(5) In this section—

(a) "the London provisions" means section 43 of, and Schedule 4 to, this Act; and

(b) "urban road" means a road which—

(i) is a restricted road for the purposes of section 81 of this Act; or

(ii) is subject to an order **[**[F139]made by virtue of section 84(1)(a)**]** of this Act imposing a speed limit of not more than 40 m.p.h.

(6) An Order in Council made under this section shall be subject to annulment by resolution of either House of Parliament.

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Textual Amendments

F134 S. 44(1)(*a*) substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(18)**(*a*)

F135 Words in s. 44(1)(a) substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 38(2)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F136 Words in s. 44(1)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 134(6)**; S.I. 1996/323, **art. 4**

F137 S. 44(3)(*b*) substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(18)**(*b*)

F138 Words in s. 44(3)(b) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), **Sch. 7 Pt. II para. 38(2)(b) Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F139 Words in s. 44(5)(b)(ii) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para. 26; S.I. 1992/1286, art. 2, **Sch.**

Parking on highways for payment

45 Designation of paying parking places on highways.

[[F140](1) A local authority may by order designate parking places on highways or, in Scotland, roads in their area for vehicles or vehicles of any class specified in the order; and the authority may make charges (of such amount as may be prescribed under section 46 below) for vehicles left in a parking place so designated.

The exercise of this power by a local authority outside Greater London in relation to a highway or road for which they are not the traffic authority is subject to obtaining the consent of the traffic authority.**]**

(2) An order under this section may designate a parking place for use (either at all times or at times specified in the order) only by such persons or vehicles, or such persons or vehicles of a class specified in the order, as may be authorised for the purpose by a permit from the authority operating the parking place **[**[F141]or both by such persons or vehicles or classes of persons or vehicles and also, with or without charge and subject to such conditions as to duration of parking or times at which parking is authorised, by such other persons or vehicles, or persons or vehicles of such other class, as may be specified**]**; and

(a) in the case of any particular parking place and any particular vehicle, or any vehicle of a particular class, the authority operating the parking place . . . [F142] may issue a permit for that vehicle to be left in the parking place while the permit remains in force, either at all times or at such times as may be specified in the permit, and

(b) except in the case of a public service vehicle, may make such charge in connection with the issue or use of the permit, of such amount and payable in such manner, as the authority by whom the designation order was made may by order prescribe.

(3) In determining what parking places are to be designated under this section the authority concerned shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include—

(a) the need for maintaining the free movement of traffic;

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(b) the need for maintaining reasonable access to premises; and

(c) the extent to which **[**[F143]off-street parking accommodation, whether in the open or under cover,**]**is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.

(4) The exercise by an authority of functions under this section shall not render the authority subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the contents or fittings of any such vehicle.

(5) Nothing in this section shall affect the operation of section 6 or 32 of this Act.

(6) Subject to Parts I to III of Schedule 9 to this Act, where it appears to the authority concerned to be expedient to do so having regard to any objections duly made in respect of proposals made by that authority for a designation order . . . [F144] they may, if they think fit, make an interim order pursuant to the proposals or application in respect of any one or more of the sites affected, or in respect of any part of any of those sites, and postpone for further consideration the making of any further order in pursuance of the proposals or application.

(7) In this section and in sections 46 to 55 of this Act, "local authority"—

(a) in England, means the council of a county **[**[F145], metropolitan district**]** or London borough or the Common Council of the City of London;

(b) in Wales, means the council of a county **[**[F146] or a county borough**]**; and

(c) in Scotland, means the **[**[F147] a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]**,

and "the local authority", in relation to a parking place or proposed parking place on any site, [F148]. . . means the local authority (as defined above) in whose area the site is [F149]. . ..

Textual Amendments

F140 S. 45(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.44(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**, and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F141 Words inserted by Road Traffic Regulation (Parking) Act 1986 (c. 27, SIF 107:1), **s. 1**(*a*)

F142 Words repealed by Road Traffic Regulation (Parking) Act 1986 (c. 27, SIF 107:1), **s. 1**(*b*)

F143 Words in s. 45(3)(c) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 44(3)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**, and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F144 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F145 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(19)**(*b*)

F146 Words in s, 45(7) substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 38(3)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F147 Words in s. 45(7)(c) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 134(7)**; S.I. 1996/323, **art. 4**

F148 Words in s. 45(7) repealed (1.4.1996) by virtue of S.I. 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(3)(b), **Sch. 18** (with ss. 54(5)(7)), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F149 Words in s. 45 repealed (1.4.1996) by S.I. 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(3)(b), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

Modifications etc. (not altering text)

C92 S. 45 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), Sch. 5 paras. 6(3), **12**

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C93 S. 45 restricted (S.) (4.1.1995) by 1994 c. 39, **ss. 7(2)**, 44(2); S.I. 1994/2850, art. 2, **Sch.**

46 Charges at, and regulation of, designated parking places.

(1) Subject to Parts I to III of Schedule 9 to this Act the authority by whom a designation order is made **[**[F150]with respect to any parking place outside Greater London**]** shall by order prescribe any charges to be paid for vehicles left in a parking place designated by the order; and any such charge may be prescribed either—

(a) as an amount (in this Act referred to as an "initial charge") payable in respect of an initial period and an amount (in this Act referred to as an "excess charge") payable, in addition to an initial charge, in respect of any excess over an initial period, or

(b) as an amount payable regardless of the period for which a vehicle is left.

[[F151](1A) Subject to Parts I to III of Schedule 9 to this Act, where the authority by whom a designation order is made with respect to any parking place in Greater London impose charges to be paid for vehicles left in a parking place designated by the order, those charges shall be prescribed by the designation order or by a separate order made by the authority.**]**

(2) The authority by whom a designation order is made may, subject to Parts I to III of Schedule 9 to this Act, by order make such provision as may appear to that authority to be necessary or expedient for regulating or restricting the use of any parking place designated by the order, or otherwise for or in connection with the operation of such a parking place, and in particular (but without prejudice to the generality of the foregoing words) provision—

(a) for regulating the time at which and the method by which any charge is to be paid and for requiring the use of apparatus (in this Act referred to as a "parking meter") [F152]. . ., being apparatus designed either—

(i) to indicate whether any charge has been paid and whether the period for which it has been paid or any further period has elapsed, or

(ii) to indicate the time and to issue tickets indicating the payment of a charge and the period in respect of which it has been paid;

(b) for treating the indications given by a parking meter or any ticket issued by it, or the absence of any such ticket from a vehicle left in a parking place, as evidence (and, in Scotland, sufficient evidence) of such facts as may be provided by the order;

[[F153](c) for prohibiting the insertion in a parking meter of coins or bank notes additional to those inserted by way of payment of any charge, or for prohibiting the insertion or re-insertion in a parking meter of a credit or debit card additional to the original insertion of such a card.**]**

(d) for enabling the local authority to determine, subject to any restrictions specified in the order, the number and dimensions of the spaces in which vehicles may be left in a parking place;

(e) for authorising the alteration of the position in a parking place, or the removal from a parking place, of vehicles in respect of which any order relating to the parking place has been contravened or not complied with and for the safe custody of vehicles so removed;

(f) for exempting from the payment of any charge any vehicle left in a parking place in such circumstances as may be specified in the order, and for treating

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any vehicle so exempted as having been left there, and the charge from which it is exempted as having been paid, at such time as may be so specified;

(g) for prohibiting or restricting the carrying on of trade or other activities, or the doing of any other thing, at a parking place;

(h) for conferring on the local authority powers of illuminating parking places, and of erecting notices or signs and carrying out work on or in the vicinity of a parking place;

(i) for regulating the grant, revocation and surrender of any permit such as is mentioned in section 45(2)(a) of this Act and the issue, use and surrender of tokens indicating the holding of such a permit, or the payment of any charge in connection with the issue or use of the permit;

(j) for requiring a vehicle to which such a permit applies to display the permit or such a token when left in a parking place to which the permit applies, and for treating the display of or failure to display the permit or such a token on any vehicle left at a parking place as evidence (and, in Scotland, sufficient evidence) of such facts as may be provided by the order;

(k) for the refund, in such circumstances and in such manner as may be prescribed by the order, of the amount of any charge paid in advance by virtue of section 45(2)(b) of this Act.

(3) Where provision is made for the use of parking meters it shall be the duty of the local authority to take such steps as appear to them to be appropriate for the periodical inspection of the meters and for dealing with any found to be out of order; for securing the testing of the meters, both before they are brought into force and afterwards; and for recording the date on which, and the person by whom, a meter has been tested.

(4) Where provision is made for the use of apparatus other than parking meters, subsection (3) above shall apply to such apparatus as it applies to a parking meter.

[[F154](5) In this section and in section 47 below, “credit card” and “debit card” have the meanings given by section 35A(6) above.**]**

Textual Amendments

F150 Words in s. 46(1) inserted (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994, 5.4.1994 and 4.7.1994 respectively for specified London boroughs and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 64(1)** (with s. 79(1)); S.I. 1993/1461, **art. 3(1)(a)**; S.I. 1993/2229, **art. 3(a)**; S.I. 1993/2803, **art. 2(a)**; S.I. 1993/3238, **art. 2(a)**; S.I. 1994/81, **art. 3(b)**; S.I. 1994/1482, art. 2(a), **Sch.**; S.I. 1994/1484, **art. 2(a)**

F151 S. 46(1A) inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 64(2)** (with s. 79(1)); S.I. 1991/2054, art. 3, **Sch.**

F152 Words in s. 46(2) repealed (13.9.1996) by S.I. 1996/1533, art. 2(1), **Sch.**

F153 S. 46(2)(c) substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 2(a)**

F154 S. 46(5) inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 2(b)**

Modifications etc. (not altering text)

C94 S. 46 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), Sch. 5 paras. 6(3), **12**
S. 46 modified (10.6.1993) by S.I. 1993/1461, **art. 3(2)**
S. 46 restricted (S.) (4.1.1995) by 1994 c. 39, **ss. 7(2)**, 44(2); S.I. 1994/2850, art. 3(a), **Sch. 2**

C95 S. 46(2)(a): definition of "parking meter" applied (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 70(3)** (with s. 79(1)); S.I. 1993/1461, **art. 2(d)**

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[F155 46A Variation of charges at designated parking places.

(1) Where, by virtue of section 46 of this Act, any charges have been prescribed by a designation order or by an order under that section, the authority making that order may vary those charges by notice given under this section.

(2) The variation of any such charges by notice is not to be taken to prejudice any power to vary those charges by order under section 46 of this Act.

(3) The Secretary of State may by regulations make provision as to the procedure to be followed by any local authority giving notice under this section.

(4) The regulations may, in particular, make provision with respect to—
- (a) the publication, where an authority propose to give notice, of details of their proposal;
- (b) the form and manner in which notice is to be given; and
- (c) the publication of notices.

(5) In giving any notice under this section a local authority shall comply with the regulations.**]**

Textual Amendments

F155 S. 46A inserted (5.7.1993 in relation to E.W. and otherwise 10.10.1997) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.42**; S.I. 1993/1461, **art. 2(b)**; S.I. 1993/1686, **art.2.**; S.I. 1997/2260, **art. 2**

47 Offences relating to designated parking places.

(1) A person who—
- (a) being the driver of a vehicle, leaves the vehicle in a designated parking place otherwise than as authorised by or under an order relating to the parking place, or leaves the vehicle in a designated parking place for longer after the excess charge has been incurred than the time so authorised, or fails duly to pay any charge payable under section 45 of this Act, or contravenes or fails to comply with any provision of an order relating to the parking place as to the manner in which vehicles shall stand in, or be driven into or out of, the parking place, or
- (b) whether being the driver of a vehicle or not, otherwise contravenes or fails to comply with any order relating to designated parking places,

shall, subject to section 48 of this Act, be guilty of an offence **[**F156;but this subsection does not apply in relation to any designated parking place in Greater London**]**.

(2) In relation to an offence under paragraph (a) of subsection (1) above of leaving a vehicle for longer after the excess charge has been incurred than the time authorised by an order relating to the parking place, or failing duly to pay any charge payable under section 45 of this Act, the reference in that paragraph to the driver of a vehicle shall be construed as a reference to the person driving the vehicle at the time when it was left in the parking place.

(3) A person who, with intent to defraud, interferes with a parking meter, or operates or attempts to operate a parking meter by the insertion of objects other than current coins **[**F157or bank notes of the appropriate denomination, or the appropriate credit or debit cards**]**, shall be guilty of an offence.

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(4) Where, in any proceedings in England or Wales for an offence under this section of failing to pay any charge, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, the court shall order the payment of the sum not paid; and any sum ordered to be paid by virtue of this subsection shall be recoverable as a penalty.

F158(5) . . . . . .

(6) Where in any proceedings for an offence under this section of failing to pay an excess charge it is not proved that the excess charge had become due, but it is proved that an initial charge has not been paid, the defendant may be convicted of an offence under this section of failing to pay an initial charge.

(7) F159

Textual Amendments

F156 Words in s. 47(1) inserted (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994, 5.4.1994 and 4.7.1994 respectively for specified London boroughs and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 65(1)** (with s. 79(1)); S.I. 1993/1461, **art. 3(1)(b)**; S.I. 1993/2229, **art. 3(b)**; S.I. 1993/2803, **art. 2(b)**; S.I. 1993/3238, **art. 2(b)**; S.I. 1994/81, **art. 3(b)**; S.I. 1994/1482, art. 2(a), **Sch.**; S.I. 1994/1484, **art. 2(a)**

F157 Words substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 3(a)**

F158 Words in s. 47(5) repealed (13.9.1996) by S.I. 1996/1553, **art. 2(1)**. Sch.

F159 S. 47(7) repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1-3**

Modifications etc. (not altering text)

C96 S. 47(1) excluded (temp. from 1.10.1991 for E.W. and from 16.6.1997 for S.) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 43, 84(1), **Sch. 3**, para. 1(4)(b); S.I. 1991/2054, art. 3, **Sch.**; S.I. 1997/1580, **art. 2**

48 Acceptance of payment as bar to proceedings under s. 47.

(1) Where a parking meter relating to the space in which a vehicle is left in a designated parking place indicates that the period for which payment was made for the vehicle by an initial charge has expired, but the authority by whom the parking place is controlled are satisfied that the initial charge was not paid, acceptance by the authority of payment of the excess charge shall be a bar to proceedings for an offence under section 47(1)(a) of this Act of failing to pay the initial charge.

(2) Where in the case of any vehicle—

(a) an authorisation by way of such a certificate, other means of identification or device as is referred to in section 4(2), 4(3), 7(2) or 7(3) of this Act, or such a permit or token as is referred to in section 46(2)(i) of this Act, has been issued with respect to the vehicle, and

(b) the authority by whom a designated parking place is controlled are satisfied that, in accordance with the terms on which the authorisation was issued, a charge has become payable and has not been paid in respect of any period for which the vehicle has been left in that parking place,

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acceptance by that authority of payment of the amount of that charge shall be a bar to proceedings for an offence under section 47(1)(a) of this Act of failing duly to pay the charge.

49 Supplementary provisions as to designation orders and designated parking places.

(1) Where under a designation order vehicles may not be left at all times in the designated parking place—

(a) the parking place shall for the purposes of sections 46 and 47 of this Act be treated, as respects any time during which vehicles may not be left there in pursuance of the order, as if it were not designated by the order; and

(b) any vehicle left in the parking place which remains there at the beginning of a period during which vehicles may be left there in pursuance of the order shall, for the purposes of those sections, be treated as if it had been left there at the beginning of that period, but without prejudice to any rights or liabilities in respect of anything done or omitted at any time before the beginning, or after the end, of that period.

(2) Subject to subsection (3) below, a designation order may revoke the designation of any place as a parking place under section 6 or 32 of this Act; and such an order, or an order under either of those sections containing a designation of a place as a parking place, may provide that the designation shall not have effect as respects any time in respect of which provision is made under section 45 of this Act for the leaving of vehicles in that place.

[F160](3) . . . . . .

(4) Subject to Parts I to III of Schedule 9 to this Act, the authority by whom a parking place is designated under section 45 of this Act may by order empower the local authority, the chief officer of police or any other person specified by or under the order to provide for the moving, in case of emergency, of vehicles left in the parking place; to suspend the use of the parking place or any part of it on such occasions or in such circumstances as may be determined by or under the order; and to provide for the temporary removal of any parking meters installed at the parking place.

[[F161](4A) A constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, may suspend the use of a parking place designated under section 45 of this Act for not more than 7 days in order to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances.**]**

(5) Any local authority may acquire, whether by purchase or by hiring, such parking meters and other apparatus as appear to the authority to be required or likely to be required for the purposes of their functions under sections 45 and 46 of this Act and subsections (1) to (4) above.

(6) Anything authorised or required by the provisions of sections 45 and 46 of this Act and subsections (1) to (4) above to be prescribed or done by order may, except as otherwise expressly provided, be prescribed or done either by a designation order or by a general order.

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Textual Amendments

F160 S. 49(3) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(4), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F161 S. 49(4A) inserted (1.10 1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para. 27; S.I. 1991/2054, art. 3, **Sch.**

Modifications etc. (not altering text)

C97 S. 49(2)(4) restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), Sch. 5 paras. 6(3), **12**

[F162]50 . . . . . .

Textual Amendments

F162 S. 50 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

[[F163]51 Parking devices for designated parking places.

(1) Any power of a local authority to make charges under section 45 of this Act for vehicles left in a designated parking place shall include power to require those charges, or any part of them, to be paid by means of the hire or purchase in advance, or the use, of parking devices in accordance with any relevant provision of an order under section 46 of this Act.

(2) Any ower of a local authority to make orders under section 46(2) of this Act shall include power by any such order to make provision—

(a) for regulating the issue, use and surrender of parking devices;

(b) for requiring vehicles to display parking devices when left in any parking place in respect of which the parking devices may be used;

(c) without prejudice to the generality of paragraph (b) above, for regulating the manner in which parking devices are to be displayed or operated;

(d) for prescribing the use, and the manner of use, of apparatus, [F164]. . ., designed to be used in connection with parking devices;

(e) for treating—

(i) the indications given by a parking device; or

(ii) the display or the failure to display a parking device on or in any vehicle left in any parking place,

as evidence **[**[F165](and, in Scotland, as sufficient evidence)**]** of such facts as may be provided by the order;

(f) for the refund, in such circumstances and in such manner as may be prescribed in the order, of the whole or part of the amount of any charge paid in advance in respect of a parking device;

(g) for the payment of a deposit in respect of the issue of a parking device and for the repayment of the whole or part of any such deposit.

(3) For the purposes of subsection (2) above—

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(a) the references to parking meters in section 46(2)(b) and (c) of this Act shall include references to the apparatus referred to in subsection (2)(d) above; and

(b) the reference in section 46(2)(c) of this Act to the insertion in a parking meter of coins **[**[F166]or banknotes**]** additional to those inserted by way of payment of any charge **[**[F167]or to the insertion or re-insertion in a parking meter of a credit or debit card additional to the original insertion of such a card**]** shall include (so far as is appropriate) a reference to insertions or re-insertions in any such apparatus of parking devices additional to the original insertion of those devices.

(4) **[**[F168]In this section and in section 52 below "parking device" means either**]** a card, disc, token, meter, permit, stamp or other similar device, whether used in a vehicle or not, [F169]. . ., which, being used either by itself, or in conjunction with any such apparatus as is referred to in subsection (2)(d) above, indicates, or causes to be indicated, the payment of a charge, and—

(a) the period in respect of which it has been paid and the time of the beginning or end of the period; or

(b) whether **[**[F170]or not**]** the period for which it has been paid or any further period has elapsed; **[**[F171]or**]**

[[F171](c) the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place, and the time of the beginning or end of the period; or

(d) whether or not the period for which the vehicle in relation to which the parking device is used is permitted to park in the parking place or any further period has elapsed;

or any other device of any such description as may from time to time be prescribed for the purposes of this section and section 52 below by order made by the Secretary of State, [F169]. . ..**]**

[[F172](4A) An order under subsection (4) above which revokes or amends a previous order under that subsection may make such saving and transitional provision as appears to the Secretary of State to be necessary or expedient.

(4B) The power to make orders under subsection (4) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

[F173](5) . . . . . .

[F173](6) . . . . . .**]**

Textual Amendments

F163 S. 51 substituted by Road Traffic Regulation (Parking) Act 1986 (c. 27, SIF 107:1), **s. 2(1)**
F164 Words in s. 51(2)(d) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), **Sch.**
F165 Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 4(a)**
F166 Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 4(b)**
F167 Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 4(b)**
F168 Words substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 4(c)(i)**
F169 Words in s. 51(4) repealed (13.9.1996) by S.I. 1996/1533, art. 2(1), **Sch.**
F170 Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 4(c)(iii)**
F171 Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 4(c)(iv)**
F172 S. 51(4A)(4B) inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 4(d)**

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F173 S. 51(5)(6) repealed (13.9.1996) by S.I. 1996/1533, art. 2(1), **Sch.**

52 Offences and proceedings in connection with parking devices and associated apparatus.

(1) A person who, with intent to defraud,—

(a) interferes with any apparatus referred to in section 51(2)(d) of this Act or with a parking device, or operates or attempts to operate any such apparatus or any parking device otherwise than in the manner prescribed, or

(b) displays a parking device otherwise than in the manner prescribed,

shall be guilty of an offence.

[F174](2) . . . . . .

(3) In section 48(1) of this Act the reference to a parking meter relating to the space in which a vehicle is left in a designated parking place shall include references to—

(a) any such apparatus as is referred to in section 51(2)(d) of this Act which relates to the space in which a vehicle is so left, and

(b) to a parking device used in respect of a vehicle left in a space in a designated parking place.

Textual Amendments

F174 S. 52(2) repealed (13.9.1996) by S.I. 1996/1533, art. 2(1), **Sch.**

53 Designation orders outside Greater London.

(1) A designation order made in respect of **[**[F175]highways or, in Scotland, roads**]** in any area outside Greater London may include such provisions—

(a) for any of the purposes specified in paragraphs (a) to (c) of section 2(2) of this Act, or

(b) for authorising the use without charge (subject to such, if any, conditions as may be specified in the order) of any part of a road as a parking place for vehicles, or for vehicles of such classes as may be specified in the order,

as the authority making the order may consider appropriate in connection with the designation order.

(2) A designation order making provision for any of the purposes referred to in subsection (1)(a) above may vary or revoke any subsisting provision made for any of those purposes under section 1 of this Act.

(3) A designation order making such provision as is mentioned in subsection (1)(b) above may include provision for the removal, from any place authorised by virtue of that paragraph to be used as a parking place, of any vehicle left there in contravention of the order, and for the safe custody of the vehicle.

(4) Section 47 of this Act shall not apply to contraventions of, or failures to comply with, any provisions of a designation order having effect by virtue of subsection (1) above.

(5) A person who uses a vehicle, or causes or permits a vehicle to be used, in contravention of any provision of a designation order having effect by virtue of subsection (1)(a) above shall be guilty of an offence.

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(6) In the event of a contravention of, or non-compliance with, a provision of a designation order having effect by virtue of subsection (1)(b) above, the person responsible (as determined in accordance with the order) shall be guilty of an offence.

[F176](7) . . . . . .

Textual Amendments

F175 Words in s. 53(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59,108), s. 168(1), **Sch. 8 para.45**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2**, and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F176 S. 53(7) repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

Modifications etc. (not altering text)

C98 S. 53 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 5(2), Sch. 5 paras. 6(3), **12**

[F177]54 .

. . . . . .

Textual Amendments

F177 S. 54 repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(5), **Sch. 18** (with ss. 54(7)(5), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

55 Financial provisions relating to designation orders.

(1) A local authority shall keep an account of their income and expenditure in respect of parking places **[**[F178] for which they are the local authority and which are—

(a) in the case of the council of a London borough and the Common Council of the City of London, parking places on the highway; and

(b) in the case of any other authority, designated parking places.**]**

(2) At the end of each financial year any deficit in the account shall be made good out of the **[**[F179]general fund**][**[F180]or, in Wales, council fund**]**, and (subject to subsection (3) below) any surplus shall be applied for all or any of the purposes specified in subsection (4) below and, in so far as it is not so applied, shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to carrying it out.

(3) If the local authority so determine, any amount not applied in any financial year, instead of being or remaining so appropriated, may be carried forward in the account kept under subsection (1) above to the next financial year.

[F181]**[**(3A) The council of each London borough and the Common Council of the City of London shall, after each financial year, report to the Secretary of State on any action taken by them, pursuant to subsection (2) or (3) above, in respect of any deficit or surplus in their account for the year.

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(3B) The report under subsection (3A) above shall be made as soon after the end of the financial year to which it relates as is reasonably possible.**]**

(4) The purposes referred to in subsection (2) above are the following, that is to say—

(a) the making good to the **[**[F182]general fund**][**[F180]or, in Wales, council fund**]** of any amount charged to that fund under subsection (2) above in the 4 years immediately preceding the financial year in question;

(b) meeting all or any part of the cost of the provision and maintenance by the local authority of **[**[F183]off-street parking accommodation, whether in the open or under cover;**]**

(c) the making to other local authorities, [F184] . . . or to other persons of contributions towards the cost of the provision and maintenance by them, in the area of the local authority or elsewhere, of **[**[F183]off-street parking accommodation, whether in the open or under cover;**]**

[F185]**[**(d) if it appears to the local authority that the provision in their area of further off-street parking accommodation is unnecessary or undesirable, the following purposes—

(i) meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services, and

(ii) the purposes of a highway or road improvement project in the local authority's area.**]**

[F186]**[**(4A) For the purposes of subsection (4)(d)(ii)—

(a) a highway improvement project means a project connected with the carrying out by the appropriate highway authority (whether the local authority or not) of any operation which constitutes the improvement (within the meaning of the Highways Act 1980) of a highway in the area of a local authority in England or Wales; and

(b) a road improvement project means a project connected with the carrying out by the appropriate roads authority (whether the local authority or not) of any operation which constitutes the improvement (within the meaning of the Roads (Scotland) Act 1984) of a road in the area of a local authority in Scotland.**]**

[F187](5) . . . . . .

[F188](6) . . . . . .

(7) . . . . . [F189]

Textual Amendments

F178 Words in s. 55(1) substituted (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994, 5.4.1994 and 4.7.1994 respectively for specified London boroughs and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, **Sch. 7 para. 5(2)**; S.I. 1993/1461, **art. 3(1)(e)(f)**; S.I. 1993/2229, **art. 3(e)(f)**; S.I. 1993/2803, **art. 2(e)(f)**; S.I. 1993/3238, **art. 2(e)(f)**; S.I. 1994/81, **art. 3(e)(f)**; S.I. 1994/1482, art. 2(a), **Sch.**; S.I. 1994/1484, **art. 2(a)**

F179 Words substituted by Local Government Finance Act 1988 (c. 41, SIF 81:1, 103:2), s. 137, **Sch. 12 Pt. III para. 42(1)–(3)**

F180 Words in s. 55(2)(4)(a) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 38(6)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 3**

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F181 S. 55(3A)(3B) inserted (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994, 5.4.1994 and 4.7.1994 respectively for specified London boroughs and otherwise prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, **Sch. 7 para. 5(3)**; S.I. 1993/1461, **art. 3(1)(e)(f)**; S.I. 1993/2229, **art. 3(e)(f)**; S.I. 1993/2803, **art. 2(e)(f)**; S.I. 1993/3238, **art. 2(e)(f)**; S.I. 1994/81, **art. 3(e)(f)**; S.I. 1994/1482, art. 2(a), **Sch.**; S.I. 1994/1484, **art. 2(a)**

F182 Words substituted by Local Government Finance Act 1988 (c. 41, SIF 81:1, 103:2), s. 137, **Sch. 12 Pt. III para. 42(1)–(3)**

F183 Words in s. 55(4)(b) and (c) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 46(2)**; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**

F184 Words in s. 55(4)(c) repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 81, 83, Sch. 7, para. 5(4), **Sch. 8**; S.I. 1991/2054, art. 3, **Sch.**

F185 S. 55(4)(d) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 46(3)**; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**

F186 S. 55(4A) inserted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 46(4)**; S.I. 1991/2288, art. 3, **Sch.**

F187 S. 55(5) repealed (S.)(1.11.1991) by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 128(1), 156(3), Sch. 10 para. 4(1), **Sch. 11** and repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108) s. 168(1)(2), Sch. 8 para. 46(5), Sch. 9; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**

F188 S. 55(6) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(6)(b), **Sch. 18**; (ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 22(3)); S.I. 1996/396, **art. 3**

F189 S. 55(7) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

Modifications etc. (not altering text)

C99 S. 55 modified (5.7.1993) by S.I. 1993/1474, **art. 5(1)**
S. 55 modified (4.10.1993) by S.I. 1993/2237, **art. 5(1)**
S. 55 modified (6.12.1993) by 1993/2804, art. 4(1)
S. 55 modified (31.1.1994) by S.I. 1993/3239, **art. 4(1)**
S. 55 modified (1.1.1997) by S.I. 1997/3038, **art. 5(1)**
S. 55 modified (1.7.1997) by S.I. 1997/1342, **art. 5(1)**
S. 55 modified (1.6.1998) by S.I. 1997/1134, **art. 5(1)**

56 Grants where parking place designated by Secretary of State.

Where by virtue of paragraph 3 of Schedule 9 to this Act a parking place has been designated under section 45 of this Act by the Secretary of State—

(a) he may make grants out of moneys provided by Parliament towards the cost of the provision and maintenance of off-street parking places whether in the open or under cover, or for any purpose such as is mentioned in section 55(4)(d)(i) or (ii) of this Act; but

(b) in exercising his powers under this section he shall use his best endeavours to secure that the aggregate of the amounts paid by him by way of grants does not exceed the difference between—

(i) the aggregate of the sums received by him by way of charges made by him for vehicles left in parking places designated by him under section 45 of this Act; and

(ii) the aggregate of the expenses incurred by him in the provision, operation and maintenance of the parking places in respect of which those charges are made.

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Provision of parking places by parish or community councils

57 General powers of parish or community councils for provision of parking places.

(1) Where for the purposes of relieving or preventing congestion of traffic or preserving local amenities it appears to the council of a parish in England or a community in Wales to be necessary to do so, the council, subject to sections 58 and 59 of this Act, may—

(a) provide within their area and maintain suitable parking places for bicycles and motor cycles, or

(b) provide within their area and maintain suitable parking places, otherwise than on roads, for vehicles of other descriptions or for vehicles generally.

(2) For the purpose of providing and maintaining any such parking place, or for the purpose of providing means of entrance to and egress from any parking place provided under this section, a parish or community council may—

(a) utilise and adapt any land purchased by the council for the purpose or appropriated for the purpose under subsection (3) below, or

(b) in the case of a parking place provided under subsection (1)(a) above, but subject to the provisions of section 58 of this Act, adapt, and by order authorise the use of, any part of a road in the parish or community;

and any power under subsection (1) above to provide and maintain parking places shall include power to provide and maintain structures for use as parking places.

(3) Notwithstanding anything in any other enactment, but subject to subsection (4) below, a parish or community council may appropriate for the purpose of providing a parking place under this section—

(a) any part of a recreation ground provided by the council under section 8 of the [M11]Local Government Act 1894;

(b) any part of an open space controlled or maintained by the council under the [M12]Open Spaces Act 1906, other than a part which has been consecrated as a burial ground or in which burials have taken place;

(c) any part of any land provided by the council as a playing field or for any other purpose and held by that council for the purposes of section 19 of the [M13]Local Government (Miscellaneous Provisions) Act 1976 (recreational facilities).

(4) Any part of a recreation ground, open space or other land appropriated under subsection (3) above shall not exceed one-eighth of its total area or 800 square feet, whichever is the less.

(5) No order under subsection (1) above shall authorise the use of any part of a road as a parking place so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any person entitled to use it, or so as to be a nuisance.

(6) A parish or community council may employ, with or without remuneration, such persons as may be necessary for the superintendence of parking places provided by the council under this section.

(7) A parish or community council may make byelaws (subject to confirmation by the Secretary of State) as to the use of parking places provided under subsection (1)(a) above, and in particular as to the conditions upon which any such parking place may be used and as to the charges to be paid to the council in connection with the use of any such parking place, not being part of a road; and a copy of any byelaws made under this subsection shall be exhibited on or near every parking place to which they relate.

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(8) A parish or community council may let for use as a parking place any parking place provided by them (not being a part of a road) under this section; but, without prejudice to any power of a parish or community council under any other enactment to let a playing field or other land of which a parking place forms part, no single letting under this subsection shall be for a longer period than 7 days.

(9) The exercise by a parish or community council of their powers under this section with respect to the use as a parking place of any part of a road shall not render them subject to any liability in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle parked in such a parking place.

Marginal Citations

M11 1894 c. 73. (56 & 57 Vict.)**(81:1).**
M12 1906 c. 25**(46:2).**
M13 1976 c. 57**(81:1).**

58 Consents for purposes of s. 57(1).

(1) A parish or community council shall not have power by virtue of section 57(1) of this Act to provide a parking place—

(a) in a position obstructing or interfering with any existing access to any land or premises not forming part of a road, except with the consent of the owner and the occupier of the land or premises, or

(b) in a road which is not a highway, or in a public path, except with the consent of the owner and the occupier of the land over which the road or path runs, or

(c) in any such situation or position as is described in the first column of the following Table, except with the consent of the persons described in relation to it in the second column of that Table.

TABLE

(i) In a trunk road or any other road maintained by the Secretary of State or on land abutting on any such road.	The Secretary of State.
(ii) In a road which is a highway (other than a trunk road or a road maintained as mentioned in sub-paragraph (i) above or a public path) or on land abutting on any such road.	The county council **[**[F190]or metropolitan district council**]**.
(iii) In a road which is a highway belonging to and repairable by the persons carrying on any railway, dock, harbour, canal, inland navigation or passenger road transport undertaking and forming the approach to any station, dock, wharf or depot of theirs.	The persons carrying on the undertaking concerned.

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(iv) On a bridge carrying a highway over a railway, dock, harbour, canal or inland navigation, or on the approaches to any such bridge, or under a bridge carrying a railway, canal or inland navigation over a highway.	The persons carrying on the railway, dock, harbour, canal or inland navigation undertaking concerned.

(2) Any consent required by subsection (1)(c) above shall not be unreasonably withheld, but may be given subject to any reasonable conditions, including a condition that the parish or community council shall remove any thing to the provision of which the consent relates, either at any time or at or after the expiry of a period, if reasonably required to do so by the person giving the consent.

(3) Any dispute between a parish or community council and a person whose consent is required under subsection (1)(c) above, on the question whether that consent is unreasonably withheld or is given subject to reasonable conditions, or whether the removal of any thing to the provision of which the consent relates in accordance with any condition of the consent is reasonably required, it shall—

(a) in the case of a dispute between the parish or community council and the Secretary of State, be referred to and determined by an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers; and

(b) in any other case, be referred to and determined by the Secretary of State, who may cause a public inquiry to be held for the purpose.

(4) Section 6 of the [M14]Local Government (Miscellaneous Provisions) Act 1953 (which makes provision as to access to telegraphic lines, sewers, pipe-subways, pipes, wires, and other apparatus) shall apply in relation to a parking place (including a structure for use as a parking place) provided by a parish or community council under section 57(1) of this Act, and to the council by whom the parking place is so provided, as it applies in relation to a shelter or other accommodation provided, and to the local authority by whom it is provided, under section 4 of that Act.

(5) In this section, and in section 6 of that Act, as they apply in relation to a parking place provided under section 57(1)(a) of this Act which forms part of a road, references to removal shall be construed as including references to the suspension or revocation of the order authorising the use of that part of the road as a parking place.

Textual Amendments

F190 Words in s. 58(1)(c)(ii) inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(23)**

Marginal Citations

M14 1953 c. 26**(81:1).**

59 Consents for, and provisions as to use of, parking places under s. 57(1)(b).

(1) A parish or community council shall not exercise their powers under section 57(1)(b) of this Act without the consent of the council of the county **[**[F191]or metropolitan district**]** in which the parish or community is situated; and any consent given by the

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county council **[**[F191]or metropolitan district council**]** may be subject to such conditions or restrictions as they think fit.

(2) A parish or community council proposing to exercise their powers under section 57(1)(b) of this Act shall—

(a) for the purpose of obtaining the consent of the county council **[**[F192]or metropolitan district council**]** under subsection (1) above, make an application in writing to **[**[F193] that council**]** giving details of the parking place which they propose to provide, and

(b) **[**[F194]in the case of an application to a county council, send a copy of it**]** to the council of the district in which the parish [F195]. . . is situated;

and **[**[F196], in that case,**]** the county council, in considering whether or not to give their consent, or to make their consent subject to any conditions or restrictions, shall have regard to any representations made to them by that district council.

[[F197](2A) In subsection (2) above, paragraph (b) and the words which follow it do not apply in relation to Wales.**]**

(3) Subject to subsections (4) to (6) below, section 35 of this Act shall apply in relation to a parking place provided under section 57(1)(b) of this Act as if—

(a) the parish or community council were a local authority for the purposes of sections 32 and 35 of this Act, and

(b) the parking place were provided by the parish or community council under section 32 of this Act.

(4) A parish or community council shall not, by virtue of subsection (3) above, make an order under section 35(1) of this Act without the consent of the county council **[**[F198]or metropolitan district council**]**; and any consent given by the county council **[**[F198]or metropolitan district council**]** may be subject to such conditions or restrictions as they think fit.

(5) Where, by virtue of subsection (3) above, a parish or community council proposes to make an order under section 35(1) of this Act, the council shall submit a draft of the order to the county council **[**[F199]or metropolitan district council**]** who (without prejudice to their power to give or withhold consent to the making of the order) may require such modifications of the terms of the proposed order as they think appropriate.

(6) The powers of a county council **[**[F200]or metropolitan district council**]** under section 35 of this Act shall apply in relation to a parking place provided by a parish or community council under section 57(1)(b) of this Act as they apply in relation to a parking place provided by a county council **[**[F200]or metropolitan district council**]**; and the power to vary or revoke an order made by a parish or community council under section 35(1) of this Act shall be exercisable by the county council **[**[F200]or metropolitan district council**]** as well as by the parish or community council.

(7) If, by virtue of subsection (6) above, a county council **[**[F201]or metropolitan district council**]** proposes to make an order under section 35(1) of this Act in relation to a parking place provided by a parish or community council, they shall send a copy of the proposed order to the parish or community council.

Textual Amendments

F191 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(24)**(*a*)

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F192 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(24)**(*b*)(i)

F193 Words in s. 59(2)(a) substituted by (1.7.1992) by 1985 c. 51, s. 8, **Sch. 5 para. 4** (24)(b)

F194 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(24)**(*b*)(ii)

F195 Words in s. 59(2)(b) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(7), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 22(3)); S.I. 1996/396, art. 3, **Sch. 1**

F196 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(24)**(*b*)(iii)

F197 S. 59(2A) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 38(7)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 22(3)); S.I. 1996/396, art. 3, **Sch. 1**

F198 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(24)**(*c*)

F199 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(24)**(*d*)

F200 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(24)**(*e*)

F201 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(24)**(*f*)

60 Supplementary provisions relating to ss. 57–59.

(1) A parish or community council may contribute towards—

(a) the reasonable expenses incurred by any person in doing anything which by virtue of section 57 of this Act that council has power to do, and

(b) the expenses incurred by any other parish or community council in exercising their powers under that section.

(2) Without prejudice to any other power of combination, a parish or community council may by agreement combine with any other parish or community council for the purpose of exercising their powers under section 57 of this Act.

(3) Where before 17th July 1957 a parish council has provided anything which could be provided by a parish council under section 57 of this Act, or where any other person has at any time provided anything which could be provided by a parish council under that section, the parish or community council shall have the like power to maintain that thing as if it had been provided by them under that section.

(4) In sections 57 to 59 of this Act and in subsections (1) and (2) above, except in so far as the context otherwise requires,—

"in", in a context referring to things in a road, includes a reference to things under, over, across, along or upon the road;

"owner" has the meaning assigned to it by section 343 of the [M15]Public Health Act 1936;

"parish" or "community", in relation to a common parish council or common community council acting for two or more grouped parishes or communities, means those parishes or communities;

"public path" has the meaning assigned to it by section 27 of the National Parks and Access to the [M16]Countryside Act 1949; and

"road" means a highway (including a public path) and any other road, lane, footway, square, court, alley or passage (whether a thoroughfare or not) to which the public has access, but does not include a road provided or to be provided in pursuance of a scheme made, or having effect as if made, under section 16 of the [M17]Highways Act 1980 (which relates to special roads).

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Marginal Citations

M15 1936 c. 49**(100:1).**
M16 1949 c. 97**(46:1).**
M17 1980 c. 66**(59).**

Special parking provisions

61 Loading areas.

(1) If it appears to **[**[F202]the council of a county, metropolitan district or London borough or the Common Council of the City of London**]** that any land in their area which is not part of a highway has been set apart by the occupier of the land for use as a place where vehicles may be driven and parked for the purpose of being loaded or unloaded in connection with a trade or business carried on on or in the vicinity of the land, the council may, subject to Part III of Schedule 9 to this Act, by an order made with the consent of the owner and the occupier of the land—

(a) designate the land as an area to which the following provisions of this section apply (in this section referred to as a "loading area"), and

(b) specify the trade or business in question.

(2) A council which has made an order in pursuance of subsection (1) above—

(a) may vary the order by a subsequent order made with the consent of the owner and the occupier of the land to which the order relates;

(b) may revoke the order by a subsequent order made with the consent of the owner and the occupier of the loading area in question; and

(c) shall revoke the order by a subsequent order if requested in writing to do so by the owner and the occupier of the loading area in question.

(3) An order in pursuance of subsection (1) or (2)(a) above may contain provisions prohibiting the parking, in the loading area to which the order relates, of vehicles of such kinds as are specified in the order, except authorised vehicles, at all times or at times so specified, and may make different provision in pursuance of the preceding provisions of this subsection for different parts of the area; and in this subsection "authorised vehicle", in relation to a loading area, means a goods vehicle (as defined by **[**[F203]section 192(1) of the Road Traffic Act 1988**]**) which is in the area for the purpose of being loaded or unloaded in connection with the trade or business specified in the order designating the area.

(4) Where an order has been made by a council in pursuance of subsection (1) above and, by virtue of paragraph 22(1)(e) of Schedule 9 to this Act, traffic signs are required to be placed on the loading area to which the order relates, a person authorised in that behalf by the council may enter on the loading area for the purpose of placing any such traffic signs and for the purpose of maintaining or removing the signs.

(5) A person who, without reasonable excuse, causes a vehicle to be in any part of a loading area at a time when the parking of it there is prohibited by an order made in pursuance of subsection (1) above shall be guilty of an offence.

(6) References in subsections (2) to (5) above to an order made in pursuance of subsection (1) above include, in the case of such an order which has been varied in pursuance of subsection (2)(a) of this section, references to the order as so varied.

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(7) Subsections (3) to (5) of section 44 of the [M18]Local Government (Miscellaneous Provisions) Act 1976 (which contain ancillary provisions for the purposes of Part I of that Act) shall have effect as if this section were included in that Part of that Act.

(8) In this section "owner", in relation to any land, means a person who, either on his own account or as agent or trustee for another person, is receiving the rackrent of the land or would be entitled to receive it if the land were let at a rackrent; and any reference to a traffic sign, in relation to any land which is not a road, includes a reference to any object, device, line or mark which would be a traffic sign (as defined by section 64 of this Act) if the land were a road.

