
 STATUTORY INSTRUMENTS

1987 No. 363

ROAD TRAFFIC

 The Crown Roads (Royal Parks) (Application of Road
 Traffic Enactments) Order 1987

<i>Made</i> - - - -	<i>9th March 1987</i>
<i>Laid before Parliament</i>	<i>11th March 1987</i>
<i>Coming into force</i>	<i>1st April 1987</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 131 of the Road Traffic Regulation Act 1984(a), and of all other enabling powers, and with the consent in accordance with subsection (3) of that section of the Secretary of State for the Environment as the appropriate Crown authority for the Crown roads to which this Order relates, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Crown Roads (Royal Parks) (Application of Road Traffic Enactments) Order 1987 and shall come into force on 1st April 1987.

Revocation

2. The Crown Roads (Royal Parks) (Application of Road Traffic Enactments) Order 1977(b), the Crown Roads (Royal Parks) (Application of Road Traffic Enactments) (Amendment) Order 1983(c), and the Crown Roads (Royal Parks) (Application of Road Traffic Enactments) (Amendment) Order 1986(d) are hereby revoked.

Interpretation

3.—(1) In this Order —
 “park constable” has the meaning given by section 3 of the Parks Regulation Act 1872(e); and
 “the Royal Parks” means all parks, gardens, recreation grounds, open spaces and other land to which the Parks Regulation Act 1872 applies (f); and includes all roads deemed to be under the management of the Secretary of State by virtue of section 7(5) of the Crown Estate Act 1961(g).

(2) In the road traffic enactments as applied by this Order, the expression “constable” includes a park constable.

(a) 1984 c.27. (b) S.I. 1977/548. (c) S.I. 1983/217. (d) S.I. 1986/1224. (e) 1872 c.15; section 3 was amended by the Schedule to the Parks Regulation (Amendment) Act 1974 (c.29). (f) See the Parks Regulation (Amendment) Act 1926 (c.36), section 1. (g) 1961 c.55.

Application of certain road traffic enactments to certain Crown roads

4. The Secretary of State hereby directs that the road traffic enactments specified in column 1 of the Schedule to this Order shall apply to the Crown roads in the Royal Parks, subject to the exceptions, adaptations and modifications specified in column 2 of that Schedule, as they apply in relation to other roads to which the public has access.

5. The Secretary of State hereby directs that sections 104, 105 and 106 of the Road Traffic Regulation Act 1984 shall apply to the Crown roads in the Royal Parks known as Hyde Park, Kensington Gardens, Regent's Park, St. James's Park and The Green Park in Greater London as they apply in relation to other roads to which the public has access.

Signed by authority of the Secretary of State

Peter Bottomley
Parliamentary Under Secretary of State,
Department of Transport

3rd March 1987

I consent to the making of this Order

Nicholas Ridley
Secretary of State for the Environment

9th March 1987

SCHEDULE

<i>Column 1</i> <i>Road Traffic enactments applied</i>	<i>Column 2</i> <i>Exceptions, adaptations and modifications</i>
In the Road Traffic Act 1972(a) Section 168	In subsection (1), after paragraph (b) there shall be added the following new paragraph – “(c) to any offence which relates to the use of a vehicle on a road and which consists of a failure to comply with, or a contravention of, regulations made under section 2(1) of the Parks Regulation (Amendment) Act 1926(b).”.
Section 181 In the Transport Act 1982(c) –	In subsection (2), after the words “a chief officer of police” there shall be inserted the words “or the Secretary of State”.
Part III	In relation to the specified provisions of this Act, insofar as they extend to England and Wales. Except section 39.
Schedule 1	In section 50(1), at the end of the definition of “chief officer of police”, there shall be added the following words – “or the Secretary of State”.
Schedule 3 In the Road Traffic Regulation Act 1984 Section 24	There shall be added at the end of the Schedule the provisions set out in the Appendix to this Schedule. For the words “trunk roads” there shall be substituted “Crown roads in the Royal Parks”.

