



# Parking (Code of Practice) Act 2019

## 2019 CHAPTER 8

### *Supplementary and final provisions*

#### **9 Regulations**

- (1) Any power to make regulations under this Act is exercisable by statutory instrument.
- (2) Regulations under section 8(1) may—
  - (a) make different provision for different purposes;
  - (b) contain incidental, supplemental, consequential or transitional provision or savings;
  - (c) provide for a person to exercise a discretion in dealing with any matter.
- (3) A statutory instrument containing regulations under section 8(1) is subject to annulment in pursuance of a resolution of either House of Parliament.

#### **10 Interpretation**

- (1) In this Act—
  - “accredited parking association” has the meaning given by section 5(3);
  - “parking charge” has the meaning given by subsection (2);
  - “the parking code” means the code issued under section 2(4) (as altered or replaced from time to time);
  - “private parking facilities” means facilities for the parking of vehicles on relevant land;
  - “public authority” means a public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal;
  - “the register” has the meaning given by section 5(4);
  - “relevant land” has the meaning given by subsection (3);
  - “vehicle” means a mechanically-propelled vehicle or a vehicle designed or adapted for towing by a mechanically-propelled vehicle.
- (2) “Parking charge” has the meaning given by paragraph 2 of Schedule 4 to the Protection of Freedoms Act 2012 (recovery of unpaid parking charges), but in relation to

Scotland that paragraph has effect for the purposes of this Act with the following modifications—

- (a) references to tort are to be read as references to delict,
  - (b) in paragraph 2(3), paragraph (a), and the words “where no such requirements apply,” in paragraph (b), are to be treated as omitted, and
  - (c) “relevant land” has the meaning given by subsection (3) below.
- (3) “Relevant land” has the meaning given by paragraph 3 of Schedule 4 to the Protection of Freedoms Act 2012, but in relation to Scotland that paragraph has effect for the purposes of this Act with the following modifications—
- (a) the reference in paragraph 3(1)(a) to a highway maintainable at the public expense is to be read as a reference to a public road within the meaning of section 151(1) of the Roads (Scotland) Act 1984,
  - (b) the reference in paragraph 3(1)(b) to a parking place which is provided or controlled by a traffic authority is to be read as a reference to a parking place provided or controlled by—
    - (i) the Secretary of State,
    - (ii) the Scottish Ministers, or
    - (iii) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, and
  - (c) the reference in paragraph 3(4) to an Act is to be taken to include an Act of the Scottish Parliament.

## 11 Application to the Crown

- (1) This Act binds the Crown and applies in relation to any Crown land as it applies in relation to any other land.
- (2) For the purposes of this section “Crown land” means land an interest in which—
  - (a) belongs to Her Majesty in right of the Crown or in right of Her private estates,
  - (b) belongs to Her Majesty in right of the Duchy of Lancaster,
  - (c) belongs to the Duchy of Cornwall,
  - (d) belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, or
  - (e) belongs to an office-holder in the Scottish Administration or is held in trust for Her Majesty for the purposes of the Scottish Administration by such an office-holder.
- (3) In subsection (2)—
  - (a) the reference to Her Majesty’s private estates is to be read in accordance with section 1 of the Crown Private Estates Act 1862;
  - (b) “office-holder in the Scottish Administration” has the meaning given by section 126(7) of the Scotland Act 1998.

## 12 Commencement, extent and short title

- (1) The following provisions of this Act come into force on the day on which this Act is passed—
  - (a) section 9 and this section;
  - (b) any power to make regulations under this Act.

- (2) The remaining provisions of this Act come into force on such day as the Secretary of State may by regulations appoint.
- (3) Regulations under subsection (2) may—
  - (a) appoint different days for different purposes;
  - (b) contain incidental, supplemental, consequential or transitional provision or savings.
- (4) This Act extends to England and Wales and Scotland.
- (5) This Act may be cited as the Parking (Code of Practice) Act 2019.