Textual Amendments

F202 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(25)**

F203 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(2)**

Marginal Citations

M18 1976 c. 57**(81:1).**

62 Parking in Royal Parks.

Regulations under section 2 of the [M19]Parks Regulation (Amendment) Act 1926 may make provision for imposing and recovering charges for the leaving of vehicles, or vehicles of any class, in any park to which that Act applies; and regulations made by virtue of this section may make, as respects charges and penalties recoverable under the regulations, provision corresponding to the provisions of section 47(4) of this Act.

Marginal Citations

M19 1926 c. 36**(46:2).**

63 Stands and racks for bicycles.

The powers of any authority under this Act to provide parking places shall extend to providing, in roads or elsewhere, stands and racks for bicycles.

[[F204]Parking attendants]

Textual Amendments

F204 S. 63A inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 44(1)**; S.I. 1991/2054, **art. 3**,Sch.

[[F205]63A Parking attendants.

(1) A local authority may provide for the supervision of parking places within their area by individuals to be known as parking attendants.

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(2) Parking attendants shall also have such other functions in relation to stationary vehicles as may be conferred by or under any other enactment.

(3) A parking attendant shall be—
  (a) an individual employed by the authority; or
  (b) where the authority have made arrangements with any person for the purposes of this section, an individual employed by that person to act as a parking attendant.

(4) Parking attendants in Greater London shall wear such uniform as the Secretary of State may determine when exercising prescribed functions, and shall not exercise any of those functions when not in uniform.

(5) In this section "local authority" and "parking place" have the meanings given by section 32(4) of this Act.**]**

Textual Amendments

F205 S. 63A inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 44(1)**; S.I. 1991/2054, **art. 3**,Sch

PART V

TRAFFIC SIGNS

Modifications etc. (not altering text)

C100 Pt. V modified by S.I. 1991/516, **art. 3A** (which article is inserted by S.I. 1991/808, **art. 2(3)**).

General provisions

64 General provisions as to traffic signs.

(1) In this Act "traffic sign" means any object or device (whether fixed or portable) for conveying, to traffic on roads or any specified class of traffic, warnings, information, requirements, restrictions or prohibitions of any description—
  (a) specified by regulations made by the Ministers acting jointly, or
  (b) authorised by the Secretary of State,

and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions.

(2) Traffic signs shall be of the size, colour and type prescribed by regulations made as mentioned in subsection (1)(a) above except where the Secretary of State authorises the erection or retention of a sign of another character; and for the purposes of this subsection illumination, whether by lighting or by the use of reflectors or reflecting material, or the absence of such illumination, shall be part of the type or character of a sign.

(3) Regulations under this section may be made so as to apply either generally or in such circumstances only as may be specified in the regulations.

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(4) Except as provided by this Act, no traffic sign shall be placed on or near a road except—

(a) a notice in respect of the use of a bridge;

(b) a traffic sign placed, in pursuance of powers conferred by a special Act of Parliament or order having the force of an Act, by the owners or operators of a tramway, light railway or trolley vehicle undertaking, a dock undertaking or a harbour undertaking; or

(c) a traffic sign placed on any land—

(i) by a person authorised under the following provisions of this Act to place the sign on a **[**[F206]road**]**, and

(ii) for a purpose for which he is authorised to place it on a **[**[F206]road**]**.

(5) Regulations under this section, or any authorisation under subsection (2) above, may provide that **[**[F207]section 36 of the Road Traffic Act 1988**]** (drivers to comply with traffic directions) shall apply to signs of a type specified in that behalf by the regulations or, as the case may be, to the sign to which the authorisation relates.

(6) References in any enactment (including any enactment contained in this Act) to the erection or placing of traffic signs shall include references to the display of traffic signs in any manner, whether or not involving fixing or placing.

Textual Amendments

F206 Word in s. 64(4)(c)(i) and (ii) substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(21)** and substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.47**; S.I. 1991/2288, **art. 2(2)**,Sch.

F207 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(3)**

Modifications etc. (not altering text)

C101 S. 64 extended by British Railways Act 1987 (c. xxix), **ss. 25**, 31(1)(4)

C102 S. 64 applied (with modifications) (6.3.1992) by Aberdeen Harbour Order Confirmation Act 1992 (c. ii), ss. 1, 3(2), **Sch.**
S. 64 applied (with modifications) (29.3.1993) by 1993 c. iv, **s. 25(1)(b)(3)**
S. 64 applied (with modifications) (29.3.1993) by 1993 c. iv, **s. 26(1)(b)(3)**
S. 64: transfer of certain functions (27.12.1999) by S.I. 1999/3143, **art. 2(1)**

C103 S. 64(1): definition of "traffic sign" applied (S.) (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), **s. 43(3)** (with ss. 47(4), 167(2)); S.I. 1991/2286, art. 2(2), **Sch. 2**
S. 64(1): definition of "traffic sign" applied (E.W.) (prosp.) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), **ss. 3(3)**, 170(1) (with ss. 25(2), 167(2))

C104 S. 64(1)(a): amended (1.7.1999) by S.I. 1999/1750, art. 4, **Sch. 3**; S.I. 1998/3178, **art. 3**

C105 S. 64(1)(b)(2): transfer of functions (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 3**

C106 S. 64(4) extended (11.11.1996) by S.I. 1996/2714, **art. 17(3)**
S. 64(4) modified (24.7.2001) by S.I. 2001/3627, **art. 18(3)**

C107 S. 64(4) modified (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), **art. 18(3)** (with arts. 65, 66)
S. 64(4) modified (22.3.2005) by The Midland Metro (Wednesbury to Rierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 20(4)** (with art. 51)
S. 64(4) modified (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), **art. 15(4)**
S. 64(4) modified (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), **art. 15(3)** (with art. 52)

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S. 64(4) modified (S.) (27.4.2006) by Edinburgh Tram (Line Two) Act 2006 (asp 6), **s. 15(3)** (with s. 75)
S. 64(4) modified (S.) (8.5.2006) by Edinburgh Tram (Line One) Act 2006 (asp 7), **s. 15(3)** (with ss. 76, 84)

C108 S. 64(4) excluded (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), **art. 41(1)** (with art. 52)

C109 S. 64(4) modified (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), **art. 18(3)**

65 Powers and duties of highway authorities as to placing of traffic signs.

[[F208](1) The traffic authority may cause or permit traffic signs to be placed on or near a road, subject to and in conformity with such general directions as may be given by the Ministers acting jointly or such other directions as may be given by the Secretary of State.**]**

[[F209](1A) The power to give general directions under subsection (1) above includes power to require equipment used in connection with traffic signs to be of a type approved in accordance with the directions.**]**

[[F210F211](2) The Secretary of State may give directions to a local traffic authority—**]**

(a) for the placing of a traffic sign of any prescribed type or authorised character specified in the directions, or

(b) for replacing a sign so specified by, or converting it into, a sign of another prescribed type or authorised character so specified.

(3) The power to give general directions under subsection (1) above shall be exercisable by statutory instrument.

[[F210](3A) No charge may be made—

(a) in England and Wales, by a highway authority which is the council of a county, metropolitan district or London borough or the Common Council of the City of London, or

(b) in Scotland, by a local roads authority,

with respect to the exercise of their power under subsection (1) above to permit a traffic sign to be placed on or near any road in their area if—

(i) the sign conveys information of a temporary nature or is otherwise intended to be placed only temporarily; and

(ii) the sign is to be placed by a body which is prescribed for the purposes of this subsection as being a body appearing to the Secretary of State to be representative of the interests of road users or any class of road users.**]**

(4) In this section—

"authorised character" means a character authorised by the Secretary of State; and

"prescribed type" means a type prescribed by regulations made under section 64(1)(a) of this Act.

Textual Amendments

F208 S. 65(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 48(2)**; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**

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F209 S. 65(1A) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 29**; S.I. 1992/1286, art. 2, **Sch.**

F210 S. 65(3A) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), **s. 153(1)(2)**

F211 Words in s. 65(2) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 48(3)**; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**

Modifications etc. (not altering text)

C110 S. 65: transfer of certain functions to the Secretary of State by S.I. 1986/315, **art. 3(1)** and by S.I. 1986/316, **art. 3(1)**

C111 S. 65 applied (with modifications) (6.3.1992) by Aberdeen Harbour Order Confirmation Act 1992 (c. ii), s. 1, **Sch. s. 3(2)**.
S. 65: transfer of certain functions (3.7.2000) by 1999 c. 29, **s. 275(1)(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch.**
S. 65 extended (30.4.1999) by S.I. 1999/1306, **art. 20(3)**
S. 65 extended (21.7.1999) by S.I. 1999/2129, **art. 32(3)**
S. 65: transfer of certain functions (27.12.1999) by S.I. 1999/3143, **art. 2(1)**
S. 65 extended (24.7.2001) by S.I. 2001/3627, **art. 53(3)**
S. 65 extended (14.3.2002) by S.I. 2002/412, **art. 27(3)** (with art. 38)
S. 65 extended (22.3.2005) by The Midland Metro (Wednesbury to Brierly Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 44(3)** (with art. 51)
S. 65 extended (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), **art. 40(3)** (with art. 47)
S. 65 extended (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), **art. 39(3)** (with arts. 45(1), 48, Sch. 10 para. 21, 29)
S. 65 extended (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), **art. 41(3)** (with art. 52)
S. 65 extended (S.) (27.4.2006) by Edinburgh Tram (Line Two) Act 2006 (asp 6), **s. 58(3)** (with s. 75)
S. 65 extended (S.) (8.5.2006) by Edinburgh Tram (Line One) Act 2006 (asp 7), **s. 58(3)** (with ss. 76, 84)
S. 65 extended (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), **art. 31(3)**

C112 S. 65 extended (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), **art. 49(3)** (with art. 84, Sch. 16)

C113 S. 65(1) extended (18.6.1992) by British Railways (No. 2) Act 1992 (c. xi), **s. 14(3)(b)**
S. 65(1) extended (29.3.1993) by 1993 c. iv, **s. 3(3)**.
S. 65(1) modified (27.7.1993) by 1993 c. xv, **s. 4(5)**.
S. 65(1) applied (24.3.1994) by 1994 c. ii, s. 1, **Sch. Pt. II s. 5(3)(c)**
S. 65(1) applied (21.7.1994) by 1994 c. xv, **s. 4(5)**
S. 65(1): power to contract out functions of the Secretary of State conferred (S.) (16.3.1996) by S.I. 1996/878, art. 2, **Sch. para. 4**
S. 65(1): transfer of certain functions (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 3**
S. 65(1) amended (1.7.1999) by S.I. 1999/1750, art. 4, **Sch. 3**; S.I. 1998/3178, **art. 3**

C114 S. 65(2)(3A)(b)(ii): transfer of functions (1.7.1999) by S.I. 1999/1750, **art. 2 Sch. 3**; S.I. 1998/3178, **art. 3**

66 Traffic signs for giving effect to local traffic regulations.

(1) A constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, may place on a **[**[F212]road**]**, or on any structure on a **[**[F212]road**]**, traffic signs (of any size, colour and type prescribed or authorised under section 64

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of this Act) indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be requisite—

(a) for giving effect to regulations, orders or directions under any enactment mentioned in subsection (2) below, or

(b) for giving effect to directions given under **[**[F213]section 31(4) of the Road Traffic Act 1988**]** (which enables directions to be given in consequence of the holding of an authorised race or trial of speed).

(2) The enactments referred to in subsection (1) above are—

(a) section 52 of the [M20]Metropolitan Police Act 1839 (which relates to prevention of obstruction on public occasions or in the neighbourhood of public buildings in the metropolitan police district);

(b) section 22 of the [M21]local Act of the second and third year of the reign of Queen Victoria, chapter 94 (which makes similar provision in relation to the City of London);

(c) section 21 of the [M22]Town Police Clauses Act 1847 (which likewise makes similar provision for areas to which that Act is applied); and

(d) section **[**[F214]62 of the [M23]Roads (Scotland) Act 1984**]** and any corresponding provision contained in a local Act relating to any part of Scotland.

(3) In this section "prescribed" means prescribed by regulations under section 64(1)(a) of this Act.

Textual Amendments

F212 Words in s. 66(1) substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(23)(a)** and substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 49**; S.I. 1991/2288, **art. 3**,Sch.

F213 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(4)**

F214 Words in s. 66(2)(d) substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(23)(b)**

Marginal Citations

M20 1839 c. 47**(95).**

M21 1839 c. xciv.

M22 1847 c. 89**(107:1).**

M23 1984 c. 54**(108).**

67 Emergencies and temporary obstructions.

(1) A constable, or a person acting under the instructions (whether general or specific) of the chief officer of police, may place on a **[**[F215]road**]**, or on any structure on a **[**[F215]road**]**, traffic signs (of any size, colour and type prescribed or authorised under section 64 of this Act), indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances; and the power to place signs conferred by this subsection shall include power to maintain a sign for a period of 7 days or less from the time when it was placed, but no longer.

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(2) **[**[F216]Section 36 of the Road Traffic Act 1988**]** (drivers to comply with traffic directions) shall apply to signs placed in the exercise of the powers conferred by subsection (1) above.

(3) Regulations under section 64 of this Act prescribing any type of object or device for warning traffic of a temporary obstruction may include provisions for authorising (subject to such conditions as may be specified in the regulations) persons not otherwise authorised to do so to place an object or device of that type on or near roads, or on or near any description of road so specified, in such circumstances and for such periods as may be so specified.

Textual Amendments

F215 Words in s. 67(1) substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(24)** and substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.50**; S.I. 1991/2288, **art. 3**,Sch.

F216 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(5)**

Modifications etc. (not altering text)

C115 S. 67 applied (with modifications) (6.3.1992) by Aberdeen Harbour Order Confirmation Act 1992 (c. ii), s. 1, **Sch. s. 3(2)**.
S. 67 excluded (S.) (4.1.1995) by 1994 c. 39, **s. 150(1)**; S.I. 1994/2850, **art. 3**a, Sch. 2
S. 67 extended (1.7.2005) by 2002 (c. 30), Sch. 4 para. 13A(1) (as inserted by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 11**; S.I. 2005/1521, **art. 3(1)(i)**

C116 S. 67(1)(2) extended (E.W.) (4.10.2004 for E. and 1.5.2009 for W.) by Traffic Management Act 2004 (c. 18), **ss. 7**, 99 (with s. 38); S.I. 2004/2380, **art. 2(a)**; S.I. 2009/1095, **art. 2(a)**

68 Placing of traffic signs in connection with exercise of other powers.

(1) This section applies to any authority having power to make—

(a) an order under or by virtue of any of the following provisions of this Act, namely, sections 1 to 4, sections 14, **[**[F217]16A**]**19, 29, [F218] . . . 32, 35, 37, 38, 45 and 46 and subsections (2) and (4) of section 49, or

(b) an order as respects a road outside Greater London under section 9 of this Act, or

(c) an order to which this paragraph applies by virtue of any provision of Part VI of this Act.

(2) Without prejudice to any powers conferred by or under any other provision of this Act, but subject to subsection (3) below, an authority to whom this section applies may place and maintain, or cause to be placed and maintained, such traffic signs, of any type prescribed or character authorised under section 64 of this Act, as the authority may consider necessary in connection with any order made by the authority as respects any road and falling within any of paragraphs (a) to (c) of subsection (1) above **[**[F219]or, in the case of a traffic authority having power to make an order under section 14 of this Act, as the authority may consider necessary in connection with any order made or notice issued by them under that section**]**; but, if the order is made **[**[F220]or, as the case may be, the notice is issued**]**by an authority other than the **[**[F221]traffic authority**]** for the road, the authority by whom the order is made **[**[F220]or, as the case may be, the notice is issued**]**—

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(a) shall consult with the **[**traffic authority**]** as to the placing of the signs, and

(b) unless the **[**[F221]traffic authority**]** are unwilling to do so, shall enter into arrangements with the **[**[F221]traffic authority**]** for the signs to be placed and maintained by the **[**[F221]traffic authority**]**

(3) The power conferred by subsection (2) above on an authority to whom this section applies shall be exercisable subject to and in conformity with any general directions given under section 65(1) of this Act, whether that authority is a **[**[F221]traffic authority**]** or not; and any other power conferred by section 65 to give directions to a **[**[F221]traffic authority**]** shall include power to give the like directions to an authority to whom this section applies.

Textual Amendments

F217 Words in s. 68(1)(a) inserted (3.5.1994) by 1994 C. 11, s. 3(1), Sch. para. 1

F218 S. 68(1): reference to s. 30 repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 51(2), **Sch. 9**; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F219 Words in s. 68(2) inserted (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), **s. 1(3)(a)**; S.I. 1992/1218, **art. 2**.

F220 Words in s. 68(2) inserted (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), **s. 1(3)(b)**; S.I. 1992/1218, **art. 2**.

F221 Words in s. 68(2) and (3) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 51(3)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

Modifications etc. (not altering text)

C117 S. 68 applied (with modifications)(6.3.1992) by Aberdeen Harbour Order Confirmation Act 1992 (c. ii), s. 1, **Sch. s. 3(2)**.

69 General provisions as to removal of signs.

(1) The **[**[F222]traffic authority**]** may by notice in writing require the owner or occupier of any land on which there is an object or device (whether fixed or portable) for the guidance or direction of persons using **[**[F223]the road**]** to remove it.

(2) If a person fails to comply with such a notice, the **[**[F224]traffic authority**]** may themselves effect the removal, doing as little damage as may be; and the expenses incurred by them in doing so shall be recoverable by them from the person in default, and, in England or Wales, shall be so recoverable summarily as a civil debt.

(3) The Secretary of State may give directions to a **[**[F225]local traffic authority**]** requiring the authority to remove, or cause to be removed, any traffic sign or any such object or device as is mentioned in subsection (1) above.

Textual Amendments

F222 Words in s. 69(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 52(2)(a)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Regulation Act 1984 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F223 Words in s. 69(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 52(2)(b)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F224 Words in s. 69(2) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 52(3)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F225 Words in s. 69(3) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 52(4)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C118 S. 69(1)(2)(3): transfer of functions (1.7.1999) by S.I 1999/1750, art. 2, Sch. 1; S.I. 1998/3178, **art. 3**

70 Default powers of Secretary of State as to traffic signs.

(1) If a **[**[F226]local traffic authority**]** or an authority to whom section 68 of this Act applies fail to comply with any direction given under section 65(2) or section 69 of this Act, the Secretary of State may himself carry out the work required by the direction; and the expenses incurred by him in doing so shall be recoverable by him from the authority, and, in England or Wales, shall be so recoverable summarily as a civil debt.

(2) Any such direction—

(a) if relating to a road in England or Wales, shall be enforceable on the application of the Secretary of State by an order of mandamus; or

(b) if relating to a road in Scotland, shall be enforceable by order of the Court of Session on an application by the Lord Advocate under section 91 of the [M24]Court of Session Act 1868.

Textual Amendments

F226 Words in s. 70(1) substituted by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), ss. 168(1), **Sch. 8 para.53**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C119 S. 70: transfer of functions (6.5.1999) by S.I. 1999/901, art. 5, **Sch.**

C120 S. 70(1): transfer of functions (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 3**

Marginal Citations

M24 1868 c. 100**(36:).**

71 Power to enter land in connection with traffic signs.

(1) A **[**[F227]local traffic authority**]** or an authority to whom section 68 of this Act applies or the Secretary of State may enter any land and exercise such other powers as may be necessary for the purpose of the exercise and performance of their powers and duties of placing, replacing, converting and removing traffic signs or their powers and duties under section 69 of this Act.

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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(2) In this section "traffic signs" includes signposts for footpaths (within the meaning of the [M25]Highways Act 1980) and bridleways, and "signposts" includes other signs or notices for the same purpose.

(3) Subsection (2) above does not extend to Scotland.

Textual Amendments

F227 Words in s. 71(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.54**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C121 S. 71(1): tranfer of functions (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 3**

Marginal Citations

M25 1980 c. 66**(59).**

72 Powers exercisable by parish or community councils.

(1) A parish or community council may, with the permission of the highway authority and subject to any conditions imposed by that authority, provide on or near any road, other than a footpath or bridleway, or may contribute, either wholly or in part, towards the cost of providing on or near any such road, traffic signs indicating—

(a) a stopping place for public service vehicles;

(b) a warning of the existence of any danger; or

(c) the name of the parish or community or of any place in it.

(2) A parish or community council may provide, or may contribute, either wholly or in part, towards the cost of providing, on or near any footpath or bridleway, any object or device (not being a traffic sign) for conveying to users of that footpath or bridleway a warning of the existence of danger.

(3) No traffic sign, object or device provided by a parish or community council in pursuance of this section shall be placed on any land (not being a road or part of a road) without the consent of the owner and occupier of the land.

(4) Nothing in this section shall prejudice the exercise by the highway authority or the Secretary of State of their powers under section 69 of this Act; but where any such object or device as is mentioned in subsection (1) of that section is an object or device—

(a) provided by a parish or community council in pursuance of this section, and

(b) so provided on land which the council neither own nor occupy,

the powers conferred on the highway authority by that subsection shall be exercisable in relation to the council and not in relation to the owner or occupier of the land.

(5) For the purpose of complying with a notice under section 69(1) of this Act which, by virtue of subsection (4) above, requires a parish or community council to remove an object or device, the council may enter any land and exercise such other powers as may be necessary for that purpose.

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(6) A parish or community council may warn the public of any danger in or apprehended in their area, subject, however, in the case of a warning given by providing any traffic sign, object or device, to the provisions of subsections (1) and (3) above.

(7) This section does not extend to Scotland.

Modifications etc. (not altering text)

C122 S. 72: certain functions of the Secretary of State made exercisable (25.7.1995) by S.I. 1995/1986, art. 2, **Sch. 3 para. 7**

C123 S. 72(1): functions of the local highway authority made exercisable by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is (23.7.1999) by S.I. 1999/2106, **art. 2 Sch. 3 para. 7**

C124 S. 72(1): certain functions made exercisable (24.3.2009) by The Contracting Out (Highway Functions) Order 2009 (S.I. 2009/721), art. 3, **Sch. 3 para. 7**

Provisions as to Greater London

73 Powers and duties of Greater London Council in respect of traffic signs.

[[F228](1) In connection with any order under section 6 or 9 of this Act made or proposed by them, the council of a London borough and the Common Council of the City of London may, as respects any road in their area **[**[F229]for which they are the traffic authority**]** affix any traffic sign to any lamp-post or other structure in the highway, whether or not belonging to the council.**]**

(2) As respects any traffic sign lawfully in place in **[**[F230]their area which is required in connection with an order under section 6 or 9 of this Act, it shall be the duty of the council of a London borough and of the Common Council of the City of London**]**—

(a) to take such steps to maintain, and to make such alteration of, that sign as may be necessary or expedient in connection with any relevant order, and

(b) to remove the sign if it ceases to be required in connection with any order under section 6 or 9 of this Act.

In paragraph (a) above "relevant order", in relation to a traffic sign, means an order under section 6 or 9 of this Act in connection with which the traffic sign is required.

(3) . . . . . [F231]

Textual Amendments

F228 S. 73(1) substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(26)**(*a*)

F229 Words in s. 73(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.55**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2**, and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F230 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(26)**(*b*)

F231 S. 73(3)–(5) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

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Modifications etc. (not altering text)
C125 S. 73: Certain functions transferred to the Secretary of State by S.I. 1986/315, **art. 3(1)**

74 Affixing of traffic signs to walls.

(1) For the purpose of placing traffic signs on or near any road in **[**[F232]their area**]** in pursuance of section 65, 68 or 73 of this Act, . . . [F233] the council of a London borough . . . [F233] shall (subject to subsections (2) to (7) below) have power to affix a traffic sign to any external wall of a building having a frontage to, or constructed over, any such road.

(2) . . . . . [F234]

(3) Subject to subsection (4) below, a council shall not affix a traffic sign to the external wall of a building under this section without the consent of the owner of the building.

(4) Where in the opinion of . . . [F235] the council of a London borough . . . [F235] any consent required under subsection (3) above is unreasonably withheld, they may apply to the appropriate authority, who may either allow the affixing of the traffic sign subject to such conditions, if any, as to rent or otherwise as the appropriate authority think fit, or disallow the affixing of the traffic sign.

(5) Where any traffic sign has been affixed by a council to a building under this section—
   (a) the council shall have the right, as against any person having an interest in the building, to alter or remove it, or to repair or maintain it, but
   (b) the owner of the building may give to the council not less than 14 days' notice requiring them at their own expense temporarily to remove the sign where necessary during any reconstruction or repair of the building.

(6) If any person suffers damage by or in consequence of the affixing of a traffic sign by a council, or by or in consequence of the exercise by a council of the rights conferred by subsection (5)(a) above, he shall be entitled to be paid by the council such compensation as may be agreed with the council or, in default of agreement, determined by arbitration.

(7) Subsection (1) above shall have effect subject to section 2 of the [M26]Ancient Monuments and Archaeological Areas Act 1979 (under which scheduled monument consent is required for the execution of certain works affecting scheduled monuments).

(8) Nothing in this section shall derogate from the powers of . . . [F236] the council of a London borough to enter on land for the placing of traffic signs in pursuance of section 71 of this Act or to carry out work for the improvement of a highway in pursuance of section 62 of the [M27]Highways Act 1980 (general power of improvement).

(9) In this section—

"appropriate authority" means a magistrates' court, except that, in relation to buildings of any description specified in the first column of Schedule 5 to this Act, it means the Secretary of State specified in relation to that description in the second column of that Schedule;

"building" includes a structure and a bridge or aqueduct over a street;

"owner"—

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(a) in relation to a building occupied under a tenancy for a term of years of which five years or more remain unexpired, means the occupier of the building, and

(b) in relation to any other building, means the person for the time being receiving the rackrent of the building, whether on his own account or as agent or trustee for any other person, or who would so receive it if the building were let at a rackrent; and

"traffic sign" includes any apparatus required for the illumination of a traffic sign which forms part of the sign.

Textual Amendments

F232 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(27)**

F233 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), **ss. 1**, 2, 8(1),102(2)(3), Sch. 5 para. 4(27), Sch. 17

F234 S. 74(2) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F235 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F236 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

Modifications etc. (not altering text)

C126 S. 74: Certain functions transferred to the Secretary of State by S.I. 1986/315, **art. 3(1)**

Marginal Citations

M26 1979 c. 46**(3).**

M27 1980 c. 66**(59).**

VALID FROM 03/07/2000

[F237 74A London borough councils and the London traffic control system.

(1) If a London borough council requests Transport for London to provide any new traffic light installations for a road in Greater London which is neither a GLA road nor a trunk road, Transport for London shall approve and carry out the work unless it considers that there are reasonable grounds for refusing to do so.

(2) If Transport for London and a London borough council so agree, Transport for London may make a scheme transferring to the council—

(a) any part of the London traffic control system, and

(b) the power to maintain and operate that part of the system.

(3) The council for a London borough may, with the approval of Transport for London, buy, own, maintain and operate new traffic light installations for any road in the borough other than a trunk road.

(4) Where the powers conferred by subsection (2) or (3) above are exercised, the London borough council concerned shall, as respects the traffic signs comprised in—

(a) the part of the London traffic control system transferred by the scheme under subsection (2) above, or

(b) the traffic light installations referred to in subsection (3) above,

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be treated (to the exclusion of Transport for London) as the traffic authority for all roads in Greater London (other than trunk roads) on or near which those traffic signs are placed.

(5) Any exercise of the powers conferred by subsections (1) to (3) above is subject to the agreement of financial arrangements between Transport for London and the council concerned.

(6) Before Transport for London—

(a) changes the operating cycle, or the timing of the operating cycle, of any traffic light installations provided on a road in Greater London which is neither a GLA road nor a trunk road, or

(b) provides new traffic light installations for such a road,

Transport for London shall consult the council of the London borough in which the installations are or are to be provided.

(7) In this section—

"the London traffic control system" means the traffic control system which Transport for London has power to operate by virtue of the functions transferred to it—

(a) by section 275 of the Greater London Authority Act 1999; or

(b) by a scheme under subsection (1) or (3) of section 74B of this Act transferring functions of the Secretary of State to Transport for London;

"traffic control system" means a system for controlling the movement of vehicular traffic or of pedestrians by means of traffic light installations;

"traffic light installations" means—

(a) traffic signs which are light signals for controlling the movement of vehicular traffic or of pedestrians; or

(b) any installations or apparatus used in connection with the operation of any such traffic signs.

(8) For the purposes of this section—

(a) the City of London shall be treated as if it were a London borough;

(b) the Common Council shall be treated as if it were the council for a London borough; and

(c) the Inner Temple and the Middle Temple shall be treated as forming part of the City.**]**

Textual Amendments

F237 S. 74A inserted (3.7.2000) by 1999 c. 29, **s. 276** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch.**

VALID FROM 03/07/2000

[F238 74B Transfer of traffic control systems between Secretary of State and Transport for London.

(1) If the Secretary of State and Transport for London so agree, the Secretary of State may make a scheme transferring to Transport for London—

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(a) the traffic control system for a trunk road in Greater London; and
(b) the power to maintain and operate that system.

(2) If Transport for London and the Secretary of State so agree, Transport for London may make a scheme transferring to the Secretary of State—
(a) the London traffic control system; and
(b) the power to maintain and operate that system.

(3) If, in a case where a traffic control system has been transferred under this section, the transferee and the transferor so agree, the transferee may make a scheme transferring back to the transferor the system and the power to maintain and operate it.

(4) A scheme under subsection (1), (2) or (3) above may make provision for the transferee to be treated (to the exclusion of the transferor), as respects the traffic signs comprised in the traffic control system transferred, as the traffic authority for specified roads in Greater London on or near which those traffic signs are placed.

(5) Any exercise of the powers conferred by subsections (1) to (3) above is subject to the agreement of financial arrangements between the Secretary of State and Transport for London.

(6) Any reference in this section to a traffic control system includes a reference to part of a traffic control system.

(7) Expressions used in this section and in section 74A above have the same meaning in this section as they have in that section.**]**

Textual Amendments

F238 S. 74B inserted (3.7.2000) by 1999 c. 29, **s. 277** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch.**

VALID FROM 03/07/2000

[F239 74C The traffic authority for traffic signs.

(1) This section has effect for the purposes of sections 65, 73, 74, 74A, 74B and 75 of this Act.

(2) In the application of those provisions to traffic signs in Greater London which are light signals for controlling the movement of vehicular traffic or of pedestrians, Transport for London shall at all times be deemed to be the traffic authority for all roads in Greater London other than trunk roads.

(3) Without prejudice to the powers of the traffic authority for the road in question, Transport for London shall also be deemed to be the traffic authority for any road in Greater London for which they are not in fact the traffic authority for the purposes of the exercise by them as respects that road under section 73(1A) above of any powers exercisable by the traffic authority for that road.

(4) Subsections (2) and (3) above are subject to any provision to the contrary made by or under section 74A or 74B of this Act.**]**

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Textual Amendments

F239 S. 74C inserted (3.7.2000) by 1999 c. 29, **s. 278** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch.**

75 Similar provisions applicable in City of London.

(1) For the purpose of placing traffic signs on or near any road in the City of London in pursuance of section 65 of this Act, or any apparatus required for illumination forming part of any such sign, the Corporation, subject to subsections (2) and (3) below, shall have power to affix any such sign or apparatus to the external wall of any building fronting any such road.

(2) Section 53 of the [M28]City of London (Various Powers) Act 1900 (which, in relation to things affixed for the public lighting of streets, provides for compensation for injury and makes special provision as to railway property and Crown property) shall apply in relation to the affixing of any traffic sign or apparatus under subsection (1) above as it applies to the affixing of brackets, wires, pipes, lamps and apparatus for the public lighting of streets, and shall so apply as if, in that section, "street" included any road within the meaning of this Act.

(3) Nothing in this section shall authorise the Corporation, without the consent of the Secretary of State, to affix any traffic sign or apparatus forming part of any such sign to—

(a) any building for the time being included in a list published by the Secretary of State under any enactments for the time being in force with respect to ancient monuments, or

(b) any building for the time being included in a list of buildings of special architectural or historic interest compiled by the Secretary of State under **[**[F240]section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990**]**, not being a building to which paragraph (a) above applies.

(4) Subsection (3) above is without prejudice to section 2 of the [M29]Ancient Monuments and Archaeological Areas Act 1979 (under which scheduled monument consent is required for the execution of certain works affecting scheduled monuments).

(5) In this section "the Corporation" means the mayor and commonalty and citizens of the City of London acting by the Common Council.

Textual Amendments

F240 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 64(1)**

Modifications etc. (not altering text)

C127 S. 75: Certain functions transferred to the Secretary of State by S.I. 1986/315, **art. 3(1)**

C128 S. 75: transfer of functions (3.7.2000) by 1999 c. 29, **s. 275(1)(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch.**

Marginal Citations

M28 1900 c. ccxxviii.

M29 1979 c. 46**(3).**

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76 Traffic signs in connection with experimental traffic schemes in London.

For the purpose of giving notice of any prohibition, restriction or requirement imposed by regulations under section 12 of this Act, a constable, or a person acting under the instructions (whether general or specific) of the commissioner of police of the metropolis or the commissioner of police for the City of London, may place on a highway, or on any structure on a highway, traffic signs of any size, colour and type prescribed or authorised under section 64 of this Act.

Supplementary provisions

77 Traffic signs: modifications as respects trunk roads.

[[F241]In relation to a road for which the Secretary of State is the traffic authority**]**—

(a) section 65(1) of this Act shall have effect with the omission of references to directions, and

(b) the provisions of this Act relating to directions for the placing, replacing, conversion and removal of traffic signs, notices, objects or devices shall not apply except in relation to a bridge repairable by a person other than the Secretary of State.

Textual Amendments

F241 Words in s. 77 substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.56**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch. 3**

[F242]78 . . . . . .

Textual Amendments

F242 S. 78 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

79 Advances by Secretary of State towards expenses of traffic signs.

(1) The Secretary of State may, out of moneys provided by Parliament, make advances towards any expenses incurred by a council in the discharge of any obligation imposed on them, by or under any provisions to which this section applies, in relation to the erection, maintenance, alteration or removal of traffic signs.

(2) This section applies to all the provisions of this Act except sections 72, 74 and 75.

(3) An advance under this section may be either by way of grant or by way of loan or partly in the one way and partly in the other, and shall be upon such terms and subject to such conditions as the Secretary of State thinks fit.

[F243](4) . . . . . .

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(5) The power of the Secretary of State under this section to make advances towards expenses incurred in relation to traffic signs shall be exercisable with respect to any expenses incurred under section 68 of this Act by an authority to whom that section applies or by a **[**[F244]local traffic authority**]**

Textual Amendments

F243 S. 79(4) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F244 Words in s. 79(5) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.57**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C129 S. 79(1): transfer of functions (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 3**

80 References to highway authorities in Part V.

(1) References to a **[**[F245]traffic authority**]** in any of the provisions of this Act specified in subsection (2) below shall be construed as including references to any person who, not being a **[**[F245]traffic authority**]** , is responsible for the maintenance of a road.

(2) The provisions of this Act referred to in subsection (1) above are section 65 and sections 68 to 73.

Textual Amendments

F245 Words in s. 80(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.58**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

PART VI

SPEED LIMITS

81 General speed limit for restricted roads.

(1) It shall not be lawful for a person to drive a motor vehicle on a restricted road at a speed exceeding 30 miles per hour.

(2) The Ministers acting jointly may by order made by statutory instrument and approved by a resolution of each House of Parliament increase or reduce the rate of speed fixed by subsection (1) above, either as originally enacted or as varied under this subsection.

Modifications etc. (not altering text)

C130 S. 81 modified (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

C131 S. 81(2) amended (1.7.1999) by S.I. 1999/1750, art. 4, **Sch. 3**; S.I. 1998/3178, **art. 3**
S. 81(2): transfer of functions (27.12.1999) by S.I. 1999/3143, **art. 2(1)**

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Regulation Act 1984 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

82 What roads are restricted roads.

(1) Subject to the provisions of this section and of section 84(3) of this Act, a road is a restricted road for the purposes of section 81 of this Act**[**[F246]if—

(a) in England and Wales, there is provided on it a system of street lighting furnished by means of lamps placed not more than 200 yards apart;

(b) in Scotland, there is provided on it a system of carriageway lighting furnished by means of lamps placed not more than 185 metres apart and the road is of a classification or type specified for the purposes of this subsection in regulations made by the Secretary of State.**]**

(2) **[**[F247]The traffic authority for a road may direct**]**

(a) that **[**[F247]the road**]** which is a restricted road for the purposes of section 81 of this Act shall cease to be a restricted road for those purposes, or

(b) that **[**[F247]the road**]**which is not a restricted road for those purposes shall become a restricted road for those purposes.

[[F248](3) A special road is not a restricted road for the purposes of section 81 on or after the date declared by the traffic authority, by notice published in the prescribed manner, to be the date on which the special road, or the relevant part of the special road, is open for use as a special road.**]**

Textual Amendments

F246 Words in s. 82(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 59(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F247 Words in s. 82(2) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 59(3)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F248 S. 82(3) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), ss. 168(1), **Sch. 8 para. 59(4)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C132 S. 82(1)(b)(2)(3): transfer of functions (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**

C133 S. 82(2): power to make orders extended (S.) (1.4.2002) by The Forth Estuary Transport Authority Order 2002 (S.S.I. 2002/178), **art. 9**

83 Provisions as to directions under s. 82(2)

(1) **[**[F249]A direction under section 82(2) by the Secretary of State shall be given**]** by means of an order made by the Secretary of State after giving public notice of his intention to make an order.

[[F250](2) A direction under section 82(2) by a local traffic authority shall be given by means of an order made by the authority.**]**

(3) Section 68(1)(c) of this Act shall apply to any order made under subsection (2) above.

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F249 Words in s. 83(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 60(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F250 S. 83(2) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 60(3)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C134 S. 83(1): transfer of functions (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 3**

C135 S. 83(2) restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), Sch. 5 paras. 6(3), **12**

84 Speed limits on roads other than restricted roads.

[[F251](1) An order made under this subsection as respects any road may prohibit—

(a) the driving of motor vehicles on that road at a speed exceeding that specified in the order,

(b) the driving of motor vehicles on that road at a speed exceeding that specified in the order during periods specified in the order, or

(c) the driving of motor vehicles on that road at a speed exceeding the speed for the time being indicated by traffic signs in accordance with the order.

(1A) An order made by virtue of subsection (1)(c) above may—

(a) make provision restricting the speeds that may be indicated by traffic signs or the periods during which the indications may be given, and

(b) provide for the indications to be given only in such circumstances as may be determined by or under the order;

but any such order must comply with regulations made under subsection (1B) below, except where the Secretary of State authorises otherwise in a particular case.

(1B) The Secretary of State may make regulations governing the provision which may be made by orders of local authorities under subsection (1)(c) above, and any such regulations may in particular—

(a) prescribe the circumstances in which speed limits may have effect by virtue of an order,

(b) prescribe the speed limits which may be specified in an order, and

(c) make transitional provision and different provision for different cases.**]**

[[F252](2) The power to make an order under subsection (1) is exercisable by the traffic authority, who shall before exercising it in any case give public notice of their intention to do so.**]**

(3) While an order **[**[F253]made by virtue of subsection (1)(a)**]** above is in force as respects a road, that road shall not be a restricted road for the purposes of section 81 of this Act.

(4) This section does not apply to any part of a special road which is open for use as a special road.

(5) Section 68(1)(c) of this Act shall apply to any order made under subsection (1) above.

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[[F254](6) Any reference in a local Act to roads subject to a speed limit shall, unless the contrary intention appears, be treated as not including a reference to roads subject to a speed limit imposed only by virtue of subsection (1)(b) or (c) above.**]**

Textual Amendments

F251 S. 84(1)(1A)(1B) substituted (1.7.1992) for s. 84(1) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 45(2)**; S.I. 1992/1286, **art. 2**,Sch.

F252 S. 84(2) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 61(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F253 Words in s. 84(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 45(3)**; S.I. 1992/1286, **art. 2**,Sch.

F254 S. 84(6) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 45(4)**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C136 Ss. 83(2), 84 restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), **Sch. 5 para. 6(3)**

C137 Ss. 83(2), 84 restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8(2), **Sch. 5 para. 12**

C138 S. 84 restricted (4.1.1995) by S.I. 1994 c. 39, **ss. 7(2)**, 44(2); S.I. 1994/2850, art 3(a), **Sch. 2**

C139 S. 84: power to make orders extended (S.) (1.4.2002) by The Forth Estuary Transport Authority Order 2002 (S.S.I. 2002/178), **art. 9**

C140 S. 84(1)(1A)(1B)(b): transfer of functions (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**, S.I. 1998/3178, art. 3

85 Traffic signs for indicating speed restrictions.

(1) For the purpose of securing that adequate guidance is given to drivers of motor vehicles as to whether any, and if so what, limit of speed is to be observed on any road, it shall be the duty of the Secretary of State, **[**[F255]in the case of a road for which he is the traffic authority, to**]** erect and maintain [F256]. . . traffic signs in such positions as may be requisite for that purpose.

(2) **[**[F257]In the case of any other road, it is the duty of the local traffic authority—**]**

(a) to erect and maintain [F256]. . . traffic signs in such positions as may be requisite in order to give effect to general or other directions given by the Secretary of State for the purpose mentioned in subsection (1) above, and

(b) to alter or remove traffic signs as may be requisite in order to give effect to such directions, either in consequence of the making of an order by the Secretary of State or otherwise.

(3) If a **[**[F258]local traffic authority**]** makes default in executing any works required for the performance of the duty imposed on them by subsection (2) above, the Secretary of State may himself execute the works; and the expense incurred by him in doing so shall be recoverable by him from the **[**[F258]local traffic authority**]** and, in England or Wales, shall be so recoverable summarily as a civil debt.

(4) **[**[F259]Where no such system of street or carriageway lighting as is mentioned in section 82(1) is provided on a road,**]** , but a limit of speed is to be observed on the road, a person shall not be convicted of driving a motor vehicle on the road at a speed

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exceeding the limit unless the limit is indicated by means of such traffic signs as are mentioned in subsection (1) or subsection (2) above.

(5) In any proceedings for a contravention of section 81 of this Act, where the proceedings relate to driving on a road provided with **[**[F260]such a system of street or carriageway lighting**]** , evidence of the absence of traffic signs displayed in pursuance of this section to indicate that the road is not a restricted road for the purposes of that section shall be evidence that the road is a restricted road for those purposes.

[[F261](5A) In any proceedings for a contravention of section 81 of this Act, a certificate of an officer of the Secretary of State that a road is of a specified classification or type shall be sufficient evidence of the facts certified; and a document purporting to be such a certificate and to be signed by such an officer shall be deemed to be such a certificate unless the contrary is shown.**]**

(6) Where by regulations made under section 17(2) of this Act a limit of speed is to be observed, then, if it is to be observed—

(a) on all special roads, or

(b) on all special roads provided for the use of particular classes of traffic, or

(c) on all special roads other than special roads of such description as may be specified in the regulations, or

(d) as mentioned in paragraph (a), (b) or (c) above except for such lengths of special road as may be so specified,

this section shall not apply in relation to that limit (but without prejudice to its application in relation to any lower limit of maximum speed or, as the case may be, any higher limit of minimum speed, required by any such regulations to be observed on any specified length of any specified special road).

(7) The power to give general directions under subsection (2) above shall be exercisable by statutory instrument.

Textual Amendments

F255 Words in s. 85(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 62(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F256 Words in s. 85(1)(2)(a) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107;1), s. 48, 83, Sch. 4 para. 30, **Sch. 8**; S.I. 1992/1286, **art. 2**,Sch.