SCHEDULE – *continued*

<i>Column 1</i> <i>Road traffic enactments applied</i>	<i>Column 2</i> <i>Exceptions, adaptations and modifications</i>
Section 25 Section 64 Section 65	In subsection (1), for the words “a highway authority” there shall be substituted the words “the Secretary of State”, and for the words “road in their area” there shall be substituted the words “Crown road in a Royal Park”.
Section 69(1) and (2)	For the words “the highway authority” in both places where they occur there shall be substituted the words “the Secretary of State”; and for the words “themselves” and “them” (in both places) in subsection (2) there shall be substituted respectively the words “himself” and “him”.
Section 112	After subsection (1) there shall be inserted the following – “(1A) This section also applies to any offence which relates to the use of a vehicle on a road and which consists of a failure to comply with, or a contravention of, regulations made under section 2(1) of the Parks (Regulation) (Amendment) Act 1926.” In subsection (2)(a) after the words “chief officer of police” there shall be inserted in both places the words “or the Secretary of State”.
Section 113 The “Zebra” Pedestrian Crossings Regulations 1971(a)	In regulation 3(1) for the definition of “appropriate authority” there shall be substituted the following – “ “appropriate authority” means the Secretary of State;” and for the definition of “crossing” there shall be substituted the following – “ “crossing” means a crossing for foot passengers established by the Secretary of State under section 24 of the Road Traffic Regulation Act 1984, but does not include a “pelican” crossing within the meaning of the “Pelican” Pedestrian Crossings Regulations and General Directions 1987(b);” In regulation 5(3), the words from “but, if by virtue of this paragraph it is proposed that no area” to the end of the paragraph shall be omitted. In paragraph 1(2) in Part I of Schedule 2, for the words “as the appropriate Secretary of State may authorise in writing” there shall be substituted the words “as the Secretary of State shall determine”.
The Fixed Penalty (Procedure) Regulations 1986(c)	The expression “chief officer of police” shall have the same meaning as in Part III of the Transport Act 1982 as applied by article 4 of, and this Schedule to, this Order.
The “Pelican” Pedestrian Crossings Regulations and General Directions 1987	In article 3(2), for the definition of “appropriate authority” there shall be substituted the following –

SCHEDULE – *continued*

Column 1
Road traffic enactments applied

Column 2
Exceptions, adaptations and modifications

“ “appropriate authority” means the Secretary of State”; and for the definition of “crossing” there shall be substituted the following –

“ “crossing” means a crossing for pedestrians established by the Secretary of State under section 24 of the 1984 Act;”.

There shall be substituted for regulation 3(3) the following –

“(3) Where the Secretary of State considers that the application of such a prohibition as is mentioned in any of the regulations 12, 13, 14, 19 and 20 to that particular area or the constitution of that particular area as a ‘Pelican’ controlled area by the placing of traffic signs in accordance with Schedule 2 would be impracticable or inappropriate, it shall not be necessary for that area to be constituted a ‘Pelican’ controlled area.”.

APPENDIX TO SCHEDULE

Provisions added to Schedule 1 to the Transport Act 1982

“Offences under the Parks Regulation (Amendment) Act 1926

<i>Relevant enactment</i>	<i>Description of Offences</i>	<i>Endorsement</i>
Section 2(1)(a)	Breach of parks regulations but only where the offence is committed in relation to regulation 4(27) (driving or riding a trade vehicle), 4(28) (exceeding speed limit) or 4(30) (unauthorised waiting by a vehicle or leaving a vehicle unattended) of the Royal and other Parks and Gardens Regulations 1977(b).”.	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order re-enacts with amendments the Crown Roads (Royal Parks) (Application of Road Traffic Enactments) Order 1977, as amended. The Order applies to the relevant roads the revised provisions relating to fixed penalties contained in Part III of, and Schedules 1 and 3 to, the Transport Act 1982. These provisions were brought into operation in England and Wales on 1st October 1986 by the Transport Act 1982 (Commencement No. 6) Order 1986 (S.I. 1986/1326). In addition the references to the other enactments applied are up-dated and there are drafting amendments.

(a) The maximum fine is now level 1 on the standard scale (Criminal Justice Act 1967 (c.80), Schedule 3, Part I; Criminal Justice Act 1982 (c.48), sections 38 and 46). (b) S.I. 1977/217.