F257 Words in s. 85(2) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), ss. 168(1), **Sch. 8 para. 62(3)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F258 Words in s. 85(3) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 62(4)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F259 Words in s. 85(4) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 62(5)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F260 Words in s. 85(5) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 62(6)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F261 S. 85(5A) inserted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 128(1), 157(3), Sch. 7 paras. 3(c), **5**

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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Modifications etc. (not altering text)

C141 S. 85(1)(3): transfer of functions (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 3**

C142 S. 85(2): transfer of certain functions (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**; S.I. 1998/3178, **art. 3**

C143 S. 85(2)(a) amended (1.7.1999) by S.I. 1999/1750, art. 4, **Sch. 3**; S.I. 1998/3178, **art. 3**

86 Speed limits for particular classes of vehicles.

(1) It shall not be lawful for a person to drive a motor vehicle of any class on a road at a speed greater than the speed specified in Schedule 6 to this Act as the maximum speed in relation to a vehicle of that class.

(2) Subject to subsections (4) and (5) below, the Secretary of State may by regulations vary, subject to such conditions as may be specified in the regulations, the provisions of that Schedule.

(3) Regulations under this section may make different provision as respects the same class of vehicles in different circumstances.

F262(4) . . . . . .

(5) The Secretary of State shall not have power under this section to vary the speed limit imposed by section 81 of this Act.

(6) The Secretary of State shall not have power under this section to impose a speed limit, as respects driving on roads which are not restricted roads for the purposes of section 81 of this Act, on a vehicle which—

(a) is constructed solely for the carriage of passengers and their effects;
(b) is not adapted to carry more than 8 passengers exclusive of the driver;
(c) is neither a heavy motor car nor an invalid carriage;
(d) is not drawing a trailer; and
(e) is fitted with pneumatic tyres on all its wheels.

Textual Amendments

F262 S. 86(4) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 63, **Sch. 9**; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C144 S. 86 excluded by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 186(6)**

C145 S. 86(2) amended (1.7.1999) by S.I. 1999/1750, art. 4, **Sch. 3**; S.I. 1998/3178, **art. 3**

87 Exemption of fire brigade, ambulance and police vehicles from speed limits.

No statutory provision imposing a speed limit on motor vehicles shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of that provision would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

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88 Temporary speed limits.

(1) Where it appears to the Secretary of State desirable to do so in the interests of safety or for the purpose of facilitating the movement of traffic, he may, after giving public notice of his intention to do so, by order prohibit, for a period not exceeding 18 months, the driving of motor vehicles—

(a) on all roads, or on all roads in any area specified in the order, or on all roads of any class so specified, or on all roads other than roads of any class so specified, or on any road so specified, at a speed greater than that specified in the order, or

(b) on any road specified in the order, at a speed less than the speed specified in the order, subject to such exceptions as may be so specified.

(2) Any prohibition imposed by an order under subsection (1) above may be so imposed either generally, or at times, on days or during periods specified in the order; but the provisions of any such order shall not, except in so far as may be provided by the order, affect the provisions of sections 81 to 84 of this Act.

(3) For the purposes of an order under subsection (1)(a) above, roads may be classified by reference to any circumstances appearing to the Secretary of State to be suitable for the purpose, including their character, the nature of the traffic to which they are suited or the traffic signs provided on them.

(4) The provisions of any order under subsection (1) above may be continued, either indefinitely or for a specified period, by an order of the Secretary of State made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Where by virtue of an order under this section a speed limit is to be observed, then—

(a) if it is to be observed on all roads, on all roads of any class specified in the order or on all roads other than roads of any class so specified, section 85 of this Act shall not apply in relation to that limit;

(b) if it is to be observed on all roads in any area and, at all points where roads lead into the area, is indicated as respects the area as a whole by means of such traffic signs as are mentioned in subsection (1) or subsection (2) of section 85 of this Act, the limit shall, for the purposes of subsection (4) of that section, be taken as so indicated with respect to all roads in the area.

(6) This section does not apply to any part of a special road which is open for use as a special road.

(7) If a person drives a motor vehicle on a road in contravention of an order under subsection (1)(b) above, he shall be guilty of an offence; but a person shall not be liable to be convicted of so driving solely on the evidence of one witness to the effect that, in the opinion of the witness, he was driving the vehicle at a speed less than that specified in the order.

(8) The first order to be made under subsection (1)(b) above shall not be made until a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

Modifications etc. (not altering text)

C146 S. 88(1)(4) amended (1.7.1999) by S.I. 1999/1750, art. 4, **Sch. 3**; S.I. 1998/3178, **art. 3**

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C147 S. 88(1)(a)(4): transfer of certain functions (16.6.2000) by S.I. 2000/1563, art. 3, **Sch.** (with art. 9)

89 Speeding offences generally.

(1) A person who drives a motor vehicle on a road at a speed exceeding a limit imposed by or under any enactment to which this section applies shall be guilty of an offence.

(2) A person prosecuted for such an offence shall not be liable to be convicted solely on the evidence of one witness to the effect that, in the opinion of the witness, the person prosecuted was driving the vehicle at a speed exceeding a specified limit.

(3) The enactments to which this section applies are—
- (a) any enactment contained in this Act except section 17(2);
- (b) section 2 of the [M30]Parks Regulation (Amendment) Act 1926; and
- (c) any enactment not contained in this Act, but passed after 1st September 1960, whether before or after the passing of this Act.

(4) If a person who employs other persons to drive motor vehicles on roads publishes or issues any time-table or schedule, or gives any directions, under which any journey, or any stage or part of any journey, is to be completed within some specified time, and it is not practicable in the circumstances of the case for that journey (or that stage or part of it) to be completed in the specified time without the commission of such an offence as is mentioned in subsection (1) above, the publication or issue of the time-table or schedule, or the giving of the directions, may be produced as prima facie evidence that the employer procured or (as the case may be) incited the persons employed by him to drive the vehicles to commit such an offence.

Modifications etc. (not altering text)

C148 S. 89 applied (with modifications)(6.3.1992) by Aberdeen Harbour Order Confirmation Act 1992 (c. ii), s. 1, **Sch. s. 3(2)**.
S. 89 applied (6.3.1992) by Aberdeen Harbour Order Confirmation Act 1992 (c. ii), s. 1, **Sch. s. 3(3)**.

Marginal Citations

M30 1926 c. 36**(46:2).**

[F263]90 . . . . . .

Textual Amendments

F263 S. 90 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

[F264]91 . . . . . .

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Textual Amendments

F264 S. 91 repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), ss. 168(1), Sch. 8 para. 64, **Sch.9**; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

PART VII

BOLLARDS AND OTHER OBSTRUCTIONS

92 Bollards and other obstructions outside Greater London.

(1) Where the passage, or the passage in any direction, of vehicles, or of vehicles of any class, is prohibited at any point of a road outside Greater London by an order made under section 1 or 9 of this Act, **[**[F265]the traffic authority**]** may, in accordance with the following provisions of this section, place, or authorise or require to be placed, at or near that point such bollards or other obstructions as they consider appropriate for preventing their passage.

(2) The bollards or other obstructions that may be placed under subsection (1) above—
- (a) shall include obstructions of any description whatsoever;
- (b) may be either fixed or moveable; and
- (c) may be placed so as to prevent the passage of vehicles at all times or at certain times only.

(3) Where the powers conferred by subsection (1) above have been exercised with respect to two or more points of a road, so that the passage of vehicles along a stretch of that road is prevented, those powers shall extend to placing, or authorising the placing of, further obstructions on that stretch of road; but any obstructions placed under those powers shall not be so placed as to prevent at any time the passage of pedestrians past the point or along the stretch of road in question, and shall not be of such a nature that the re-opening of the road to vehicles would be unreasonably difficult or so as to alter the nature of the surface of the road.

[[F266](4) The bollards or other obstructions authorised by an order under subsection (1) shall be placed on the road by the traffic authority, except as mentioned in section 93 below.**]**

(5) Any power conferred by this section to place an obstruction includes power to maintain or light it.

(6) Any enactment authorising the making of grants or loans in connection with traffic signs (including section 79 of this Act) shall extend to any such obstructions as are mentioned in this section.

Textual Amendments

F265 Words in s. 92(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 65(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

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F266 S. 92(4) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 65(3)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

Modifications etc. (not altering text)

C149 S. 92: functions transferred (23.3.2005) by The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849), art. 2, **Sch.**

93 Powers of Secretary of State in relation to functions under s. 92.

[[F267](1) by virtue of an order under section 92(1) the Secretary of State has power to place bollards or other obstructions at a point on a road, he may authorise or require the traffic authority for any other road leading into or crossing that road at that point to place the bollards or other obstructions on that other road.**]**

(2) The Secretary of State may authorise or require **[**[F268]a local traffic authority**]** who have placed bollards or other obstructions on a road in pursuance of section 92 of this Act or this section to remove them.

(3) If **[**[F268]a local traffic authority**]** fail to comply with any requirement imposed under this section to carry out any work, the Secretary of State may himself carry out the work; and the expense incurred by him in doing so shall be recoverable by him from the authority and, in England or Wales, shall be so recoverable summarily as a civil debt.

(4) Any requirement imposed under this section—

(a) if relating to a road in England or Wales, shall be enforceable on the application of the Secretary of State by order of mandamus; or

(b) if relating to a road in Scotland, shall be enforceable by order of the Court of Session on an application by the Lord Advocate under section 91 of the [M31]Court of Session Act 1868.

(5) Any power conferred by this section to authorise or require an authority to place an obstruction includes power to authorise or require the authority to maintain or light it.

(6) Subsection (6) of section 92 of this Act shall apply for the purposes of this section as it applies for the purposes of that section.

Textual Amendments

F267 S. 93(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 66(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F268 Words in s. 93(2) and (3) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 66(3)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C150 S. 93: transfer of functions (6.5.1999) by S.I. 1999/901, art. 5, **Sch.**

Marginal Citations

M31 1868 c. 100**(36:1).**

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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[F269 94 Bollards and other obstructions in Greater London.

(1) Where an order under section 6 or 9 of this Act is made or proposed to be made by the Secretary of State, he may, to such extent as he considers necessary in connection with the order, authorise or require any person who is responsible for the maintenance of any road in Greater London [F270 for which he is not the traffic authority]—

(a) to place on the carriageway such bollards or other obstructions as the Secretary of State may consider appropriate for preventing the passage of vehicles, or vehicles of any class, at any point at which their passage (whether in any direction or in one direction only) is prohibited by any such order, and to maintain and light those obstructions; or

(b) to remove any obstruction placed by that person in pursuance of an authorisation or a requirement under this subsection.

(2) Where an order under section 6 or 9 of this Act is made or proposed to be made by the council of a London borough, they may, to such extent as they consider necessary in connection with the order, authorise or require any person who is responsible for the maintenance of any road in their area [F271 for which neither they nor the Secretary of State are the traffic authority]—

(a) to place on the carriageway such bollards or other obstructions as they may consider appropriate for preventing the passage of vehicles, or vehicles of any class, at any point at which their passage (whether in any direction or in one direction only) is prohibited by any such order, and to maintain and light those obstructions; or

(b) to remove any obstruction placed by that person in pursuance of an authorisation or a requirement under this subsection.

(3) Subsections (2) and (3) of section 92 of this Act shall apply in relation to the placing of bollards or other obstructions under subsection (1) or (2) above, as if for any reference in them to subsection (1) of that section there were substituted a reference to subsection (1) or (2) above.

(4) To such extent as the Secretary of State or, as the case may be, the council of a London borough may consider necessary in connection with an order under section 6 or 9 of this Act, whether made or proposed to be made by the Secretary of State or that council—

(a) the Secretary of State may do with respect to [F272 any road for which he is the traffic authority] anything which he might under subsection (1)(a) above require to be done with respect to any other road; and

(b) the council of the London borough may do with respect to any road in their area [F273 for which they are the traffic authority] anything which they might under subsection (2)(a) above require to be done with respect to a road for which they are not the [F273 traffic authority].

(5) If a person fails to comply with a requirement to carry out any work under subsection (1) or (2), above, the Secretary of State or, as the case may be, the council of the London borough may carry out the work, and the expenses incurred by the Secretary of State or that council in doing so shall be recoverable summarily as a civil debt from that person.

(6) Section 79 of this Act shall apply in relation to any such obstruction as is mentioned in subsection (1) or (2) above as it applies in relation to traffic signs; and the power of the Secretary of State under that section to make advances towards expenses incurred

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in relation to traffic signs shall be exercisable with respect to any expenses incurred by the council of a London borough by virtue of subsection (4) above.

(7) In this section references to the council of a London borough include references to the Common Council of the City of London.**]**

Textual Amendments

F269 S. 94 substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(30)**

F270 Words in s. 94(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 67(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F271 Words in s. 94(2) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 67(3)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F272 Words in s. 94(4)(a) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 67(4)(a)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F273 Words in s. 94(4)(b) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 67(4)(b)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

PART VIII

CONTROL AND ENFORCEMENT

Traffic wardens

95 Appointment of traffic wardens.

(1) A police authority in England or Wales may, subject to subsection (5) below, 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 pedestrians) or stationary 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) Where under section 9 of the [M32]Police (Scotland) Act 1967 a police authority employs persons to discharge any such functions as are mentioned in subsection (1) above, those persons shall act under the directions of the chief officer of police.

(3) Persons employed under subsection (1) or in accordance with subsection (2) above shall be known as “traffic wardens”.

(4) A police authority (whether in England or Wales or in Scotland) employing traffic wardens for the purposes mentioned in subsection (1) above may also (subject to subsection (5) 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 pedestrians) or stationary vehicles; and in particular—

(a) where the police authority provide school crossing patrols under section 26 of this Act, whether as being the appropriate authority or by aggreement with the

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appropriate authority, the traffic wardens may be employed to act as school crossing patrols, and

(b) the police authority may, under arrangements made with a local authority or (in England or Wales) with the Secretary of State, employ the traffic wardens to act as parking attendants at street parking places provided or controlled by the local authority or, as the case may be, by the Secretary of State.

(5) 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 made by statutory instrument; and no order shall be made under this subject unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament.

(6) A police authority shall not employ as a traffic warden any person who is a constable, and 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.

(7) Traffic wardens shall wear such uniform as the Secretary of State may determine, and shall not act as traffic wardens when not in uniform.

Modifications etc. (not altering text)

C151 S. 95(5) restricted by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), **s. 86(1)**

Marginal Citations

M32 1967 c. 77**(95).**

96 Additional powers of traffic wardens.

(1) An order under section 95(5) of this Act may provide that, for the purposes of any functions which traffic wardens are authorised by the order to discharge, but subject to the provisions of subsection (3) below, references to a constable or police constable in all or any of the enactments specified in subsection (2) below shall include references to a traffic warden.

(2) The enactments referred to in subsection (1) above are—

(a) section 52 of the [M33]Metropolitan Police Act 1839, so far as it relates to the giving by the commissioner of directions to constables for preventing obstructions;

(b) section 22 of the [M34]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;

[[F274](bb) in this Act—

(i) section 100(3) (which relates to the interim disposal of vehicles removed under section 99); and

(ii) sections 104 and 105 (which relate to the immobilisation of illegally parked vehicles);**]**

(c) in **[**[F275]the Road Traffic Act 1988**]**—

(i) **[**[F276]sections 35(1), 36 and 37**]** (which relate to compliance with traffic directions given by police constables);

(ii) **[**[F277]section 163**]** (which relates to the power of a constable to stop vehicles);

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(iii) **[**[F278]section 164(1), (2) and (6)**]** (which relate to the power of a constable to require the production of a driving licence in certain circumstances); **[**[F279] and**]**

(iv) **[**[F280]sections 165 and 169**]** (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); and

[[F281](d) section 11 of the Road Traffic Offenders Act 1988**]**.

(3) Any power of a constable for the purposes of the following provisions of **[**[F282]the Road Traffic Act 1988, namely, sections 163, 164(1), (2) and (6) and 165**]**, shall be exercisable by a traffic warden under an order made by virtue of subsection (1) 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 **[**[F283]section 165 of the Road Traffic Act 1988**]**, 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 **[**[F284]section 163 of the Road Traffic Act 1988**]**, the traffic warden is exercising functions in connection with the control and regulation of traffic (including pedestrians) or stationary vehicles.

[[F285](4) Where an order has been made pursuant to subsection (2)(bb)(i) above, in section 100(3) of this Act the words "chief officer of the police force to which the constable belongs" shall be deemed to include a reference to a chief officer of police under whose direction a traffic warden acts.

(5) Any order made under section 95(5) of this Act may make different provision for different cases or classes of case, or in respect of different areas.**]**

Textual Amendments

F274 S. 96(2)(bb) inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para. 31(2); S.I. 1991/2054, **art. 3**,Sch.

F275 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)**

F276 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(a)**

F277 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(b)**

F278 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(c)**

F279 Word inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(c)**

F280 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(d)**

F281 S. 96(2)(d) substituted for s. 96(2)(c)(v) and (d) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(e)**

F282 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(7)(a)**

F283 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(7)(b)**

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F284 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(7)(c)**

F285 S. 96(4)(5) added (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para. 31(3); S.I. 1991/2054, **art. 3**,Sch.

Marginal Citations

M33 1839 c. 47**(95).**

M34 1839 c. xciv.

97 Supplementary provisions as to traffic wardens.

(1) Neither regulations under section 7 of the [M35]Superannuation Act 1972 nor any local Act scheme within the meaning of section 8 of that Act shall apply to traffic wardens by virtue of section 95 or 96 of this Act; but, in relation to such traffic wardens employed outside the metropolitan police district as the police authority may determine, those regulations (or, if the expenses of the police authority are paid by a local Act authority, the local Act scheme) shall apply, subject to such adaptations, modifications and exceptions as the Sectetary of State may by regulations prescribe.

[[F286](2) Where traffic wardens are employed by a police authority which is a committee of the council of a county, 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**]**.

(3) The expenses incurred for the purposes of or in connection with the functions of a police authority under section 95 of this Act shall be defrayed as if those expenses were expenses incurred for the purposes of the police force maintained by the authority.

(4) In respect of the employment of traffic wardens in the metropolitan police district—

(a) the functions of the police authority under sections 95 and 96 of this Act shall be discharged by the commissioner of police of the metropolis;

(b) there shall be paid out of the metropolitan police fund such expenditure incurred for the purposes of those sections 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 purposes of any proceedings in respect of matters arising out of the employment.

(5) 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 of the police authority under sections 95 and 96 of this Act; and any land occupied for the purposes of those functions shall be deemed to be occupied for the purposes of the police force.

Textual Amendments

F286 S. 97(2) repealed (1.4.1995 for E.W., otherwise prosp.) by 1994 c. 29, s. 93, **Sch. 9** , Pt. I; S.I. 1994/3262, art. 4, **Sch.**

Marginal Citations

M35 1972 c. 11**(101A:1).**

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[F287]98 . . . . . .

Textual Amendments

F287 S. 98 repealed with savings by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, Sch. 4 paras. 1–3, **5(1)**

Removal or immobilisation of vehicles

99 Removal of vehicles illegally, obstructively or dangerously parked, or abandoned or broken down.

(1) The Secretary of State may by regulations make provision for the removal of vehicles which have been permitted to remain at rest—

(a) on a road in contravention of any statutory prohibition or restriction, or

(b) on a road in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or as to be likely to cause danger to such persons, or

(c) on a road, or on any land in the open air, in such a position or in such condition or in such circumstances as to appear, to an authority empowered by the regulations to remove such vehicles, to have been abandoned without lawful authority,

or which have broken down on a road.

(2) Regulations under this section—

(a) may provide, in the case of a vehicle which may be removed from a road, for the moving of the vehicle from one position on a road to another position on that or another road;

(b) may provide for repealing byelaws dealing with the same subject-matter as the regulations, and for suspending, while the regulations remain in force, any power of making such byelaws; [F288] . . .

(c) . . . . . .

(3) Where it appears to an authority which (apart from this subsection) is empowered to remove a vehicle in pursuance of regulations under this section that the vehicle is on land which is occupied by any person, the authority shall give him notice in the prescribed manner that they propose to remove the vehicle in pursuance of the regulations, and shall not be entitled to remove it if he objects to the proposal in the prescribed manner and within the prescribed period.

(4) Where in pursuance of regulations under this section an authority proposes to remove a vehicle which appears to the authority to be abandoned and in their opinion is in such a condition that it ought to be destroyed, then (except where they are empowered by the regulations to remove the vehicle from a road in a case falling within paragraph (a) or paragraph (b) of subsection (1) above) they shall, not less than the prescribed period before removing it, cause to be affixed to the vehicle a notice stating that they propose to remove it for destruction when that period expires.

(5) In this section “vehicle” means any vehicle, whether or not it is in a fit state for use on roads, and includes any chassis or body, with or without wheels, appearing to have

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formed part of such a vehicle, and any load carried by, and anything attached to, such a vehicle.

[[F289](6) For the purposes of this section, the suspension under section 13A or 49 of this Act of the use of a parking place is a restriction imposed under this Act.**]**

Textual Amendments

F288 S. 99(2)(c) and the word "and" preceding it repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1991/2054, **art. 3**,Sch.

F289 S. 99(6) inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para. 32; S.I. 1991/2054, art. 3, **Sch.**

Modifications etc. (not altering text)

C152 S. 99 extended by Airports Act 1986 (c. 31, SIF 9), **s. 66(3)**
S. 99 extended (E.W.) (4.10.2004 for E. and 1.5.2009 for W.) by The Traffic Management Act 2004 (c. 18), **ss. 9**, 99 (with s. 38); S.I. 2004/2380, **art. 2(a)**; S.I. 2009/1095, **art. 2(a)**

C153 S. 99 modified (3.4.1996) by 1989 c. 4, **s. 16D** (as added by 1996 c. 7, **s. 5**)
S. 99 modified (19.2.2001) by 2000 c. 11, **ss. 49(3)(a)**, 128; S.I. 2001/421, **art. 2**

C154 S. 99: certain functions transferred (31.12.2004) by The National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044), art. 2, **Sch. 1**

100 Interim disposal of vehicles removed under s. 99.

(1) . . . . . [F290]

(2) Any vehicle removed by the council of a **[**[F291]non-metropolitan**]** district in England under regulations made under section 99 of this Act shall be delivered by them to the council of the county comprising the district in accordance with such arrangements (including arrangements as to the sharing of any expenses incurred or sums received by the two councils under section 99 of this Act or this section or under section 101 or 102 of this Act) as may be agreed between the two councils or, in default of agreement, as may be determined by the Secretary of State.

(3) Any vehicle removed by a constable in pursuance of any such regulations and appearing to him to have been abandoned may be delivered by the chief officer of the police force to which the constable belongs to a local authority, with the consent of that authority.

(4) While a vehicle is in the custody of an authority in pursuance of this section or of regulations under section 99 of this Act, other than a vehicle which in the opinion of that authority is in such a condition that it ought to be destroyed, it shall be the duty of that authority to take such steps as are reasonably necessary for the safe custody of the vehicle.

(5) In this section "local authority"—

(a) in relation to England, means **[**[F292]the council of a county, metropolitan district or London borough or the Common Council of the City of London**]**;

(b) in relation to Wales, means the council of a county **[**[F293]or county borough**]**; and

[[F294](c) in relation to Scotland, means a **[**[F295]council constituted under section 2 of the Local Government etc.(Scotland Act 1994)**]]**

and "vehicle" has the meaning assigned to it by section 99(5) of this Act.

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Textual Amendments

F290 S. 100(1) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F291 Word inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(31)***a*)

F292 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(31)**(*b*)

F293 Words in s. 100(5)(b) substituted (1.4.1996) by c. 19, s. 22(1), Sch. 13 para. 38(8) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(2), 23(3)); S.I. 1996/396, **art. 3 Sch. 1**

F294 S. 100(5)(c) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59 s.108), s. 168(1), **Sch. 8 para. 68**; S.I. 1991/2286, art. 2(2), **Sch. 2**

F295 Words in s. 100(5)(c) substituted (S.)(1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 38(8)**; S.I. 1996/323, **art. 3(c)**

Modifications etc. (not altering text)

C155 S. 100 extended by Airports Act 1986 (c. 31, SIF 9), **s. 66(3)**

C156 S. 100(3) extended (21.3.1999) by S.I. 1999/854, **art. 3(2)(a)(i)**

101 Ultimate disposal of vehicles abandoned and removeable under this Act.

(1) Subject to subsections (3) to **[**[F296](5A)**]** below, a competent authority may, in such manner as they think fit, dispose of a vehicle which appears to them to be abandoned and which has been, or could at any time be, removed in pursuance of—

(a) an order to which this section applies, or

(b) regulations under section 99 of this Act.

(2) This section applies to the following orders, that is to say—

(a) any order under section 35 of this Act;

(b) any order relating to a parking place designated under section 45 of this Act; and

(c) any order containing a provision having effect by virtue of section 53(3) of this Act.

(3) The time at which a competent authority may dispose of a vehicle under subsection (1) above is as follows, that is to say—

(a) in the case of a vehicle which in their opinion is in such a condition that it ought to be destroyed and on which no current licence was displayed at the time of its removal, any time after its removal;

(b) in the case of a vehicle which in their opinion is in such condition that it ought to be destroyed and on which a current licence was so displayed, any time after the licence expires;

(c) in any other case, any time after such steps as may be prescribed have been taken by a competent authority (or partly by one competent authority and partly by the other) to find a person appearing to the authority taking such steps to be the owner of the vehicle and either—

(i) they have failed to find such a person, or

(ii) he has failed to comply with a notice served on him in the prescribed manner by a competent authority requiring him to remove the vehicle from their custody within the prescribed period.

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but, in a case where it appears to the authority proposing to dispose of the vehicle that a licence is in force in respect of the vehicle, not a time earlier than the expiry of the licence.

(4) If, before a vehicle **[**[F297]found outside Greater London**]** is disposed of by an authority in pursuance of subsections (1) to (3) above, the vehicle is claimed by a person who satisfies the authority that he is its owner and pays such sums in respect of its removal and storage as may be prescribed to the authority entitled to those sums, the authority shall permit him to remove the vehicle from their custody within such period as may be prescribed.

[[F298](4A) If, before a vehicle found in Greater London is disposed of by an authority in pursuance of subsections (1) to (3) above, the vehicle is claimed by a person who satisfies the authority that he is its owner and pays—

(a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed; and

(b) such sums in respect of the removal and storage of the vehicle—

(i) as the authority may require; or

(ii) in the case of sums payable to a competent authority which is not a local authority, as may be prescribed,

the authority shall permit him to remove the vehicle from their custody within such period as they may specify or, where paragraph (b)(ii) applies, as may be prescribed.**]**

(5) If, before the end of the period of one year beginning with the date on which a vehicle **[**[F299]found outside Greater London**]**is sold by an authority in pursuance of this section, any person satisfies that authority that at the time of the sale he was the owner of the vehicle, that authority shall pay him any sum by which the proceeds of sale exceed the aggregate of such sums in respect of the removal, storage and disposal of the vehicle as may be prescribed.

[[F300](5A) If, before the end of the period of one year beginning with the date on which a vehicle found in Greater London is sold by an authority in pursuance of this section, any person satisfies that authority that at the time of the sale he was the owner of the vehicle, that authority shall pay him any sum by which the proceeds of sale exceed the aggregate of—

(a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed; and

(b) such sums in respect of the removal, storage and disposal of the vehicle—

(i) as the authority may require; or

(ii) in the case of sums payable to a competent authority which is not a local authority, as may be prescribed.**]**

(6) If in the case of any vehicle it appears to the authority in question that more than one person is or was its owner at the relevant time, such one of them as the authority think fit shall be treated as its owner for the purposes of subsections (4) **[**[F301]to (5A)**]** above.

(7) The Secretary of State may by regulations require an authority by whom a vehicle is disposed of in pursuance of this section to give such information relating to the disposal as may be prescribed to such persons as may be prescribed.

(8) In this section—

"competent authority", in relation to a vehicle, means—

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(a) the chief officer of the police force in whose area is the place which the vehicle has been removed or could at any time be removed, or

(b) the local authority in whose area that place is or to whom the vehicle has been delivered by the chief officer of a police force;

"licence", in relation to a vehicle, means a licence issued for the vehicle under the **[**[F302]Vehicles Excise and Registration Act 1994**]**;

"owner", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, includes the person entitled to possession of the vehicle under the agreement; and

"local authority" has the meaning assigned to it by section 100(5) and "vehicle" has the meaning assigned to it by section 99(5) of this Act.

Textual Amendments

F296 Words in s. 101(1) substituted (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 67(2)** (with s. 79(1)); S.I. 1993/1461, **art. 4**.

F297 Words in s. 101(4) inserted (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 67(3)** (with s. 79(1)); S.I. 1993/1461, **art. 4**.

F298 S. 101(4A) inserted by Road Traffic Act 1991 (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994 and 4.7.1994 respectively for specified London boroughs and otherwise 10.4.1998) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 67(4)** (with s. 79(1)); S.I. 1993/1461, **art. 4**; S.I. 1993/2229, **art. 4**; S.I. 1993/2803, **art. 3**; S.I. 1993/3238, **art. 3**; S.I. 1994/1482, art. 2(a), **Sch.**; S.I. 1998/967, **art. 2(2)**

F299 Words in s. 101(5) inserted (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 67(5)** (with s. 79(1)); S.I. 1993/1461, **art. 4**

F300 S. 101(5A) inserted (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994 and 4.7.1994 respectively for specified London boroughs and otherwise*prosp.*) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 67(6)** (with s. 79(1)); S.I. 1993/1461, **art. 4**; S.I. 1993/2229, **art. 4**; S.I. 1993/2803, **art. 3**; S.I. 1993/3238, **art. 3**; S.I. 1994/1482, art. 2(a), **Sch.**

F301 Words in s. 101(6) substituted (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 67(7)** (with s. 79(1)); S.I. 1993/1461, **art. 4**.

F302 Words in s. 101(8) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66, **Sch. 3 para. 18(1)** (with s. 57(4))

Modifications etc. (not altering text)

C157 S. 101 modified (10.6.1993) by S.I. 1993/1461, **art. 4(2)**.
S. 101 applied (with modifications) (8.1.1996) by 1995 c. x, **s. 6**

VALID FROM 26/10/2006

[[F303]**101A** ***Right of owner to recover vehicle or proceeds of sale***

(1) If before a vehicle is disposed of by an authority under section 101 above it is claimed by a person who—

(a) satisfies the authority that he is its owner, and

(b) pays the relevant charges,

the authority shall permit him to remove the vehicle from their custody within such period as they may specify or, in the case of an authority other than a local authority, as may be prescribed.

(2) If before the end of the period of one year beginning with the date on which a vehicle is sold by an authority under section 101 above a person satisfies the authority that

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at the time of the sale he was the owner of the vehicle, the authority shall pay him any sum by which the proceeds of sale exceed the amount of the relevant charges.

(3) In the case of a vehicle found in an area that is a civil enforcement area for parking contraventions, the relevant charges are—

(a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed,

(b) such unpaid earlier penalty charges relating to the vehicle as may be prescribed, and

(c) such sums in respect of the removal and storage of the vehicle—

(i) as the authority may require in accordance with Schedule 9 of the Traffic Management Act 2004, or

(ii) in the case of an authority other than a local authority, as may be prescribed.

(4) In any other case the relevant charges are such sums in respect of the removal and storage of the vehicle as may be prescribed.

(5) If in the case of any vehicle it appears to the authority in question that more than one person is or was its owner at the relevant time, such one of them as the authority think fit shall be treated as its owner for the purposes of this section.

(6) In this section—

"civil enforcement area for parking contraventions" and "penalty charge" have the same meaning as in Part 6 of the Traffic Management Act 2004; and

"owner" has the same meaning as in section 101 above.**]**

Textual Amendments

F303 S. 101A inserted (E.W.) (26.10.2006 for W. and 31.3.2008 for E.) by Traffic Management Act 2004 (c. 18), ss. 91, 99, **Sch. 11 para. 3(2)** (with s. 38); S.I. 2006/2826, **art. 2(2)(c)**; S.I. 2007/2053, **art. 3(1)(2)(g)** (with arts. 1(2), 4-8) (as amended (17.3.2008) by S.I. 2008/757, arts. 3(c), 5)

VALID FROM 26/10/2006

[F304 101B *Representations and appeals*

(1) The Lord Chancellor may make regulations entitling a person who in the case of a vehicle found in an area that is a civil enforcement area for parking contraventions—

(a) is required to pay an amount on recovering the vehicle under section 101A(1), or

(b) receives a sum in respect of the vehicle under section 101A(2) or is informed that the proceeds of sale did not exceed the aggregate amount mentioned in that provision,

to make representations to the authority concerned and to appeal to an adjudicator if his representations are not accepted.

(2) The regulations may make such provision in connection with the rights conferred as appears to the Lord Chancellor to be appropriate, and may in particular make provision—

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(a) requiring the authority to give a person notice of the rights conferred by the regulations,
(b) as to the grounds on which, and time within which, representations may be made;
(c) requiring supporting evidence in such circumstances as may be specified;
(d) as to the duties of the authority when representations are received;
(e) as to the circumstances in which there is a right of appeal to an adjudicator,
(f) generally as to the making, determination and effect of, and procedure in connection with, such appeals, and
(g) enabling an adjudicator to review any decision made on, or in the course of, an appeal.

(3) The regulations may include provision authorising an adjudicator to require a person—
(a) to attend to give evidence at the hearing of an appeal, and
(b) to produce any documents in his custody or under his control relating to any matter relevant for the purposes of the appeal,

and making it a criminal offence triable summarily and punishable with a fine not exceeding level 2 on the standard scale to fail to comply with such a requirement.

(4) The regulations may include provision authorising an adjudicator to make an order for the payment of costs and expenses by a party to an appeal in such circumstances as may be specified.

(5) The functions of adjudicators under this section shall be discharged by the persons appointed as adjudicators for the purposes of Part 6 of the Traffic Management Act 2004 (civil enforcement of road traffic contraventions) and any arrangements made for the discharge of their functions under that Part also have effect for the purposes of this section.**]**

Textual Amendments

F304 S. 101B inserted (E.W.) (26.10.2006 for W. and 23.7.2007 for E.) by Traffic Management Act 2004 (c. 18), ss. 91, 99, **Sch. 11 para. 3(2)** (with s. 38); S.I. 2006/2826, **art. 2(2)(c)**; S.I. 2007/2053, **art. 2(1)(2)(i)**

102 Charges for removal, storage and disposal of vehicles.

(1) The provisions of this section shall have effect where a vehicle—
(a) is removed from a parking place in pursuance of an order to which section 101 of this Act applies, or
(b) is removed from a road, or from land in the open air, in pursuance of regulations under section 99 of this Act.

(2) In any such case—
(a) the appropriate authority shall be entitled to recover from any person responsible such charges as may be prescribed in respect of the removal of the vehicle;
(b) the chief officer of a police force or a local authority **[**[F305]other than a London authority**]** in whose custody any such vehicle is during any period shall

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be entitled to recover from any person responsible charges ascertained by reference to a prescribed scale in respect of that period; [F306]. . .

(c) the chief officer of a police force or a local authority **[**[F305]other than a London authority**]** who dispose of any such vehicle in pursuance of section 101 of this Act shall be entitled to recover from any person responsible charges determined in the prescribed manner in respect of its disposal.**[**[F307]and

(d) a London authority shall be entitled to recover from any person responsible, such charges in respect of the removal, storage and disposal of a vehicle removed from a parking place designated under section 6, 9 or 45 of this Act or otherwise provided or controlled by that authority as they may require.**]**

(3) Any sum recoverable by virtue of this section shall, in England or Wales, be recoverable as a simple contract debt in any court of competent jurisdiction or, in the case of a sum not exceeding £20, summarily as a civil debt.

(4) Without prejudice to subsection (3) above, where by virtue of paragraph (a) or (b) of subsection (2) above any sum is recoverable in respect of a vehicle by the chief officer of a police force or a local authority in whose custody the vehicle is, the chief officer or local authority shall be entitled to retain custody of it until that sum has been paid.

(5) The court by which a person is convicted of an offence under section 2(1) of the [M36]Refuse Disposal (Amenity) Act 1978 in respect of a motor vehicle may, on the application of an authority and in addition to any other order made by the court in relation to that person, order him to pay to the authority any sum which, in the opinion of the court, the authority are entitled to recover from him under this section in respect of the vehicle.

(6) For the purposes of this section a vehicle removed, as mentioned in subsection (1) above, **[**[F308]by the council of a non-metropolitan district**]** in England shall be treated as in the custody of the council of the county comprising that district while it is in the custody of the district council by whom it was so removed.

(7) Any sum recovered under this section by the chief officer of a police force shall be paid into the police fund.

(8) In this section—

"appropriate authority"—

(a) in relation to a vehicle removed by a constable or a person acting in aid of a police force, means the chief officer of the police force to which the constable belongs or in whose aid that person was acting, and

(b) **[**[F309]in relation to a vehicle removed (by a person other than a constable or person acting in aid of a police force) from a place outside Greater London, which is a parking place provided or controlled by a local authority, or from a place (not being a parking place) on a road or land in the open air, means the local authority in whose area that place is,**]**

. . .

"person responsible", in relation to a vehicle, means—

(a) the owner of the vehicle at the time when it was put in the place from which it was removed as mentioned in subsection (1) above, unless he shows that he was not concerned in, and did not know of, its being put there;

(b) any person by whom the vehicle was put in that place;

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(c) any person convicted of an offence under section 2(1) of the [M37]Refuse Disposal (Amenity) Act 1978 in consequence of the putting of the vehicle in that place; [F306]. . .

"local authority" has the meaning assigned to it by section 100(5) and "vehicle" has the meaning assigned to it by section 99(5) of this Act. **[**[F310]and

"London authority" means any council of a London borough or the Common Council of the City of London.**]**

[[F311](9) For the purposes of—

(a) subsection (2)(d) above, and

(b) paragraph (b) in the definition of "appropriate authority" in subsection (8) above,

a parking place provided under a letting or arrangements made by a local authority in pursuance of section 33(4) of this Act shall be treated as provided by that authority.**]**

Textual Amendments

F305 Words in s. 102(2)(b)(c) inserted (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 68(2)(a)** (with s. 79(1)); S.I. 1993/1461, **art.5**.

F306 Word in s. 102(2)(b)(8) repealed (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1993/1461, **art.2(g)**.

F307 S. 102(2)(d) and immediate preceding word added (5.7.1993, 4.10.1993, 6.12.1993, 31.1.1994 and 4.7.1994 respectively for specified London boroughs and otherwise 10.4.1998) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 68(2)(b)** (with s. 79(1)); S.I. 1993/1461, **art.5**; S.I. 1993/2229, **art.5**; S.I. 1993/2803, **art.4**; S.I. 1993/3238, **art.4**; S.I. 1994/1482, art. 2(a), **Sch.**; S.I. 1998/967, **art. 2(2)**

F308 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(32)**

F309 S. 102(8): paragraph (b) in definition of "appropriate authority" substituted (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 68(3)(a)** (with s. 79(1)); S.I. 1993/1461, **art.5**.

F310 S. 102(8): definition of "London authority" added (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 68(3)(c)** (with s. 79(1)); S.I. 1993/1461, **art.5**.

F311 S. 102(9) added (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 68(4)** (with s. 79(1)); S.I. 1993/1461, **art.5**.

Modifications etc. (not altering text)

C158 S. 102(2) applied (with modifications) (1.1.1997) by S.I. 1996/3038, **art. 5(2)**
S. 102 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(2)(a)**

C159 S. 102(2) modified (5.7.1993) by S.I. 1993/1474, **art. 5(2)**.
S. 102(2) modified (4.10.1993) by S.I. 1993/2237, **art. 5(2)**.
S. 102(2) modified (6.12.1993) by S.I. 1993/2804, **art. 4(2)**.
S. 102(2) modified (31.1.1994) by S.I. 1993/3239, **art. 4(2)**.

Marginal Citations

M36 1978 c. 3**(100:3).**

M37 1978 c. 3**(100:3).**

103 Supplementary provisions as to removal of vehicles.

(1) The Secretary of State may by regulations provide that, in relation to any vehicle which is or was in any part of a loading area while the parking of it in that area is or was prohibited by virtue of section 61 of this Act, sections 99 to 102 of this Act shall

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have effect with such additions, omissions and amendments as are prescribed by the regulations.

(2) In this section "loading area" has the same meaning as in section 61 of this Act.

[[F312](3) Regulations made under sections 99 to 102 of this Act may make different provision for different cases or classes of case or in respect of different areas.**]**

Textual Amendments

F312 S. 103(3) substituted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para.33; S.I. 1991/2054, **art. 3**,Sch.

Modifications etc. (not altering text)

C160 S. 103 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(2)(a)**

C161 S. 103: certain functions transferred (31.12.2004) by The National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044), art. 2, **Sch. 1**

104 Immobilisation of vehicles illegally parked.

(1) Subject to sections 105 and 106 of this Act, where a constable finds on a road a vehicle which has been permitted to remain at rest there in contravention of any prohibition or restriction imposed by or under any enactment, he may—

(a) fix an immobilisation device to the vehicle while it remains in the place in which he finds it; or

(b) move it from that place to another place on the same or another road and fix an immobilisation device to it in that other place;

or authorise another person to take under his direction any action he could himself take by virtue of paragraph (a) or (b) above.

(2) On any occasion when an immobilisation device is fixed to a vehicle in accordance with this section the constable or other person fixing the device shall also affix to the vehicle a notice—

(a) indicating that such a device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from that device;

(b) specifying the steps to be taken in order to secure its release; and

(c) giving such other information as may be prescribed.

(3) A vehicle to which an immobilisation device has been fixed in accordance with this section may only be released from that device by or under the direction of a **[**[F313]person authorised to give such a direction by the chief officer of police within whose area the vehicle in question was found**]**.

(4) Subject to subsection (3) above, a vehicle to which an immobilisation device has been fixed in accordance with this section shall be released from that device on payment in any manner specified in the notice affixed to the vehicle under subsection (2) above of such charge in respect of the release as may be prescribed.

(5) A notice affixed to a vehicle under this section shall not be removed or interfered with except by or under the authority of the person in charge of the vehicle or the person by whom it was put in the place where it was found by the constable; and any person contravening this subsection shall be guilty of an offence.

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(6) Any person who, without being authorised to do so in accordance with this section, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with this section shall be guilty of an offence.

(7) Where a vehicle is moved in accordance with this section before an immobilisation device is fixed to it, any power of removal under regulations for the time being in force under section 99 of this Act which was exercisable in relation to that vehicle immediately before it was so moved shall continue to be exercisable in relation to that vehicle while it remains in the place to which it was so moved.

(8) In relation to any vehicle which is removed in pursuance of any such regulations or under section 3 of the [M38]Refuse Disposal (Amenity) Act 1978 (duty of local authority to remove abandoned vehicles) from a place to which it was moved in accordance with this section, references in the definition of "person responsible" in section 102(8) of this Act and section 5 of the said Act of 1978 mentioned above (recovery from person responsible of charges and expenses in respect of vehicles removed) to the place from which the vehicle was removed shall be read as references to the place in which it was immediately before it was moved in accordance with this section.

(9) In this section "immobilisation device" means any device or appliance designed or adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put in motion, being a device or appliance of a type approved by the Secretary of State for use for that purpose in accordance with this section.

[F314](10) . . . . . .

(11) Any sum received by virtue of subsection (4) above shall be paid into the police fund.

(12) Regulations under subsection (2) or (4) above may make different provision for different cases **[**[F315]or classes of case or in respect of different areas**]**.

[[F316](12A) For the purposes of this section, the suspension under section 13A or 49 of this Act of the use of a parking place is a restriction imposed under this Act.**]**

Textual Amendments

F313 Words in s. 104(3) substituted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 34(2)**; S.I. 1991/2054, **art. 3**,Sch.

F314 S. 104(10) repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1991/2054, **art. 3**,Sch.

F315 Words in s. 104(12) added (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para. 34(3); S.I. 1991/2054, **art. 3**,Sch.

F316 S. 104(12A) inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para.35; S.I. 1991/2054, **art. 3**,Sch.

Modifications etc. (not altering text)

C162 S. 104 extended (21.3.1999) by S.I. 1999/854, **art. 3(2)(a)(ii)**

C163 S. 104(9): definition of "immobilisation device" applied (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 82(1)**, (with s. 79(1)); S.I. 1991/2054, **art. 3**,Sch

Marginal Citations

M38 1978 c. 3**(100:3).**

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105 Exemptions from s. 104.

(1) Subject to the following provisions of this section, section 104(1) of this Act shall not apply in relation to a vehicle found by a constable in the circumstances mentioned in that subsection if either—

(a) a current disabled person's badge is displayed on the vehicle; or

(b) the vehicle is in a meter bay within a parking place designated by a designation order.

(2) The exemption under subsection (1)(b) above shall not apply in the case of any vehicle if—

(a) the meter bay in which it was found was not authorised for use as such at the time when it was left there (referred to below in this section as the time of parking); or

(b) an initial charge was not duly paid at the time of parking; or

(c) there has been since that time any contravention in relation to the relevant parking meter of any provision made by virtue of section 46(2)(c) of this Act; or

(d) more than two hours have elapsed since the end of any period for which an initial charge was duly paid at the time of parking or (as the case may be) since the end of any unexpired time in respect of another vehicle available on the relevant parking meter at the time of parking.

(3) For the purposes of subsection (2)(a) above, a meter bay in a parking place designated by a designation order is not authorised for use as such at any time when—

(a) by virtue of section 49(1)(a) of this Act the parking place is treated for the purposes of sections 46 and 47 of this Act as if it were not designated by that order; or

(b) the use of the parking place or of any part of it that consists of or includes that particular meter bay is suspended [F317] . . .

(4) In relation to any vehicle found in a meter bay within a parking place designated by a designation order, references in subsection (2) above to an initial charge are references to an initial charge payable in respect of that vehicle under section 45 or 50 of this Act.

(5) In any case where section 104(1) of this Act would apply in relation to a vehicle but for subsection (1)(a) above, the person guilty of contravening the prohibition or restriction mentioned in section 104(1) is also guilty of an offence und\er this subsection if the conditions mentioned in subsection (6) below are met.

(6) Those conditions are that at the time when the contravention occurred—

(a) the vehicle was not being used **[**[F318]in accordance with regulations under**]** section 21 of the [M39]Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons); and

(b) he was not using the vehicle in circumstances falling within section **[**[F319]117(1)(b)**]**of this Act.

(7) In this section, "meter bay" means a parking space equipped with a parking meter; and the references in subsection (2) above to the relevant parking meter are references to the parking meter relating to the meter bay in which the vehicle in question was found.

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Textual Amendments

F317 Words in s. 105(3)(b) repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1991/2054, **art. 3**,Sch.

F318 Words in s. 105(6)(a) substituted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para. 36(2); S.I. 1992/421, **art. 2**,Sch.

F319 Words in s. 105(6)(b) substituted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para. 36(3); S.I. 1992/421, **art. 2**,Sch.

Marginal Citations

M39 1970 c. 44**(81:3).**

106 Initial experimental period for immobilisation of vehicles.

(1) Sections 104 and 105 of this Act (referred to below in this section as the principal sections) shall extend only to such areas as the Secretary of State may by order specify; and the power of the Secretary of State to extend those sections to any area is subject to the following provisions of this section.

[F320](2) . . . . . .

[F320](3) . . . . . .

[F320](4) . . . . . .

(5) [F321] . . . for the purposes of the principal sections any order under this section extending those sections to any area may be made for a limited period or without limit of time (subject to variation or revocation by a further order under this section).

[F320](6) . . . . . .

(7) The Secretary of State shall not by order under this section (including any order varying an existing order) extend the principal sections to any area for the first time unless requested to do so by **[**[F322]the local traffic authority**]**.

[F323](8) . . . . . .

(9) The power of the Secretary of State to make any order under this section shall be exercisable by statutory instrument which, [F321] . . . , shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[F320](10) . . . . . .

Textual Amendments

F320 S. 106(2)-(4)(6)(10) repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1991/2054, art. 3, **Sch.**

F321 Words in s. 106(5)(9) repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1991/2054, art. 3, **Sch.**

F322 Words in s. 106(7) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), **s. 168(1) Sch. 8 para. 69(a)**; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**

F323 S. 106(8) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2) Sch. 8 para. 69(b), **Sch. 9**; S.I. 1991/2286, art. 2(2), **Sch. 2**; S.I. 1991/2288, art. 3, **Sch.**

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[F324 106A Immobilisation of vehicles in London

(1) Sections 104 and 105 of this Act shall extend throughout Greater London if the Secretary of State makes an order to that effect.

(2) If such an order is made, section 106 of this Act shall cease to apply in relation to Greater London when the order comes into force.

(3) Before such an order comes into force, section 106 of this Act shall have effect as if in subsection (7) the words "or by the Traffic Director for London" were added at the end and as if the following subsection were inserted after subsection (7)—

"(7A) Before making an order under this section at the request of the Traffic Director for London, the Secretary of State shall consult the appropriate local authority."

(4) The power of the Secretary of State\ to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F324 S. 106A inserted (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.75**, (with s. 79(1)); S.I. 1991/2054, **art. 3**,Sch.

Enforcement of excess parking charges

107 Liability of vehicle owner in respect of excess parking charge.

(1) This section applies where—

(a) an excess charge has been incurred in pursuance of an order under sections 45 and 46 of this Act;

(b) notice of the incurring of the excess charge has been given or affixed as provided in the order; and

(c) the excess charge has not been duly paid in accordance with the order;

and in the following provisions of this Part of this Act "the excess charge offence" means the offence under section 47 of this Act of failing duly to pay the excess charge.

(2) Subject to the following provisions of this section—

(a) for the purposes of ths institution of proceedings in respect of the excess charge offence against any person as being the owner of the vehicle at the relevant time, and

(b) in any proceedings in respect of the excess charge offence brought against any person as being the owner of the vehicle at the relevant time,

it shall be conclusively presumed (notwithstanding that that person may not be an individual) that he was the driver of the vehicle at that time and, accordingly, that acts or omissions of the driver of the vehicle at that time were his acts or omissions.

(3) Subsection (2) above shall not apply in relation to any person unless, within the period of 6 months beginning on the day on which the notice of the incurring of the excess charge was given or affixed as mentioned in subsection (1)(b) above, a notice under section 108 of this Act has been served on him—

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(a) by or on behalf of the authority which is the local authority for the purposes of sections 45 and 46 of this Act in relation to the parking place concerned, or
(b) by or on behalf of the chief officer of police.

(4) If the person on whom a notice under section 108 of this Act is served in accordance with subsection (3) above was not the owner of the vehicle at the relevant time, subsection (2) above shall not apply in relation to him if he furnishes a statutory statement of ownership to that effect in compliance with the notice.

(5) The presumption in subsection (2) above shall not apply in any proceedings brought against any person as being the owner of the vehicle at the relevant time if, in those proceedings, it is proved—
(a) that at the relevant time the vehicle was in the possession of some other person without the consent of the accused, or
(b) that the accused was not the owner of the vehicle at the relevant time and that he has a reasonable excuse for failing to comply with the notice under section 108 of this Act served on him in accordance with subsection (3) above.

108 Notice in respect of excess parking charge.

(1) A notice under this section shall be in the prescribed form, shall give particulars of the excess charge and shall provide that, unless the excess charge is paid before the expiry of the appropriate period, the person on whom the notice is served—
(a) is required, before the expiry of that period, to furnish to the authority or chief officer of police by or on behalf of whom the notice was served a statutory statement of ownership (as defined in Part I of Schedule 8 to this Act), and
(b) is invited, before the expiry of that period, to furnish to that authority or chief officer of police a statutory statement of facts (as defined in Part II of that Schedule).

(2) If, in any case where—
(a) a notice under this section has been served on any person, and
(b) the excess charge specified in the notice is not paid within the appropriate period,

the person so served fails without reasonable excuse to comply with the notice by furnishing a statutory statement of ownership he shall be guilty of an offence.

(3) If, in compliance with or in response to a notice under this section any person furnishes a statement which is false in a material particular, and does so recklessly or knowing it to be false in that particular, he shall be guilty of an offence.

(4) Where a notice under this section has been served on any person in respect of any excess charge—
(a) payment of the charge by any person before the date on which proceedings are begun for the excess charge offence, or, as the case may be, for an offence under subsection (2) above in respect of a failure to comply with the notice, shall discharge the liability of that or any other person (under this or any other enactment) for the excess charge offence or, as the case may be, for the offence under subsection (2) above;
(b) conviction of any person of the excess charge offence shall discharge the liability of any other person (under this or any other enactment) for that

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offence and the liability of any person for an offence under subsection (2) above in respect of a failure to comply with the notice; and

(c) conviction of the person so served of an offence under subsection (2) above in respect of a failure to comply with the notice shall discharge the liability of any person for the excess charge offence;

but, except as provided by this subsection, nothing in section 107 of this Act or this section shall affect the liability of any person for the excess charge offence.

109 Modifications of ss. 107 and 108 in relation to hired vehicles.

(1) This section shall apply where—

(a) a notice under section 108 of this Act has been served on a vehicle-hire firm, and

(b) at the relevant time the vehicle in respect of which the notice was served was let to another person by the vehicle-hire firm under a hiring agreement to which this section applies.

(2) Where this section applies, it shall be a sufficient compliance with the notice served on the vehicle-hire firm if the firm furnishes to the chief officer of police or local authority by or on behalf of whom the notice was served a statement in the prescribed form, signed by or on behalf of the vehicle-hire firm, stating that at the relevant time the vehicle concerned was hired under a hiring agreement to which this section applies, together with—

(a) a copy of that hiring agreement, and

(b) a copy of a statement of liability in the prescribed form, signed by the hirer under that hiring agreement;

and accordingly, in relation to the vehicle-hire firm on whom the notice was served, the reference in section 108(2) of this Act to a statutory statement of ownership shall be construed as a reference to a statement under this subsection together with the documents specified in paragraphs (a) and (b) above.

(3) If, in a case where this section applies, the vehicle-hire firm has complied with the notice served on the firm by furnishing the statement and copies of the documents specified in subsection (2) above, then sections 107 and 108 of this Act shall have effect as if in those provisions—

(a) any reference to the owner of the vehicle were a reference to the hirer under the hiring agreement, and

(b) any reference to a statutory statement of ownership were a reference to a statutory statement of hiring.

(4) Where, in compliance with a notice under section 108 of this Act, a vehicle-hire firm has furnished copies of a hiring agreement and statement of liability as mentioned in subsection (2) above, a person authorised in that behalf by the chief officer of police or local authority to whom the documents are furnished may, at any reasonable time within 6 months after service of that notice, and on production of his authority, require the production by the firm of the originals of those documents; and if, without reasonable excuse, a vehicle-hire firm fails to produce the original of a document when required to do so under this subsection, the firm shall be treated as not having complied with the notice under section 108 of this Act.

(5) This section applies to a hiring agreement, under the terms of which the vehicle concerned is let to the hirer for a fixed period of less than 6 months (whether or not

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that period is capable of extension by agreement between the parties or otherwise); and any reference in this section to the currency of the hiring agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of the fixed period specified in the agreement, but otherwise on terms and conditions specified in it.

(6) In this section "statement of liability" means a statement made by the hirer under a hiring agreement to which this section applies to the effect that the hirer acknowledges that he will be liable, as the owner of the vehicle, in respect of any excess charge which, during the currency of the hiring agreement, may be incurred with respect to the vehicle in pursuance of an order under sections 45 and 46 of this Act.

(7) In this section—

"hiring agreement" refers only to an agreement which contains such particulars as may be prescribed and does not include a hire-purchase agreement within the meaning of the [M40]Consumer Credit Act 1974, and

"vehicle-hire firm" means any person engaged in hiring vehicles in the course of a business.

Marginal Citations

M40 1974 c. 39**(60).**

110 Time for bringing, and evidence in, proceedings for certain offences.

(1) Proceedings in England or Wales for an offence under section 108(3) of this Act may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than 3 years after the commission of the offence.

(2) Proceedings in Scotland for an offence to which subsection (1) above applies shall not be commenced after the expiry of the period of 3 years from the commission of the offence; but, subject to the foregoing limitation, and notwithstanding anything in **[**[F325]section 136 of the Criminal Procedure (Scotland) Act 1995**]**, any such proceedings may be commenced at any time within 6 months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings came to his knowledge or, where such evidence was reported to him by a local authority, within 6 months after the date on which it came to their knowledge; and subsection (3) of the said **[**[F326]section 136**]** shall apply for the purposes of this subsection as it applies for the purpose of that section.

(3) For the purposes of subsections (1) and (2) above a certificate signed by or on behalf of the prosecutor or, as the case may be, the Lord Advocate or the local authority, and stating the date on which evidence such as is mentioned in the subsection in question came to his or their knowledge, shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(4) Where any person is charged with the offence of failing to pay an excess charge, and the prosecutor produces to the court any of the statutory statements in Schedule 8 to this Act or a copy of a statement of liability (within the meaning of section 109 of this Act) purporting—

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(a) to have been furnished in compliance with or in response to a notice under section 108 of this Act, and

(b) to have been signed by the accused,

the statement shall be presumed, unless the contrary is proved, to have been signed by the accused and shall be evidence (and, in Scotland, sufficient evidence) in the proceedings of any facts stated in it tending to show that the accused was the owner, the hirer or the driver of the vehicle concerned at a particular time.

Textual Amendments

F325 Words in s. 110(2) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 49(a)**

F326 Words in s. 110(2) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 49(b)**

111 Supplementary provisions as to excess charges.

(1) The provisions of Schedule 8 to this Act shall have effect for the purposes of sections 107 to 109 of this Act (in this section referred to as "the specified sections").

(2) In the specified sections—

"appropriate period", in relation to a notice under section 108 of this Act, means the period of 14 days from the date on which the notice is served, or such longer period as may be specified in the notice or as may be allowed by the chief officer of police or authority by or on behalf of whom the notice is served;

"driver", in relation to an excess charge and in relation to an offence of failing duly to pay such a charge, means the person driving the vehicle at the time when it is alleged to have been left in the parking place concerned;

"relevant time", in relation to an excess charge, means the time when the vehicle was left in the parking place concerned, notwithstanding that the period in respect of which the excess charge was incurred did not begin at that time.

(3) For the purposes of the specified sections the owner of a vehicle shall be taken to be the person by whom the vehicle is kept; and for the purpose of determining, in the course of any proceedings brought by virtue of the specified sections, who was the owner of the vehicle at any time, it shall be presumed that the owner was the person who was the registered keeper of the vehicle at that time.

(4) Notwithstanding the presumption in subsection (3) above, it shall be open to the defence in any proceedings to prove that the person who was the registered keeper of a vehicle at a particular time was not the person by whom the vehicle was kept at that time, and it shall be open to the prosecution to prove that the vehicle was kept by some other person at that time.

(5) A notice under section 108 of this Act may be served on any person—

(a) by delivering it to him or by leaving it at his proper address, or

(b) by sending it to him by post;

and, where the person on whom such a notice is to be served is a body corporate, it shall be duly served if it is served on the secretary or clerk of that body.

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(6) For the purposes of subsection (5) above and of section 7 of the [M41]Interpretation Act 1978 (references to service by post) in its application to that subsection, the proper address of any person on whom such a notice is to be served—

(a) shall, in the case of the secretary or clerk of a body corporate, be that of the registered or principal office of that body or the registered address of the person who is the registered keeper of the vehicle concerned at the time of service, and

(b) shall in any other case be the last known address of the person to be served.

(7) References in this section to the person who was or is the registered keeper of a vehicle at any time are references to the person in whose name the vehicle was or is at that time registered under **[**[F327]the Vehicle Excise and Registration Act 1994**]**; and, in relation to any such person, the reference in subsection (6)(a) above to that person's registered address is a reference to the address recorded in the record kept under the Act with respect to that vehicle as being that person's address.

(8) For the purposes of sections 1(2) and 2(1) of the [M42]Magistrates' Courts Act 1980 (power to issue summons or warrant and jurisdiction to try offences), any offence under subsection (2) of section 108 of this Act shall be treated as committed at any address which at the time of service of the notice under that section to which the offence relates was the accused's proper address (in accordance with subsection (6) above) for the service of any such notice as well as at the address to which any statutory statement furnished in response to that notice is required to be returned in accordance with the notice.

Textual Amendments

F327 Words in s. 111(7) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 18(1)** (with s. 57(4))

Marginal Citations

M41 1978 c. 30**(115:1).**

M42 1980 c. 43**(82).**

PART IX

FURTHER PROVISIONS AS TO ENFORCEMENT

General provisions

112 Information as to identity of driver or rider.

(1) This section applies to any offence under any of the foregoing provisions of this Act except—

(a) sections 43, 52, 88(7), 104, 105 and 108;

(b) the provisions of subsection (2) or (3) of section 108 as modified by subsections (2) and (3) of section 109; and

(c) section **[**[F328]35A(5)**]** in its application to England and Wales.

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(2) Where the driver of a vehicle is alleged to be guilty of an offence to which this section applies—

(a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required to give—

(i) by or on behalf of a chief officer of police, or

(ii) in the case of an offence under section **[**[F329]35A(1)**]** or against section 47 of this Act, by or on behalf of a chief officer of police or, in writing, by or on behalf of the local authority for the parking place in question; and

(b) any other person shall, if required as mentioned in paragraph (a) above, give any information which it is in his power to give and which may lead to the identification of the driver.

(3) In subsection (2) above, references to the driver of a vehicle include references to the person riding a bicycle or tricycle (not being a motor vehicle); and—

[F330](a) . . . . . .

(b) in relation to an offence under section 61(5) of this Act, subsection (2)(a) above shall have effect as if, for sub-paragraphs (i) and (ii), there were substituted the words "by a notice in writing given to him by a local authority in whose area the loading area in question is situated",

and in subsection (2)(a) above, as modified by paragraph (b) of this subsection, "local authority" means any of the following, that is to say, a county council, [F331]. . . , a district council, a London borough council and the Common Council of the City of London.

(4) Except as provided by subsection (5) below, a person who fails to comply with the requirements of subsection (2)(a) above shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know, and could not with reasonable diligence have ascertained, who was the driver of the vehicle or, as the case may be, the rider of the bicycle or tricycle; and a person who fails to comply with the requirements of subsection (2)(b) above shall be guilty of an offence.

(5) As regards Scotland, subsection (4) above shall not apply where the offence of which the driver of the vehicle is alleged to be guilty is an offence under section 61(5) of this Act.

Textual Amendments

F328 "35A(5)" substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 6(a)**

F329 "35A(1)" substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 6(b)**

F330 S. 112(3)(*a*) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F331 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

[F332]113, ...

114.

Textual Amendments

F332 Ss. 113, 114 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

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115 Mishandling of parking documents and related offences.

[[F333](1) A person shall be guilty of an offence who, with intent to deceive—

(a) uses, or lends to, or allows to be used by, any other person,—

(i) any parking device or apparatus designed to be used in connection with parking devices;

(ii) any ticket issued by a parking meter, parking device or apparatus designed to be used in connection with parking devices;

(iii) any authorisation by way of such a certificate, other means of identification or device as is referred to in any of sections 4(2), 4(3), 7(2) and 7(3) of this Act; or

(iv) any such permit or token as is referred to in section 46(2)(i) of this Act;

(b) makes or has in his possession anything so closely resembling any such thing as is mentioned in paragraph (a) above as to be calculated to deceive; or

(c) in Scotland, forges or alters any such thing as is mentioned in that paragraph.**]**

(2) A person who knowingly makes a false statement for the purpose of procuring the grant or issue to himself or any other person of any such authorisation as is mentioned in subsection (1) above shall be guilty of an offence.

[F334](2A) . . . . . .

(3) Summary proceedings in Scotland for an offence under this section may be brought—

(a) within a period of 6 months from the date of the commission of the alleged offence, or

(b) within a period which exceeds neither 3 months from the date in which it came to the knowledge of the procurator fiscal that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

Textual Amendments

F333 S. 115(1) substituted by Road Traffic Regulation (Parking) Act 1986 (c. 27, SIF 107:1), **s. 2(2)**

F334 S. 115(2A) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1)(a), **Sch.**

Modifications etc. (not altering text)

C164 S. 115 modified (30.12.2003) by London Local Authorities and Transport for London Act 2003 (c. iii), **s. 13**

116 Provisions supplementary to s. 115.

(1) If any person authorised in that behalf by or under a designation order has reasonable cause to believe that a document or article carried on a vehicle, or by the driver or person in charge of a vehicle, is a document or article in relation to which an offence has been committed under subsection (1) of section 115 of this Act (so far as that subsection relates to such authorisations as are referred to in it) or under subsection (2) of that section, he may detain that document or article, and may for that purpose require the driver or person in charge of the vehicle to deliver up the document or article; and if the driver or person in charge of the vehicle fails to comply with that requirement, he shall be guilty of an offence.

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(2) When a document or article has been detained under subsection (1) above and—

(a) at any time after the expiry of 6 months from the date when that detention began no person has been charged since that date with an offence in relation to the document or article under subsection (1) or (2) of section 115 of this Act, and

(b) the document or article has not been returned to the person to whom the authorisation in question was issued or to the person who at that date was the driver or person in charge of the vehicle,

then, on an application made for the purpose to a magistrates' court (or, in Scotland, on a summary application made for the purpose to the sheriff court), the court shall make such order respecting disposal of the document or article and award such costs (or, in Scotland, expenses) as the justice of the case may require.

(3) Any of the following, but no other, persons shall be entitled to make an application under subsection (2) above with respect to a document or article, that is to say—

(a) the person to whom the authorisation was issued;

(b) the person who, at the date when the detention of the document or article began, was the driver or person in charge of the vehicle; and

(c) the person for the time being having possession of the document or article.

117 Wrongful use of disabled person's badge.

[[F335](1) A person who at any time acts in contravention of, or fails to comply with, any provision of an order under this Act relating to the parking of motor vehicles is also guilty of an offence under this section if at that time—

(a) there was displayed on the motor vehicle in question a badge of a form prescribed under section 21 of the [M43]Chronically Sick and Disabled Persons Act 1970, and

(b) he was using the vehicle in circumstances where a disabled person's concession would be available to a disabled person's vehicle,

but he shall not be guilty of an offence under this section if the badge was issued under that section and displayed in accordance with regulations made under it.**]**

(3) In this section—

[F336] . . .

"disabled person's concession" means—

(a) an exemption from an order under this Act given by reference to disabled persons' vehicles; or

(b) a provision made in any order under this Act for the use of a parking place by disabled persons' vehicles.

Textual Amendments

F335 S. 117(1) substituted (2.3.1992) for s. 117(1)(2) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 35(6)**; S.I. 1992/199, **art. 3(1)**.

F336 S. 117(3): definition of "disabled person's badge" repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1991/2054, art. 3, **Sch.**

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Regulation Act 1984 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations

M43 1970 c. 44**(81:3).**

[F337]118 . . . . . .

Textual Amendments

F337 Ss. 118, 120, 121 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

Special provisions relating to Scotland

119 Aiding and abetting.

As respects Scotland, a person who aids, abets, counsels, procures or incites any other person to commit an offence against the provisions of this Act or any regulations made under it shall be guilty of an offence and shall be liable on conviction to the same punishment as might be imposed on conviction of the first-mentioned offence.

[F338]120, ...
121.

Textual Amendments

F338 Ss. 118, 120, 121 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

PART X

GENERAL AND SUPPLEMENTARY PROVISIONS

[121A [F339]Traffic authorities.

(1) The Secretary of State is the traffic authority—

(a) for every highway in England and Wales for which he is the highway authority within the meaning of the Highways Act 1980, and

(b) for every road in Scotland for which he is the roads authority within the meaning of the Roads (Scotland) Act 1984.

(2) In Greater London, the council of the London borough or the Common Council of the City of London are the traffic authority for all roads in the borough or, as the case may be, in the City for which the Secretary of State is not the traffic authority.

(3) In England and Wales outside Greater London, the council of the county or metropolitan district are the traffic authority for all roads in the county or, as the case may be, the district for which the Secretary of State is not the traffic authority.

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(4) In Scotland, the **[**[F340]council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]** are the traffic authority in relation to all roads within their area for which the Secretary of State is not the traffic authority.

(5) In this Act "local traffic authority" means a traffic authority other than the Secretary of State.

Textual Amendments

F339 S. 121A inserted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 70**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F340 Words in s. 121A(4) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 134(9)**; S.I. 1996/323, **art. 4(1)(c)**

VALID FROM 08/05/2000

[[F341]**121B London borough council exercising powers so as to affect another traffic authority's roads.**

(1) No London borough council shall exercise any power under this Act in a way which will affect, or be likely to affect,—

(a) a GLA road, or

(b) a road in another London borough,

unless the requirements of subsections (2) and (3) below have been satisfied.

(2) The first requirement is that the council has given notice of the proposal to exercise the power in the way in question—

(a) to Transport for London; and

(b) in a case where the road concerned is in another London borough, to the council for that borough.

(3) The second requirement is that—

(a) the proposal has been approved by Transport for London, in the case of a GLA road, or by the London borough council concerned, in the case of any other road; or

(b) the period of one month beginning with the date on which Transport for London and, where applicable, the council received notice of the proposal has expired without Transport for London or the council having objected to the proposal; or

(c) any objection made by Transport for London or the council has been withdrawn; or

(d) where an objection has been made by Transport for London or a London borough council and not withdrawn, the Greater London Authority has given its consent to the proposal after consideration of the objection.

(4) Before deciding whether to give any consent for the purposes of subsection (3)(d) above, the Greater London Authority may cause a public inquiry to be held.

(5) If Transport for London has reason to believe—

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(a) that a London borough council is proposing to exercise a power under this Act in a way which will affect, or be likely to affect, a GLA road or a road in another London borough, and

(b) that notice of the proposal is required to be, but has not been, given in accordance with subsection (2) above,

Transport for London may give a direction to the council requiring it not to proceed with the proposal until the requirements of subsections (2) and (3) above have been satisfied.

(6) If a London borough council exercises any power in contravention of this section, Transport for London may take such steps as it considers appropriate to reverse or modify the effect of the exercise of that power.

(7) For the purposes of subsection (6) above, Transport for London shall have power to exercise any power of the London borough council on behalf of that council.

(8) Any reasonable expenses incurred by Transport for London in taking any steps under subsection (6) above shall be recoverable by Transport for London from the London borough council concerned as a civil debt.

(9) The Mayor of London may issue a direction dispensing with the requirements of subsections (2) and (3) above in such circumstances as may be specified in the direction.

(10) A direction under subsection (9) above may, in particular, dispense with those requirements as respects—

(a) all or any of the London borough councils;

(b) all or any of the GLA roads;

(c) all or any of the roads which are neither GLA roads nor trunk roads;

(d) the exercise of such powers as may be specified in the direction in such manner or circumstances as may be so specified.

(11) Any direction under subsection (9) above may be varied or revoked by a further direction under that subsection.

(12) For the purposes of this section—

(a) the City of London shall be treated as if it were a London borough;

(b) the Common Council shall be treated as if it were the council for a London borough; and

(c) the Inner Temple and the Middle Temple shall be treated as forming part of the City.**]**

Textual Amendments

F341 S. 121B inserted (8.5.2000 for specified purposes and otherwise 3.7.2000) by 1999 c. 29, **s. 291** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch.**

Modifications etc. (not altering text)

C165 S. 121B(9) restricted (E.W.) (4.1.2005 for E. and 4.10.2004) by Traffic Management Act 2004 (c. 18), **ss. 29(8)(b)**, 99 (with s. 38); S.I. 2005/3110, **art. 2(a)**; S.I. 2004/2380, **art. 2(e)**

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 03/07/2000

[F342 121C Functions of GLA under this Act to be exercisable by the Mayor.

(1) The functions of the Greater London Authority under this Act shall be functions of the Authority which are exercisable by the Mayor of London acting on behalf of the Authority.

(2) Subsection (1) above does not apply in relation to any function expressly conferred or imposed on, or made exercisable by, the London Assembly.**]**

Textual Amendments

F342 S. 121C inserted (3.7.2000) by 1999 c. 29, **s. 292(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch.**

122 Exercise of functions by local authorities.

(1) It shall be the duty of **[**F343 every**]** local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off **[**F344 the highway or, in Scotland the road**]**.

(2) The matters referred to in subsection (1) above as being specified in this subsection are—

(a) the desirability of securing and maintaining reasonable access to premises;

(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

[F345 (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);**]**

(c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(d) any other matters appearing to F346 . . . the local authority F346 . . . to be relevant.

[F347 (3) The duty imposed by subsection (1) above is subject to the provisions of Part II of the Road Traffic Act 1991.**]**

Textual Amendments

F343 Word in s. 122(1) substituted by Local Government Act 1985 (c. 51, SIF 81:1),ss. 1, 2, 8(1), Sch. 5 para. 4(34)

F344 Words in s. 122(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 71**; which is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

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F345 S. 122(2)(bb) inserted (1.2.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 36(3)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**

F346 Words in s. 122(2)(d) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F347 S. 122(3) added (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 81, **Sch. 7**, para. 7; S.I. 1991/2054, art. 3, **Sch.**

Modifications etc. (not altering text)

C166 S. 122 excluded by Local Government Act 1985 (c. 51, SIF 81:1), **ss. 1**,2, 8(2), Sch. 5 para. 9

C167 S. 122 applied by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 19A** (8) (as inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 para. 22(1)**)

C168 S. 122 applied (3.7.2000) by 1991 c. 40, **s. 74(11)** (as inserted (3.7.2000) by 1999 c. 29, s. 284 (with **Sch. 12 para. 9(1)**); S.I. 2000/801, art. 2, **Sch.**)

C169 S. 122(2)(c) modified (24.7.2001) by S.I. 2001/3627, **art. 53(5)**
S. 122(2)(c) modified (11.2.2005) by the Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), {art. 46(5} (with arts. 65, 66)
S. 122(2)(c) modified (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 44(5)** (with art. 51)
S. 122(2)(c) modified (S.) (27.4.2006) by Edinburgh Tram (Line Two) (asp 6), {s. 58(5)} (with s. 75)
S. 122(2)(c) modified (S.) (8.5.2006) by Edinburgh Tram (Line One) (asp 7), {s. 58(5)} (with ss. 76, 84)

C170 S. 122(2)(c) modified (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), **art. 49(5)** (with art. 84, Sch. 16)

[[F348]122A Prospective exercise of powers.

(1) Any power under this Act to make an order or give a direction may be exercised before the road to which it relates is open for public use, so as to take effect immediately on the road's becoming open for public use.

(2) The procedure for making an order or giving a direction applies in such a case with such modifications as may be prescribed.**]**

Textual Amendments

F348 S. 122A inserted (E.W.) (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), **s.24**, (with ss. 25(2), 167(2)); S.I. 1991/2288, art. 3, **Sch.**
S. 122A inserted (S.) (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), **s. 44**, (with ss. 47(4), 167(2)); S.I. 1991/2286, art. 2(2), **Sch. 2**

[F349]123 . . . . . .

Textual Amendments

F349 S. 123 repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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124 Provisions as to certain orders.

(1) The provisions of Parts I to VI of Schedule 9 to this Act shall have effect as follows in relation to the making, variation, revocation and validity of orders under the provisions of this Act mentioned in Parts I to VI of that Schedule, that is to say—

(a) Part I of that Schedule shall have effect for the purpose of conferring on the Secretary of State powers in relation to the making of orders under the provisions of this Act mentioned in that Part of the Schedule;

(b) Part II of that Schedule shall have effect for requiring the consent of the Secretary of State to certain orders and for making provision as to the manner of giving such consent;

(c) Part III of that Schedule shall have effect as to procedure in connection with certain orders;

(d) Part IV of that Schedule shall have effect with respect to the variation or revocation of certain orders;

(e) Part V of that Schedule shall have effect for requiring consultation with traffic commissioners before orders are made under section 19 or 38(1)(a) of this Act; and

(f) part VI of that Schedule shall have effect as to the validity of orders under sections 1, 6, 9, 19, 32, 37 and 38 of this Act and of designation orders.

(2) Any power of the Secretary of State to make an order under or by virtue of any of the following provisions of this Act, namely sections 1, 6, 9, 14 **[**[F350] 16A**]**, 19, 29, [F351] . . .32, 35, 37, 38, 45, 46, 49(2) and (4), 50, 53, 83 and 84 shall be exercisable by statutory instrument.

Textual Amendments

F350 Figure in s. 124(2) inserted (3.5.1994) by 1994 c. 11, s. 3(1), **Sch. para. 2**

F351 In s. 124(2): reference to s. 30 repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 72, **Sch. 9**; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

VALID FROM 12/01/2000

[[F352]124A GLA side roads.

(1) The Secretary of State may by order designate roads or proposed roads as roads which are to be GLA side roads.

(2) Any road or proposed road so designated shall become a GLA side road on such date as may be specified in the order.

(3) A road may only be a GLA side road if it has a junction with—

(a) a GLA road; or

(b) another road which has a junction with a GLA road.

(4) A road or proposed road shall not be a GLA side road if it is a trunk road or other highway for which the Secretary of State is the highway authority.

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(5) A road may only be a GLA side road if and to the extent that the appropriate authority considers it appropriate for the road to be a GLA side road in the interests of the management of traffic and the control of the waiting and loading of vehicles on or in the immediate vicinity of GLA roads.

(6) The Secretary of State may by order make provision for or in connection with applying in relation to GLA side roads, with such modifications as he thinks fit, the provisions of sections 14B and 14C of the [M44]Highways Act 1980 (orders changing what are GLA roads and certification and records of GLA roads).

(7) The provision that may be made under subsection (6) above is subject to subsections (3) to (5) above.

(8) In this section "the appropriate authority" means—

(a) in relation to an order under subsection (1) above, the Secretary of State;

(b) in relation to an order made by the Greater London Authority under section 14B of the [M45]Highways Act 1980, as applied under subsection (6) above, the Mayor of London; and

(c) in relation to confirmation of such an order by the Secretary of State under that section as so applied, the Secretary of State.

(9) Any reference in any provision of this Act or any other enactment to a GLA side road shall be construed as a reference to a road in Greater London which is for the time being a GLA side road by virtue of—

(a) an order made by the Secretary of State under subsection (1) above; or

(b) an order made by the Greater London Authority under section 14B of the [M46]Highways Act 1980, as applied by an order under subsection (6) above.

(10) Any functions conferred or imposed on the Greater London Authority in relation to GLA side roads shall be functions of the Authority which are exercisable by the Mayor of London acting on behalf of the Authority.

(11) Subsection (10) above does not apply in relation to any functions expressly conferred on the London Assembly.

(12) Any power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument; and a statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F352 S. 124A inserted (12.1.2000) by 1999 c. 29, **s. 272** (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 2**

Marginal Citations

M44 1980 c. 66.

M45 1980 c. 66.

M46 1980 c. 66.

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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VALID FROM 01/10/2000

[F353 124B Orders of the Authority changing what are GLA side roads.

(1) The Mayor of London shall keep under review the roads and proposed roads which have junctions with GLA roads or with other roads having such junctions and shall consider the extent to which such roads should be or cease to be GLA side roads.

(2) If the Mayor of London considers it expedient—

(a) that any road or proposed road in Greater London, other than a trunk road or other road for which the Secretary of State is the highway authority, should become a GLA side road, or

(b) that any GLA side road should cease to be such a road and should become a road for which the traffic authority is a London borough council or the Common Council of the City of London,

the Greater London Authority may by order direct that that road or proposed road shall become, or (as the case may be) that that GLA side road shall cease to be, a GLA side road as from such date as may be specified in that behalf in the order.

(3) Where an order under subsection (2) above directs that a road or proposed road shall become a GLA side road, it shall become such a road as from the date specified in that behalf in the order.

(4) Where an order under subsection (2) above directs that a GLA side road shall cease to be such a road, then, as from the date specified in that behalf in the order, the road shall cease to be a GLA side road and the following authority, that is to say—

(a) where the road is situated in a London borough, the council for the London borough, and

(b) where the road is situated in the City of London, the Common Council of the City of London,

shall become the traffic authority for the road.

(5) An order under subsection (2) above shall be of no effect unless—

(a) it is made with the consent of the relevant traffic authority; or

(b) if that consent is refused, it is confirmed (with or without modification) by the Secretary of State.

(6) For the purposes of subsection (5) above, the relevant traffic authority is—

(a) in the case of an order directing that a road or proposed road shall become a GLA side road, the authority that is the traffic authority for the road or proposed road; and

(b) in the case of an order directing that a GLA side road shall cease to be such a road, the authority that will become the traffic authority for the road in consequence of the order.

(7) An order under subsection (2) above may vary, revoke or re-enact with or without modifications—

(a) any other order under that subsection (whether or not that other order was confirmed by the Secretary of State); or

(b) an order of the Secretary of State under section 124A(1) of this Act.

(8) Where a GLA side road becomes a GLA road it shall cease to be a GLA side road.

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(9) In this section, notwithstanding section 142(4) of this Act, a reference to a GLA road does not include a reference to a GLA side road.**]**

Textual Amendments

F353 Ss. 124B, 124C inserted (1.10.2000) by S.I. 2000/2237, art. 2(4), **Sch.**

VALID FROM 01/10/2000

[F354]124C Certification and records of GLA side roads.

(1) A certificate by or on behalf of Transport for London that any road or proposed road is, or is not, for the time being a GLA side road shall be evidence of the facts stated in the certificate.

(2) A certificate under subsection (1) above may describe the road or proposed road in question by reference to a map.

(3) Transport for London shall prepare and maintain a record of the roads which are for the time being GLA side roads.

(4) The record required to be prepared and maintained under subsection (3) above may consist of—
   (a) a list;
   (b) a map; or
   (c) a list and a map.

(5) Transport for London shall deposit a copy of that record with the Greater London Authority, each of the London borough councils and the Common Council of the City of London.

(6) Transport for London, and the Greater London Authority, each of the London borough councils and the Common Council of the City of London, shall make the record, or (as the case may be) the copies of the record deposited with them, available for inspection by the public at all reasonable hours.

(7) The record prepared and maintained by Transport for London under this section may be combined with the record which it is required to prepare and maintain under section 14C of the Highways Act 1980.

Textual Amendments

F354 Ss. 124B, 124C inserted (1.10.2000) by S.I. 2000/2237, art. 2(4), **Sch.**

Modifications etc. (not altering text)

C171 S. 124C applied (E.W.) (4.10.2004 for E. and otherwise prosp.) by Traffic Management Act 2004 (c. 18), **ss. 61(7)**, 99 (with s. 38); S.I. 2004/2380, **art. 2(e)**

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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125 Boundary roads.

(1) For the purposes of sections 6(1) and (2), 9, 73, 82(2) and 84(1) and (3) of this Act, where any part of the width of a road is in Greater London, the whole width of the road shall be deemed to be in Greater London.

(2) Subject to subsection (1) above, any powers which, under the provisions specified in subsection (3) below, are exercisable by a local authority as respects a road (including powers exercisable by such an authority as highway authority) shall, in the case of a road part of the width of which is in the area of one local authority and part in the area of another, be exercisable by either authority with the consent of the other.

(3) The provisions referred to in subsection (2) above are sections 1(2), 9, 14, 19(1), 23(1), 29(1), [F355] . . .32(1), 57(1) and (2), 68, 82(2) and 84.

(4) In this section "local authority" means the council of a county, **[**[F356]metropolitan district**]** London borough, parish or community or the Common Council of the City of London [F357]. . ..

(5) This section does not extend to Scotland.

Textual Amendments

F355 In s. 125(3): reference to s. 30(1) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 73, **Sch. 9**; S.I. 1991/2288, art. 2(2), **Sch.**

F356 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(35)**

F357 Words in s. 125(4) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(9), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 22(3)); S.I. 1996/396, art. 3, **Sch. 1**

Modifications etc. (not altering text)

C172 S. 125 applied by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 19A(7)** (as inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 para. 22(1)**)

126 Exercise of powers as respects part of width of road.

(1) Any power which is exercisable in relation to any road under the provisions specified in subsection (2) below, otherwise than by virtue of section 125 of this Act, shall be exercisable with respect to the whole or any part of the width of the road.

(2) The provisions referred to in subsection (1) above are sections 9, 67(3), 82, 83, 84, 88 and 92 of this Act.

127 Footpaths, bridleways and byways open to all traffic.

(1) In relation to any footpath, bridleway or byway open to all traffic—

(a) any reference in section 2(3) or 14 of this Act to pedestrians shall be construed as including a reference to persons to whom subsection (2) below applies, and

(b) any reference in any provision of this Act (except this section) to traffic shall be construed as including a reference to pedestrians and to persons to whom that subsection applies.

(2) This subsection applies to any person driving, riding or leading a horse or other animal of draught or burden.

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Regulation Act 1984 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In this section—
  (a) "footpath" does not include a highway over which the public have a right of way on foot only which is at the side of a public road; and
  (b) "byway open to all traffic" means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used.

(4) For the purposes of this section a highway at the side of a river, canal or inland navigation shall not be excluded from the definition of a footpath, bridleway or byway open to all traffic by reason only that the public have a right to use the highway for purposes of navigation, if the highway would fall within that definition if the public had no such right.

(5) This section does not extend to Scotland.

128 Power to hold inquiries.

Without prejudice to any other provisions of this Act, the Secretary of State may hold inquiries for the purposes of this Act.

129 General provisions as to inquiries.

(1) Where under any of the provisions of this Act an inquiry is held by the Secretary of State—
  (a) notice of the inquiry may be given and published in accordance with such general or special directions as the Secretary of State may give;
  (b) the Secretary of State and, if authorised by him, the person appointed to hold the inquiry may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence or produce any documents in his possession or power which relate to any matter in question at the inquiry and are such as would be subject to production in a court of law;
  (c) the person holding the inquiry shall have power to take evidence on oath and for that purpose to administer oaths; and
  (d) the Secretary of State may make such order as to the payment of the costs incurred by him in connection with the inquiry [F358]. . . by such party to the inquiry as he thinks fit, and may certify the amount of the costs so incurred.

(2) Any amount certified as mentioned in subsection (1)(d) above and directed by the Secretary of State to be paid by any person shall be recoverable from that person—
  (a) in England or Wales, either as a civil debt due to the Crown or by the Secretary of State summarily as a civil debt, or
  (b) in Scotland, by the Secretary of State.

(3) If a person fails without reasonable excuse to comply with any of the provisions of an order under subsection (1)(b) above, he shall be guilty of an offence.

(4) Where **[**[F359]a**]** local authority are authorised or required by or under any provision of this Act to hold an inquiry for the purposes of any of their functions, any person appointed by that . . . [F360] authority to hold the inquiry shall have the like powers as a person appointed to hold an inquiry to which section 250 of the [M47]Local Government Act 1972 applies.

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Textual Amendments

F358 Words repealed (E.W.) by Housing and Planning Act 1986 (c. 63, SIF 81:1, 123:1), s. 49(2), **Sch. 12 Pt. III** and (S.) (1.6.1996) by Housing and Planning Act 1986 (c. 63, SIF 123:2),s. 53(2), Sch. 12 Pt. IV; S.I. 1996/1276, art. 2(b), **Sch.**

F359 Word substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(36)**

F360 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), 102(2)(3), Sch. 5 para. 4(36), **Sch. 17**

Modifications etc. (not altering text)

C173 S. 129(1) applied by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), **Sch. 5 para. 7(4)**

C174 S. 129(2)(3) applied by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), **Sch. 5 para. 7(4)**

Marginal Citations

M47 1972 c. 70.**(81:1).**

130 Application of Act to Crown.

(1) Subject to the provisions of this section and section 132 of this Act, the provisions of this Act specified in subsection (2) below shall apply to vehicles and persons in the public service of the Crown.

(2) The provisions referred to in subsection (1) above are—

(a) sections 1 to 5, 9 **[**[F361]to 16C**]**, 21 to 26, 38, 42, 45 to 51, 52 [F362]. . . (3), 58 to 60, 62 to 67, 69 to 71, **[**[F363]76 to 90**]**, 99, 100, 104, 105, 125 and 126;

(b) except in relation to vehicles and persons in the armed forces of the Crown when on duty, sections 6 to 8; and

[F364](c) . . . . . .

(3) In relation to vehicles used for naval, military or air force purposes, while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown, the Secretary of State may by regulations vary the provisions of any statutory provision imposing a speed limit on motor vehicles; but regulations under this subsection may provide that any variation made by the regulations shall have effect subject to such conditions as may be specified in the regulations.

[F364](4) . . . . . .

Textual Amendments

F361 Words in s. 130(2)(a) substituted (3.5.1994) by 1994 c. 11, s. 3(1), **Sch. para. 3**

F362 Words in s. 130(2)(a) repealed (13.9.1996) by S.I. 1996/1553, art. 2(1), **Sch.**

F363 Words in s. 130(2)(a) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 74**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F364 S. 130(2)(*c*)(4)(5) repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

Modifications etc. (not altering text)

C175 S. 130(3) applied (with modifications) by S.I. 1999/1736, **art. 8(3)**

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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131 Application of road traffic enactments to Crown roads.

(1) The Secretary of State may, with the consent of the appropriate Crown authority or authorities concerned, by order direct that, subject to subsection (3) below and to such exceptions, adaptations and modifications appearing to him to be necessary or expedient as may be specified in the order, all or any of the road traffic enactments shall apply to all Crown roads, or to any specified Crown road or Crown roads, or to Crown roads of a specified class, as they apply in relation to other roads to which the public has access.

(2) Without prejudice to the generality of subsection (1) above, but subject to subsection (3) below, any order under subsection (1) above with respect to any of the road traffic enactments may in particular include provision—

(a) for enabling functions with respect to a road exercisable under the enactment in question by the local authority or the **[**[F365]local traffic authority**]** to be exercised with respect to a Crown road by the appropriate Crown authority or by a particular local authority or **[**[F365]local traffic authority**]**;

(b) for enabling power to make an order, regulation or scheme under the enactment in question with respect to a Crown road, which would otherwise be exercisable by a local authority or **[**[F365]local traffic authority**]**, to be exercised instead by the Secretary of State, and for requiring the consent of the Secretary of State to the variation or revocation by any other authority of such an order, regulation or scheme made by him;

(c) for a certificate of the appropriate Crown authority or of the Secretary of State that the authority or Secretary of State has, or has not, consented to the doing of anything for which under the order or under this section the consent of the authority or (as the case may be) of the Secretary of State is required to be evidence (and, in Scotland, sufficient evidence) of the facts stated;

(d) for exempting from any provision of the enactment in question persons and vehicles on a Crown road in the service of the Crown or of an agent of the Crown.

(3) No order, regulation or scheme in relation to a Crown road shall be made, varied or revoked under any of the road traffic enactments by virtue of an order under subsection (1) above except by, or with the consent of, the appropriate Crown authority.

(4) With a view to the avoidance of doubt, the road traffic enactments specified in an order under subsection (1) above may include any provision of those enactments notwithstanding that it would have applied in relation to Crown roads apart from the making of the order; and inclusion in the order of a provision which would so have applied shall not prejudice anything done under that provision in relation to a Crown road before the coming into operation of the order.

(5) Any power to make an order under subsection (1) above shall be exercisable by statutory instrument which shall be suabject to annulment in pursuance of a resolution of either House of Parliament.

(6) Subsection (1) above shall have effect without prejudice to the provisions of section 132 of this Act in relation to certain Crown roads; and nothing in this section shall prejudice any enactment (in addition to this section and that section) which relates to Crown roads.

(7) In this section and in section 132 of this Act—

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(a) "appropriate Crown authority", in relation to a Crown road—

(i) in the case of a road on land belonging to Her Majesty in right of the Crown, means the Crown Estate Commissioners or other government department having the management of that land;

(ii) in the case of a road on land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;

(iii) in the case of a road on land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints;

(iv) in the case of a road on land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department;

and if any question arises under this paragraph as to what authority is the appropriate Crown authority in relation to any Crown road, that question shall be referred to the Treasury, whose decision shall be final;

(b) "Crown road" means a road, other than **[**[F366]a highway or, in Scotland a public road**]**, to which the public has access by permission granted by the appropriate Crown authority or otherwise granted by or on behalf of the Crown; and

(c) "road traffic enactments" means enactments (whether passed before or after or contemporaneously with or contained in this Act) relating to road traffic, including the lighting and parking of vehicles, and any order or other instrument having effect by virtue of any such enactment.

Textual Amendments

F365 Words in s. 131(2)(a)(b) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 75(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F366 Words in s. 131(7(b) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 75(3)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

132 Special provisions as to certain Crown roads.

(1) In the following provisions of this section, references to a Crown road are references to a Crown road of a description mentioned in subsection (1)(a) or (b) of section 22 of this Act.

(2) Subject to the following provisions of this section, section 1 of this Act, as applied for the purposes set out in section 22(2) of this Act, shall have effect so as to authorise the making of a traffic regulation order as respects any Crown road, and an order (hereafter in this section also referred to as a "traffic regulation order") may be made under section 22(3) as respects any Crown road.

(3) The consent of the appropriate Crown authority must be given before a traffic regulation order is made by virtue of subsection (2) above as respects a Crown road.

(4) A traffic regulation order made by virtue of subsection (2) above as respects a Crown road shall not apply to vehicles or persons in the public service of the Crown except so far as is expressly provided in the order, and the inclusion of any such express provision in an order not made by the Secretary of State shall require his approval.

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(5) If a traffic regulation order is or is to be made by virtue of subsection (2) above as respects a Crown road, **[**[F367]the traffic authority**]** may, after consultation with the appropriate Crown authority, place and maintain, or cause to be placed and maintained, such traffic signs of any type prescribed, or authorised, under section 64 of this Act as **[**[F368]the traffic authority may**]** consider necessary in connection with the order.

The powers conferred by this subsection shall be exercisable subject to and in conformity with any general directions given under section 65(1) of this Act, **[**[F369]and any other power conferred by section 65 to give directions to a local traffic authority includes power to give the like directions to them as respects the Crown road**]** , but after consultation with the appropriate Crown authority.

[F370](6) . . . . . .

Textual Amendments

F367 Words in s. 132(5) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 76(2)(a)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F368 Words in s. 132(5) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 76(2)(b)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F369 Words in s. 132(5) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 76(2)(c)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F370 S. 132(6) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 76(3), **Sch.9**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

[F371]132A . . . . . .

Textual Amendments

F371 S. 132A repealed (1.11.1991) by Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(2), **Sch.9**; S.I. 1991/2286, art. 2(2), **Sch.2**

VALID FROM 03/07/2000

[[F372]132AA Royal Parks or highways in London affected by proposals relating to the other.

(1) The Secretary of State shall not exercise any of his functions in relation to the management of roads or traffic in a Royal Park in such a way as to affect a highway in Greater London unless he has consulted—

(a) the traffic authority for the highway, and

(b) Transport for London,

about the exercise of those functions in that way.

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(2) The duty imposed by subsection (1) above shall not apply if it would not be reasonably practicable for the Secretary of State to consult the traffic authority or Transport for London before exercising functions; but, in such a case, as soon as practicable after so exercising functions the Secretary of State shall inform the traffic authority and Transport for London that those functions have been so exercised.

(3) A traffic authority shall not exercise any of its functions in relation to a highway in Greater London in such a way as to affect a Royal Park unless it has consulted the Secretary of State about the exercise of those functions in that way.

(4) The duty imposed by subsection (3) above shall not apply if it would not be reasonably practicable for the traffic authority to consult the Secretary of State before exercising functions; but, in such a case, as soon as practicable after so exercising functions the highway authority shall inform the Secretary of State that those functions have been so exercised.

(5) In this section "Royal Park" means any park to which the [M48]Parks Regulation Act 1872 applies (see sections 1 and 3 of the [M49]Parks Regulation (Amendment) Act 1926).**]**

Textual Amendments

F372 S. 132AA inserted (3.7.2000) by 1999 c. 29, **s. 293** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch.**

Marginal Citations

M48 1872 c. 15.
M49 1926 c. 36.

133 Vehicles used for marine salvage.

(1) Subsection (3) of section 130 of this Act shall have effect in relation to motor vehicles used for salvage purposes pursuant to **[**[F373]Part IX of the Merchant Shipping Act 1995**]** as it has effect in relation to vehicles used for naval, military or air force purposes while being driven as mentioned in that subsection.

(2) In this section "salvage" means the preservation of a vessel which is wrecked, stranded or in distress, or the lives of persons belonging to, or the cargo or apparel of, such a vessel.

Textual Amendments

F373 Words in s. 133(1) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 71** (with s. 312(1))

134 Provisions as to regulations. E+W

(1) Any power conferred by this Act on the Secretary of State, or on the Ministers acting jointly, to make regulations shall be exercisable by statutory instrument.

(2) Before making any regulations under any provision of this Act except sections **[**[F374]82(1)(b),**]** 103(1), 104, 108 to 110, Schedule 4, Schedule 8 and Schedule 12, the

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Secretary of State, or the Ministers acting jointly as the case may be, shall consult with such representative organisations as he or they think fit.

(3) A statutory instrument whereby any such power as is mentioned in subsection (1) above is exercised (other than the power conferred by sections 86, 97 or 140 of this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Regulations made under section 86 or section 140 of this Act shall not have effect unless approved by a resolution of each House of Parliament.

(5) No regulations shall be made under section 97 of this Act unless a draft has been laid before Parliament and has been approved by a resolution of each House of Parliament.

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F374 Words in s. 134(2) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.77**; which substitution is in force for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

134 Provisions as to regulations. S

(1) Any power conferred by this Act on the Secretary of State, or on the Ministers acting jointly, to make regulations shall be exercisable by statutory instrument.

(2) Before making any regulations under any provision of this Act except sections **[**[F488]82(1)(b),**]** 103(1), 104, 108 to 110, Schedule 4, Schedule 8 and Schedule 12, the Secretary of State, or the Ministers acting jointly as the case may be, shall consult with such representative organisations as he or they think fit.

(3) A statutory instrument whereby any such power as is mentioned in subsection (1) above is exercised (other than the power conferred by sections 86, 97 or 140 of this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Regulations made under section 86 **[**[F489], 132A or**]** 140 of this Act shall not have effect unless approved by a resolution of each House of Parliament.

(5) No regulations shall be made under section 97 of this Act unless a draft has been laid before Parliament and has been approved by a resolution of each House of Parliament.

Extent Information

E2 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F488 Words in s. 134(2) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.77**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2**.

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F489 Words in s. 134(4) substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(43)**

Modifications etc. (not altering text)
C213 S. 132(1) modified (4.10.1999) by S.S.I. 1999/59, art. 5(1), **Sch. 3 Pt. I**

135 Application of Act to Isles of Scilly.

(1) The Secretary of State may, after consultation with the Council of the Isles of Scilly, by order made by statutory instrument provide that any provision of this Act specified in the order shall apply to the Isles, subject to such modifications as may be so specified, as if the Isles were a separate county or a district.

(2) Subsection (1) above shall have effect without prejudice to the operation of section 265 of the [M50]Local Government Act 1972 (which relates to the application of that Act to the Isles of Scilly) or of any order made under that section.

Modifications etc. (not altering text)
C176 S. 135 applied by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 5(2)**

Marginal Citations
M50 1972 c. 70**(81:1).**

136 Meaning of "motor vehicle" and other expressions relating to vehicles.

(1) In this Act, subject to section 20 of the [M51]Chronically Sick and Disabled Persons Act 1970 (which makes special provision with respect to invalid carriages), "motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, and "trailer" means a vehicle drawn by a motor vehicle.

(2) In this Act "motor car" means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and of which the weight unladen—
   (a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than 7 passengers exclusive of the driver, and is fitted with tyres of such type as may be specified in regulations made by the Secretary of State, does not exceed 3050 kilograms;
   (b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms (or 3500 kilograms if the vehicle carries a container or containers for holding, for the purposes of its propulsion, any fuel which is wholly gaseous at 17·5 degrees Celsius under a pressure of 1·013 bar or plant and materials for producing such fuel); or
   (c) in a case falling within neither of the foregoing paragraphs, does not exceed 2540 kilograms.

(3) In this Act "heavy motor car" means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and of which the weight unladen exceeds 2540 kilograms.

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(4) In this Act (except for the purposes of section 57) "motor cycle" means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels, of which the weight unladen does not exceed 410 kilograms.

(5) In this Act "invalid carriage" means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical default or disability and is used solely by such a person.

(6) In this Act "motor tractor" means a mechanically propelled vehicle which is not constructed itself to carry a load, other than excepted articles, and of which the weight unladen does not exceed 7370 kilograms.

(7) In this Act "light locomotive" and "heavy locomotive" mean a mechanically propelled vehicle which is not constructed itself to carry a load, other than excepted articles, and of which the weight unladen—

(a) in the case of a light locomotive, exceeds 7370 but does not exceed 11690 kilograms, and

(b) in the case of a heavy locomotive, exceeds 11690 kilograms.

(8) In subsections (6) and (7) above "excepted articles" means any of the following, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment.

Marginal Citations

M51 1970 c. 44**(81:3).**

137 Supplementary provisions relating to s. 136.

(1) A sidecar attached to a motor vehicle shall, if it complies with such conditions as may be specified in regulations made by the Secretary of State, be regarded as forming part of the vehicle to which it is attached and not as being a trailer.

(2) For the purposes of section 136 of this Act, in a case where a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load.

(3) For the purposes of that section, in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load or goods or burden of any description, but shall be deemed to form part of the vehicle.

(4) The Secretary of State may by regulations vary any of the maximum or minimum weights specified in section 136 of this Act; and such regulations may have effect—

(a) either generally or in the case of vehicles of any class specified in the regulations, and

(b) either for the purposes of this Act and of all regulations made under it or for such of those purposes as may be so specified.

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(5) Nothing in section 86 of this Act shall be construed as limiting the powers conferred by subsection (4) above.

138 Meaning of "heavy commercial vehicle".

(1) Subject to subsections (4) to (7) below, in this Act "heavy commercial vehicle" means any goods vehicle which has an operating weight exceeding 7.5 tonnes.

(2) The operating weight of a goods vehicle for the purposes of this section is—
- (a) in the case of a motor vehicle not drawing a trailer, or in the case of a trailer, its maximum laden weight;
- (b) in the case of an articulated vehicle, its maximum laden weight (if it has one) and otherwise the aggregate maximum laden weight of all the individual vehicles forming part of that articulated vehicle; and
- (c) in the case of a motor vehicle (other than an articulated vehicle) drawing one or more trailers, the aggregate maximum laden weight of the motor vehicle and the trailer or trailers attached to it.

(3) In this section—

"articulated vehicle" means a motor vehicle with a trailer so attached to it as to be partially superimposed upon it;

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description, or a trailer so constructed or adapted;

"trailer" means any vehicle other than a motor vehicle;

and references to the maximum laden weight of a vehicle are references to the total laden weight which must not be exceeded in the case of that vehicle if it is to be used in Great Britain without contravening any regulations for the time being in force under **[**[F375]section 41 of the Road Traffic Act 1988**]** (construction and use regulations).

(4) The Secretary of State may by regulations amend subsections (1) and (2) above (whether as originally enacted or as previously amended under this subsection)—
- (a) by substituting weights of a different description for any of the weights there mentioned, or
- (b) in the case of subsection (1) above, by substituting a weight of a different description or amount, or a weight different both in description and amount, for the weight there mentioned.

(5) Different regulations may be made under subsection (4) above for the purposes of different provisions of this Act and as respects different classes of vehicles or as respects the same class of vehicles in different circumstances and as respects different times of the day or night and as respects roads in different localities.

(6) Regulations made under subsection (4) above shall not so amend subsection (1) above that there is any case in which a goods vehicle whose operating weight (ascertained in accordance with subsection (2) above as originally enacted) does not exceed 7·5 tonnes is a heavy commercial vehicle for any of the purposes of this Act.

[F376](7) . . . . . .

[F376](8) . . . . . .

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F375 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(8)**

F376 S. 138(7)(8) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XV** Gp. 1.

139 Hovercraft.

(1) For the purposes of this Act, a hovercraft—

(a) shall be a motor vehicle, whether or not it is intended or adapted for use on roads; but

(b) shall be treated, subject to subsection (2) below, as not being a vehicle of any of the classes defined in subsections (2) to (7) of section 136 of this Act.

(2) The Secretary of State may by regulations provide—

(a) that any provision of this Act,which would otherwise apply to hovercraft, shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations, or

(b) that any such provision, which would not otherwise apply to hovercraft, shall apply to them subject to such modifications (if any) as may be so specified.

(3) In this section "hovercraft" has the same meaning as in the [M52]Hovercraft Act 1968.

Marginal Citations

M52 1968 c. 59**(111).**

140 Certain vehicles not to be treated as motor vehicles.

(1) For the purposes of this Act—

(a) a mechanically propelled vehicle which is an implement for cutting grass, is controlled by a pedestrian and is not capable of being used or adapted for any other purpose;

(b) any other mechanically propelled vehicle controlled by a pedestrian which may be specified by regulations made by the Secretary of State for the purposes of this section and of **[**[F377]section 189 of the Road Traffic Act 1988**]**; and

(c) an electrically assisted pedal cycle of such class as may be prescribed by regulations so made,

shall be treated as not being a motor vehicle.

(2) In this section "controlled by a pedestrian" means that the vehicle either—

(a) is constructed or adapted for use only under such control, or

(b) is constructed or adapted for use either under such control or under the control of a person carried on it, but is not for the time being in use under, or proceeding under, the control of a person carried on it.

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Textual Amendments

F377 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(9)**

[F378]141 . . . . . .

Textual Amendments

F378 S. 141 repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1992/1286, **art. 2**,Sch.

[[F379]141A Tramcars and trolley vehicles: regulations.

(1) The Secretary of State may by regulations provide that such of the provisions mentioned in subsection (2) below as are specified in the regulations shall not apply, or shall apply with modifications—

(a) to all tramcars or to tramcars of any specified class, or

(b) to all trolley vehicles or to trolley vehicles of any specified class.

(2) The provisions referred to in subsection (1) above are the provisions of sections 1 to 14 **[**[F380] 16A to 16C**]**, 18 and 81 to 89 of this Act.

(3) Regulations under this section—

(a) may make different provision for different cases,

(b) may include such transitional provisions as appear to the Secretary of State to be necessary or expedient, and

(c) may make such amendments to any special Act as appear to the Secretary of State to be necessary or expedient in consequence of the regulations or in consequence of the application to any tramcars or trolley vehicles of any of the provisions mentioned in subsection (2) above.

(4) In this section—

"special Act" means a local Act of Parliament passed before the commencement of this section which authorises or regulates the use of tramcars or trolley vehicles;

"tramcar" includes any carriage used on any road by virtue of an order under the Light Railways Act 1896; and

"trolley vehicle" means a mechanically propelled vehicle adapted for use on roads without rails under power transmitted to it from some external source (whether or not there is in addition a source of power on board the vehicle).

Textual Amendments

F379 S. 141A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(1)**; S.I. 1992/1286, art. 2, **Sch.**

F380 Words in s. 141A(2) inserted (3.5.1994) by 1994 c. 11, s. 3(1), **Sch. para. 4**

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142 General interpretation of Act.

(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"bridge authority" means the authority or person responsible for the maintenance of a bridge;

"bridleway" means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the way;

[[F381]"credit card" and "debit card" have the meanings given by section 35A(6) of this Act;**]**

"designation order" means an order under section 45 of this Act (including any order so made by virtue of section 50(1) of this Act) and "designated parking place" means a parking place designated by a designation order;

"disabled person's badge" means any badge issued, or having effect as if issued, under any regulations for the time being in force under section 21 of the [M53]Chronically Sick and Disabled Persons Act 1970;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge;

"driver", where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and "drive" and "driving" shall be construed accordingly;

"excess charge" has the meaning assigned to it by section 46(1) of this Act;

"experimental traffic order" has the meaning assigned to it by section 9(1) of this Act;

except in section 71(2) of this Act, "footpath" means a way over which the public has a right of way on foot only;

[F382] . . .

"initial charge" has the meaning assigned to it by section 46(1) of this Act;

[F382] . . .

[F382] . . .

"magistrates' court" and "petty sessions area" have the same meanings as in the [M54]Magistrates' Courts Act 1980;

"the Ministers" means the Secretaries of State charged with general responsibility under this Act in relation to England, Wales and Scotland respectively;

subject to section 111(3) and (4) of, and paragraph 11(2) and (3) of Schedule 12 to, this Act, "owner", in relation to a vehicle which is subject to a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

[[F383] "off-street parking accommodation" means parking accommodation for motor vehicles off the highway or, in Scotland, off the road;**]**

"parking device" has the meaning assigned to it by **[**[F384]section 35(3B) or, as the case may be,**]** section 51(4) of this Act;

"parking meter" has the meaning assigned to it by section 46(2)(a) of this Act;

"prescribed" means prescribed by regulations made by the Secretary of State;

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[[F385]"public road" has the same meaning as in the Roads (Scotland) Act 1984;**]**

"public service vehicle" **[**[F386]has the same meaning**]** as in the [M55]Public Passenger Vehicles Act 1981;

[[F387] "road"—

(a) in England and Wales, means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes, and

(b) in Scotland, has the same meaning as in the Roads (Scotland) Act 1984;**]**

[F382] . . .

[[F388] "special road", in England and Wales, has the same meaning as in the Highways Act 1980, and in Scotland has the same meaning as in the Roads (Scotland) Act 1984;**]**

"statutory", in relation to any prohibition, restriction, requirement or provision, means contained in, or having effect under, any enactment (including any enactment contained in this Act);

"street parking place" and "off-street parking place" refer respectively to parking places on land which does, and on land which does not, form part of a road;

[[F389]"traffic authority" and "local traffic authority" have the meaning given by section 121A of this Act;**]**

"traffic sign" has the meaning assigned to it by section 64(1) of this Act; and

"traffic regulation order" has the meaning assigned to it by section 1 of this Act.

[[F390](1A) In this Act—

(a) any reference to a county shall be construed in relation to Wales as including a reference to a county borough;

(b) any reference to a county council shall be construed in relation to Wales as including a reference to a county borough council; and

(c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.**]**

(2) Any reference in this Act to a tricycle shall be construed as including a reference to a cycle which is not a motor vehicle and has 4 or more wheels.

(3) References in this Act to a class of vehicles or traffic (other than the references in section 17) shall be construed as references to a class defined or described by reference to any characteristics of the vehicles or traffic or to any other circumstances whatsoever.

Textual Amendments

F381 Definition inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 8(a)**

F382 S. 142(1): definition of "highway authority", "local highway authority", "local roads authority" and "roads authority" omitted (1.11.1991) by virtue of New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 78(2)**; which is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F383 S. 142(1): definition of "off-street parking accommodation" inserted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 78(3)**; which insertion is in

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force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F384 Words inserted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 8(b)**

F385 Definition inserted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(44)(c)**

F386 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 15(4)**

F387 S. 142(1): definition of "road" substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 78(4)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F388 S. 142(1): definition of "special road" substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 78(5)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F389 S. 142(1): definition of "traffic authority" and "local traffic authority" inserted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 78(6)**; which insertion is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F390 S. 142(1A) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 38(10)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 22(3)); S.I. 1996/396, art. 3, **Sch. 1**

Modifications etc. (not altering text)

C177 S. 142(1) definition of "disabled person's badge" applied (5.7.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 70(3)**; S.I. 1993/1461, **art. 2(d)**

Marginal Citations

M53 1970 c. 44**(81:3).**

M54 1980 c. 43**(82).**

M55 1981 c. 14**(107:1).**

143 Saving for law of nuisance.

(1) Nothing in this Act shall authorise a person to use on a road a vehicle so constructed or used as to cause a nuisance, or affect the liability, whether under statute or common law, of the driver or owner so using such a vehicle.

(2) In this section, in its application to England and Wales, “nuisance” means a public or a private nuisance.

144 Transitional provisions and savings.

(1) The transitional provisions and savings in Schedule 10 to this Act shall have effect.

(2) The enactment in this Act of the provisions specified in the first column of Schedule 11 to this Act (being re-enactments, with or without modifications, of provisions contained in the instruments specified in the corresponding entries in the second column of that Schedule, which were instruments made in the exercise of powers conferred by Acts of Parliament) shall be without prejudice to the validity of those re-enacted provisions; and any question as to their validity shall be determined as if the re-enacted provisions were contained in instruments made in the exercise of those powers.

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145 Commencement and temporary provisions.

(1) Subject to subsection (2) below, this Act shall come into force at the end of three months beginning with the date on which it is passed.

(2) F391

(3) An order under subsection (2) above may contain such transitional provisions and savings (whether or not involving the modification of any statutory provision) as appear to the Secretary of State necessary or expedient in connection with the provisions brought (wholly or partly) into force by the order.

(4) An order under subsection (2) above shall be made by statutory instrument.

(5) The temporary provisions as to fixed penalties in Schedule 12 to this Act shall have effect.

Textual Amendments

F391 Words repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

Modifications etc. (not altering text)

C178 Power of appointment conferred by s. 145(2) partly exercised: S.I. 1986/1147

146 Amendments and repeals.

Subject to sections 144 and 145 of this Act—

(a) the Acts specified in Schedule 13 to this Act shall have effect subject to the amendments specified in that Schedule; and

(b) the Acts specified in Schedule 14 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

147 Short title and extent.

(1) This Act may be cited as the Road Traffic Regulation Act 1984.

(2) This Act shall not extend to Northern Ireland.

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SCHEDULES

SCHEDULE 1

Section 6.

MATTERS AS TO WHICH ORDERS CAN BE MADE UNDER SECTION 6

1 For prescribing the routes to be followed by all classes of traffic, or by any class or classes of traffic, from one specified point to another, either generally or between any specified times.

2 For prescribing streets which are not to be used for traffic by vehicles, or by vehicles of any specified class or classes, either generally or at specified times.

3 For regulating the relative position in the roadway of traffic of differing speeds or types.

4 For prescribing the places where vehicles, or vehicles of any class, may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may only so turn under conditions prescribed by the order.

5 For prescribing the conditions subject to which, and the times at which, articles of exceptionally heavy weight or exceptionally large dimensions may be carried by road.

6 For prescribing the number and maximum size and weight of trailers which may be drawn on streets by vehicles, or by vehicles of any class, either generally or on streets of any class or description, and for prescribing that a man should be carried on the trailer or, where more than one trailer is drawn, on the rear trailer for signalling to the driver.

7 For prescribing the conditions subject to which, and the times at which, articles may be loaded on to or unloaded from vehicles, or vehicles of any class, on streets.

8 For prescribing the conditions subject to which, and the times at which, vehicles, or vehicles of any class, delivering or collecting goods or merchandise, or delivering goods or merchandise of any particular class, may stand in streets, or in streets of any class or description, or in specified streets.

9 For prescribing the conditions subject to which, and the times at which, vehicles, or vehicles of any class, may be used on streets for collecting refuse.

10 For prescribing rules as to precedence to be observed as between vehicles proceeding in the same direction, in opposite directions, or when crossing.

11 For prescribing the conditions subject to which, and the times at which, horses, cattle, sheep and other animals may be led or driven on streets within Greater London.

12 For requiring the erection, exhibition or removal of traffic notices, and as to the form, plan and character of such notices.

13 Broken down vehicles.

14 Vehicles, or vehicles of any class, when unattended.

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15 Places in streets where vehicles, or vehicles of any class, may, or may not, wait, either generally or at particular times.

16 Cabs and hackney carriages not hired and being in a street elsewhere than on a cab rank.

17 For restricting the use of vehicles and animals, and sandwichmen and other persons, in streets for the purposes of advertisement of such a nature or in such a manner as is to be likely to be a source of danger or to cause obstruction to traffic.

18 The lighting and guarding of street works.

19 The erection or placing or the removal of any works or objects likely to hinder the free circulation of traffic in any street or likely to cause danger to passengers or vehicles.

20 Queues of persons waiting in streets.

21 Priority of entry to public vehicles.

22 For enabling any police, local or other public authority to do anything which under the order a person ought to have done and has failed to do, and to recover from the person so in default, summarily as a civil debt, the expenses of doing it.

SCHEDULE 2

Section 12.

MATTERS AS TO WHICH REGULATIONS CAN BE MADE UNDER SECTION 12

1 Prescribing the routes to be followed by traffic from one specified point to another.

2 Prescribing streets which are not to be used for traffic.

3 Regulating the relative position in the roadway of traffic of differing speeds or types.

4 Prescribing the places where vehicles may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may only so turn under prescribed conditions.

5 Prescribing the conditions subject to which, and the times at which, articles may be loaded on to, or unloaded from, vehicles on streets.

6 Prescribing the conditions subject to which, and the times at which, vehicles delivering or collecting goods or merchandise, or goods or merchandise of any particular class or classes, may stand in streets.

7 Prescribing rules as to precedence to be observed as between vehicles proceeding in the same direction, in opposite directions or when crossing.

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8 Making provision as to vehicles when unattended.

9 Making provision as to places in streets where vehicles may, or may not, wait.

10 Making provision as to cab ranks, and as to ranks and stopping places of buses and other public conveyances.

[F392]SCHEDULE 3

Textual Amendments

F392 Sch. 3 repealed (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), s. 2(2), **Sch.2**; S.I. 1992/1218, **art.2**.

[F393]1 . . . . . .

Textual Amendments

F393 Sch. 3 repealed (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), s. 2(2), **Sch. 2**; S.I. 1992/1218, **art.2**.

[F394]2 . . . . . .

Textual Amendments

F394 Sch. 3 repealed (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), s. 2(2), **Sch.2**; S.I. 1992/1218, **art. 2** (with saving in art. 3(2))

[F395]3 . . . . . .

Textual Amendments

F395 Sch. 3 repealed (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), s. 2(2), **Sch. 2**; S.I. 1992/1218, **art.2**.

[F396]4 . . . . . .

Textual Amendments

F396 Sch. 3 repealed (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), s. 2(2), **Sch. 2**; S.I. 1992/1218, **art.2**.

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SCHEDULE 4

Section 43.

CONTROL OF OFF-STREET PARKING

PART I

PROVISIONS AS TO THE MAKING OF REGULATIONS UNDER SECTION 43

1 Before deciding to propose the making of regulations under section 43 of this Act with respect to any matter, **[**[F397]the local authority**]** shall consult with such representative organisations as they think fit and, if after such consultation they decide to make such a proposal, they shall cause to be published in the London Gazette and in one or more daily newspapers circulating throughout Greater London a notice stating that they propose to make such regulations, giving a summary of their effect, and specifying—

(a) a place at which provisional draft regulations may be inspected at all reasonable hours and from which a copy of those draft regulations may be obtained on request; and

(b) a date (not being earlier than six weeks after the date of publication of the notice) by which representations with respect to the draft regulations, which should include the grounds for any objection thereto, must be sent in writing to **[**[F397]the local authority**]**;

and on causing such a notice to be published **[**[F397]the local authority**]** shall send a copy of the notice and of the draft regulations to the Secretary of State [F398]. . . ; and **[**[F397]the local authority**]** shall not make any regulations in pursuance of the proposal to which the notice relates before the expiration of the period of twelve weeks beginning with the date when the notice is published.

Textual Amendments

F397 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(38)**(*a*)(i)

F398 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(38)**(*a*)(ii), Sch. 17

2 As soon as may be after the date specified by the notice for the making of representations with respect to the draft regulations, **[**[F399]the local authority**]** shall send to the Secretary of State copies of all representations received by them by that date or, if no representations have been so received, shall inform the Secretary of State in writing of that fact.

Textual Amendments

F399 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(38)**(*b*)

3 In the case of any proposal, the Secretary of State may at any time before the expiration of the period of twelve weeks give to **[**[F400]the local authority**]** a direction in writing that, except with the consent of the Secretary of State, regulations shall not be made in pursuance of that proposal—

(a) with respect to all, or with respect to such as may be specified, of the matters to which the proposal relates; or

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(b) in relation to, or to a specified part of, any specified area which has been or is proposed to be designated as a controlled area;

and on any such direction being given the Secretary of State shall cause notice thereof to be published in the London Gazette and **[**[F400]the local authority**]** shall comply with that direction.

Textual Amendments

F400 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(38)**(*b*)

4 (1) Where in the case of any proposal the Secretary of State has given a direction, he shall as soon thereafter as he is in a position to do so notify **[**[F401]the local authority**]** in writing with respect to each of the matters or areas to which the direction relates either—

(a) that he consents to the making of regulations with respect to that matter or in relation to that area in pursuance of that proposal; or

(b) that he is not prepared in any circumstances to consent to the making of such regulations in pursuance of that proposal; or

(c) that subject to sub-paragraph (2) below he is prepared to consider consenting to the making of such regulations in pursuance of that proposal if a revised draft is submitted to him for the purpose incorporating modifications of a specified nature or in other specified circumstances;

and before deciding the notification to be given to **[**[F401]the local authority**]** under this paragraph with respect to any matter or in relation to any area the Secretary of State may if he thinks fit appoint a person to hold any inquiry in connection with that matter or area, and subsections (2) to (5) of section 250 of the [M56]Local Government Act 1972 shall apply to any such inquiry as they apply to such an inquiry as is referred to in subsection (1) of that section, with the substitution for any reference to a department of a reference to the Secretary of State.

(2) The Secretary of State shall not consider any such revised draft as is referred to in sub-paragraph (1)(c) above unless he is satisfied that **[**[F401]the local authority**]**—

(a) have taken appropriate steps to inform any persons affected by the modifications incorporated in the revised draft of the nature of those modifications and have afforded those persons a reasonable opportunity to make representations with respect to the revised draft regulations; and

(b) have supplied the Secretary of State with copies of any such representations made.

Textual Amendments

F401 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(38)**(*b*)

Marginal Citations

M56 1972 c. 70**(81:1).**

5 (1) In the case of any proposal, **[**[F402]the local authority**]** may if they think fit at any time after the expiration of the period of twelve weeks make regulations in pursuance of that proposal with respect to any matter or in relation to any area which is not the

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subject of a direction under paragraph 3, or which is the subject of a consent under paragraph 4(1)(a) above, being regulations either—

(a) in the form of the provisional draft with any modifications necessary in consequence of any such direction with respect to any other matter or area; or

(b) subject to sub-paragraph (2) below, in the form of that draft modified in such manner as **[**[F402]the local authority**]** think fit, whether as a result of any representations to which paragraph 2 above applies or otherwise.

(2) **[**[F402]The local authority**]** shall not make any regulations by virtue of subparagraph (1)(b) above unless a draft of the regulations in the form in which they are to be made has been submitted to the Secretary of State and the Secretary of State has given his consent to their being made.

Textual Amendments

F402 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(38)**(*b*)

6 In deciding in the case of any proposal whether or not to make any regulations in pursuance thereof by virtue of paragraph 5 above **[**[F403]the local authority**]** shall have regard to any representations to which paragraph 2 above applies; and in deciding whether or not to give any consent under this Part of this Schedule to the making of regulations by **[**[F403]the local authority**]** in pursuance of any such proposal, the Secretary of State shall have regard to any such representations, to the report of any person appointed to hold an inquiry under paragraph 4 above in connection with the proposal in question, and to any such representations as are referred to in sub-paragraph (2) of paragraph 4; and the Secretary of State shall cause notice of the giving by him of any consent under this Part of this Schedule to be published in the London Gazette.

Textual Amendments

F403 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(38)**(*b*)

PART II

REVOCATION OR VARIATION OF PERMANENT LICENCE

7 Subject to the provisions of Parts III and IV of this Schedule with respect to appeals and compensation, the provisions of this Part of this Schedule shall apply in relation to any permanent licence granted by the local authority.

8 If at any time it appears to the local authority expedient to do so in the interests of the proper planning of transport in **[**[F404]their area**]**, they may by not less than twelve months' notice in writing to the holder of the licence either—

(a) revoke the licence; or

(b) vary the terms and conditions thereof specified under section 43(4)(b) and (c) of this Act.

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Textual Amendments

F404 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(38)**(*c*)

9 If at any time it appears to the local authority that the holder of a licence (whether the person for the time being holding that licence or a previous holder thereof) has discontinued making parking spaces available to the public at the licensed parking place and that the discontinuance has lasted for a period of not less than two years, then, subject to paragraph 13 below, they may by notice in writing to the holder of the licence revoke it.

10 If at any time it appears to the local authority that for a period of not less than two years the person, or each of the persons, who was for the time being during that period the holder of a licence in respect of a licensed parking place has made available to the public at that parking place a substantially lower number of parking spaces than that authorised by the licence, then, subject to paragraph 13 below, they may by notice in writing to the holder of the licence vary the terms and conditions of the licence specified under section 43(4)(b) and (c) of this Act so as to authorise the provision at the licensed parking place of only that number of parking spaces which it appears to the local authority was being provided at the date of the notice.

11 If in the case of a licensed parking place which was ready for operation at the date of the grant of the licence the local authority are satisfied at any time that for a period of not less than two years beginning with that date the person, or each of the persons, who was for the time being during that period the holder of the licence has not made any significant number of parking spaces available to the public at the licensed parking place, then, subject to paragraph 13 below, they may by notice in writing to the holder of the licence revoke it.

12 (1) Where at the date when the licence was granted the development as a public off-street parking place of the premises in respect of which the licence was granted had not been begun or had not been completed then, subject to paragraph 13 below—

(a) if there has been a period of not less than three years since that date without that development being begun, or

(b) if there has been a period of not less than seven years since that date without that development being completed, or

(c) if for a period of not less than two years beginning with the date of the completion of that development the person, or each of the persons, who was for the time being during that period the holder of the licence has not made any significant number of parking spaces available to the public at the licensed parking place,

the local authority may by notice in writing to the holder of the licence revoke it.

(2) For the purposes of sub-paragraph (1) above the development there referred to shall be taken to begin at the earliest date on which **[**[F405]any material operation within the meaning of section 56(4) of the Town and Country Planning Act 1990**]** comprised in that development begins to be carried out.

Textual Amendments

F405 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 64(2)**(*a*)

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13 Where notice under paragraph 9, 10, 11 or 12(1) above is given after the expiration of the relevant period referred to in the paragraph in question the notice shall be of no effect if it is given more than three months after the expiration of that period.

PART III

RIGHTS OF APPEAL

14 (1) If a person who is, or who proposes to become, the operator of a public off-street parking place in a controlled area or any other person entitled to an interest in the premises used or proposed to be used for the purposes of that parking place is aggrieved by a decision of the local authority—

(a) to refuse an application for the grant of a licence in respect of those premises; or

(b) as to the terms and conditions to be specified under section 43(4) (b) and (c) of this Act in a licence granted in respect of those premises; or

(c) to refuse an application for a variation of the terms and conditions so specified in a permanent licence granted in respect of those premises; or

(d) to revoke a licence granted in respect of those premises; or

(e) to vary under Part II of this Schedule any of the terms and conditions specified under the said section 43(4)(b) and (c) in a permanent licence granted in respect of those premises,

he may by notice served within such time (not being less than twenty-eight days from the date of notification of the decision to which it relates) and in such manner as the Secretary of State may by regulations under paragraph 17 below direct, appeal to the Secretary of State from that decision.

(2) If in a case where—

(a) a person makes an application to the local authority for a licence in respect of premises in respect of which a licence is not for the time being in force; or

(b) the person who is the holder of a permanent licence in respect of any premises duly makes an application to the local authority for a specified variation of the terms and conditions of the licence specified under the said section 43(4)(b) and (c),

the local authority have not notified that person of their decision on his application by the expiration of the period of two months beginning with the date when they received the application or such longer period beginning with that date as may have been agreed for the purpose between that person and the local authority, the local authority shall be deemed for the purposes of this Schedule to have notified that person at the date of the expiration of that period that they have decided to refuse the application.

15 The Secretary of State shall not be required to entertain an appeal under this Part of this Schedule from any decision of a local authority if or to the extent that it appears to him that the decision was necessary in order to comply with the requirements of section 43 of this Act or with any regulations made by **[**[F406]the local authority**]** by virtue of subsection (6) of that section which are for the time being in force.

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Textual Amendments

F406 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(38)**(*d*)

16 (1) Subject to sub-paragraph (2) below, before determining an appeal under this Part of this Schedule the Secretary of State shall, if either the appellant or the local authority so request, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(2) If the Secretary of State thinks fit in any case where such a request is made, he may, instead of complying with that request, appoint a person to hold an inquiry in connection with the appeal, and subsections (2) to (5) of section 250 of the [M57]Local Government Act 1972 shall apply to any such inquiry as they apply to such an inquiry as is referred to in subsection (1) of that section, with the substitution for any reference to a department of a reference to the Secretary of State.

Marginal Citations

M57 1972 c. 70**(81:1).**

17 (1) The Secretary of State may by regulations make provisions as to the procedure to be followed in connection with appeals under this Part of this Schedule, including the procedure in connection with matters preparatory to, or subsequent to, the consideration of the appeal.

[F407](2) . . . . . .

Textual Amendments

F407 Sch. 4 para. 17(2) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

18 (1) On an appeal being brought under this Part of this Schedule from a decision of the local authority, the Secretary of State may either dismiss the appeal or substitute for that decision such other decision, as he thinks fit; and, subject to sub-paragraph (2) below, the decision of the Secretary of State on the appeal shall be final and shall be binding both on the appellant and on the local authority, and the local authority shall take such steps as may be necessary to give effect to any such substituted decision.

(2) Subsection (1) of **[**[F408]section 11 of the [M58]Tribunals and Inquiries Act 1992**]**(which relates to appeals on points of law from decisions of certain tribunals) shall apply to a decision of the Secretary of State on an appeal under this Part of this Schedule as it applies to a decision of any of the tribunals mentioned in that subsection, but as if the reference to any party to proceedings before such a tribunal were a reference to the local authority or any person who had, or if aggrieved would have had, a right to appeal to the Secretary of State under this Part of this Schedule, whether or not he has exercised that right; and accordingly references in subsections (1) **[**[F408]and (4)**]**of that section to a tribunal shall be construed in relation to such an appeal as references to the Secretary of State.

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Textual Amendments

F408 Words in Sch. 4 para. 18(2) substituted (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(1), 19(2), **Sch. 3 para.15**.

Marginal Citations

M58 1992 c. 53

PART IV

RIGHT TO COMPENSATION IN CERTAIN CIRCUMSTANCES

19 Where a person who, at the date when the area is first designated as a controlled area by regulations of **[**[F409]the local authority**]** under section 43 of this Act, is the operator of a public off-street parking place at premises in that area which have at that date been used as such a parking place for a continuous period of not less than six months duly makes an application to the local authority for a licence in respect of those premises before the expiration of the period prescribed for such applications in respect of parking places in operation at that date, and the local authority decide either—

(a) to refuse the application; or

(b) to grant the applicant a licence on terms and conditions specified under subsection (4)(b) and (c) of section 43 such that under the licence the applicant will not be able to operate the premises as a parking place to such advantage or potential advantage as immediately before he made his application,

paragraph 22 below shall apply to that decision of the local authority.

Textual Amendments

F409 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(38)**(*d*)

20 Where—

(a) at the date when notice of a proposal to make regulations under section 43 of this Act designating an area as a controlled area for the purposes of that section is published by **[**[F410]the local authority**]** under paragraph 1 above—

(i) planning permission has been granted for a development which consists of or includes the provision at any premises in that area of a public off-street parking place; and

(ii) that development involves substantial building or engineering operations within the meaning of **[**[F411]section 336(1) of the Town and Country Planning Act 1990**]**; and

(iii) either one or more specified operations within the meaning of section 64(3) of the [M59]Land Commission Act 1967 comprised in that development have begun to be carried out or a contract (other than a lease) has been entered into with a person carrying on a business consisting wholly or mainly of the execution of building

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operations or of building operations and engineering operations whereby that person has undertaken to erect in the course of that business at the said premises a building or structure as a place for the provision of parking spaces for motor vehicles; and

(b) at the date when the area is designated as a controlled area in pursuance of that proposal those premises have not been in use as such a parking place to the full extent provided for by the planning permission for a continuous period of not less than six months; and

(c) the person operating or proposing to operate those premises as such a parking place duly makes application to the local authority for a licence in respect of those premises before the expiration of the period prescribed for such applications in respect of parking places in operation at the date referred to in sub-paragraph (b) above; and

(d) the local authority decide either—

(i) to refuse the application; or

(ii) to grant the applicant a licence on terms and conditions specified under subsection (4)(b) and (c) of the said section 43 such that under the licence the applicant will not be able to operate the premises as such a parking place to such advantage or potential advantage as if the area had not been designated as a controlled area,

paragraph 22 below shall apply to that decision of the local authority.

Textual Amendments

F410 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(38)**(*d*)

F411 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 64(2)(b)**

Marginal Citations

M59 1967 c. 1.

21 Paragraph 22 below shall apply to any decision of the local authority—

(a) to revoke a permanent licence under paragraph 8 above; or

(b) to vary under paragraph 8 any of the terms and conditions specified in a permanent licence under section 43(4)(b) and (c) of this Act in such manner that the holder of the licence will not be able to operate the licensed parking place to such advantage or potential advantage as if the variation had not been made; or

(c) to refuse an application by the holder of a permanent licence for a special variation of the terms and conditions specified under section 43(4)(b) and (c) in a case where—

(i) by reason of a happening beyond the control of the holder of the licence he cannot continue to operate the licensed parking place in accordance with the licence as for the time being in force to such advantage or potential advantage as before that happening; and

(ii) the making of that variation would wholly or partly mitigate the adverse effects of that happening without enabling the holder of the licence to operate the licensed parking place to greater advantage or potential advantage than before that happening.

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22 (1) If, on a claim made to the local authority in writing within the period of six months or such longer period as may be allowed under sub-paragraph (2) below beginning with the date when the person who is, or who proposes to become, the operator of a public off-street parking place is, or is deemed under paragraph 14(2) above to have been, notified of a decision of the local authority under section 43 of this Act or Part II of this Schedule relating to that parking place, that person or any other person entitled to an interest in the premises used or proposed to be used for the purposes of that parking place shows that the decision is one to which, under paragraph 19, 20 or 21 above, this paragraph is to apply and that the claimant has suffered damage in consequence of that decision by depreciation of the value of his interests in those premises, or by being disturbed in his enjoyment of those premises, the local authority shall pay the claimant compensation in respect of that damage.

(2) If within the period of six months referred to in sub-paragraph (1) above any such person as is referred to in that sub-paragraph has made an application to the Secretary of State for that purpose and has given notice to the local authority of the making of that application, the Secretary of State may, if he thinks fit, in the circumstances of the case, direct that sub-paragraph (1) above shall apply in relation to the decision in question as if for the reference in that sub-paragraph to six months there were substituted a reference to such longer period as the Secretary of State thinks fit.

(3) For the purpose of determining whether or not a claimant has suffered damage, there shall be taken into account any alternative use to which the premises could reasonably be put, being a use in the case of which the local authority show either—

(a) that any necessary planning permission, whether conditional or unconditional, for that use has already been granted; or

(b) that the local planning authority have given an undertaking that if planning permission for that use is applied for it will be granted either unconditionally or subject to specified conditions;

and in a case where this paragraph applies by virtue of paragraph 21(c) above there shall also be taken into account any alternative variation to that applied for by the holder of the licence in question which the local authority have undertaken to grant on an application being made for that purpose.

(4) **[**[F412]Section 117 of the Town and Country Planning Act 1990**]** shall apply to any compensation payable under sub-paragraph (1) above in respect of depreciation of the value of a claimant's interest in the premises concerned; and any question as to the right to, or the amount of, compensation under sub-paragraph (1) shall be referred to and determined by the Lands Tribunal, and in relation to the determination of any such question the provisions of sections 2 and 4 of the [M60]Land Compensation Act 1961 shall apply subject to any necessary modifications.

(5) Where compensation has become payable under sub-paragraph (1) above in respect of an interest in any premises and subsequently an order with respect to the use of those premises as a parking place is made under **[**[F413]section 97 or 102 of paragraph 1 of Schedule 9 to the said Act of 1990**]**, the amount of that compensation shall be taken into account in assessing any compensation on a claim by reason of expenditure, loss or damage in consequence of that order made in respect of that interest under **[**[F413]section 107 or, as the case may be, section 115 of that Act**]**.

[F414](6) . . . . . .

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Textual Amendments

F412 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 64(2)(c)(i)**

F413 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 64(2)(c)(i)**

F414 Sch. 4 para. 22(6) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

Marginal Citations

M60 1961 c. 33**(28:1).**

23 Where notice of appeal from any such decision of the local authority as is referred to in paragraph 19, 20 or 21 above has been duly given under Part III of this Schedule—

(a) paragraph 22 above shall not have effect in relation to that decision until that appeal is determined or abandoned;

(b) the person who is, or who proposes to become, the operator of a public off-street parking place at the premises to which the decision relates shall be deemed for the purposes of paragraph 22 to have been notified of the local authority's decision on the date when the appeal is determined or abandoned; and

(c) if on that appeal the Secretary of State substitutes a different decision for that of the local authority, the local authority shall be deemed for the purposes of paragraph 22 to have made that substituted decision and not their original decision.

24 Where, in the case of a decision of the local authority relating to any premises, paragraph 22 above applies to that decision both by virtue of paragraph 19 and by virtue of paragraph 20 above, then—

(a) upon the person who is, or who proposes to become, the operator of a public off-street parking place at those premises making a claim in respect of that decision under paragraph 22 by virtue of either of paragraphs 19 and 20, any subsequent claim in respect of thereof by that person by virtue of the other of those paragraphs, and any claim in respect thereof made whether before or after that person's claim by any other person by virtue of the other of those paragraphs, shall be of no effect; and

(b) subject to paragraph (a) above, if a claim in respect of that decision is made under paragraph 22 by any person by virtue of either of paragraphs 19 and 20 any subsequent claim in respect thereof by virtue of the other of those paragraphs shall be of no effect.

PART V

PERMISSIBLE PERIODS OF UNLICENSED OPERATION OF PARKING PLACE

25 Where, at the date when any area first becomes a controlled area, a person is operating a public off-street parking place in that area, he shall not be guilty of an offence under section 43(12) of this Act by reason of continuing to operate the parking place after that date without a licence—

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(a) at any time before the expiration of the period prescribed for the making of applications for licences in respect of parking places in operation at that date; or

(b) if during that period he duly makes an application for a licence in respect of the parking place, at any time after the expiration of that period but before the local authority notify him either that he has been granted a licence or that his application is refused; or

(c) if the local authority notify him that his application is refused, at any time thereafter before the expiration of the time for giving notice of appeal from that decision under Part III of this Schedule; or

(d) if such a notice of appeal is duly given, at any time thereafter until either the local authority's decision becomes finally effective under the procedure provided for by the said Part III or the licence is granted.

26 Where in pursuance of the application referred to in sub-paragraph (b) of paragraph 25 above the person referred to in that paragraph is granted a licence, he shall not be guilty of an offence under section 43(10) of this Act by reason of contravening or failing to comply with any of the terms and conditions specified in the licence under subsection (4)(b) and (c) of that section—

(a) at any time before the expiration of the time for giving notice of appeal under Part III of this Schedule from the decision of the local authority as to those terms and conditions; or

(b) if such a notice of appeal is duly given, at any time thereafter until either the local authority's decision becomes finally effective under the procedure provided for by the said Part III or the terms and conditions specified as aforesaid in the licence are varied as a result of that procedure.

27 Where the operator of a public off-street parking place who is the holder of a licence in respect of that parking place granted for a limited period duly makes an application to the local authority before the date of expiry of that licence for a new licence (whether permanent or for a limited period) authorising the operation of that parking place for a further period after that date, then, if and for so long as he continues to operate that parking place after that date in accordance with the terms and conditions of the expired licence (other than the provision as to its date of expiry)—

(a) he shall not be guilty of an offence under section 43(12) of this Act by reason of operating the parking place after the date aforesaid without a licence—

(i) at any time before the local authority notify him either that he has been granted a new licence in respect of the parking place or that his application is refused; or

(ii) if the local authority notify him that his application is refused at any time thereafter before the expiration of the period for giving notice of appeal from that decision under Part III of this Schedule; or

(iii) if such a notice of appeal is duly given, at any time thereafter until either the local authority's decision becomes finally effective under the procedure provided for by the said Part III or a new licence is granted;

(b) where he is granted a new licence in pursuance of the application, he shall not be guilty of an offence under section 43(10) by reason of contravening or failing to comply with any of the terms and conditions specified in that new licence under subsection (4)(b) and (c) of that section—

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(i) at any time before the expiration of the time for giving notice of appeal under Part III of this Schedule from the decision of the local authority as to those terms and conditions; or

(ii) if such a notice of appeal is duly given, at any time thereafter until either the local authority's decision becomes finally effective under the procedure provided for by Part III or the terms and conditions specified in the new licence are varied as a result of that procedure.

SCHEDULE 5

Section 74.

BUILDINGS IN RELATION TO WHICH A SECRETARY OF STATE IS THE APPROPRIATE AUTHORITY FOR THE PURPOSES OF SECTION 74

Modifications etc. (not altering text)

C179 Sch. 5 para. 3 amended by Gas Act 1986 (c. 44, SIF 44:2). s. 67(1)(3), Sch. 7 para. 2(2), Sch. 8 para. 33 and Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), Sch. 16 para. 2(5)(9), **Sch. 17 para. 33**

1. A building owned by a person authorised by or in persuance of any enactment to carry on any railway, road transport dock or harbour undertaking	The Secretary of State for Transport.
2. A building owned by a person authorised by or in pursuance of any enactment to carry on any canal or inland navigation undertaking	The Secretary of State for the Environment.
3. A building owned by electricity or gas undertakers or the National Coal Board	The Secretary of State for Trade and Industry.
4. A building owned by **[**[F415]a water authority or by a statutory water company as defined in section 38 of the [M61]Water Act 1973**][**[F415]the National Rivers Authority, a water undertaker or a sewerage undertaker**]**	The Secretary of State for the Environment.
5. A building forming part of an aerodrome licensed under the [M62] Civil Aviation Act 1982 or any enactment repealed by that Act.	The Secretary of State for Transport.
6. A building owned by the Post Office	The Secretary of State for Trade and Industry.
7. A building owned by the Greater London Council, a London borough council or the Common Council of the City of London	The Secretary of State for the Environment.

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Textual Amendments

F415 Words commencing "the National Rivers Authority" substituted (E.W.) for words commencing "a water authority" by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 190, 193(1), Sch. 25 para. 69, Sch. 26 paras. 17, 40(4), 57(6), **58**

Modifications etc. (not altering text)

C180 Sch. 5 para. 3 amended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(2)(h)**; S.I. 1996/218, **art. 2**

Marginal Citations

M61 1973 c. 37**(130).**
M62 1982 c. 16**(9).**

SCHEDULE 6

Section 86.

SPEED LIMITS FOR VEHICLES OF CERTAIN CLASSES

PART I

VEHICLES FITTED WITH PNEUMATIC TYRES ON ALL WHEELS

(SEE APPLICATION PROVISIONS BELOW THE FOLLOWING TABLE)

TABLE

1	2	3		
Item No.	**Class of Vehicle**	**Maximum speed (in miles per hour) while vehicle is being driven on:**		
		(a) Motorway	**(b) Dual carriageway road not being a motorway**	**(c) Other road**
1.	A passenger vehicle, motor caravan or dual-purpose vehicle not drawing a trailer being a vehicle with an unladen weight exceeding 3·05 tonnes or adapted to carry more than 8 passengers:			
	(i) if not exceeding 12 metres in overall length	70	60	50
	(ii) if exceeding 12 metres in overall length	60	60	50
2.	An invalid carriage	not applicable	20	20

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Regulation Act 1984 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

3.	A passenger vehicle, motor caravan, car-derived van or dual-purpose vehicle drawing one trailer	[F416 60]	[F416 60]	50
4.	A passenger vehicle, motor caravan, car-derived van or dual-purpose vehicle drawing more than one trailer	40	20	20
5.	(1) A goods vehicle having a maximum laden weight not exceeding 7·5 tonnes and which is not— (a) an articulated vehicle, or(b) drawing a trailer, or(c) a car-derived van	70	60	50
	(2) A goods vehicle which is—			
	(a) (i) an articulated vehicle having a maximum laden weight not exceeding 7·5 tonnes, or (ii) a motor vehicle, other than a car-derived van, which is drawing one trailer where the aggregate maximum laden weight of the motor vehicle and the trailer does not exceed 7·5 tonnes	60	[F417 60]	50
	(b) (i) an articulated vehicle having	60	50	40

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Regulation Act 1984 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

	a maximum laden weight exceeding 7·5 tonnes, (ii) a motor vehicle having a maximum laden weight exceeding 7·5 tonnes and not drawing a trailer, or (iii) a motor vehicle drawing one trailer where the aggregate maximum laden weight of the motor vehicle and the trailer exceeds 7·5 tonnes			
	(c) a motor vehicle, other than a car-derived van, drawing more than one trailer	40	20	20
6.	A motor tractor (other than an industrial tractor), a light locomotive or a heavy locomotive—(a) if the provisions about springs and wings as specified in paragraph 3 of Part IV of this Schedule are complied with and the vehicle is not drawing a trailer, or if those provisions are complied with and the vehicle is drawing one trailer which also complies with those provisions	40	30	30

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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	(b) in any other case	20	20	20
7.	A works truck	18	18	18
8.	An industrial tractor	not applicable	18	18
[F418 9].	[F418 An agricultural motor vehicle]	[F418 40]	[F418 40]	[F418 40]

Textual Amendments

F416 Figure "60" in Sch. 6 Pt. 1 item 3 substituted by S.I. 1986/1175, **reg. 2(1)**(*a*)

F417 Figure "60" in Sch. 6 Pt. 1 item 5 substituted by S.I. 1986/1175, **reg. 2(1)**(*b*)

F418 Item 9 in Sch. 6 Pt. 1 added by S.I. 1986/1175, **reg. 2(1)**(*c*)

Application

This Part applies only to motor vehicles, not being track-laying vehicles, every wheel of which is fitted with a pneumatic tyre and to such vehicles drawing one or more trailers, not being track-laying vehicles, every wheel of which is fitted with a pneumatic tyre.

PART II

VEHICLES (OTHER THAN TRACK-LAYING VEHICLES) NOT FITTED WITH PNEUMATIC TYRES ON ALL WHEELS

(see application provisions below the following Table)

TABLE

1 **Item No.**	2 **Class of Vehicle**	3 **Maximum Speed (in miles per hour) while vehicle is being driven on a road**
1.	A motor vehicle, or in the case of a motor vehicle drawing one or more trailers, the combination, where—(a) every wheel is fitted with a resilient tyre, or(b) at least one wheel is fitted with a resilient tyre and every wheel which is not fitted with a resilient tyre is fitted with a pneumatic tyre	20

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Road Traffic Regulation Act 1984 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

2.	A motor vehicle, or in the case of a motor vehicle drawing one or more trailers, the combination, where any wheel is not fitted with either a pneumatic tyre or a resilient tyre	5

Application

This Part does not apply to—

(a) a motor vehicle which is a track-laying vehicle; or

(b) a motor vehicle which is not a track-laying vehicle but which is drawing one or more trailers any one of which is a track-laying vehicle.

PART III

TRACK-LAYING VEHICLES

(SEE APPLICATION PROVISIONS BELOW THE FOLLOWING TABLE)

TABLE

1 **Item No.**	2 **Class of Vehicle**	3 **Maximum Speed (in miles per hour) while vehicle is being driven on a road**
1.	A motor vehicle being a track-laying vehicle which is fitted with—(a) springs between its frame and its weight-carrying rollers, and(b) resilient material between the rims of its weight-carrying rollers and the surface of the road,and which is not drawing a trailer	20
2.	A vehicle specified in item 1 above drawing one or more trailers each one of which is either—(a) a track-laying vehicle fitted with springs and resilient material as mentioned in that item, or(b) not a track-laying vehicle and each wheel of which is fitted with either a pneumatic tyre or a resilient tyre	20

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Changes to legislation: *Road Traffic Regulation Act 1984 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

3.A vehicle specified in item 1 above drawing one or more trailers any one of which is either—(a) a track-laying vehicle not fitted with springs and resilient material as mentioned in that item, or(b) not a track-laying vehicle and at least one wheel of which is not fitted with either a pneumatic tyre or a resilient tyre	5	
4.	A motor vehicle being a track-laying vehicle which is not fitted with springs and resilient material as mentioned in item 1 above, whether drawing a trailer or not	5
5.	A motor vehicle not being a track-laying vehicle, which is drawing one or more trailers any one or more of which is a track-laying vehicle—(a) if every wheel of the motor vehicle and of any non-track-laying trailer is fitted with a pneumatic tyre or with a resilient tyre, and every trailer which is a track-laying vehicle is fitted with springs and resilient material as mentioned in item 1 (b) in any other case	20

Application

This Part applies to—

(a) a motor vehicle which is a track-laying vehicle, and

(b) a motor vehicle of any description which is drawing one or more trailers any one or more of which is a track-laying vehicle.

PART IV

APPLICATION AND INTERPRETATION

1 This Schedule does not apply to a vehicle which is being used for the purpose of experiments or trials under section 6 of the [M63]Road Improvements Act 1925 or section 283 of the [M64]Highways Act 1980.

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Marginal Citations

M63 1925 c. 68**(108).**

M64 1980 c. 66**(59).**

2 In this Schedule—

[[F419] "agricultural motor vehicle" **]** "articulated vehicle", "dual-purpose vehicle", "industrial tractor", "passenger vehicle", "pneumatic tyre", "track-laying", "wheel" and "works truck" have the same meanings as are respectively given to those expressions in Regulation 3(1) of the [M65]Motor Vehicles (Construction and Use) Regulations 1978;

"car-derived van" means a goods vehicle which is constructed or adapted as a derivative of a passenger vehicle and which has a maximum laden weight not exceeding 2 tonnes;

"construction and use requirements" has the same meaning as in **[**[F420]section 41(7) of the Road Traffic Act 1988**]**;

"dual-carriageway road" means a road part of which consists of a central reservation to separate a carriageway to be used by vehicles proceeding in one direction from a carriageway to be used by vehicles proceeding in the opposite direction;

"goods vehicle" has the same meaning as in **[**[F421]section 192(1) of the Road Traffic Act 1988**]**;

"maximum laden weight" in relation to a vehicle or a combination of vehicles means—

(a) in the case of a vehicle, or combination of vehicles, in respect of which a gross weight not to be exceeded in Great Britain is specified in construction and use requirements, that weight;

(b) in the case of any vehicle, or combination of vehicles, in respect of which no such weight is specified in construction and use requirements, the weight which the vehicle, or combination of vehicles, is designed or adapted not to exceed when in normal use and travelling on a road laden;

"motor caravan" has the same meaning as in Regulation 2(1) of the [M66]Motor Vehicles (Type Approval) (Great Britain) Regulations 1979;

"motorway" has the same meaning as in Regulation 3(1) of the [M67]Motorways Traffic (England and Wales) Regulations 1982, as regards England and Wales, and Regulation 2(2) of The [M68]Motorways Traffic (Scotland) Regulations 1964, as regards Scotland; and

"resilient tyre" means a tyre, not being a pneumatic tyre, which is soft or elastic.

Textual Amendments

F419 Words inserted by S.I. 1986/1175, **reg. 2(2)**

F420 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), **s. 4 Sch. 3 para. 25(10)(a)**

F421 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), **s. 4 Sch. 3 para. 25(10)(b)**

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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Marginal Citations

M65 S.I. 1978/1017.
M66 S.I. 1979/1092.
M67 S.I. 1982/1163.
M68 S.I. 1964/1002.

3 The specification as regards springs and wings mentioned in item 6 of Part I of this Schedule is that the vehicle—

(i) is equipped with suitable and sufficient springs between each wheel and the frame of the vehicle, and

(ii) unless adequate protection is afforded by the body of the vehicle, is provided with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels.

4 A vehicle falling in two or more classes specified in Part I, II or III of this Schedule shall be treated as falling within the class for which the lower or lowest speed limit is specified.

[F422]SCHEDULE 7

Textual Amendments

F422 Schedule 7 repealed with savings by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, Sch. 4 paras. 1–3, **5(1)**

. . . . . .

SCHEDULE 8

Section 111.

STATUTORY STATEMENTS (EXCESS CHARGES)

PART I

STATUTORY STATEMENT OF OWNERSHIP OR HIRING

1 For the purposes of the specified sections, a statutory statement of ownership is a statement in the prescribed form, signed by the person furnishing it and stating—

(a) whether he was the owner of the vehicle at the relevant time; and

(b) if he was not the owner of the vehicle at the relevant time, whether he ceased to be the owner before, or became the owner after, the relevant time, and, if the information is in his possession, the name and address of the person to whom, and the date on which, he disposed of the vehicle or, as the case may be, the name and address of the person from whom, and the date on which, he acquired it.

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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2 For the purposes of the specified sections, a statutory statement of hiring is a statement in the prescribed form, signed by the person furnishing it, being the person by whom a statement of liability was signed and stating—

(a) whether at the relevant time the vehicle was let to him under the hiring agreement to which the statement of liability refers; and

(b) if it was not, the date on which he returned the vehicle to the possession of the vehicle-hire firm concerned.

PROSPECTIVE

PART II

STATUTORY STATEMENT OF FACTS

[F423 3 For the purposes of the specified sections, a statutory statement of facts is a statement which is in the prescribed form and which either—

(a) states that the person furnishing it was the driver of the vehicle at the relevant time and is signed by him; or

(b) states that that person was not the driver of the vehicle at the relevant time, states the name and address at the time the statement is furnished of the person who was the driver of the vehicle at the relevant time and is signed both by the person furnishing it and by the person stated to be the driver of the vehicle at the relevant time.]

Textual Amendments

F423 Sch. 8 para. 3 substituted (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(2), **Sch. 2 para. 16**

PART III

INTERPRETATION

4 In this Schedule "the specified sections" has the meaning assigned to it by subsection (1) of section 111 of this Act.

5 Subsections (2) to (4) of that section shall have effect for the purposes of Parts I and II of this Schedule as they have effect for the purposes of the specified sections.

6 In paragraph 2 above "statement of liability", "hiring agreement" and "vehicle-hire firm" have the same meanings as in section 109 of this Act.

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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SCHEDULE 9

Section 124.

SPECIAL PROVISIONS AS TO CERTAIN ORDERS

Modifications etc. (not altering text)

C181 Sch. 9: transfer of functions (23.3.2005) by The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849), art. 2, **Sch.** (with art. 6)

PART I

RESERVE POWERS OF SECRETARY OF STATE

Modifications etc. (not altering text)

C182 Sch. 9 Pt. I (paras. 1–12) applied by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 19A(7)** (as inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 para. 22(1)**)

[[F424]1 Subject to paragraphs 8 and 26 of this Schedule, the Secretary of State, after consultation with a local authority having power to make an order under or by virtue of any of the following provisions of this Act, namely, sections 1, 6, 9, 19,32, 35, 37, 38, 45, 46, 49(2) and (4), 53, 83(2) and 84 (in this Part of this Schedule referred to as an "authorised authority'') may give to that authority a direction under paragraph 2 below with respect to any of those provisions.**]**

Textual Amendments

F424 Sch. 9 para. 1 substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(39)**(*a*)

Modifications etc. (not altering text)

C183 Sch. 9 para. 1: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

2 A direction under this paragraph is a direction either—

(a) requiring the [F425]. . . authorised authority [F425]. . . to make an order under or by virtue of the provision or provisions in question for a specified purpose and coming into operation before the expiry of a specified period, or

(b) prohibiting the [F425] . . . authority (either generally, or without the consent of the Secretary of State, or for a specified period) from making or bringing into operation an order under or by virtue of the provision or provisions in question with respect to specified matters or a specified area.

Textual Amendments

F425 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

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3 (1) Any power to make an order conferred on [F426]. . . an authorised authority by any of the provisions specified in [F426]. . . paragraph 1 above shall, subject to sub-paragraph (2) below, be exercisable by the Secretary of State as well as by the [F426]. . . authority.

(2) No order shall be made by virtue of sub-paragraph (1) above except for the purpose of securing the object of a direction under paragraph 2 above given to [F426]. . . an authorised authority with which the [F426]. . . authority have failed to comply.

Textual Amendments

F426 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

Modifications etc. (not altering text)

C184 Sch. 9 para. 3(1): Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

4 Where the Secretary of State has made an order by virtue of paragraph 3 above—

(a) so far as appears to him necessary in order to make the order effective, he, or (except where the power is a power of **[**[F427]the council of a London borough or the Common Council of the City of London under section 6, 9, 45, 46, 49(2) or (4), 83(2) or 84 of this Act**]**) any other local authority with whom he may make arrangements for the purpose, shall have power to do anything which [F428]. . . the authorised authority would have had power to do if the order had been made by them, and

(b) he may recover from the [F429]. . . authorised authority any expenses incurred by him by virtue of sub-paragraph (a) above (such expenses, in England or Wales, to be so recoverable by him summarily as a civil debt).

Textual Amendments

F427 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(39)**(*b*)

F428 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(39)**(*b*), Sch. 17

F429 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(39)**(*b*) Sch. 17

Modifications etc. (not altering text)

C185 Sch. 9 para. 4: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

5 (1) Paragraphs 1 to 4 above shall have effect in any case in which it appears to the Secretary of State that **[**[F430]the council of a London borough or the Common Council of the City of London**]** have failed in the exercise of the powers conferred on them by section 6 of this Act to make such provision for the control of heavy commercial vehicles in **[**[F430]their area**]** as is appropriate for preserving or improving the amenities of **[**[F430]their area**]**, as if—

(a) the power conferred by paragraph 1 above to give a direction with respect to section 6 of this Act were a duty to give such a direction; and

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(b) the power to make an order under that section conferred by paragraph 3 above were a duty to make such an order or a similar order under section 9 of this Act.

(2) Any reference in this Act to paragraph 1 or 3 above shall be construed as including a reference to that paragraph as modified by this paragraph.

Textual Amendments

F430 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(39)**(*c*)

6 (1) Where by virtue of paragraph 3 above a parking place has been designated under section 45 [F431]. . . of this Act by an order of the Secretary of State, then if, with the consent of the Treasury, the Secretary of State enters into an agreement with the local authority [F431]. . . for the transfer to that authority [F431]. . . of the operation of that parking place—

(a) the operation of the parking place, and such apparatus or other things held by, and rights or liabilities of, the Secretary of State in connection with the parking place as may be specified in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by the Secretary of State) as may be so specified;

(b) from the taking effect of any such transfer of the operation of the parking place, the order designating the parking place shall have effect subject to such modifications (if any) appearing to the Secretary of State to be requisite in consequence of the transfer as he may direct; and

(c) the provisions of sections 45 to **[**[F432]49**]** and section 55 of this Act shall thereafter apply as if the parking place had been designated under section 45 by an order made by [F433]. . . the local authority [F433]. . .

(2) In this paragraph "local authority" has the meaning assigned to it by section 45(7) of this Act.

Textual Amendments

F431 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F432 "49" substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(39)**(*d*)

F433 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(39)**(*d*) Sch. 17

7 (1) Subject to paragraph 8 below, the Secretary of State, after giving notice to [F434]. . . the authorised authority concerned and holding, if he thinks fit, a public inquiry, may by order vary or revoke any order made, or having effect as if made, under or by virtue of any of the provisions referred to in [F434]. . . paragraph 1 above.

(2) This paragraph shall have effect without prejudice to any power to make an order for the like purpose by virtue of paragraph 3 above and Part IV of this Schedule.

(3) The power to make an order conferred by this paragraph shall be exercisable by statutory instrument.

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F434 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

Modifications etc. (not altering text)

C186 Sch. 9 para. 7: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

8 The Secretary of State shall not give any direction under paragraph 2 above or, subject to paragraph 9 below, make any order under paragraph 7 above unless he is satisfied, having regard to any matters appearing to him to be relevant, that the duty under section 122(1) of this Act of [F435]. . . the authorised authority concerned is not being satisfactorily discharged by the [F435]. . . authority, and that the giving of the direction or the making of the order is necessary to secure compliance with that duty.

Textual Amendments

F435 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

Modifications etc. (not altering text)

C187 Sch. 9 para. 8: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

9 The Secretary of State may make an order under paragraph 7 above notwithstanding that he is not satisfied as mentioned in paragraph 8 above, if he is satisfied, having regard to any matters appearing to him to be relevant, that there are special circumstances which make it expedient that the order should be made.

Modifications etc. (not altering text)

C188 Sch. 9 para. 9: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

10 Where the Secretary of State—

(a) gives a direction under paragraph 2 above requiring a county council or district council to make an order under section 32(1) or 35(1) of this Act, or

(b) makes such an order by virtue of paragraph 3 above,

subsections (1) to (5) of section 39 of this Act shall not apply in relation to anything done in pursuance of the direction or, as the case may be, in relation to the making of the order by the Secretary of State.

[F436]11 . . . . . .

Textual Amendments

F436 Sch. 9 para. 11 repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(11)(a), **Sch. 18** (with ss. 54(5)(7), 55(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

12 Where the Secretary of State—

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(a) gives a direction under paragraph 2 above requiring a county council **[**[F437]or metropolitan district council**]** or parish or community council to make an order under section 35(1) of this Act in relation to a parking place provided by a parish or community council, or

(b) by virtue of paragraph 3 above, makes such an order in relation to such a parking place,

neither subsections (4) and (5) nor subsection (7) of section 59 of this Act shall apply in relation to anything done in pursuance of the direction or, as the case may be, in relation to the making of the order by the Secretary of State.

Textual Amendments

F437 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(39)**(*e*)

VALID FROM 19/01/2005

[[F438]12A Article 2 of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (SI 1999/1750) shall not apply to a provision of this Schedule in so far as it relates to the exercise of a power under this Act by virtue of section 22C.

Textual Amendments

F438 Sch. para. 12A, 12B inserted (19.1.2005) by Civil Contingencies Act 2004 (c. 36), ss. 32, 34, **Sch. 2 para. 16(4)(b)**; S.I. 2004/3281, **art. 2(3)(4)**

VALID FROM 19/01/2005

12B A power conferred upon the Secretary of State by this Schedule shall, in so far as it relates to the exercise of a power under this Act by virtue of section 22C, be exercisable in relation to Wales by the National Assembly for Wales with the consent of the Secretary of State.**]**

Textual Amendments

F438 Sch. para. 12A, 12B inserted (19.1.2005) by Civil Contingencies Act 2004 (c. 36), ss. 32, 34, **Sch. 2 para. 16(4)(b)**; S.I. 2004/3281, **art. 2(3)(4)**

PART II

CONSENT OF SECRETARY OF STATE TO CERTAIN ORDERS

13 (1) Where in the case of any order proposed to be made by a local authority other than **[**[F439]the council of a London borough and the Common Council of the City of London**]** under or by virtue of any of the following provisions of this Act, namely, sections 1, 9, 19, 29, 32, 35, 37, 38, 45, 46, 49, 83(2) and 84, it is proposed to include in the order any provision—

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(a) so prohibiting or restricting the use of a road as to prevent, for more than 8 hours in any period of 24 hours, access for vehicles of any class to any premises situated on or adjacent to that road or any other premises accessible for vehicles of that class from, and only from, that road, or

(b) applying to a **[**[F440]a road for which the Secretary of State is the traffic authority**]**, or

[F441](c) . . . . . .

(d) being, in the case of an order for the purposes of section 84(1) of this Act—

[F441](i) . . . . . .

(ii) a provision applying to any road a speed limit of less than 30 miles per hour, or

[[F442](iii) a provision imposing a prohibition by virtue of paragraph (b) or (c) of that subsection, or**]**

(e) varying or revoking, within 12 months of its making, any order made by, or made in pursuance of a direction given by, the Secretary of State, or

(f) making provision as respects any length of road for any purpose within 12 months after the date when a previous order made as respects that length of road for a similar purpose was varied or revoked by an order made by, or made in pursuance of a direction given by, the Secretary of State,

then (except in a case to which sub-paragraph (2) or sub-paragraph (3) below applies, or where the provision is to be included in pursuance of a direction under paragraph 2 of this Schedule) the order shall not be made without the consent of the Secretary of State.

(2) This sub-paragraph applies where—

(a) it is proposed to include in the order any such provision as is mentioned in sub-paragraph (1)(a) above, and

(b) either—

(i) no owner, lessee or occupier of premises such as are mentioned in sub-paragraph (1)(a) above has submitted to the authority any objection to the inclusion of that provision in the order, or

(ii) any such owner, lessee or occupier who has submitted such an objection has withdrawn it.

(3) This sub-paragraph applies in the case of any order proposed to be made under section 9 of this Act where—

(a) it is proposed to include in the order any such provision as is mentioned in sub-paragraph (1)(a) above, and

(b) the effect of the prohibition by the order of the use of the road to which it relates or of any restriction on the use of that road contained in the order would be to prevent vehicles, or vehicles of any class, being loaded or unloaded in that road or to prevent persons boarding or alighting from a **[**[F443]vehicle being used in the provision of a local service within the meaning of the Transport Act 1985**]** on that road, and

(c) either—

(i) no person has submitted to the authority any objection to the making of the order on the ground that it would prevent vehicles, or vehicles of that class, being loaded or unloaded in the road, and no person being the operator of a **[**[F444]local service (within the meaning of the Transport Act 1985)**]** has submitted to the authority any objection to

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the making of the order on the ground that it would prevent persons boarding or alighting from a **[**[F444]vehicle**]** being used in that service in the road, or

(ii) any such person who has submitted an objection on that ground has withdrawn it.

Textual Amendments

F439 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(39)**(*f*)

F440 Words in Sch. 9 para. 13(1)(b) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 80(2)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F441 Sch. 9 para. 13(1)(c)(d)(i) repealed (23.1.1993) by S.I. 1993/35, **art. 2(3)**.

F442 Sch. 9 para. 13(1)(d)(iii) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4**, para. 37; S.I. 1992/1286, art. 2, **Sch.**

F443 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 15(5)**(*a*)

F444 Word(s) substituted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 15(5)**(*b*)

Modifications etc. (not altering text)

C189 Sch. 9 para. 13: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (art. 7); S.I. 1998/3178, **art. 3**

C190 Sch. 9 para. 13 restricted (16.6.1999) by S.I. 1999/1608, **art. 2**

14 Where in the case of any order proposed to be made by **[**[F445]the council of a London borough or the Common Council of the City of London**]** under or by virtue of any of the following provisions of this Act namely, sections 6, 9, 35, 38, 45, 46, 49, [F446]. . . 83(2) and 84, it is proposed to include in the order any provision such as is mentioned in sub-paragraphs (b) to (f) of paragraph 13(1) above, then (except where the provision is to be included in pursuance of a direction under paragraph 2 of this Schedule) the order shall not be made except with the consent of the Secretary of State.

Textual Amendments

F445 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(39)**(*g*)

F446 "50," repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(39)**(*g*), Sch. 17

Modifications etc. (not altering text)

C191 Sch. 9 para. 14 restricted (16.6.1999) by S.I. 1999/1608, **art. 2**

15 (1) The Secretary of State may by order add to or remove from the orders for which his consent is required by paragraphs 13 and 14 above such orders made by such local authorities for such purposes or in such circumstances as he may see fit to specify in his order.

(2) No order under this paragraph removing any order from the orders for which the consent of the Secretary of State is for the time being required shall be made unless a draft of the order has been approved by a resolution of each House of Parliament.

(3) Any other order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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Modifications etc. (not altering text)

C192 Sch. 9 para. 15: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

16 (1) In consenting to any order submitted to him for his consent under this Part of this Schedule, the Secretary of State may consent to the order either in the form in which it is submitted to him or with such modifications as he thinks fit, which may include additions, exceptions, or other modifications of any description.

(2) Where the Secretary of State proposes to consent to such an order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the local authority in question and other persons likely to be concerned.

Modifications etc. (not altering text)

C193 Sch. 9 para. 16: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

17 (1) The Secretary of State may by order grant a general consent for the making of orders requiring his consent under this Part of this Schedule—

(a) of such descriptions, or

(b) with respect to such matters only, or

(c) made by such local authorities, or by authorities of such classes of descriptions, or

(d) made in such circumstances, or

(e) complying with such requirements,

as may be specified in the order.

(2) Any order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C194 Sch. 9 para. 17: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

18 The power to make an order conferred by paragraph 15 or 17 above shall be exercisable by statutory instrument.

19 In this Part of this Schedule "principal road" means a road for the time being classified as a principal road—

(a) by virtue of section 12 of the [M69]Highways Act 1980 (whether as falling within subsection (1) or as being so classified under subsection (3)), or

(b) by the Secretary of State under section **[**[F447]11(1) of the [M70]Roads (Scotland) Act 1984**]**.

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Textual Amendments

F447 Words substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(45)(a)**

Marginal Citations

M69 1980 c. 66**(59).**

M70 1984 c. 54**(108).**

PART III

PROCEDURE AS TO CERTAIN ORDERS

Subordinate Legislation Made

P1 Sch. 9 Pt. III: s. 124 (with Sch. 9 Pt. III) power exercised (20.11.1991) by S.I.1991/2709

Modifications etc. (not altering text)

C195 Sch. 9 Pt. III (paras. 20-26) applied by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 19A(7)** (as inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 para. 22(1)**)

C196 Sch. 9 Pt. III applied (with modifications) (6.3.1992) by Aberdeen Harbour Order Confirmation Act 1992 (c. ii), ss. 1, 3(2), **Sch.**
Sch. 9 Pt. III applied (E.W.) (temp. from 5.10.2009) by London Olympic Games and Paralympic Games Act 2006 (c. 12), **ss. 14(3)**, 40(2)(6), 41(3); S.I. 2009/2577, **art. 2**

20 (1) Subject to sub-paragraph (2) below, before **[**[F448]a**]** local authority make an order under or by virtue of any of the following provisions of this Act, namely, sections 1, 6, 9, 19, 29, [F449] . . . 32, 35, 37, 38, 45, 46, 49, . . . [F450] 61, 83(2) and 84, they shall consult with the chief officer of police of any police area in which any road or other place to which the order is to relate is situated; and, if the order in question has to be submitted to the Secretary of State for his consent under Part II of this Schedule, the authority shall so consult before submitting the order to the Secretary of State.

(2) Sub-paragraph (1) above shall not apply to an order made in pursuance of a direction under paragraph 2 of this Schedule, and shall have effect without prejudice to any further requirements contained in any regulations made under the subsequent provisions of this Part of this Schedule.

Textual Amendments

F448 Word substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(39)**(*h*)

F449 In Sch. 9 para. 20(1) reference to s. 30 repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 80(3), **Sch. 9**; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

F450 "50," repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), 102(2)(3), **Sch. 5 para. 4(39)**(*b*), Sch. 17

21 As respects orders of a local authority other than **[**[F451]the council of a London borough or the Common Council of the City of London**]** under any of the provisions

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referred to in paragraph 20(1) above [F452]. . ., the Secretary of State may make regulations for providing the procedure to be followed in connection with the making of such orders, the submission of such orders for the consent of the Secretary of State or a county council where such submission is required, and the consideration by him or by the county council of any such order submitted to him or them; and the Secretary of State shall by regulations under this paragraph make such (if any) provision as he considers appropriate with respect to—

(a) the publication of any proposal for the making of such an order;

(b) the making and consideration of objections to any such proposal; and

(c) the publication of notice of the making of the order and of its effect.

Textual Amendments

F451 Words in Sch. 9 para. 21 substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), **Sch. 5 para. 4(39)(i)**

F452 Words in Sch. 9 para. 21 repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 80(4), **Sch.9**; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

Modifications etc. (not altering text)

C197 Sch. 9 para. 21: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

C198 Sch. 9 para. 21 extended by Local Government Act 1985 (c. 51, SIF 81;1), ss. 1, 2, 8(2), Sch. 5 paras. 7(1), **9**

22 (1) Without prejudice to the generality of paragraph 21 above, regulations under that paragraph may include provision—

(a) as to the form of any such order as is mentioned in that paragraph;

(b) for the holding of inquiries for the purposes of any such order and as to the appointment of the person by whom any such inquiry is to be held;

(c) for the making of modifications in any such order, whether in consequence of any objections or otherwise, before the order is made;

(d) requiring any such order to include such exemptions for such purposes and subject to such exceptions as may be provided for by the regulations;

(e) requiring the authority by whom any such order is made to place and maintain, or cause to be placed and maintained, such traffic signs in connection with that order as may be so provided for.

(2) In sub-paragraph (1)(e) above, in its application to an order under section 61 of this Act, the reference to traffic signs shall be construed in accordance with subsection (8) of that section.

23 (1) The Secretary of State, after consultation with **[**[F453]the council of a London borough of the Common Council of the City of London**]**,—

(a) as respects orders made by **[**[F453]that council**]** under any of the provisions referred to in paragraph 20(1) above [F454]. . ., may make regulations for any of the like purposes as those for which regulations are required or authorised to be made under paragraph 21 above;

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(b) with respect to any other order the making of which by **[**[F453]that council**]** requires the consent of the Secretary of State, may make regulations for providing the procedure to be followed in connection with the obtaining of that consent.

(2) In paragraph 22(1)(c) above, so far as it relates to regulations made under this paragraph, "modifications" shall be construed as including additions, exceptions or other modifications of any description.

Textual Amendments

F453 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), **ss. 1**, (2), 8(1), Sch. 5 para. 4(39)(*j*)

F454 Words in Sch. 9 para. 23(1)(a) repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 80(4), **Sch.9**; which repeal is in force for Scotland only by S.I. 1991/2286, **art. 3**,Sch.and for England and Wales only by S.I. 1991/2288, **art.3**,Sch.

Modifications etc. (not altering text)

C199 Sch. 9 para. 23 extended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), Sch. 5 paras. 7(1), **9**

24 The Secretary of State may make regulations with respect to the procedure in connection with the making by him—

(a) of any order made by virtue of paragraph 3 or made under paragraph 7 of this Schedule, or

(b) of any order which he is authorised to make with respect to [**[**[F455]roads for which he is the traffic authority**]** under any of the provisions referred to in paragraph 20(1) above,

or with respect to the procedure in connection with appeals to him by district councils under **[**[F456]section 39**]** of this Act.

Textual Amendments

F455 Words in Sch. 9 para. 24(b) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 80(5)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F456 Words in Sch. 9 para. 24 substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 38(11)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 22(3)); S.I. 1996/396, art. 3, **Sch. 1**

Modifications etc. (not altering text)

C200 Sch. 9 para. 24: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

25 Any regulations under this Part of this Schedule may make different provision for different orders or for different circumstances; and where any such regulations require an authority to post any notice in a **[**[F457]road**]**, the authority may, whether or not they are the **[**[F458]traffic authority**]**, 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 **[**[F457]road**]**, whether or not belonging to that authority.

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Textual Amendments

F457 Word in Sch. 9 para. 25 substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 93(45)(b)** and substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 80(6)(b)**; S.I. 1991/2288, **art. 3**,Sch.

F458 Words in Sch. 9 para. 25 substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 80(6)(a)**; which substitution is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch.2** and for England and Wales only by S.I. 1991/2288, **art. 3**,Sch.

26 (1) Before giving any authority a direction under paragraph 2 of this Schedule to make (with or without modifications) an order under any of the provisions referred to in paragraph 20(1) above, in connection with which steps have already been taken in pursuance of regulations made under this Part of this Schedule, the Secretary of State shall consider any objections made to that order.

(2) If the order is directed to be made with modifications which appear to the Secretary of State to affect substantially the character of the order, he shall take such steps as appear to him to be sufficient and reasonably practicable for informing any local authority concerned and any other person likely to be concerned.

Modifications etc. (not altering text)

C201 Sch. 9 para. 26: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

PART IV

VARIATION OR REVOCATION OF CERTAIN ORDERS

Modifications etc. (not altering text)

C202 Pt. IV (paras. 27–29) applied by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 19A(7)** (as inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 para. 22(1)**)

C203 Sch. 9 Pt. IV applied (with modifications)(6.3.1992) by Aberdeen Harbour Order Confirmation Act 1992 (c. ii), s. 1, **Sch. s. 3(2)**.

27 (1) Subject to sub-paragraph (2) below, any power to make an order as respects any road or parking place conferred by or by virtue of any of the following provisions of this Act, namely, sections 1, 6, 9, **[**[F459]14**][**[F460]16A**]**19, 29, [F461] . . .32, 35, 37, 38, 45, 46, 49(2) and (4), 50, 53, 83 and 84 and paragraph 7 of this Schedule, shall include power for the authority for the time being having power to make such an order as respects that road or parking place to make an order varying or revoking any previous order as respects that road or parking place made, or having effect as if made, under or by virtue of the provision in question, whether the previous order was made by that or some other authority, and notwithstanding that the previous order was, and the order varying or revoking it is not, made in pursuance of a power exercisable by statutory instrument.

(2) Sub-paragraph (1) above shall have effect—

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(a) subject to sections 39(6), [F462]. . . and 59(6) of this Act, and
(b) without prejudice to section 50(6) of this Act.

Textual Amendments

F459 Figure in Sch. 9 para. 27(1) inserted (1.7.1992) by Road Traffic (Temporary Restrictions) Act 1991 (c. 26, SIF 107:1), **s. 1(4)**; S.I. 1992/1218, **art. 2**

F460 Words in Sch. 9 para. 27(1) inserted (3.5.1994) by 1994 c. 11, s. 3(1), **Sch. para. 5(2)**

F461 In Sch. 9 para. 27(1), reference to s. 30 repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 para. 80(7), **Sch. 9**; which repeal is in force for Scotland only by S.I. 1991/2286, art. 2(2), **Sch. 2** and for England and Wales only by S.I. 1991/2288, art. 3, **Sch.**

F462 Words in Sch. 9 para. 27(2) substituted (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II para. 38(11)(c), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 22(3)); S.I. 1996/396, art. 3, **Sch. 1**

28 For the avoidance of doubt it is hereby declared that, subject to Part II of this Schedule, the power to vary or revoke an order made under or by virtue of any of the provisions referred to in paragraph 27(1) above extends to the variation or revocation of any such order in connection with the provision in question as is mentioned below, notwithstanding that it was made by, or by direction of, the Secretary of State, that is to say—

(a) an order made in pursuance of a direction under paragraph 2 of this Schedule;
(b) except where the provision in question is section 45, 46, 49, 50 or 53 of this Act, an order made by virtue of paragraph 3 of this Schedule;
(c) where the provision in question is section 45, 46, 49 [F463]. . . or 53 of this Act an order which is made by virtue of paragraph 3 of this Schedule and relates to a parking place for the time being controlled by the local authority within the meaning of section 45 of this Act [F463]. . . ; [F464]. . .
(d) an order under paragraph 7 of this Schedule **[**or**]**.
[[F465](e) an order under section 34 of the Deregulation and Contracting Out Act 1994.**]**

Textual Amendments

F463 “, 50" repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F464 Word in Sch. 9 para. 28(c) repealed (3.11.1994) by 1994 c. 40, ss. 81, 82(3), **Sch. 17**

F465 Sch. 9 para. 28(e) and word “or" immediately preceding it inserted (3.11.1994) by 1994 c. 40, ss. 39, 82(3), **Sch. 11 para. 5**

29 Nothing in paragraph 8 of this Schedule shall prevent the exercise by the Secretary of State of the power to revoke any order made by him under paragraph 7 of this Schedule.

PART V

CONSULTATION WITH TRAFFIC COMMISSIONERS

30 This Part of this Schedule applies to any order made under section 19 or 38(1)(a) of this Act, otherwise than in pursuance of a direction under paragraph 2 of this Schedule.

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31 Before making an order to which this Part of this Schedule applies, the local authority—

(a) shall consult with the traffic **[**[F466]commissioner**]** for any traffic area constituted for the purposes of the [M71]Public Passenger Vehicles Act 1981 in which the area, or any part of the area, of the local authority is situated, and

(b) if the local authority's area is situated wholly or partly within an area **[**[F467]which is a passenger transport area for the purposes of Part II of the Transport Act 1968, shall consult with the Passenger Transport Executive for that passenger transport area.**]**

Textual Amendments

F466 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 6**

F467 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 57(6), **Sch. 3 para. 33**

Marginal Citations

M71 1981 c. 14**(107:1).**

32 If the order is required to be submitted to the Secretary of State for his consent under Part II of this Schedule, the local authority shall consult as mentioned in paragraph 31 above before submitting it to the Secretary of State for his consent.

33 Paragraphs 31 and 32 above shall have effect without prejudice to paragraph 20 or to any regulations made under paragraph 21 or (in relation to an order under section 38(1)(a) of this Act) any regulations made under paragraph 23 of this Schedule.

PART VI

VALIDITY OF CERTAIN ORDERS

Modifications etc. (not altering text)

C204 Pt. VI (paras. 34–37) extended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(2), **Sch. 5 para. 8**

C205 Pt. VI (paras. 34–37) amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 8(2), **Sch. 5 para. 12(4)**

C206 Pt. VI (paras. 34–37) applied by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 19A(7)** (as inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), **s. 4 Sch. 2 para. 22(1)**)

C207 Sch. 9 Pt. VI applied (with modifications)(6.3.1992) by Aberdeen Harbour Order Confirmation Act 1992 (c. ii), s. 1, **Sch. s. 3(2)**.

34 (1) This Part of this Schedule applies—

(a) to any order made under or by virtue of any of the following provisions of this Act, namely, sections 1, 6, 9 **[**[F468]16A**]**, 19, 32, 37 and 38, and

(b) to any designation order.

(2) In this Part of this Schedule—

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(a) "the relevant powers", in relation to any such order as is mentioned in sub-paragraph (1)(a) above, means the powers with respect to such an order conferred by this Act, and, in relation to a designation order, means the powers of sections 45, 46, 49, [F469]. . . and 53 of this Act, and

(b) "the relevant requirements", in relation to any such order as is mentioned in sub-paragraph (1)(a) above, means any requirement of, or of any instrument made under, any provision of this Act with respect to such an order, and, in relation to a designation order, means any requirement of sections 45, 46, 49, [F469]. . . and 53 of this Act or of Parts I to III of this Schedule or of any regulations made under Part III of this Schedule.

Textual Amendments

F468 Figure in Sch. 9 para. 34(1)(a) inserted (3.5.1994) by 1994 c. 11, s. 3(1), **Sch. para. 5(3)**

F469 "50" repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

35 If any person desires to question the validity of, or of any provision contained in, an order to which this Part of this Schedule applies, on the grounds—

(a) that it is not within the relevant powers, or

(b) that any of the relevant requirements has not been complied with in relation to the order,

he may, within 6 weeks from the date on which the order is made, make an application for the purpose to the High Court or, in Scotland, to the Court of Session.

Modifications etc. (not altering text)

C208 Sch. 9 para. 35 applied (with modifications) (3.11.1994) by 1994 c. 40, **ss. 34(8)**, 82(3)

36 (1) On any application under this Part of this Schedule the court—

(a) may, by interim order, suspend the operation of the order to which the application relates, or of any provision of that order, until the final determination of the proceedings; and

(b) if satisfied that the order, or any provision of the order, is not within the relevant powers, or that the interests of the applicant have been substantially prejudiced by failure to comply with any of the relevant requirements, may quash the order or any provision of the order.

(2) An order to which this Part of this Schedule applies, or a provision of any such order, may be suspended or quashed under sub-paragraph (1) above either generally or so far as may be necessary for the protection of the interests of the applicant.

Modifications etc. (not altering text)

C209 Sch. 9 para. 36 applied (with modifications) (3.11.1994) by 1994 c. 40, **ss. 34(8)**, 82(3)

37 Except as provided by this Part of this Schedule, an order to which this Part of this Schedule applies shall not, either before or after it has been made, be questioned in any legal proceedings whatever.

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Modifications etc. (not altering text)
C210 Sch. 9 para. 37 applied (with modifications) (3.11.1994) by 1994 c. 40, **ss. 34(8)**, 82(3)

SCHEDULE 10

Section 144.

TRANSITIONAL PROVISIONS AND SAVINGS

General

1 (1) In this Schedule "the [M72]1967 Act" means the Road Traffic Regulation Act 1967.

(2) For the purposes of any provision of this Schedule which refers—

(a) to an enactment repealed by this Act, or to the repeal by this Act of any enactment, and

(b) to the commencement of this Act,

the commencement of this Act shall be taken to be the date on which the repeal by this Act of that enactment takes effect.

Marginal Citations
M72 1967 c. 76**(107:1).**

2 Where any enactment or document refers, whether specifically or by means of a general description, to an enactment repealed by and re-enacted (with or without modification) in this Act, or is to be construed as so referring, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

3 Any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or omitted to be done, or deemed to have been done, or to an event which has occurred, under or by virtue of or for the purposes of, or by reference to, any provision of this Act includes (except where the context otherwise requires) a reference to the corresponding thing done, or having effect as if done, or required or authorised to be done, or omitted to be done, or deemed to have been done, or to the corresponding event which has occurred, as the case may be, under or by virtue of or for the purposes of or by reference to, the corresponding enactment repealed by this Act.

4 (1) Without prejudice to paragraph 3 above, any reference in this Act (whether express or implied) to a thing done by the Secretary of State, a local authority or any other authority under a provision of this Act includes (except where the context otherwise requires) a reference to the corresponding thing done, or having effect as if done, by a predecessor authority under the corresponding provision repealed by this Act.

(2) In sub-paragraph (1) above "predecessor authority"—

(a) in relation to the Secretary of State, means the Minister of Transport or other Minister exercising the relevant function before the transfer of the function to the Secretary of State, and

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(b) in relation to a council, means the authority exercising the relevant function before it vested in the council under the [M73]Local Government Act 1972, the [M74]London Government Act 1963, the [M75]Local Government (Scotland) Act 1973 or any other enactment.

(3) In sub-paragraph (2) above any reference to the Minister or authority exercising a function includes a reference to a Minister or authority exercising that function for particular purposes only or in relation only to a particular part of Great Britain.

Marginal Citations

M73 1972 c. 70**(81:1).**
M74 1963 c. 33**(81:1).**
M75 1973 c. 65**(81:2).**

5 Without prejudice to paragraphs 3 and 4 above, any power which, under an enactment repealed by this Act, was exercisable by the Secretary of State, a local authority or other authority immediately before the commencement of this Act by reference (whether express or implied) to anything done before the commencement of this Act may be exercised by the Secretary of State or that authority, as the case may be, under the corresponding provision of this Act.

6 Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision of this Act had been in force when that period began to run.

Traffic regulation byelaws in Scotland

7 Any byelaw made under section 104 of the [M76]Roads and Bridges (Scotland) Act 1878 or paragraph (1) or (3) of section 385 of the [M77]Burgh Police (Scotland) Act 1892 which—

(a) was in force immediately before the commencement of the 1967 Act and by virtue of paragraph 6 of Schedule 8 to that Act had effect as if it were an order made under section 1 of that Act; and

(b) continues so to have effect immediately before the commencement of this Act,

shall have effect as if it were an order under section 1 of this Act.

Marginal Citations

M76 1878 c. 51.
M77 1892 c. 55**(81:2).**

Meaning of "heavy commercial vehicle"

[F470]8 . . . . . .

Textual Amendments

F470 Sch. 10 para. 8 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XV** Gp. 1.

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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Pedestrian crossings

9 (1) Subsections (2) and (3) of section 23 of this Act shall apply in relation to the alteration and removal of crossings established, or having effect as if established, under section 21 of the 1967 Act (whether as that section had effect at any time before the commencement of the [M78]Local Government, Planning and Land Act 1980 or as it had effect by virtue of that Act) as they apply in relation to the alteration and removal of crossings established under section 23 of this Act.

(2) Section 25(6) of this Act shall apply in relation to a crossing established, or having effect as if established—

(a) by a local authority under section 21 of the 1967 Act (whether as that section had effect at any time before the commencment of the said Act of 1980 or as it had effect by virtue of that Act), or

(b) by a Minister under section 22 of the 1967 Act,

as it applies in relation to a crossing established by a local authority under section 23 or by the Secretary of State under section 24 of this Act.

Marginal Citations

M78 1980 c. 65**(81:1, 2).**

Parking places

10 (1) The power conferred on a local authority by section 33(7) of this Act shall have effect in relation to an off-street parking place provided by the authority under section 81 of the [M79]Road Traffic Act 1960, or under that section as applied by virtue of section 82 of that Act, or under the corresponding provisions of the enactments repealed by that Act, as well as (by virtue of any of the provisions of the [M80]Interpretation Act 1978) it has effect in relation to an off-street parking place provided by the authority under section 28 of the 1967 Act.

(2) Any arrangements for collecting and retaining charges as mentioned in section 33(7) of this Act which were made in respect of any parking place provided under any of the provisions referred to in sub-paragraph (1) above, and which are in force immediately before the commencement of this Act, shall continue to have effect after the repeal by this Act of section 29(9) of the 1967 Act, as if they were arrangements made under section 33(7) of this Act.

Marginal Citations

M79 1960 c. 16.**(107:1).**

M80 1978 c. 30**(115:1).**

11 (1) The repeal by this Act of Schedule 8 to the 1967 Act shall not affect the operation of paragraph 9 of that Schedule in relation to orders made before 1st January 1963 under the enactments mentioned in that paragraph (which saved such orders from the effect of the repeal of those enactments by that Act) except that the power to revoke or vary any such order shall be exercisable by an order under section 46 or 49 of this Act.

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(2) Without prejudice to the power of revocation conferred by sub-paragraph (1) above, an order made by a Minister before 1 January 1963 under section 86 or 87 of the [M81]Road Traffic Act 1960 may be revoked by an order of the Secretary of State.

(3) The power to make an order under sub-paragraph (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

M81 1960 c. 16**(107:1).**

[F471]12 . . . . . .

Textual Amendments

F471 Sch. 10 para. 12 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3** and Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. X**

13 Nothing in **[**[F472]subsections (1) to (3B) of section 35 or **[**[F473]subsections (1) to (3)**]** of section 35A**]** of this Act shall affect the [M82]Restriction of Ribbon Development (Power to Provide Parking Places) Order 1936, so far as it applies to the City of London, or shall apply to any byelaws having effect as respects the City of London by virtue of that Order; and that Order, so far as it so applies, shall continue to have effect by virtue of this paragraph.

Textual Amendments

F472 Words substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 9**

F473 Words in Sch. 10 para. 13 substituted (13.9.1996) by S.I. 1996/1553, **art. 2(2)**

Marginal Citations

M82 S. R. & O 1936/1088.

Speed limits

[[F474]14(1) A direction in an order made under section 1 of the [M83]Road Traffic Act 1934 that a length of road is to be deemed to be, or not to be, a road in a built-up area, if—

(a) by virtue of paragraph 10 of Schedule 8 to the 1967 Act it had effect as a direction that that length of road was to become, or (as the case may be) was to cease to be, a restricted road for the purposes of section 71 of that Act, and

(b) the direction continues so to have effect immediately before the commencement of this Act,

shall have the like effect for the purposes of section 81 of this Act.

(2) Any reference in any provision of an Act, or of any instrument (other than such an order as is mentioned in sub-paragraph (1) above) made under an enactment repealed by the [M84]Road Traffic Act 1960, to a road in a built-up area, if the provision is in force immediately before the commencement of this Act, shall be construed as a reference to a restricted road for the purposes of section 81 of this Act.**]**

Status: *Point in time view as at 13/09/1996. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F474 Sch. 10 paras. 14–16 repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 128(1), 156(3), Sch. 10 para. 4(1), **Sch. 11**

Marginal Citations

M83 1934 c. 50**(107:1).**

M84 1960 c. 16**(107:1).**

[[F475]15 Any limit of speed which was in force on 1st November 1962 by virtue of any direction, order or regulation given or made by an authority under section 19(2), 26 or 34 of the Road Traffic Act 1960, if—

(a) by virtue of paragraph 12 of Schedule 8 to the 1967 Act it was deemed to have been imposed by an order made by that authority under section 74(1) of the 1967 Act, and

(b) it continues to be in force immediately before the commencment of this Act

shall be deemed to have been imposed by an order made by that authority under section 84(1) of this Act and may be revoked or varied accordingly.**]**

Textual Amendments

F475 Sch. 10 paras. 14–16 repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 128(1), 156(3), Sch. 10 para. 4(1), **Sch. 11**

[[F476]16(1) This paragraph applies to any road which—

(a) would have become a restricted road for the purposes of section 71 of the [M85]1967 Act on 1st November 1982 as a result of the repeal of section 72(2) of the 1967 Act by section 61 of the Transport Act 1982; but

(b) by reason of section 61(2) of that Act was taken to have ceased to be a restricted road before that day by virtue of a direction duly given under section 72(3) of the 1967 Act and still in force at the beginning of that day; and

(c) did not become a restricted road at any time between the beginning of that day and the commencement of this Act.

(2) At the commencement of this Act, any road to which this paragraph applies shall be treated as if it were the subject of a direction duly given under section 82(1)(a) of this Act.

(3) Nothing in sub-paragraph (2) above prevents a direction under section 82(2)(b) of this Act being given in respect of any road to which this paragraph applies.**]**

Textual Amendments

F476 Sch. 10 paras. 14–16 repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 128(1), 156(3), Sch. 10 para. 4(1), **Sch. 11**

Marginal Citations

M85 1982 c. 49**(107:1).**

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Saving for agreements and incidental matters

17 (1) The repeal of this Act by any enactment shall not affect any agreement which, immediately before the commencement of this Act, has effect in pursuance of the enactment, notwithstanding that the enactment is not re-enacted in this Act; and any provision conferring a power to determine disputes or other provision incidental to any such agreement which, immediately before the commencement of this Act, has effect in connection with the agreement shall continue to have effect notwithstanding the repeal.

(2) Without prejudice to the operation of sub-paragraph (1) above in relation to any agreement under subsection (8) of section 34 of the [M86]Transport (London) Act 1969 (which relates to agreements consequential upon the transfer of traffic signs and related property and rights to the Greater London Council under subsection (6) of that section), the repeal by this Act of that section (and in particular of subsection (9)) shall not cause that council to be treated for the purposes of the [M87]Public Utilities Street Works Act 1950 as the highway authority for any highway for which they would not be the highway authority apart from any such transfer.

(3) Sub-paragraphs (1) and (2) above shall have effect without prejudice to the operation of the preceding provisions of this Schedule, or of any provisions of the [M88]Interpretation Act 1978, in relation to an enactment repealed by this Act which is re-enacted in it, with or without modification.

Marginal Citations

M86 1969 c. 35**(126).**
M87 1950 c. 39**(59).**
M88 1978 c. 30**(115:1).**

Offences relating to disabled persons' concessions

18 The repeal by this Act of section 2 of the [M89]Disabled Persons Act 1981 shall not affect the operation of subsection (2) of that section (which precludes subsection (1) of that section from applying to offences committed before the commencement of that Act) in relation to offences committed before 27th October 1981.

Marginal Citations

M89 1981 c. 43**(81:3).**

References to foot passengers in subordinate legislation

19 For the purposes of the application of any provisions of the [M90]Interpretation Act 1978, or of paragraphs 2 to 5 of this Schedule, in relation to any subordinate legislation made, or having effect as if made, under any enactment consolidated by this Act, "foot passengers" shall be taken to have the same meaning as "pedestrians"; and any reference in any such subordinate legislation to foot passengers or to foot passenger traffic shall be construed accordingly.

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Marginal Citations
M90 1978 c. 30**(115:1).**

Statutory statement of facts

20 (1) Sub-paragraph (2) below shall have effect until the coming into operation of paragraph 3 of Schedule 8 to this Act as if that sub-paragraph were contained in Part II of Schedule 8.

(2) For the purposes of sections 107 to 109 of this Act, a statutory statement of facts is a statement which is in the prescribed form and which either—

(a) states that the person furnishing it was the driver of the vehicle at the relevant time and is signed by him; or

(b) states that that person was not the driver of the vehicle at the relevant time, states the name and address at the time the statement is furnished of the person who was the driver of the vehicle at the relevant time and is signed both by the person furnishing it and by the person stated to be the driver of the vehicle at the relevant time.

SCHEDULE 11

Section 144.

PROVISIONS OF THIS ACT AND INSTRUMENTS REFERRED TO IN SECTION 144(2)

Provisions of Act	***Instruments***
1. Sections 99 to 102 and 103(3).	The Removal and Disposal of Vehicles (Alteration of Enactments) Order 1967 (S.I. 1967/1900).
2. Schedule 6.	The Motor Vehicles (Variation of Speed Limits) Regulations 1984 (S.I. 1984/325).

SCHEDULE 12

Section 145.

TEMPORARY PROVISIONS AS TO FIXED PENALTIES

Introductory

1 In this Schedule (which is a re-enactment of section 80 of the [M91]Road Traffic Regulation Act 1967 and associated provisions) "the interim period" means the period beginning with the date on which the Schedule comes into operation and ending with such date as the Secretary of State may by order made by statutory instrument appoint, as being the date on which the repeal of section 80 by the

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[M92]Transport Act 1982 would have been brought into operation, had section 80 not already been repealed by this Act.

Modifications etc. (not altering text)

C211 Power of appointment conferred by Sch. 12 para. 1 fully exercised: S.I. 1986/1329, 1875

Marginal Citations

M91 1967 c. 76**(107:1).**

M92 1982 c. 49**(107:1)**

Application of Schedule

2 (1) This Schedule shall extend only to such areas as may be specified by an order made by the Secretary of State; and an order made by him may exclude the application of this Schedule to any offence.

(2) Subject to sub-paragraph (1) above, this Schedule applies to any offence created by or under an enactment which is punishable on summary conviction and is an offence committed in respect of a vehicle—

(a) by its being on a road during the hours of darkness **[**[F477](that is, the time between half-an-hour after sunset and half-an-hour before sunrise)**]** without the lights or reflectors required by law, or

(b) by its obstructing a road, or waiting, or being left or parked, or being loaded or unloaded, in a road, or

(c) by the non-payment of the charge made at a street parking place, or

(d) by its being used in contravention of any provision of an order made, or having effect as if made, under section 1, section 6 or section 9, or of regulations made or having effect as if made under section 12, of this Act, which is a provision—

(i) as to the route to be followed by vehicles of the class to which that vehicle belongs, or

(ii) as to roads or parts of carriageways which are not to be used for traffic by such vehicles, or

(iii) as to the places where such vehicles may not turn so as to face in the opposite direction to that in which they were proceeding or as to the conditions under which such vehicles may so turn, or

(e) by any such use of the vehicle in contravention of **[**[F478]section 42(1) of the Road Traffic Act 1988**]** (which relates to contravention of construction and use regulations) as may be specified by an order made by the Secretary of State, not being a use which constitutes an offence involving discretionary disqualification within the meaning of **[**[F478]the Road Traffic Offenders Act 1988**]**, or

[[F479](f) by its being used, or kept, on a public road within the meaning of the Vehicle Excise and Registration Act 1994 without a licence under that Act being exhibited on the vehicle in the manner prescribed by regulations under that Act.**]**

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(3) The power of the Secretary of State to make orders under this paragraph shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F477 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(11)(a)**

F478 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(11)(b)**

F479 Sch. 12 para. 2(2)(f) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 18(2)** (with s. 57(4))

Modifications etc. (not altering text)

C212 Power to amend definition of "hours of darkness" in para. 2(2)(a) conferred by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 3(2)**

Notice to pay fixed penalty

3 (1) Where at any time within the interim period a constable finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed an offence to which this Schedule applies, he may give him the prescribed notice in writing, offering the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under this Schedule; and no person shall then be liable to be convicted of that offence if the fixed penalty is paid in accordance with this Schedule before the end of the period of 21 days following the date of the notice, or such longer period (if any) as may be specified in the notice, or before the date on which preceedings are begun, whichever event last occurs.

(2) Where a person is given a notice under this paragraph in respect of an offence, proceedings shall not be taken against any person for that offence by any constable or local authority until the end of 21 days following the date of the notice or such longer period (if any) as may be specified in the notice.

(3) A notice under this paragraph shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of those circumstances, and shall state also the period during which, by virtue of sub-paragraph (2) above, proceedings will not be taken for the offence, the amount of the fixed penalty, and the justices' clerk to whom, and the address at which, the fixed penalty may be paid.

(4) Where at any time within the interim period a constable finds a vehicle on any occasion and has reason to believe that on that occasion there is being or has been committed in respect of it an offence to which this Schedule applies, he may proceed under this paragraph as if he had found a person reasonably believed by him to be committing the offence; and for that purpose a notice affixed to the vehicle shall be deemed to be given to the person liable for that offence.

(5) A notice affixed to a vehicle under sub-paragraph (4) above shall not be removed or interfered with except by or under the authority of the driver or the person in charge of the vehicle or the person liable for the offence in question; and any person who contravenes this sub-paragraph shall be guilty of an offence.

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(6) In so far as an order made, or having effect as if made, under section 95(5) of this Act authorises the employment of traffic wardens for the purposes of this paragraph, references in this paragraph to a constable shall include a traffic warden.

(7) In the application of this paragraph to Scotland, any reference to a justices' clerk shall be construed as a reference to a clerk of court; in sub-paragraph (1) above, for the words from "before the end of the period" to the end of the sub-paragraph, there shall be substituted the words "before the date on which proceedings are begun"; and in sub-paragraph (2) the words "by any constable or local authority" shall be omitted.

(8) In this paragraph "proceedings" means any criminal proceedings in respect of the act or omission constituting the offence specified in a notice under this paragraph, and "convicted" shall be construed accordingly.

Amount and payment of fixed penalty, and supplementary provisions

4 (1) Subject to sub-paragraph (2) below, the fixed penalty for an offence to which this Schedule applies shall be £10, or one half the maximum amount of the fine to which a person is liable on summary conviction of the offence, whichever is the less.

(2) The Secretary of State may by order provide for the fixed penalty to be in any case more or less than £10, but not more in the case of any offence than one-half the maximum amount of the fine to which a person is liable on summary conviction of that offence.

(3) Payment of a fixed penalty under this Schedule shall be made to such justices' clerk as may be specified in the notice under paragraph 3 of this Schedule relating to that penalty; and sums paid by way of fixed penalty for an offence shall be treated for the purpose of section 61 of the Justices of the [M93]Peace Act 1979 (application of fines and fees) as if they were fines imposed on summary conviction for that offence.

(4) In any proceedings a certificate that payment of a fixed penalty was or was not made, by a date specified in the certificate, to the justices' clerk specified in a notice under paragraph 3 of this Schedule relating to that penalty shall, if this certificate purports to be signed by the justices' clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

(5) Where, in England or Wales, a justices' clerk for a petty sessions area comprised in the area of one responsible authority (within the meaning of section 59 of the Justices of the Peace Act 1979) discharges functions in connection with a fixed penalty under this Schedule for an offence alleged to have been committed in a petty sessions area comprised in the area of another such authority—

(a) that other authority shall make to the first-mentioned authority such payment in connection with the discharge of those functions as may be agreed between them or, in default of such agreement, as may be determined by the Secretary of State; and

(b) any such payment between responsible authorities shall be taken into account in determining for the purpose of subsection (4) of section 59 of that Act the net cost to those authorities respectively of the functions referred to in subsection (1) of that section.

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(6) The Secretary of State may by regulations make provision as to any matter incidental to the operation of paragraphs 2 and 3 of this Schedule or this paragraph, and in particular—
  (a) for prescribing the form of notice under paragraph 3 above and
  (b) for prescribing the duties of justices, clerks and the information to be supplied to them.

(7) In the application of this paragraph to Scotland—
  (a) any reference to a justices' clerk shall be construed as a reference to a clerk of court;
  (b) in sub-paragraph (3), for the words from "section 61" to "fines and fees)", there shall be substituted the words "determining their destination"; and
  (c) sub-paragraphs (5) and (6)(b) shall not apply.

(8) In this paragraph "justices' clerk" has the same meaning as in section 61 of the Justices of the [M94]Peace Act 1979.

Marginal Citations
M93 1979 c. 55**(82).**
M94 1979 c. 55.**(82).**

Liability of vehicle owner in respect of fixed penalty

5 (1) This paragraph applies where—
  (a) a notice under paragraph 3 of this Schedule has been given under sub-paragraph (1), or affixed to a vehicle under sub-paragraph (4), of that paragraph;
  (b) the notice relates to an offence committed in respect of a stationary vehicle and falling within any of paragraphs (a) to (c) or within paragraph (f) of paragraph 2(2) of this Schedule (other than the offence, mentioned in paragraph 2(2)(b) above, of obstructing a road), and
  (c) the fixed penalty has not been paid within the period of 21 days mentioned in paragraph 3(1) of this Schedule or, if it is longer, the period fixed for payment by the notice.

(2) Subject to the following provisions of this paragraph—
  (a) for the purposes of the institution of proceedings in respect of the alleged offence against any person as being the owner of the vehicle at the relevant time, and
  (b) in any proceedings in respect of the alleged offence brought against any person as being the owner of the vehicle at the relevant time,

  it shall be conclusively presumed (notwithstanding that the person may not be an individual) that he was the driver of the vehicle at that time and, accordingly, that acts or omissions of the driver of the vehicle at that time were his acts or omissions.

(3) Sub-paragraph (2) above shall not apply in relation to any person unless, within the period of 6 months beginning on the day on which the notice under paragraph 3 of this Schedule was given or affixed as mentioned in sub-paragraph (1)(a) above, a

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notice under sub-paragraph (6) below has been served on him by or on behalf of the chief officer of police.

(4) If the person on whom a notice under sub-paragraph (6) below is served in accordance with sub-paragraph (3) above was not the owner of the vehicle at the relevant time, sub-paragraph (2) above shall not apply in relation to him if he furnishes a statutory statement of ownership under this Schedule to that effect in compliance with the notice.

(5) The presumption in sub-paragraph (2) above shall not apply in any proceedings brought against any person as being the owner of the vehicle at the relevant time if, in those proceedings, it is proved—

(a) that at the relevant time the vehicle was in the possession of some other person without the consent of the accused, or

(b) that the accused was not the owner of the vehicle at the relevant time and that he has a reasonable excuse for failing to comply with the notice under sub-paragraph (6) below served on him in accordance with sub-paragraph (3) above.

(6) A notice under this sub-paragraph shall be in the prescribed form, shall give particulars of the alleged offence and of the fixed penalty concerned, and shall provide that, unless the fixed penalty is paid before the expiry of the appropriate period, the person on whom the notice is served—

(a) is required, before the expiry of that period, to furnish to the chief officer of police by or on behalf of whom the notice was served a statutory statement of ownership under this Schedule (as defined by paragraph 9 below), and

(b) is invited, before the expiry of that period, to furnish to that chief officer of police a statutory statement of facts under this Schedule (as defined by that paragraph).

Effect of notice under paragraph 5(6)

6 (1) The provisions of sub-paragraphs (2) to (5) below shall have effect where a notice has been served on any person (in this paragraph referred to as the "recipient") under paragraph 5(6) of this Schedule.

(2) If the fixed penalty specified in the notice is not paid within the appropriate period, and the recipient fails without reasonable excuse to comply with the notice by furnishing a statutory statement of ownership under this Schedule, he shall be guilty of an offence.

(3) If in compliance with or in response to the notice, any person furnishes a statement which is false in a material particular, and does so recklessly or knowing it to be false in that particular, he shall be guilty of an offence.

(4) If the fixed penalty is paid by any person before the date on which proceedings are begun against the recipient for an offence under sub-paragraph (2) above in respect of a failure to comply with the notice, the payment of the penalty shall discharge any liability of the recipient for that offence.

(5) Without prejudice to paragraph 3(1) of this Schedule—

(a) conviction of any person of the offence specified in the notice shall discharge both the liability of any other person (under this Schedule or any other

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enactment) for that offence and the liability of any person for an offence under sub-paragraph (2) above in respect of a failure to comply with the notice; and

(b) conviction of the recipient of an offence under sub-paragraph (2) above in respect of a failure to comply with the notice shall discharge the liability of any person for the offence specified in the notice.

(6) Except as provided by sub-paragraphs (4) and (5) above, nothing in paragraph 5 of this Schedule or this paragraph shall affect the liability of any person for an offence specified in a notice under sub-paragraph (6) of that paragraph.

Hired vehicles

7 (1) This paragraph shall apply where—

(a) a notice under paragraph 5(6) of this Schedule has been served on a vehicle-hire firm, and

(b) at the relevant time the vehicle in respect of which the notice was served was let to another person by the vehicle-hire firm under a hiring agreement to which this paragraph applies.

(2) Where this paragraph applies, it shall be a sufficient compliance with the notice served on the vehicle-hire firm if the firm furnishes to the chief officer of police by or on behalf of whom the notice was served a statement in the prescribed form, signed by or on behalf of the vehicle-hire firm, stating that at the relevant time the vehicle concerned was hired under a hiring agreement to which this paragraph applies, together with—

(a) a copy of that hiring agreement, and

(b) a copy of a statement of liability under this Schedule in the prescribed form, signed by the hirer under that hiring agreement;

and accordingly, in relation to the vehicle-hire firm on whom the notice is served, the reference in paragraph 6(2) above to a statutory statement of ownership under this Schedule shall be construed as a reference to a statement under this sub-paragraph together with the copies specified in this sub-paragraph.

(3) If, in a case where this paragraph applies, the vehicle-hire firm has complied with the notice served on the firm by furnishing the statement and copies of the documents specified in sub-paragraph (2) above, then paragraphs 5 and 6 of this Schedule shall have effect as if in those paragraphs—

(a) any referecnee to the owner of the vehicle were a reference to the hirer under the hiring agreement, and

(b) any reference to a statutory statement of ownership under this Schedule were a reference to a statutory statement of hiring under this Schedule (as defined by paragraph 9 below).

(4) Where, in compliance with a notice under paragraph 5(6) of this Schedule, a vehicle-hire firm has furnished copies of a hiring agreement and statement of liability under this Schedule as mentioned in sub-paragraph (2) above, a person authorised in that behalf by the chief officer of police to whom the documents are furnished may, at any reasonable time within 6 months after service of that notice, and on production of his authority, require the production by the firm of the originals of those documents; and if, without reasonable excuse, a vehicle-hire firm fails to produce the original of a

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document when required to do so under this sub-paragraph, the firm shall be treated as not having complied with the notice under paragraph 5(6) of this Schedule.

(5) This paragraph applies to a hiring agreement under the terms of which the vehicle concerned is let to the hirer for a fixed period of less than 6 months (whether or not that period is capable of extension by agreement between the parties or otherwise)X; and any reference in this paragraph to the currency of the hiring agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of the fixed period specified in the agreement, but otherwise on terms and conditions specified in it.

(6) Any reference to a statement of liability under this Schedule is a reference to a statement made by the hirer under a hiring agreement to which this paragraph applies to the effect that the hirer acknowledges that he will be liable, as owner of the vehicle, in respect of any offence which may be committed during the currency of the agreement and is an offence committed in respect of a stationary vehicle and falling within any of paragraphs (a) to (c) or within paragraph (f) of paragraph 2(2) of this Schedule (other than the offence, mentioned in paragraph 2(2)(b) above, of obstructing a road).

Time for bringing, and evidence in, proceedings for offences under this Schedule

8 (1) Proceedings in England or Wales for an offence under paragraph 6(3) of this Schedule may be brought within a period of 6 months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this paragraph more than 3 years after the commission of the offence.

(2) Proceedings in Scotland for an offence under paragraph 6(3) of this Schedule shall not be commenced after the expiry of the period of 3 years from the commission of the offence; but, subject to the foregoing limitation, and not withstanding anything in section 331 of the [M95]Criminal Procedure (Scotland) Act 1975, any such proceedings may be commenced at any time within 6 months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings came to his knowledge or, where such evidence was reported to him by a local authority, within 6 months after the date on which it came to their knowledge; and subsection (3) of the said section 331 shall apply for the purposes of this sub-paragraph as it applies for the purposes of that section.

(3) For the purposes of sub-paragraphs (1) and (2) above, a certificate signed by or on behalf of the prosecutor or, as the case may be, the Lord Advocate or the local authority, and stating the date on which evidence such as is mentioned in the sub-paragraph in question came to his or their knowledge, shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(4) Where any person is charged with an offence committed in respect of a stationary vehicle and falling within any of paragraphs (a) to (c) or within paragraph (f) of paragraph 2(2) of this Schedule (other than the offence mentioned in paragraph 2(2)(b) above, of obstructing a road), and the prosecutor produces to the court any of the statutory statements mentioned in paragraph 9 of this Schedule or a copy of a statement of liability under this Schedule purporting—

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(a) to have been furnished in compliance with or in response to a notice under paragraph 5(6) of this schedule, and
(b) to have been signed by the accused,

the statement shall be presumed, unless the contrary is proved, to have been signed by the accused and shall be evidence (and, in Scotland, sufficient evidence) in the proceedings of any facts stated in it tending to show that the accused was the owner, the hirer or the driver of the vehicle concerned at a particular time.

Marginal Citations
M95 1975 c. 21**(39:1).**

Statutory statements under this Schedule

9 (1) A statutory statement of ownership under this Schedule is a statement in the prescribed form, signed by the person furnishing it and stating—
(a) whether he was the owner of the vehicle at the relevant time; and
(b) if he was not the owner of the vehicle at the relevant time, whether he ceased to be the owner before, or became the owner after, the relevant time, and, if the information is in his possession, the name and address of the person to whom, and the date on which, he disposed of the vehicle or, as the case may be, the name and address of the person from whom, and the date on which, he acquired it.

(2) A statutory statement of hiring under this Schedule is a statement in the prescribed form signed by the person furnishing it, being the person by whom a statement of liability under this Schedule was signed, and stating—
(a) whether at the relevant time the vehicle was let to him under the hiring agreement to which the statement of liability refers; and
(b) if it was not, the date on which he returned the vehicle to the possession of the vehicle-hire firm concerned.

(3) A statutory statement of facts under this Schedule is a statement which is in the prescribed form and which—
(a) states that the person furnishing it was the driver of the vehicle at the relevant time and is signed by him; or
(b) states that that person was not the driver of the vehicle at the relevant time, states the name and address of the person who was the driver of the vehicle at the relevant time and is signed both by the person furnishing it and by the person stated to be the driver of the vehicle at the relevant time.

Service of notices

10 (1) A notice under paragraph 5(6) of this Schedule may be served on any person—
(a) by delivering it to him or by leaving it at his proper address, or
(b) by sending it to him by post;

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and, where the person on whom such a notice is to be served is a body corporate, it shall be duly served if it is served on the secretary or clerk of that body.

(2) For the purposes of sub-paragraph (1) above and of section 7 of the [M96]Interpretation Act 1978 (references to service by post) in its application to that sub-paragraph the proper address of any person on whom such a notice is to be served—

(a) shall, in the case of the secretary or clerk of a body corporate, be that of the registered or principal office of that body or the registered address of the person who is the registered keeper of the vehicle concerned at the time of service, and

(b) shall in any other case be the last known address of the person to be served.

(3) For the purposes of sections 1(2) and 2(1) of the [M97]Magistrates' Courts Act 1980 (power to issue summons or warrant and jurisdiction to try offences) any offence under paragraph 6(2) of this Schedule shall be treated as committed at any address which at the time of service of the notice under paragraph 5(6) of this Schedule to which the offence relates was the accused's proper address (in accordance with sub-paragraph (2) above) for service of any such notice, as well as at the address to which any statutory statement furnished in response to that notice is required to be returned in accordance with the notice.

Marginal Citations

M96 1978 c. 30**(115:1).**

M97 1980 c. 43**(82).**

Interpretation

11 (1) In this Schedule—

"appropriate period", in relation to a notice under paragraph 5(6) of this Schedule, means the period of 14 days from the date on which the notice is served, or such longer period as may be allowed by the chief officer of police by or on behalf of whom the notice is served;

"driver", in relation to the alleged offence referred to in paragraph 5(1) of this Schedule, means the person by whom, assuming the alleged offence to have been committed, it was committed;

"the interim period" has the meaning assigned to it by paragraph 1 of this Schedule;

"relevant time", in relation to the alleged offence referred to in paragaph 5(1) of this Schedule, means the time at which the offence is alleged to have been committed.

(2) For the purposes of this Schedule the owner of a vehicle shall be taken to be the peson by whom the vehicle is kept; and for the purpose of determining, in the course of any proceedings brought by virtue of this Schedule, who was the owner of the vehicle at any time, it shall be presumed that the owner was the person who was the registered keepr of the vehicle at that time.

(3) Notwithstanding the presumption in sub-paragraph (2) above it shall be open to the defence in any proceedings to prove that the person who was the registered keeper

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of a vehicle at a particular time was not the person by whom the vehicle was kept at that time, and it shall be open to the prosecution to prove that the vehicle was kept by some other person at that time.

(4) References in this Schedule to the person who was or is the registered keeper of a vehicle at any time are references to the person in whose name the vehicle was or is at that time registered under the [M98]Vehicles (Excise) Act 1971; and, in relation to any such person, the reference in paragraph 10(2)(a) above to that person's registered address is a reference to the address recorded in the record kept under that Act with respect to that vehicle as being that person's address.

Marginal Citations
M98 1971 c. 10**(107:2).**

Transitional provisions

12 For the purposes of the provisions of the [M99]Interpretation Act 1978 in their application to this Act, and for the purposes of paragraphs 1 to 6 of Schedule 10 to this Act—

(a) paragraphs 1 to 11 of this Schedule shall be taken to be enactments by which enactments repealed by this Act are re-enacted (with or without modification), and

(b) those paragraphs shall be taken to be provisions corresponding to enactments so repealed,

notwithstanding that the operation of those paragraphs of this Schedule is limited by reference to the interim period.

Marginal Citations
M99 1978 c. 30**(115:1).**

SCHEDULE 13

Section 146.

CONSEQUENTIAL AMENDMENTS

THE ROAD TRAFFIC ACT 1960 (c. 16)

1 In section 253(11), for "section 78 of the Road Traffic Regulation Act 1967" substitute " section 86 of the Road Traffic Regulation Act 1984 ".

THE LONDON GOVERNMENT ACT 1963 (c. 33)

2 In section 18(1A), for "section 12 of the Road Traffic Regulation Act 1967" substitute "section 14 of the Road Traffic Regulation Act 1984"; for "the said

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section 12" substitute "the said section 14"; and after "1960" insert "or in section 12 of the Road Traffic Regulation Act 1967".

THE COUNTRYSIDE (SCOTLAND) ACT 1967 (c. 86)

3 In section 51—

(a) in subsection (1), for the words from "local authorities" to "1967" substitute " local highway authorities in Scotland by section 32 of the Road Traffic Regulation Act 1984 "; and

(b) in subsection (2), for "sections 28, 29, 31, 32, 52, 53 and 96 of the said Act of 1967" substitute " sections 32, 33, 35, 41, 101 and 102 of the Road Traffic Regulation Act 1984 ".

THE LONDON CAB ACT 1968 (c. 7)

4 In section 3(2), for "1967" substitute " 1984 ".

THE COUNTRYSIDE ACT 1968 (c. 41)

5 In paragraph 9(5) of Schedule 3, for "1967" substitute "1984".

THE TRANSPORT ACT 1968 (c. 73)

F480 6 . . . . . .

Textual Amendments

F480 Sch. 13 para. 6 repealed (1.1.1996) by 1995 c. 23, s. 60(2), **Sch. 8 Pt. I** (with ss. 54, 55); S.I. 1995/2181, **art. 2**

7 In section 117(5), for the words from "12" to the end of the subsection substitute " or 14 of the Road Traffic Regulation Act 1984 ".

F481 8 . . . . . .

Textual Amendments

F481 Para. 8 repealed by London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3), **Sch. 7**

9 In section 42, the reference to any of the provisions of the Transport (London) Act 1969 shall be construed as including a reference to any provision of this Act which repeals and re-enacts (with or without modification) any provision of the said Act of 1969.

THE CHRONICALLY SICK AND DISABLED PERSONS ACT 1970 (c. 44)

10 In section 20(1)(b), for "1967" substitute " 1984 ".

11 In section 21—

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(a) in subsection (1), for the words from "section 84C" to "Transport Act 1968)" substitute " Part III of Schedule 9 to the Road Traffic Regulation Act 1984 ";

(b) in subsection (7)(c), after "before" insert " the time when " and after "or" insert " at that time "; and

(c) in subsection (8), for "1967" substitute " 1984 ".

THE PENSIONS (INCREASE) ACT 1971 (c. 56)

12 In paragraph 51(b) of Schedule 2, after "1967" insert " or section 95(1) of the Road Traffic Regulation Act 1984 ".

F482 13–28 . . . . . .

Textual Amendments

F482 Sch. 13 paras. 13–28 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

THE LAND COMPENSATION ACT 1973 (c. 26)

29 In section 20—

(a) in subsection (6), after "1967" insert " or section 6 of the Road Traffic Regulation Act 1984 "; and

(b) in subsection (12), for "1967" substitute " 1984 ".

THE CONTROL OF POLLUTION ACT 1974 (c. 40)

30 In section 23—

(a) in subsection (2A), for "1967" substitute " 1984 ";

(b) in subsection (4), for "sections 20, 52 and 53 of the Road Traffic Regulation Act 1967" substitute " sections 99 to 102 of the Road Traffic Regulation Act 1984 "; and

(c) in subsection (9), for the words from "sections" to the end of subsection substitute " sections 46(2)(a), 142(1) and 64(1) of the Road Traffic Regulation Act 1984. ".

THE ROAD TRAFFIC ACT 1974 (c. 50)

31 In section 17—

(a) in subsection (6)(a), for "the 1967 Act" substitute " the Road Traffic Regulation Act 1984 "; and

(b) in subsection (9), for "section 54 of the 1967 Act" substitute " section 64 of the Road Traffic Regulation Act 1984 ".

THE GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1974 (c. xxiv)

32 In section 15—

(a) in subsection (2)(a), for "section 80(1)(b) of the Act of 1967" substitute " Schedule 12 to the Road Traffic Regulation Act 1984 "; and

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(b) in subsection (12)—

(i) for "section 71 of the Act of 1967" substitute " section 81 of the Road Traffic Regulation Act 1984 "; and

(ii) for "section 74 of the Act of 1967" substitute " section 84 of that Act ".

F483 33 . . . . . .

Textual Amendments

F483 Sch. 13 para. 33 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**

THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (c. 57)

34 In section 7(3), for "Section 84C(1) to (5) and (6) of the Road Traffic Regulation Act 1967" substitute " Paragraphs 20 to 23, paragraph 24 (except so much of it as relates to appeals by district councils) and paragraph 25 of Schedule 9 to the Road Traffic Regulation Act 1984 ", and for "subsections (1) and (5) of that section" substitute " paragraphs 20(1) and 24(a) and (b) of that Schedule ".

35 In section 44—

(a) in subsection (1), in the definition of "traffic sign", for "1967" substitute " 1984 "; and

(b) in subsection (5), for "or 37(2)(c) of this Act" substitute " of this Act or section 61(2)(c) of the Road Traffic Regulation Act 1984 ".

36 In section 64(2), for "section 54 of the Road Traffic Regulation Act 1967" substitute " section 64 of the Road Traffic Regulation Act 1984 ".

THE CRIMINAL JUSTICE (SCOTLAND) ACT 1980 (c. 62)

37 At the end of Schedule 1 the following entry shall be inserted as follows in columns 1, 2 and 3—

***Column*1**	***Column*2**	***Column*3**
The Road Traffic Regulation Act 1984.	Two police officers who have tested the apparatus.	The accuracy of any particular—(a) speedometer fitted to a police vehicle;(b) odometer fitted to a police vehicle;(c) radar meter; or(d) apparatus for measuring speed, time or distance, identified in the certificate by reference to its number or otherwise.

THE LOCAL GOVERNMENT, PLANNING AND LAND ACT 1980 (c. 65)

38 In Schedule 7—

(a) in paragraph 14(3) and (4), for "1967" substitute " 1984 "; and

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(b) in paragraph 14(4), for "section 104(1)" substitute " section 142 ".

THE HIGHWAYS ACT 1980 (c. 66)

39 In section 7(2), for "section 12 of the Road Traffic Regulation Act 1967" substitute "sections 14 and 16 of the Road Traffic Regulation Act 1984".

40 In section 42(2)(c), for "section 71 of the Road Traffic Regulation Act 1967" substitute " section 81 of the Road Traffic Regulation Act 1984 ", [F484]. . .

Textual Amendments

F484 Words in Sch. 13, para. 40 repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1992/1286, **art. 2**,Sch.

41 In section 60(1), for "section 12 of the Road Traffic Regulation Act 1967" substitute " section 14 of the Road Traffic Regulation Act 1984 ".

42 In section 90F(2), for "1967" substitute " 1984 ".

43 In section 115(6)—

(a) for "Section 31 of the Road Traffic Regulation Act 1967" substitute " Section 35 of the Road Traffic Regulation Act 1984 ";

(b) for "section 28" substitute " section 32 ";

(c) for "sections 84A, 84B, 84C, 84D and 85 of" substitute " section 112 of and Parts I, II, III and IV of Schedule 9 to ";

(d) for "the said section 31", wherever it occurs, substitute " the said section 35 ";

(e) in paragraph (b), for "section 84D" substitute " Part IV of Schedule 9 "; and

(f) in paragraph (c), for "section 85(2)" substitute " section 112(2) ".

44 In section 115A(2), for "1967" substitute " 1984 ".

45 In section 265(10), for "21 and 75 of the Road Traffic Regulations Act 1967" substitute " 23 and 85 of the Road Traffic Regulation Act 1984 ".

46 In section 285(3), for "1967" substitute " 1984 ", and for "section 84A(2) or (4) of" substitute " paragraph 3 or paragraph 7 of Schedule 9 to ".

47 In section 329(1), in the definition of "traffic sign", for "section 54 of the Road Traffic Regulation Act 1967" substitute " section 64 of the Road Traffic Regulation Act 1984 ".

[F485]48, 49. . . . . .

Textual Amendments

F485 Sch. 13 paras. 48 and 49 repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

[F486]50, 51. . . . . .

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Textual Amendments

F486 Sch. 13 paras. 50, 51, 54–56 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

52 In Schedule 10, in Part II, in paragraph 9(1), for "1967" substitute " 1984 ".

THE WILDLIFE AND COUNTRYSIDE ACT 1981 (c. 69)

53 In section 54, for "1967" substitute " 1984 ".

F487 54–56 . . . . . .

Textual Amendments

F487 Sch. 13 paras. 50, 51, 54–56 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

THE LEVEL CROSSINGS ACT 1983 (c. 16)

57 In section 1(11), in the definition of "traffic sign", for "1967" substitute " 1984 ".

SCHEDULE 14

Section 146.

REPEALS

Chapter	Short title	Extent of repeal
1967 c. 76.	The Road Traffic Regulation Act 1967.	The whole Act except sections 109 and 113 and Schedule 6.
1967 c. 77.	The Police (Scotland) Act 1967.	In Schedule 4, the entry relating to the Road Traffic Regulation Act 1967.
1968 c. 41.	The Countryside Act 1968.	In section 27, in subsection (6), the words from "and in section 63 " onwards.Section 32.
1968 c. 59.	The Hovercraft Act 1968.	In the Schedule, in paragraph 4, sub-paragraph (d).
1968 c. 73.	The Transport Act 1968.	Sections 126 to 132.Section 149.Schedule 14.
1968 c. xxxvii.	The City of London (Various Powers) Act 1968.	Section 8.
1969 c. 27.	The Vehicle and Driving Licences Act 1969.	In section 16, subsection (6).

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1969 c. 35.	The Transport (London) Act 1969.	Sections 32 to 36.Schedule 5.
1970 c. 20.	The Roads (Scotland) Act 1970.	In Schedule 1, paragraph 12.
1970 c. 29.	The Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970.	Section 3.
1971 c. 62.	The Tribunals and Inquiries Act 1971.	In Schedule 3, the entry relating to the Transport (London) Act 1969.
1971 c. 78.	The Town and Country Planning Act 1971.	In Part II of Schedule 23, the entry relating to Schedule 5 to the Transport (London) Act 1969.
1972 c. 11.	The Superannuation Act 1972.	In Schedule 6, paragraph 69.
1972 c. 20.	The Road Traffic Act 1972.	In section 203, subsection (2).In Schedule 4, in Part III, paragraphs 4 to 8.In Schedule 7, the entry relating to the Road Traffic Regulation Act 1967.
1972 c. 70.	The Local Government Act 1972.	In Schedule 19, Part II.
1973 c. 44.	The Heavy Commercial Vehicles (Controls and Regulations) Act 1973.	Section 1.
1973 c. 65.	The Local Government (Scotland) Act 1973.	In Schedule 14, paragraphs 59 to 73.In Schedule 25, paragraphs 34 to 38.
1974 c. 7.	The Local Government Act 1974.	In Schedule 6, paragraph 20.
1974 c. 50.	The Road Traffic Act 1974.	Sections 1 to 5.Section 19.In section 21, subsection (1).Section 22(a).Schedule 1.In Schedule 5—(a) Part II; and(b) in Part IV, paragraph 3.In Schedule 6, paragraphs 4 to 9.
1974 c. xxiv.	The Greater London Council (General Powers) Act 1974.	Sections 12 and 13.
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedules 7C and 7D, the entries relating to the Road Traffic Regulation Act 1967.

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1976 c. 3.	The Road Traffic (Drivers' Ages and Hours of Work) Act 1976.	In Schedule 1, paragraph 16.
1976 c. 57.	The Local Government (Miscellaneous Provisions) Act 1976.	Section 37.
1976 c. xxvi.	The Greater London Council (General Powers) Act 1976.	Section 4.Schedule.
1977 c. 45.	The Criminal Law Act 1977.	In Schedules 6 and 12, the entry relating to the Road Traffic Regulation Act 1967.
1978 c. 55.	The Transport Act 1978.	Sections 11 and 12.
1980 c. 34.	The Transport Act 1980.	In Schedule 5, in Part II, the entry relating to the Road Traffic Regulation Act 1967.
1980 c. 62.	The Criminal Justice (Scotland) Act 1980.	Section 31.In Schedule 1 the entry relating to the Road Traffic Regulation Act 1967.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	In Schedule 7, in Part II, paragraphs 9 to 13.
1980 c. 66.	The Highways Act 1980.	In section 340, in subsection (2), paragraph (a).In Schedule 24, paragraph 16.
1981 c. 14.	The Public Passenger Vehicles Act 1981.	In Schedule 7, paragraphs 4 to 8.
1981 c. 43.	The Disabled Persons Act 1981.	Section 2.
1981 c. 56.	The Transport Act 1981.	In section 24, in subsection (1), the words "and in section 103(1) of the Road Traffic Regulation Act 1967 ".
1981 c. 67.	The Acquisition of Land Act 1981.	In paragraph 1 of Schedule 4, the entry relating to the Road Traffic Regulation Act 1967.
1981 c. 69.	The Wildlife and Countryside Act 1981.	Section 60.
1981 c. xvii.	The Greater London Council (General Powers) Act 1981.	Section 7.
1982 c. 48.	The Criminal Justice Act 1982.	In Schedule 3, the entries relating to the Road Traffic Regulation Act 1967.
1982 c. 49.	The Transport Act 1982.	Sections 53 to 55.Section 56(1), (3) and (4).Sections

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	61 and 62.In section 64(2)—(a) paragraph (a); and(b) the words "in the former case as subsections (4) and (5) and in the latter case ".Section 69.Section 72(b).In section 73—(a) in subsection (1), the words "subject to subsection (2) below, ";(b) subsection (2); (c) subsection (3)(b); and(d) in subsection (4), the words "or an order to which section 55(6) of this Act applies ".In section 76—(a) in subsection (2), the words "Subject to subsection (3) below "; and(b) subsection 3.In Schedule 2, the entry relating to the Road Traffic Regulation Act 1967.In Schedule 5, paragraphs 1 to 4, 18 and 19.

TABLE OF DERIVATIONSNote:The following abbreviations are used in this Table:—

1967	= The Road Traffic Regulation Act 1967 (c. 76).
1967 (c. 77)	= The Police (Scotland) Act 1967.
S.I. 1967/1900	= The Removal and Disposal of Vehicles (Alteration of Enactments) Order 1967.
1968	= The Transport Act 1968 (c. 73).
1968 (c. 41)	= The Countryside Act 1968.
1968 (c. 59)	= The Hovercraft Act 1968.
1968 (c. xxxvii)	= The City of London (Various Powers) Act 1968.
1969	= The Transport (London) Act 1969 (c. 35).
1969 (c. 27)	= The Vehicle and Driving Licences Act 1969.
1970 (c. 20)	= The Roads (Scotland) Act 1970.
1970 (c. 29)	= The Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970.
1970 (c. 44)	= The Chronically Sick and Disabled Persons Act 1970.

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S.I. 1970/1681	= The Secretary of State for the Environment Order 1970.
1971 (c. 10)	= The Vehicles (Excise) Act 1971.
1971 (c. 41)	= The Highways Act 1971.
1971 (c. 62)	= The Tribunals and Inquiries Act 1971.
1971 (c. 78)	= The Town and Country Planning Act 1971.
1972	= The Road Traffic Act 1972 (c. 20).
1972 (c. 11)	= The Superannuation Act 1972.
1972 (c. 70)	= The Local Government Act 1972.
1973 (c. 44)	= The Heavy Commercial Vehicles (Controls and Regulations) Act 1973.
1973 (c. 65)	= The Local Government (Scotland) Act 1973.
S.I. 1973/747	= The Motor Vehicles (Variation of Speed Limits) Regulations 1973.
S.I. 1973/748	= The Motor Vehicles (Speed Limits on Motorways) Regulations 1973.
1974	= The Road Traffic Act 1974 (c. 50).
1974 (c. 7)	= The Local Government Act 1974.
1974 (c. xxiv)	= The Greater London Council (General Powers) Act 1974.
1975 (c. 21)	= The Criminal Procedure (Scotland) Act 1975.
1975 (c. 78)	= The Airports Authority Act 1975.
1976	= The Local Government (Miscellaneous Provisions) Act 1976 (c. 57).
1976 (c. 3)	= The Road Traffic (Drivers' Ages and Hours of Work) Act 1976.
1976 (c. xxvi)	= The Greater London Council (General Powers) Act 1976.
1977	= The Criminal Law Act 1977 (c. 45).
1978	= The Transport Act 1978 (c. 55).
1978 (c. 3)	= The Refuse Disposal (Amenity) Act 1978.
1980 (c. 34)	= The Transport Act 1980.
1980 (c. 43)	= The Magistrates' Courts Act 1980.
1980 (c. 65)	= The Local Government, Planning and Land Act 1980.
1980 (c. 66)	= The Highways Act 1980.

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1981	= The Public Passenger Vehicles Act 1981 (c. 14).
1981 (c. 43)	= The Disabled Persons Act 1981.
1981 (c. 56)	= The Transport Act 1981.
1981 (c. 67)	= The Acquisition of Land Act 1981.
1981 (c. 69)	= The Wildlife and Countryside Act 1981.
1981 (c. xvii)	= The Greater London Council (General Powers) Act 1981.
S.I. 1981/202	= The Motor Vehicles (Variation of Speed Limits) (No. 2) Regulations 1980.
S.I. 1981/1372	= The Motor Vehicles (Variation of Speed Limits and Speed Limits on Motorways) (Metrication) Regulations 1981.
S.I. 1981/1373	= The Road Traffic Acts 1960 and 1972, Road Traffic Regulation Act 1967 and Transport Act 1968 (Metrication) Regulations 1981.
S.I. 1981/1374	= The Road Traffic Acts 1960 and 1972 and Road Traffic Regulation Act 1967 (Metrication) (No. 2) Regulations 1981.
1982	= The Transport Act 1982 (c. 49).
1982 (c. 48)	= The Criminal Justice Act 1982.
S.I. 1982/137	= The Fixed Penalty (Increase) Order 1982.
S.I. 1984/325	= The Motor Vehicles (Variation of Speed Limits) Regulations 1984.
R (followed by a number)	= The recommendation set out in the paragraph of that number in the Appendix to the Report of the Law Commission and the Scottish Law Commission on the Act. (Cmnd. 9162).

The Table does not take account of successive transfers of Ministerial functions under the enactments consolidated by the Act.

Provision	**Derivation**
1(1)	1967 s. 1(1); 1968 s. 126(1), Sch. 14 Pt. VI paras. 1, 2.
(2), (3)	1867 s. 1(2), (2A), (2B); 1980 (c. 65) Sch. 7 para. 9(1).
(4), (5)	1867 s. 1(7).
2(1)	1967 s. 1(3); 1968 Sch. 14 Pt. VI para. 3; 1974 Sch. 6 para. 4.

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(2)	1867 s. 1)3); 1968 Sch. 14 Pt. VI para. 3.
(3)	1867 s. 1(3A); 1968 s. 126(2).
(4), (5)	1867 s. 1(3AA), (3AB); 1973 (c. 44) s. 1.
3(1), (2)	1967 s. 1(5), (6); 1968 s. 126(4); 1973 (c. 44) s. 1(2).
(3)	1867 s. 1(4).
(4)	1867 s. 1(3); 1981 s. 39(3).
4	1967 s. 1(3B)–(3D); 1968 Sch. 14 Pt. I.
5(1)	1967 s. 1(8); 1968 s. 126(2).
(2)	1867 s. 1(7).
6(1), (2)	1967 s. 6(1), (2); 1968 s. 126(6), Sch. 14 Pt. VI.
(3)	1867 s. 6(3); 1974 Sch. 6 para. 5.
(4)	1867 s. 6(11).
(5)	1867 s. 6(1).
(6)	1867 s. 6(12).
7(1)–(4)	1967 s. 6(4)–(7); 1968 s. 126(7).
(5)	1867 s. 6(8); 1981 Sch. 7 para. 4.
(6)	1867 s. 7(2); 1968 Sch. 14 Pt. VI para. 7; S.I. 1970/1681 para. 24.
(7)	1867 s. 6(12); 1981 Sch. 7 para. 4.
8(1)	1967 s. 6(9).
(2)	1867 s. 6(11).
9(1)	1967 s. 9(1); 1968 Sch. 14 Pt. VI; 1974 (c. xxiv) s. 13(1)(a); 1974 Sch. 6 para. 6.
(2)–(4)	1967 s. 9(2)–(3A) (first); 1980 (c. 65) Sch. 7 para. 9.
(5)	1867 s. 9(3A) (second); 1974 (c. xxiv) s. 13(1)(b).
(6)	1867 s. 9(12)(b).
10(1), (2)	1967 s. 9(4), (5); 1974 (c. xxiv) s. 13(1)(c); 1980 (c. 65) Sch. 7 para. 9; R.1.
(3)	1967 s. 9(5); 1974 (c. xxiv) s. 13(1)(c).
(4)	1867 s. 9(8); 1981 Sch. 7 para. 5.
(5)	1867 s. 9(11).
11	1967 s. 9(9).
12(1)–(4)	1967 s. 11(1)–(3); 1968 Sch. 14 Pt. VI para. 11.

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(5)–(10)	1867 s. 11(5)–(8).
13	1967 s. 11(4).
14(1)–(7)	1967 s. 12(1)–(5); 1968 s. 126(9).
(8)	1867 s. 12(5A); 1974 (c. xxiv) s. 13(1)(d).
(9)	1867 s. 12(11).
15(1)–(4)	1967 s. 12(6); 1973 (c. 65) Sch. 25 para. 34; 1974 (c. 7) Sch. 6 para. 20(1).
(5)	1967 s. 12(7).
16(1)	1967 s. 12(9); 1968 s. 126(9).
(2)	1867 s. 12(10).
(3), (4)	1867 s. 12(8).
17(1)–(3)	1967 s. 13(1)–(3); 1980 (c. 66) Sch. 24 para. 16.
(4)	1867 s. 13(4).
(5), (6)	1867 s. 13(5), (6).
18(1), (2)	1967 s. 14(1); 1980 (c. 66) Sch. 24 para. 16.
(3)	1867 s. 14(2).
19(1), (2)	1967 s. 15(1); 1968 s. 128(1), Sch. 14 Pt. VI paras. 12, 13.
(3)	1867 s. 15(8); 1973 (c. 65) Sch. 14 para. 61.
20	1967 s. 16.
21	1967 s. 18; 1972 Sch. 7.
22	1968 (c. 41) s. 32(1)–(4); 1980 (c. 65) Sch. 7 para. 13.
23	1967 s. 21; 1980 (c. 65) Sch. 7 para. 10(1).
24	1967 s. 22.
25	1967 s. 23.
26(1)	1967 s. 24(1); 1974 Sch. 6 para. 7.
(2)–(5)	1867 s. 24(2)–(5); 1973 (c. 65) Sch. 14 para. 64, Sch. 27 para. 1(2).
27(1)	1967 s. 24(6A); 1969 s. 33.
(2)	1867 s. 24(6).
28	1967 s. 25; 1974 Sch. 6 para. 7.
29(1)	1967 s. 26(1), (9); 1968 Sch. 14 Pt. VI para. 15; 1973 (c. 65) Sch. 14 para. 65.
(2)	1967 s. 26(2).
(3)	1867 s. 26(6).

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30	1967 s. 26A; 1968 Sch. 14 Pt. II.
31	1967 s. 27; 1968 Sch. 14 Pt. VI para. 17.
32(1)	1967 s. 28(1); 1968 Sch. 14 Pt. VI para. 1.
(2), (3)	1867 s. 28(3), (5).
(4)	1867 s. 28(6); 1973 (c. 65) Sch. 14 para. 66.
33	1967 s. 29; R.3.
34	1967 s. 29A; 1971 (c. 41) s. 9(1).
35(1)	1967 s. 31(1); 1968 Sch. 14 Pt. VI para. 1.
(2)	1867 s. 31(1A) (first); 1971 (c. 41) s. 9(3).
(3)–(5)	1967 s. 31(2), (3).
(6)–(9)	1867 s. 31(4)–(7).
36(1), (2)	1967 s. 28(2), (4).
(3)	1867 s. 28A(1); 1972 (c. 70) Sch. 19 para. 15.
(4)	
37(1)–(3)	1967 s. 5(1), (2); 1968 Sch. 14 Pt. VI para. 5; 1972 (c. 70) Sch. 19 para. 8(1); 1973 (c. 65) Sch. 14 para. 60.
(4)	1967 s. 5(3); 1968 Sch. 14 Pt. VI para. 6; 1973 (c. 44) s. 1(4).
38(1)	1967 s. 33(1); 1968 s. 128(3), Sch. 14 Pt. VI para. 18.
(2)–(4)	1867 s. 33(2), (3); 1968 s. 128(5); R.4.
(5), (6)	1867 s. 33(8), (9).
(7)	1967 s. 33(5); 1968 Sch. 14 Pt. VI para. 20; 1981 Sch. 7 para. 6; R.4.
39(1)	1967 s. 28(6A); s. 28A(1)(b); 1972 (c. 70) Sch. 19 paras. 14, 15.
(2)	1867 s. 28(7).
(3)–(8)	1867 ss. 28A(2)–(7), 31(1A) (second); 1972 (c. 70) Sch. 19 para. 15.
40	1967 s. 30; 1971 (c. 41) s. 9(2); 1981 (c. 67) Sch. 4 para. 1.
41	1967 s. 32(5), (6); 1971 (c. 41) s. 9(4).
42	1967 s. 34(1).
43	1969 ss. 36, 45(1); 1975 (c. 78) s. 25(8).
44	1978 s. 11.
45(1)	1967 s. 35(1); 1968 Sch. 14 Pt. IV para. 1

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(2)	1867 s. 35(1A); 1968 s. 127(1).
(3), (4)	1967 s. 35(2), (3); 1968 Sch. 14 Pt. IV para. 3.
(5)	1967 s. 35(9).
(6)	1967 s. 35(7); 1968 Sch. 14 Pt. IV para. 5.
(7)	1967 s. 35(4); 1972 (c. 70) Sch. 19 para. 17; 1973 (c. 65) Sch. 14 para. 67.
46(1), (2)	1967 s. 36(1), (2); 1968 s. 127(2), Sch. 14 Pt. IV paras. 6–8.
(3)	1867 s. 37(5); 1973 (c. 65) Sch. 25 para. 37; 1974 (c. 7) Sch. 6 para. 20(4).
(4)	1967 s. 36(6); 1968 s. 127(3).
47(1), (2)	1967 s. 42(1), (2); 1968 s. 127(4); R.5.
(3)–(6)	1867 s. 42(4)–(7).
(7)	1867 s. 42(8); 1968 Sch. 14 Pt. VI para. 22(a).
48(1)	1967 s. 42(3).
(2)	1867 s. 42(4A); 1968 s. 127(5).
49(1)–(3)	1967 s. 37(1), (2), (2A); 1972 (c. 70) Sch. 19 para. 20.
(4), (5)	1867 s. 37(3), (4); 1968 Sch. 14 Pt. IV para. 9.
(6)	1867 s. 40(2).
50(1)–(3)	1967 s. 35(5); 1968 Sch. 14 Pt. IV para. 5.
(4)	1867 s. 35(5A); 1969 s. 35.
(5)	
(6)	1867 s. 35(6); 1968 Sch. 14 Pt. IV para. 5.
51(1)–(3)	1981 (c. xvii) s. 7(1), (2).
(4)–(6)	1881 (c. xvii) s. 7(5), (6).
52(1)	1981 (c. xvii) s. 7(4).
(2), (3)	1881 (c. xvii) s. 7(3).
53(1)–(3)	1967 s. 39(1), (2); 1968 Sch. 14 Pt. IV para. 11.
(4)–(6)	1867 s. 43(1)–(3).
(7)	1867 s. 43(4); 1972 (c. 70) Sch. 19 para. 21.
54(1)–(8)	1967 s. 35A; 1972 (c. 70) Sch. 19 para. 18; R.6.
(9)	1867 s. 36(3); 1972 (c. 70) Sch. 19para. 19.

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55(1)	1967 s. 44(1).
(2)–(4)	1967 s. 44(2), (3); 1968 s. 127(6); 1980 (c. 66) Sch. 24 para. 16(d).
(5)	1967 s. 44(3A); 1968 s. 127(7); 1970 (c. 20) Sch. 1 para. 12.
(6)	1967 ss. 35(5)(c), 35A(8); 1968 Sch. 14 Pt. IV para. 5; 1972 (c. 70) Sch. 19 para. 18.
(7)	1967 s. 44(5); 1968 Sch. 14 Pt. VI para. 23.
56	1967 s. 45(1); 1968 Sch. 14 Pt. VI para. 24.
57(1)	1967 ss. 46(1), 49A(1); 1972 (c. 70) s. 179(4), Sch. 19 para. 22.
(2)–(9)	1967 ss. 46(1)–(7), 49A(4); 1972 (c. 70) s. 179(4).
58	1967 s. 47; 1972 (c. 70) s. 179(4).
59	1967 s. 49A(2)–(8); 1972 (c. 70) s. 179(4), Sch. 19 para. 22.
60(1), (2)	1967 s. 48(1), (3); 1972 (c. 70) s. 179(4).
(3)	1867 s. 48(2).
(4)	1867 s. 50; 1980 (c. 66) Sch. 24 para. 16(e); R.7.
61(1)–(5)	1976 s. 37(1)–(5).
(6)	1876 s. 37(8).
(7), (8)	1876 s. 44; R.8.
62	1967 s. 51.
63	1978 s. 12.
64	1967 s. 54; 1972 Sch. 7.
65	1967 s. 55(1)–(3).
66	1967 s. 57; 1972 Sch. 7.
67(1), (2)	1967 s. 58(1), (2); 1972 Sch. 7.
(3)	1867 s. 59.
68	1967 s. 56A(1)–(3); 1968 Sch. 14 Pt. III.
69	1967 s. 61(1), (2).
70	1967 s. 62; 1968 s. 129(4).
71(1)	1967 s. 63; 1968 s. 129(4).
(2)	1868 (c. 41) ss. 27(6), (7), 49(2); 1980 (c. 66) Sch. 24 para. 17(b).
(3)	1868 (c. 41) s. 50(5).
72	1970 (c. 29) s. 3; 1972 (c. 70) s. 179(4).

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73(1), (2)	1967 s. 56(1), (3); 1968 s. 129(2); 1969 s. 34(3).
(3)	1867 s. 56(4); 1969 s. 34(4).
(4)	1967 s. 55(4); 1969 s. 34(2).
(5)	1869 s. 34(9).
74(1)–(6), (8), (9)	1967 (c. xxvi) s. 4(1)–(6), (8).
(7)	1968 (c. xxxvii) s. 8; 1971 (c. 78 Sch. 24 para. 4.
75	1967 s. 60.
76	1967 s. 64.
77	1967 s. 65(1); 1972 Sch. 7.
78(1)	1867 s. 65(2); 1972 (c. 70) Sch. 19 para. 24; 1973 (c. 65) Sch. 14 para. 69.
(2)	1967 s. 68(1)–(3).
79(1)–(4)	1867 s. 68(4); 1968 s. 129(5).
(5)	1967 s. 67; 1968 Sch. 14 Pt. VI para. 27.
80	1967 s. 71.
81	1967 s. 72(1), (3), (5).
82	1967 s. 73(1)–(3); 1968 Sch. 14 Pt. VI para. 1.
83(1), (2)	1867 s. 56A(1); 1968 Sch. 14 Pt. III.
(3)	1967 s. 74(1), (2), (7); 1968 Sch. 14 Pt. VI para. 1.
84(1)–(4)	1867 s. 56A(1); 1968 Sch. 14 Pt. III.
(5)	1967 s. 75(1)–(5).
85(1)–(5)	1867 s. 13(3A); 1968 s. 129(1).
(6)	1867 s. 75(6).
(7)	1967 s. 78(1), (4).
86(1)	1867 s, 78(2)–(6); R.9.
(2)–(6)	1967 s. 79.
87	1967 s. 77(1)–(3), (5); 1968 s. 126(11)(a).
88(1)–(5)	1867 s. 77(9).
(6)	1867 s. 77(7).
(7)	1867 s. 77(6).
(8)	1967 s. 78A; 1972 s. 203(2); 1977 Sch. 12; R.10.

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89	1967 s. 78B; 1982 s. 62.
90	1967 s. 76(2); 1972 (c. 70) Sch. 19 para. 27; 1973 (c. 65) Sch. 14 para. 71(a).
91	1967 s. 69(1); 1968 s. 129(6); 1972 (c. 70) Sch. 19 para. 26(1); 1973 (c. 65) Sch. 14 para. 70(a).
92(1)	1967 s. 69(1A); 1968 s. 129(7).
(2), (3)	1967 s. 69(2), (3); 1972 (c. 70) Sch. 19 para. 26(1); 1973 (c. 65) Sch. 14 para. 70(a).
(4)	1967 s. 69(7).
(5)	1867 s. 69(8).
(6)	1967 s. 69(2).
93(1)	1867 s. 69(4).
(2)	1867 s. 69(5)–(8).
(3)–(6)	1967 s. 70(1).
94(1)	1967 s. 70(1A); 1968 s. 129(8).
(2)	1967 s. 70(2).
(3)	1967 s. 70(3).
(4)	1967 s. 70(5).
(5)	1967 s. 70(4).
(6)	1967 s. 81(1); 1968 s. 131(4).
95(1)	1967 s. 81(12); 1967 (c. 77) Sch. 4.
(2)	1967 s. 81(2), (3); 1968 s. 131(5).
(3)–(5)	1967 s. 81(5), (6).
(6), (7)	1967 s. 81(4A), (4B); 1968 s. 131(6); 1972 Sch. 7.
96	1967 s. 81(9); 1972 (c. 11) Sch. 6 para. 69.
97(1)	1967 s. 81(8).
(2)	1967 s. 81(10), (11).
(3), (4)	1967 s. 81(7).
(5)	
98	1967 s. 20(1); S.I. 1967/1900 art. 2, Sch. 1.
99(1)	1967 s. 20(7)(a)–(c); S.I. 1967/1900 art. 2, Sch. 1.
(2)	1967 s. 20(2), (3); S.I. 1967/1900 art. 2, Sch. 1.

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(3), (4)	1967 s. 20(8); S.I. 1967/1900 art. 2, Sch. 1; 1972 (c. 70) Sch. 19 para. 10(2); 1973 (c. 65) Sch. 14 para. 62.
(5)	1967 s. 20(4); S.I. 1967/1900 art. 2, Sch. 1; R.11.
100(1)	1967 s. 20(4A); 1972 (c. 70) Sch. 19 para. 10(1); R.11.
(2)	1967 s. 20(5), (6); S.I. 1967/1900 art. 2, Sch. 1.
(3), (4)	1967 s. 20(8); S.I. 1967/1900 art. 2, Sch. 1; 1972 (c. 70) Sch. 19 para. 10(2); 1973 (c. 65) Sch. 14 para. 62.
(5)	1967 s. 53(1); S.I. 1967/1900 art. 2, Sch. 1.
101(1)–(3)	1967 s. 53(3), (4); S.I. 1967/1900 art. 2, Sch. 1.
(4)–(6)	1967 s. 53(2); S.I. 1967/1900 art. 2, Sch. 1.
(7)	1967 s. 53(5); S.I. 1967/1900 art. 2, Sch. 1.
(8)	1967 s. 52(1), (2), (7); S.I. 1967/1900 art. 2, Sch. 1.
102(1)–(3)	1967 s. 52(2A); 1974 s. 19.
(4)	1967 s. 52(2); S.I. 1967/1900 art. 2, Sch. 1; 1978 (c. 3) s. 12(4).
(5)	1967 s. 52(4), (5); S.I. 1967/1900 art. 2, Sch. 1; 1972 (c. 70) Sch. 19 para. 23.
(6), (7)	1967 s. 52(3); S.I. 1967/1900 art. 2, Sch. 1; 1978 (c. 3) s. 12(4).
(8)	1976 s. 37(7).
103(1)	1976 s. 37(1)(c).
(2)	1967 ss. 20(7)(d), 52(6), 53(6); S.I. 1967/1900 art. 2, Sch. 1.
(3)	1982 s. 53(1)–(9).
104(1)–(9)	1982 s. 73(2).
(10)	1982 s. 53(10).
(11)	1982 s. 73(5)(a).
(12)	1982 s. 54(1)–(6), (8).
105	1982 s. 55.
106(1)–(8)	1982 s. 73(1), (4).
(9)	1982 s. 73(3).
(10)	1974 s. 2(1)–(5).

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107	1974 s. 2(6)–(9).
108	1974 s. 3.
109	1974 s. 4.
110	1974 s. 5; 1982 Sch. 5 para. 18.
111	1967 s. 85(1).
112(1)	1967 s. 85(2); 1968 s. 127(8); 1969 (c. 27) s. 16(6).
(2)	1967 s. 85(2); 1976 ss. 37(6), 44(1).
(3)	1967 s. 85(3).
(4)	
(5)	1967 s. 89; 1972 Sch. 7.
113	1967 s. 90.
114	1967 s. 86(1); 1968 s. 127(9).
115(1)	1967 s. 86(3); 1968 s. 127(10).
(2)	1967 s. 91.
(3)	1967 s. 86(4), (5); 1968 s. 127(10).
116	1967 s. 86A; 1981 (c. 43) s. 2.
117	1967 s. 87; 1968 Sch. 14 Pt. VI para. 30.
118	1967 s. 88; R.12.
119	1982 s. 69.
120	1967 s. 94(2).
121	1967 s. 84(1); 1968 s. 130(4); R.13.
122(1)	1967 s. 84(1); 1968 s. 130(3), (4); 1973 (c. 44) s. 1(5).
(2)	1974 (c. xxiv) s. 12.
123(1),	
(3)–(9)	1967 s. 84(4).
(2)	1974 (c. xxiv) s. 2.
(10)	1967 ss. 84A–84D; 1968 Sch. 14 Pt. V.
124(1)(a)–(d)	1967 ss. 15(4), 33(1A); 1968 Sch. 14 Pt. VI para. 19.
(e)	1967 ss. 41, 84E; 1968 Sch. 14 Pt. V.
(f)	1967 ss. 12(12), 84D(5); 1968 Sch. 14 Pt. V.
(2)	1967 s. 82; 1968 s. 129(9), Sch. 14 Pt. VI para. 28; 1972 (c. 70) Sch 19 para. 28.
125	1967 s. 83.

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126	1981 (c. 69) ss. 60, 66(1), (2).
127	1967 s. 95; R.14.
128	1967 s. 96.
129(1)–(3)	1967 s. 84(3); 1968 Sch. 14 Pt. VI para. 29; 1972 (c. 70) s. 272(2).
(4)	1967 s. 97; 1968 s. 126(12); 1982 ss. 64, 72(b).
130	1968 s. 149.
131	1968 (c. 41) s. 32(1), (5)–(8), (10).
132	1967 ss. 98, 104(1).
133	1967 s. 107.
134	1967 s. 108A; 1968 s. 132; R.15.
135(1)	
(2)	1967 s. 99(1)–(8); S.I. 1981/1373 Sch. Pt. II; S.I. 1981/1374 Sch.
136	1967 s. 99(1).
137(1)	1967 s. 99(9)–(11).
(2)–(5)	1967 s. 104(1A)–(1G); 1982 s. 56(1), (3), (4).
138	1967 s. 101; 1968 (c. 59) Sch. para. 4.
139	1967 s. 103; 1972 Sch. 7; 1981 (c. 56) s. 24(1).
140	1967 s. 106.
141(1)–(4)	1967 s. 104(1).
(5)	1967 ss. 20(8), 52(3), 53(5), 102, 104(1); 1969 s. 34(5); 1973 (c. 65) Sch. 14 para. 72; 1974 s. 5(1); 1980 (c. 34) Sch. 5 Pt. II; 1980 (c. 43) Sch. 8 para. 5; 1980 (c. 66) Sch. 24 para. 16(h); 1981 Sch. 7 para. 7; 1981 (c. 43) s. 2(c); R.16, 17.
142(1)	1967 s. 102.
(2)	1967 s. 104(2); 1976 (c. 3) Sch. 1 para. 16.
(3)	1967 s. 112.
143	
144	
145(1)	1982 s. 76(2).
(2)	1982 s. 76(4).
(3)	1982 s. 73(1).
(4)	

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(5)	
146	
147	1967 Sch. 1.
Sch. 1	1967 Sch. 2
Sch. 2	1967 Sch. 3; 1968 s. 126 (9).
Sch. 3	1969 Sch. 5; 1971 (c. 62) Sch. 3; 1971 (c. 78) Sch. 23 Pt. II; 1972 (c. 70) s. 272(2).
Sch. 4	1976 (c. xxvi) Sch.; R.18.
Sch. 5	1967 Sch. 5; S.I. 1984/325.
Sch. 6	1967 ss. 1(8), 6(9), 11(4), 13(4), 14(2), 16(5), 25(2), 26(6), 26A(5), 31(3), (3A), (5), 42(1), (1A), (4), 43(2), (3), 77(7), 78A(1), 80(8), 85(3), 86(2), (3), (4), 86A(3), 87, 96(2); 1968 s. 127(10), Sch. 14 Pt. II; 1969 s. 36(5), (10), (12); 1972 s. 203(2), Sch. 4 Pt. III paras. 4–8; 1974 ss. 1(7), (8), 2(7), (8), Sch. 5 Pt. II; 1975 (c. 21) ss. 289B, D–H, Schs, 7C, 7D; 1976 s. 37(5); 1977 Sch. 6; 1980 (c. 43) s. 33(2), (9); 1981 (c. 43) s. 2; 1981 (c. xvii) s. 7(4); 1982 (c. 48) ss. 35, 37, 38, 53, 54, 56, Schs. 3, 6; 1982 ss. 53(5), (6), 54(7).
Sch. 7	1974 s. 5, Sch. 1; 1982 Sch. 5 para. 19.
Sch. 8	1967 s. 84A; 1968 Sch. 14 Pt. V; 1972 (c. 70) Sch. 19 para. 29; 1973 (c. 44) s. 1(6).
Sch. 9	1967 s. 84B; 1968 Sch. 14 Pt. V; 1980 (c. 65) Sch. 7 para. 12; 1980 (c. 66) Sch. 24 para. 16(g).
Pt. I	1967 s. 84C; 1968 Sch. 14 Pt. V; 1972 (c. 70) Sch. 19 para. 30(1), (2); 1974 (c. xxiv) s. 13(2); 1976 s. 37(4); R.8.
Pt. II	1967 s. 84D; 1968 Sch. 14 Pt. V; 1972 (c. 70) Sch. 19 para. 31.
Pt. III	1967 ss. 15(4), 33(1A); 1968 Sch. 14 Pt. VI paras. 13, 19; 1981 Sch. 7 para. 6.
Pt. IV	1967 ss. 41, 84E; 1968 Sch. 14 Pt. V, Pt. VI para. 21.
Pt. V	R.19.
Pt. VI	
Sch. 10	1967 ss. 80, 81(4); 1968 s. 131(1)(b), (2), (3); 1971 (c. 10) Sch. 7 Pt. II para. 11; 1972 Sch. 7; 1974 ss. 1, 3, 4, 5, Schs. 1, 6; 1977 Sch. 12; 1979 (c. 55) Sch. 2 para. 15; 1982 Sch. 5 para. 18; S.I. 1982/137.

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Sch. 13

Sch. 11

Sch. 14

Sch. 12

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